

**CITY OF SNOHOMISH
Snohomish, Washington**

ORDINANCE 2143

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 14.205 SMC, CHAPTER 14.207 SMC, CHAPTER 14.210 SMC, CHAPTER 14.235 SMC, AND CHAPTER 14.285 SMC, RELATING TO GENERAL AND SENIOR MULTI-FAMILY LOW-INCOME HOUSING INCENTIVES

WHEREAS, the City has adopted a Land Use Development Code, which is set forth in Title 14 of the Snohomish Municipal Code; and

WHEREAS, Chapter 14.285 of the Snohomish Municipal Code currently includes density incentives for low-income housing; and

WHEREAS, low-income senior citizens represent a vulnerable segment of the community with respect to housing opportunities; and

WHEREAS, the region has an aging population; and

WHEREAS, the City's Comprehensive Plan includes policies encouraging density incentives to promote senior housing and affordable housing; and

WHEREAS, multi-family senior housing development is subject to development regulations including SEPA threshold determination requirements, design standards and guidelines, conventional zoning requirements, etc., that collectively mitigate adverse impacts; 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 City Council held a public hearing on this ordinance on February 5, 2008 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, and the State

Environmental Policy Act (SEPA), and will benefit and promote the public health, safety, and welfare;

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

Section 1. Snohomish Municipal Code Section 14.205.025 Subsection 1 is hereby amended to read as follows:

1. Low density multi-family housing shall not exceed twelve (12) units per acre, except where low-income housing incentives are approved as provided in Chapter 14.285 SMC. Low density multi-family areas should be located in the outlying areas of the City where needed services are available, as transitional areas between different land uses, and in areas requiring restrictions on the height of structures.

Section 2. Snohomish Municipal Code Section 14.205.030 Subsection 1 is hereby amended to read as follows:

1. Medium density multi-family housing shall not exceed eighteen (18) units per acre, except where low-income housing incentives are approved as provided in Chapter 14.285 SMC.

Section 3. Snohomish Municipal Code Section 14.205.035 Subsection 4 is hereby amended to read as follows:

4. Multi-family density shall not exceed twenty-four (24) units per acre, except where low-income housing incentives are approved as provided in Chapter 14.285 SMC, subject to verification that such development will have a low impact on the neighborhood and City services.

Section 4. Snohomish Municipal Code Section 14.207.070 Residential Land Use Table is hereby amended to read as follows:

14.207.070 Residential Land Use Table

Land Use	Open Space	Urban Horticulture	Single Family Residential	Multi-family Residential - 12 Units per acre	Multi-family Residential - 18 Units per acre	Multi-family Residential - 24 Units per acre	Commercial	Neighborhood Business	Historic Business District	Business Park	Industrial	Airport Industry	Mixed Use	Public
	OS	UH	SF	MF 12	MF 18	MF 24	CO	NB	HB	BP	IND	AI	MU	P
Dwelling Units														
Caretaker residence	p5							p14		p5	p5			p5
Efficiency dwelling unit				p	p	p		p						
Manufactured home		p1	p	p	p								p	
Mobil home park				c9	c9	c9								
Multifamily				p	p	p	p10		p	c6			p7	c16
Senior citizen assisted			c	c	c	c	c		p	p			p7	
Single-family detached		p1	p	p	p				p				p	
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								
Accessory uses		p11	p11	p11	p11	p11								
Home occupation		p3	p3	p3	p3	p3		p3					p	
Limited agricultural uses		p12	p12											
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											c13			

Section 5. Snohomish Municipal Code Section 14.207.075 Subsection 10 is hereby amended to read as follows:

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.

Section 6. Snohomish Municipal Code Section 14.210.200 Allowed Density for Senior Housing is hereby amended to read as follows:

14.210.200 Allowed Density for Senior Housing
Repealed. (Ord. 2143, 2008)

Section 7. Snohomish Municipal Code Section 14.210.210 Special Considerations for Multi-Family Developments in Non-Multi-Family Land Use Designations is hereby amended 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 Chapter 14.285 SMC.

Section 8. Snohomish Municipal Code Section 14.210.330 Dimensional Requirements is hereby amended to read as follows:

14.210.330 Dimensional Requirements - Table 2

Residential and Other Misc. Designations

	Open Space	Urban Horticulture	Single Family Residential	Multi-family Residential - 12 du/acre	Multi-family Residential - 18 du/acre	Multi-family Residential - 24 du/acre	Public	
	OS	UH	SF	MF12	MF18	MF18 MHP	MF24	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 ⁹	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 ¹² , in feet	0	10	5	6	8		10	5
a. From residential	0	10						12
Rear Yard Setback, in feet	0	10	20 ¹³	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 ¹⁴ 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	

⁹ An alternative maximum density may be permitted by Chapter 14.285 SMC.

¹⁰ Different front setback regulations apply if a PRD or lot size of less than 7200 sq ft is used. See Chapter 14.230 SMC.

¹¹ Different front setback regulations apply if a PRD or lot size of less than 7200 sq ft is used. See Chapter 14.230 SMC.

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

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

¹⁴ Measured per SMC 14.210.170.

Section 9. Snohomish Municipal Code Section 14.235.055 Parking Requirements for Low-Income Multi-Family Units is hereby amended to read as follows:

14.235.055 Parking Requirements for Low-Income Multi-Family Units

- A. Parking requirements contained within this chapter may be modified for projects meeting the criteria for eligibility stated in SMC 14.285.020 and other requirements of Chapter 14.285 SMC.
 - 1. Low-income projects meeting the criteria in SMC 14.285.020A may request a decreased standard of one and one-half (1.5) off-street parking stalls per dwelling unit.
 - 2. Senior low-income projects meeting the criteria in SMC 14.285.020 and restricted to occupancy by residents 62 years of age and older may request a decreased standard of one (1) off-street parking stall per dwelling unit.
- B. The location, use, and construction of parking areas shall comply with all appropriate requirements described in this chapter.
 - 1. To qualify for modified parking requirements, the project proponents shall present a study to the City showing that the parking requirements of the occupants shall not exceed the parking stalls required pursuant to this section.
 - 2. Review and approval of low-income parking modifications shall follow the procedures in SMC 14.285.040.

