

County Council Introduced Amendments to the Ordinance 09-079 (Urban Center Code)

**AMENDMENT SHEET #4A
Urban Centers Development Regulations
ORDINANCE NO. 09-**

Brief Description: Amend SCC 30.34A.030 and .040 to reduce the maximum building height and floor area ratios to correspond with environmental analysis completed under the 10 year update of the comprehensive plan in 2005 and add language to allow an applicant to complete an environmental impact statement (EIS) to increase building height. Amend SCC 30.34A.040(2) to allow an increase in the maximum building height adjacent to residential zones when critical areas, road, utilities and railroad right-of-ways form the zoning boundary. Correct a typographical error in SCC 30.30A.

Limit FAR bonuses, heights and setbacks for urban center development that borders Puget Sound.

Amendments to the Planning Commission Recommendation contained in Section 16:

30.34A.030 Floor area ratio.

Floor to area ratios (FAR) in the UC zone are established in accordance with SCC Table 30.34A.030(1). Additional FAR is allowed in ~~((accordance))~~ accordance with the bonuses as set forth in SCC Table 30.34A.030(2) and SCC Table 30.34A.030(3); however FAR calculations for residential uses within the UC zone that are bordered by Puget Sound shall result in no greater than 800 residential units.

**Table 30.34A.030(1)
Floor to Area Ratios**

	Minimum	Maximum	Maximum allowable with bonus (Table 30.34A.030(2))	Maximum allowable with super bonus (Table 30.34A.030(3))
Non-Residential	.5	1.0	1.5	2.5
Residential	((1.0)) <u>.5</u>	((2.0)) <u>1.0</u>	((3.0)) <u>1.5</u>	((4.0)) <u>2.5</u>
Mixed Use	((1.5)) <u>1.0</u>	((3.0)) <u>2.0</u>	((4.5)) <u>3.0</u>	((6.5)) <u>5.0</u>

Notes:

1. Allowable FAR for non-residential and residential uses may be added together within a development for a combined total.
2. Hotels are considered residential for the purpose of this chart.
3. "Mixed-use" means residential and non-residential uses located within the same building.

**Table 30.34A.030(2)
Floor Area Ratio Bonuses**

Feature	Additional Floor Area for Each Feature
<ul style="list-style-type: none"> • Street Level Commercial • Health club • Green roof • Daycare • Rooftop Solar Panels • Community gardens for use by residents • Structured Parking 	<ul style="list-style-type: none"> • 250 sf of floor area for each linear foot of retail frontage • 5 sf of floor area for each sf of health club • 5 sf of floor area for each sf of green roof • 5 sf of floor area for each sf of daycare • 10 sf of floor area for each sf of solar panel • 10 sf of floor area for each sf of community garden • .5 FAR for 80% or greater of required parking contained in a structure

**Table 30.34A.030(3)
Floor Area Ratio Super Bonuses**

Feature	Additional Floor Area for Each Feature
<ul style="list-style-type: none"> • One percent of total construction cost for public art • LEED (Silver Certification) • Built Green (King and Snohomish County Certification) 	<ul style="list-style-type: none"> • .5 FAR • 1 FAR • 1 FAR

Notes:

1. Public art is a fountain, sculpture, painting, mural, or similar object that is sited within a planned development as a focal point and is intended for the enjoyment of the general public. It does not contain characteristics of an advertising sign or identify or draw attention to a business.

30.34A.040 Building height and setbacks.

(1) ~~The maximum building height in the UC zones that are not bordered by Puget Sound shall be ((80))90 feet ((for proposals that use surface parking. When parking is contained within a structure, however, the maximum building height shall be increased by 1 foot for every 1 percent of the required parking that is contained in an above or below grade structure, up to a maximum building height of 180 feet)).~~ The director may approve a building height increase up to an additional 90 feet when the additional height is documented to be necessary or desirable when the project is located near a high capacity transit route or station and the applicant prepares an environmental impact statement pursuant to chapter 30.61 SCC that includes an analysis of the environmental impacts of the additional height on, at a minimum:

- (a) aesthetics;
- (b) light and glare;
- (c) noise;
- (d) air quality; and
- (e) transportation.

