

**CITY OF SNOHOMISH
Snohomish, Washington**

ORDINANCE 2127

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, ADDING NEW DEFINITIONS TO CHAPTER 14.100 SMC AND A NEW SECTION TO CHAPTER 14.210 SMC RELATING TO DETACHED CONDOMINIUM AND COTTAGE HOUSING DEVELOPMENTS, AND REPEALING ORDINANCE 2125

WHEREAS, the City Council finds that by allowing certain types of detached multifamily developments, the City can promote the development of innovative housing needed and desired by certain segments of the City's population in a manner that protects the public health, safety, and welfare and preserves the intent and integrity of State and City subdivision laws; and

WHEREAS, detached multifamily development, with the appropriate controls, may be suitable as a transitional land use between single family residential and other land uses, and can provide a desirable alternative to conventional multifamily structures; and

WHEREAS, well-designed detached condominium and cottage housing developments can be positive additions to the community and a responsible method of achieving urban density in the City; and

WHEREAS, other forms of multiple detached dwellings per single lot developments, which contain multiple conventional single family homes on a single lot and which are sometimes referred to as "air condominiums", can result in new construction that does not comply with City density restrictions and similar development regulations and does not include infrastructure and other improvements required by State and City subdivision laws; and

WHEREAS, the subdivision and short subdivision processes are available to developers interested in constructing detached dwellings in multifamily residential areas; and

WHEREAS, on March 6, 2007, the City Council directed staff to prepare development regulations to safeguard the community from inappropriate detached multifamily development such as air condominiums; and

WHEREAS, on March 20, 2007, the City Council, by enacting Ordinance 2125, established interim zoning controls for detached multifamily dwellings and directed staff to prepare development regulations to allow well-designed cottage housing development; and

WHEREAS, on July 17, 2007, the City Council directed staff to prepare development regulations for detached multifamily dwellings other than cottage housing; and

WHEREAS, during open public meetings held on April 4, 2007, May 16, 2007, and August 1, 2007, the Planning Commission reviewed examples of detached multifamily development and discussed potential regulations for these developments; and

WHEREAS, on June 15, 2007, the Planning and Development Services Director, acting as the City's SEPA Responsible Official, reviewed the proposal and subsequently issued a determination of non-significance; and

WHEREAS, on July 17, 2007 and September 4, 2007, the City Council conducted public hearings on regulations for detached multifamily development, and all persons wishing to be heard were heard;

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

Section 1. Chapter 14.100 SMC is hereby amended by adding new definitions of "Detached Condominium", "Detached Condominium Development", "Cottage", and "Cottage Housing Development" to read as follows:

Detached Condominium means a detached dwelling unit, not greater than 2,000 square feet in total floor area that is developed at a density not greater than the underlying zone, with more than one dwelling occupying a single lot.

Detached Condominium Development means two or more detached condominiums constructed upon a single lot.

Cottage means a small, detached dwelling unit, not greater than 1,000 square feet in total floor area that is developed at a density not greater than the underlying zone, with more than one unit occupying a single lot.

Cottage Housing Development means two or more cottage dwellings constructed upon a single lot.

Section 2. A new section is hereby added to Chapter 14.210 SMC to read as follows:

14.210.215 Detached Condominiums and Cottage Housing.

- A. The purpose of this section is to: 1) Allow for the development of multiple detached dwellings without the subdivision of land in land use designations where multifamily dwellings are allowed; 2) Provide for innovative development of detached dwellings as an alternative to conventional attached multifamily dwellings or conventional single family dwellings upon individual lots; 3) Provide additional options for achievement of urban densities within the City; 4) Implement the Washington State Growth Management Act and the City of Snohomish Comprehensive Plan; and 5) Protect and advance the public's health, safety, and welfare.

- B. The development of more than one detached dwelling per lot within the Low Density Residential, Medium Density Residential, High Density Residential, Commercial, Mixed Use, Business Park, and Historic District land use designations is permitted only as detached condominium or cottage housing development.
- C. Detached condominium and cottage housing shall conform to the provisions of this section.
- D. All applicable development regulations required by the Snohomish Municipal Code shall apply, including but not limited to off-street parking, provisions for utilities, and emergency access. Where a conflict occurs, the provisions of this section shall control.
- E. On a lot to be used for a detached condominium or cottage housing development, existing detached single-family residential structures, which may be nonconforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased.
- F. Maximum residential density shall not exceed the density allowed in the land use designation.
- G. Detached condominium and cottage housing development shall adhere to applicable design standards for multifamily development and for Planned Residential Developments (PRD).
- H. Structures and accessory structures shall exhibit and embody an architectural style. Architectural detailing shall be provided on all facades. More than one architectural style may be used within a detached condominium development.
- I. Accessory dwelling units are not permitted in detached condominium or cottage housing developments.
- J. Detached condominium developments shall conform to the following provisions:
 - 1. Internal streets may be either public or private. Public streets shall conform to the City of Snohomish Engineering Design and Construction Standards.
 - 2. Private streets shall include the following improvements. The City Engineer may authorize variations to the following improvements when no adverse impact to public health, safety, and welfare would occur:
 - a. A six-inch curb with gutter on each side.
 - b. Street trees on one side.