Section 10. Chapter 14.285 of the Snohomish Municipal Code is hereby amended to read as follows:

**Chapter 14.285
LOW-INCOME HOUSING INCENTIVES**

Sections:

- 14.285.010 Purpose
- 14.285.020 Eligibility
- 14.285.030 Parking Requirements (Repealed by Ord. 2143, 2008)
- 14.285.040 Procedure for Review and Approval
- 14.285.050 General Low-Income Density Incentive
- 14.285.060 Low-Income Senior Housing Density Incentive

14.285.010 Purpose

The intent of this chapter is to encourage development of low-income housing within the City of Snohomish in order to meet the housing needs of all economic segments of the community and to meet the goals and objectives of Washington’s Growth Management Act, Chapter 17, Laws of 1990, while maintaining high standards of design. This chapter provides for density incentives, which may be granted by the City when certain ownership, management, and occupancy criteria

are met by the proposed low-income development. Additionally, in order to further encourage the development of low-income housing within the City of Snohomish, this chapter will provide for relaxed parking requirements upon a showing by the project proponent that parking impacts of the project will be less than would be required by Chapter 14.35 SMC.

14.285.020 Eligibility

This chapter allows for two types of low-income density incentives. A general low-income housing density incentive may be granted to multi-family projects being developed within the Low Density Multi-Family Residential, Medium Multi-Family Residential, and High Density Multi-Family Residential designations. A low-income senior housing density incentive may be granted to multi-family projects proposed in the Low Density Multi-Family Residential, Medium Density Multi-Family Residential, High Density Multi-family Residential, Commercial, and Mixed Use designations. The incentives shall be mutually exclusive. A project may use either the general low-income density incentive or low-income senior density incentive, depending on eligibility.

A. Projects eligible for the general low-income housing density incentive shall meet all of the following criteria:

1. The property owner will manage the development of the project to meet the housing needs of low-income persons whose total household income does not exceed the Housing and Urban Development (HUD) thresholds for a low-income household at sixty (60) percent of the annual median income, adjusted for family size, in the Seattle-Bellevue-Everett Primary Metropolitan Statistical Area.
2. The owner as grantor shall execute a covenant to run with the land to the City of Snohomish as grantee. The City shall record the covenant with the County Auditor at the owner's expense. The covenant shall state the density and parking standards that the City has approved, the age and income-level occupancy requirements, and any other applicable conditions of approval. The covenant shall also state that the right to maintain the approved standards is dependent on the continued status of the project as an eligible project under this chapter and conformance with the conditions and limitations stated in the covenant. The covenant shall further state that the project must comply with the normal zoning and parking requirements if it ceases to be eligible under this chapter, and that the City may enforce the covenant through any legal means.
3. The density incentive will not be permitted for projects with a pre-incentive development containing more than forty units upon any given site or within any given development. To qualify for a density incentive, a development must be no more than forty units, and any development shall be separated from other developments qualifying for a density incentive by an unrelated land use, under separate ownership, other than a public or private street, easement, or buffer strip. However, where a 10 percent density bonus is requested for projects between twenty and forty units, the 10 percent density bonus may be denied or reduced, if shopping opportunities are not available within reasonable proximity and if neighborhood parks are not within reasonable proximity or recreational opportunities are not provided on site.

4. The project proponent will demonstrate through occupancy studies that the increase in density will not result in a significant increase in the on-street parking, traffic, park, and utility impacts in the neighborhood over those which would be expected by a project developed at the pre-incentive density.

B. Projects eligible for the low-income senior housing density incentive shall meet all of the following criteria:

1. All eligibility criteria in SMC 14.285.020A; and
2. Occupancy of each unit is restricted to one or more persons fifty-five (55) years of age or older and one other person for whom no age restriction shall be imposed.

14.285.030 Parking Requirements

Repealed (Ord. 2143, 2008)

14.285.040 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 Chapter 14.285 SMC by the City Planner and review under the City’s Design Standards. The City Planner shall approve or deny the application and binding covenant. A low-income development that receives a density incentive and/or a relaxation of parking requirements under SMC 14.235.055 shall not receive building, construction, or other permits until the binding covenant has been executed.

14.285.050 General Low-Income Density Incentive

A multi-family project meeting the eligibility criteria contained within SMC 14.285.020A may be granted a 10 percent density incentive. Fractional units shall be rounded up to the next whole unit. All other dimensional standards in Chapter 14.210 SMC shall be met.

14.285.060 Low-Income Senior Housing Density Incentive

A. A multi-family project meeting the eligibility criteria in SMC 14.285.020B may be granted density incentives to achieve the maximum densities in the following table. Fractional units shall be rounded up to the next whole unit:

Land Use Designation	Maximum Density with Incentive
Low Density Residential	16 units/acre
Medium Density Residential	24 units/acre
High Density Residential	30 units/acre
Commercial	24 units/acre
Mixed Use	24 units/acre

B. All other dimensional standards in Chapter 14.210 SMC shall be met.

Section 11. 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 12. 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.

ADOPTED by the City Council and **APPROVED** by the Mayor this __ day of _____, 2008.

CITY OF SNOHOMISH

By _____
Randy Hamlin, Mayor

Attest:

By _____
Torchie Corey, City Clerk

Approved as to form:

By _____
Grant K. Weed, City Attorney