(2) For UC zones bordered by Puget Sound, the maximum building height shall not exceed 65 feet.

(3) Building heights must be scaled down for buildings located on the edge of UC zoning and abutting ((R-9600, R-8400, R-7200, T or LDMR))single family residential zoning and limited in height to that equal to half the distance to such land (e.g.-a building that is ((50))90 feet from ((R-9600, R-8400, R-8400, T or LDMR))single family residential zoning may not exceed ((50))45 feet in height). However, where ((the))a UC zoning line abuts a critical area protection area and buffer or utility, railroad, public or private road right-of-way, building heights shall not be subject to this limitation if the critical area protection area and buffer or utility, railroad, public or private road right-of-way provides an equal or greater distance between the building(s) and the zoning line than would be provided in this subsection (3). This subsection shall not apply to UC zones that are bordered by Puget Sound.

(4) All ground floor residential units facing a public street must maintain a minimum structural ceiling height of 13 feet to provide the opportunity for future conversion to nonresidential use.

~~((2))~~(5) Excluding weather protection required in SCC 30.34A.150, buildings must be setback pursuant to SCC Table 30.34A.040~~((2))~~(5).

**Table 30.34.040(~~(2)~~)(5)
Setbacks**

Front	None
Side	None
Rear	None

New Recitals, Findings or Conclusions to Support: None required.

AMENDMENT SHEET 7

URBAN CENTERS CODE ORDINANCE NO. 09-079

Amendment Name: Master Plans and City Review

Brief Description: Revises the provisions governing city review to add a pre-application collaboration between the county and the city on design principles and development review procedures.

Affected Code Sections: Section 16, SCC 30.34A.210

New Recitals, Findings or Conclusions to Support:

None.

Existing Ordinance Recitals, Findings, Conclusions or Sections to Delete or Modify:

Amend section 16, 30.34A.210, beginning on page 59 line 21, as follows:

30.34A.210 Master plans and city review

(1) ~~((Where the county has adopted a master plan the director may require an application to meet any applicable requirements of the plan.))~~ Where designated urban centers are located within a city's Municipal Urban Growth Area (MUGA), the county shall notify city representatives within 60 days of the adoption of this ordinance to determine if the respective city has any interest in collaborating with the county to prepare generalized design principles and development review procedures for the urban center prior to the intake of a development application.

(2) ~~((If the county has executed an interlocal agreement with an adjacent city, the city must be involved the project review as specified in the interlocal agreement.))~~ If a city responds in writing within 60 days of receiving notice to collaborate on design principles for the designated urban center, the county and city shall negotiate an interlocal agreement to define the terms related to the preparation of design principles, development review procedures and other issues of mutual interest. Such terms are intended to provide general guidance for further master planning and/or specific development of the urban center.

AMENDMENT SHEET 8

URBAN CENTERS CODE ORDINANCE NO. 09-079

Amendment Name: Floor to Area Ratio (FAR) Bonus for Utilization of Transfer of Development Rights (TDR) credits.

Brief Description: Adds a bonus of 1.0 FAR for the use of two TDR credits to the FAR Super Bonus table to encourage the use of TDR credits for Urban Center developments. Correct a typographical error.

Affected Code Sections: Section 16, SCC 30.34A.030

New Recitals, Findings or Conclusions to Support:

None.

Existing Ordinance Recitals, Findings, Conclusions or Sections to Delete or Modify:

Amend section 30.34A.030, beginning on page 49 line 39, as follows:

30.34A.030 Floor area ratio.