- c. At least one side of each street shall include:
 - i. An eight-foot-wide parking aisle along the inside of the curb, a landscape strip along the outside of the curb, and a sidewalk along the outside of the landscape strip. The landscape strip shall have a minimum width of four feet and the sidewalk shall have a minimum width of four feet.
 - ii. Street light standards and fixtures that achieve illumination standards used for public streets. Street lights with decorative design detailing are encouraged.
 - d. Unobstructed roadway width of 26 feet and as approved by the City Engineer.
3. A pedestrian circulation system consisting of sidewalks and walkways shall provide access to the adjacent public streets, all homes, and common recreation areas.
 4. Residential structures shall be limited to 2,000 square feet of living area. Porches, garages, and basements are not included in the calculation of living area.
 5. Residential structures shall not exceed two stories and thirty feet in height.
 6. Minimum setbacks from perimeter property lines and from internal boundaries of exclusive use shall be as follows:
 - a. Front: Ten feet, except that garages with doors facing the front shall be set back twenty feet.
 - b. Side: Five feet, except that no side setback shall be required for detached garages located in the rear half of the lot or area of exclusive use.
 - c. Rear: Fifteen feet for the dwelling. Garages with doors facing the rear shall be set back twenty feet. No rear setback shall be required for detached garages with doors facing the front or side.
 - d. Arterial street: An additional five feet of setback shall be required where the building site abuts an arterial street.
 - e. Side and rear setbacks shall provide for a minimum of 400 square feet of private open space for each dwelling.
 7. Design standards for Planned Residential Developments (PRD) and Small Lot Development shall apply.

- K. Cottage housing developments shall conform to the following provisions:
1. Cottage housing developments shall contain a minimum of four cottages arranged on at least two sides of a common open space, with a maximum of twelve cottages per development.
 2. Height Limit and Roof Pitch.
 - a. Maximum building height shall be eighteen feet.
 - b. The ridge of pitched roofs with a minimum slope of 6:12 may extend up to twenty-eight feet. The ridge of pitched roofs with a minimum slope of 4:12 may extend up to twenty-three feet. All parts of the roof above eighteen feet shall be pitched.
 3. Lot Coverage and Floor Area.
 - a. The overall maximum lot coverage permitted for principal and accessory structures shall not exceed fifty percent.
 - b. The lot coverage for an individual principal structure in a cottage housing development shall not exceed 650 square feet.
 - c. The total floor area of each cottage shall not exceed 1,000 square feet.
 - d. The floor area of enclosed space located either above or below the main level shall not exceed fifty percent of the enclosed space of the main level, or 375 square feet, whichever is less. This provision shall not apply to attic and crawl spaces.
 4. Minimum Setback from Perimeter Property Lines.
 - a. Front Yard: Ten feet.
 - b. Side Yards: Five feet. Where there is a principal entrance along a side facade, the side yard shall be no less than ten feet along that side for the length of the pedestrian route. This ten foot side yard shall apply only to a height of eight feet above the access route. Where a side yard abuts a public street, the minimum side yard setback shall be no less than ten feet.
 - c. Rear Yards. Not less than ten feet.
 5. Interior Separation for Cottage Housing Developments. There shall be a minimum separation of six feet between principal structures. Facades of principal structures facing facades of accessory structures shall be separated by a minimum

of three feet. Where there is a principal entrance on an interior facade of either or both of the facing facades, the minimum separation shall be ten feet.

6. Required Open Space.

a. Quantity of Open Space. A minimum of 300 square feet per unit of landscaped open space is required. This quantity shall be allotted as follows:

- i. A minimum of 150 square feet per unit shall be private usable open space; and
- ii. A minimum of 150 square feet per dwelling unit shall be provided as common open space.

b. Development Standards.

- i. The minimum horizontal dimension for private or common open space shall be ten feet.
- ii. Required common open space shall be provided in one contiguous area. Each cottage shall abut the common open space, and the common open space shall have cottages abutting at least two sides.

7. Parking

a. Access to parking shall be from the alley where the property abuts an alley.

b. Location.

- i. Parking may be in or under a structure, or outside a structure, provided that:
 - A. The parking is screened from direct view.
 - B. Parking outside a structure may not be located between cottages.
 - C. Parking may not be located in the front yard.
 - D. Parking may be located between any structure and the rear lot line of the lot, or between any structure and a side lot line which is not a street side lot line.

Section 3. Repealer. Ordinance 2125 is hereby repealed.

Section 4. 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 5. Effective Date. This Ordinance shall take effect five days after its publication by summary.

ADOPTED by the City Council and **APPROVED** by the Mayor this 18th day of September, 2007.

CITY OF SNOHOMISH

By _____
RANDY HAMLIN, MAYOR

Attest:

By _____
TORCHIE COREY, CITY CLERK

Approved as to form:

By _____
GRANT K. WEED, CITY ATTORNEY