

**CITY OF SNOHOMISH
Snohomish, Washington**

ORDINANCE 2087

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 SMC 14.205.055 AND SMC 14.210.090 TO PROVIDE SPECIFIC CIRCUMSTANCES IN WHICH NON-CONTIGUOUS PARCELS MAY BE DEVELOPED AS A SINGLE BUSINESS PARK SITE.

WHEREAS, the City's Development Code, as set forth in Title 14 SMC, includes provisions regulating the development of Business Park areas within the City; and

WHEREAS, the Development Code's Business Park regulations allow a mix of multiple family type residential use in conjunction with commercial use, provided that such development is all on the same site; and

WHEREAS, City staff has recommended that the Development Code be amended to allow non-contiguous parcels to be considered a single site for the purpose of developing a Business Park with a mix of multiple family residential and commercial uses, provided that certain requirements are met as set forth herein; and

WHEREAS, the City Planning Commission and City Council have conducted public hearings related to revised Business Park regulations; and

WHEREAS, the City Council by motion determined that this matter should be reconsidered in order to allow the City Council to discuss information not available during the October 18, 2005 meeting; and

WHEREAS, pursuant to SMC 14.15.070 and RCW 36.70A.106, the City has notified the Washington State Department of Community, Trade, and Economic Development of the City's intent to adopt the proposed amendments to the City's Development Regulations; and

WHEREAS, the City Council finds that it is in the public interest to allow non-contiguous parcels to be developed as a single Business Park site with a mix of multiple family residential and commercial uses, provided that certain requirements are met as set forth herein; and

WHEREAS, the City has issued a determination of non-significance pursuant to the State Environmental Policy Act, Ch. 43.21C RCW, related to the adoption of this amendment to the City's Development Code.

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

Section 1. Chapter 14.205 of the Snohomish Municipal Code is hereby amended by amending SMC 14.205.055 to read as follows:

14.205.055 Business Park Designation

The purpose of this designation is to provide areas suitable for a mix of light manufacturing and commercial uses with approval of a recorded development plan and access points in each development. This will discourage strip commercial development and broaden the array of developable areas to include those with environmental constraints. Development will occur under strict aesthetic and environmental controls. This designation is intended to designate and preserve properties for commercial and manufacturing activities, which could improve the economic base of the City. Multiple family type residential use is permitted in conjunction with commercial use on the same site.

1. 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 a recorded development plan.
2. Development in Business Park areas will require a recorded development plan. Criteria for the plan shall include the prevention of strip commercial development and the protection of environmentally critical areas.
3. A minimum of five (5) acres will normally be required for a Business Park recorded development plan; however, existing smaller parcels that can not be aggregated together to establish a five (5) acre project will be allowed subject to appropriate review and conditions.
4. Townhouse and apartment styles of residential use are permitted in conjunction with commercial use on the same site.
5. In Business Park areas, the Hearing Examiner may determine that two or more non-contiguous parcels constitute one development site when all of the following conditions are satisfied:
 - a. The parcels are within 0.25 mile, measured between nearest property lines, so that land development conditions and issues are substantially similar.
 - b. The parcels are in common ownership throughout the permitting and construction process.
 - c. Construction activity upon all parcels is requested, reviewed, and permitted through one land use development application.
 - d. Signs, structures, and other improvements on all parcels exhibit common architectural design features.
 - e. The names given to development on the non-contiguous parcels have common words and themes.
 - f. The parcels are connected by pedestrian walkway.

Section 2. Chapter 14.210 of the Snohomish Municipal Code is hereby amended by amending SMC 14.210.090 to read as follows:

14.210.090 Non-contiguous Lots

Non-contiguous lots, which are owned by the same individual but physically separated by a street, alley, river or some other form of manmade or natural barrier, shall not be used jointly to satisfy the requirements of any land use designation except for off-street parking as described in Chapter 14.235 SMC and Business Parks as described in SMC 14.205.055.

Section 3. 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 4. 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 15th day of November, 2005.

CITY OF SNOHOMISH

By _____
Liz Loomis, Mayor

Attest:

By _____
Torchie Corey, City Clerk

Approved as to form:

By _____
Grant K. Weed, City Attorney