Floor to area ratios (FAR) in the UC zone are established in accordance with SCC Table 30.34A.030(1). Additional FAR is allowed in ~~((accordance))~~ accordance with the bonuses as set forth in SCC Table 30.34A.030(2) and SCC Table 30.34A.030(3);

**Table 30.34A.030(1)
Floor to Area Ratios**

	Minimum	Maximum	Maximum allowable with bonus (Table 30.34A.030(2))	Maximum allowable with super bonus (Table 30.34A.030(3))
Non-Residential	.5	1.0	1.5	2.5
Residential	1.0	2.0	3.0	4.0
Mixed Use	1.5	3.0	4.5	6.5

Notes:

1. Allowable FAR for non-residential and residential uses may be added together within a development for a combined total.
2. Hotels are considered residential for the purpose of this chart.
3. "Mixed-use" means residential and non-residential uses located within the same building.

**Table 30.34A.030(2)
Floor Area Ratio Bonuses**

Feature	Additional Floor Area for Each Feature
<ul style="list-style-type: none"> • Street Level Commercial • Health club • Green roof • Daycare • Rooftop Solar Panels • Community gardens for use by residents • Structured Parking 	<ul style="list-style-type: none"> • 250 sf of floor area for each linear foot of retail frontage • 5 sf of floor area for each sf of health club • 5 sf of floor area for each sf of green roof • 5 sf of floor area for each sf of daycare • 10 sf of floor area for each sf of solar panel • 10 sf of floor area for each sf of community garden • .5 FAR for 80% or greater of required parking contained in a structure

**Table 30.34A.030(3)
Floor Area Ratio Super Bonuses**

Feature	Additional Floor Area for Each Feature
<ul style="list-style-type: none"> • One percent of total construction cost for public art • LEED (Silver Certification) • Built Green (King and Snohomish County Certification) • Two Transfer of Development Rights (TDR) certificates 	<ul style="list-style-type: none"> • .5 FAR • 1 FAR • 1 FAR • <u>1 FAR</u>

Notes:

Public art is a fountain, sculpture, painting, mural, or similar object that is sited within a planned development as a focal point and is intended for the enjoyment of the general public. It does not contain characteristics of an advertising sign or identify or draw attention to a business.

AMENDMENT SHEET 8A
Urban Centers Development Regulations
URBAN CENTERS CODE ORDINANCE NO. 09-079

Amendment Name: Floor to Area Ratio (FAR) Bonus for Utilization of Transfer of Development Rights (TDR) credits.

Brief Description: Adds a bonus of 3,000 square feet of development area for every 1.0 TDR credit generated from land within Snohomish County. With an average unit size of 750 square feet (estimated by PDS), this would result in a 4-unit bonus for every one TDR credit. Credits used for the TDR density bonus offered in urban centers would be required to be certified through the Snohomish County Transfer of Development Rights program, which would ensure that the credits would come from purchase of development rights on property within Snohomish County. This amendment also adds a new section to designate urban centers as TDR receiving areas. Corrects a typographical error.

Affected Code Sections: Section 16, SCC 30.34A.030 and New Section 30.34A.220.

New Recitals, Findings or Conclusions to Support: None.

Existing Ordinance Recitals, Findings, Conclusions or Sections to Delete or Modify:

Amend section 30.34A.030, beginning on page 49 line 39, as follows:

30.34A.030 Floor area ratio.

Floor to area ratios (FAR) in the UC zone are established in accordance with SCC Table 30.34A.030(1). Additional FAR is allowed in ~~((accordance))~~ accordance with the bonuses as set forth in SCC Table 30.34A.030(2) and SCC Table 30.34A.030(3);

Table 30.34A.030(1)
Floor to Area Ratios

	Minimum	Maximum	Maximum allowable with bonus (Table 30.34A.030(2))	Maximum allowable with super bonus (Table 30.34A.030(3))
Non-Residential	.5	1.0	1.5	2.5
Residential	1.0	2.0	3.0	4.0
Mixed Use	1.5	3.0	4.5	6.5

Notes:

1. Allowable FAR for non-residential and residential uses may be added together within a development for a combined total.
2. Hotels are considered residential for the purpose of this chart.
3. "Mixed-use" means residential and non-residential uses located within the same building.

**Table 30.34A.030(2)
Floor Area Ratio Bonuses**

Feature	Additional Floor Area for Each Feature
<ul style="list-style-type: none"> • Street Level Commercial • Health club • Green roof • Daycare • Rooftop Solar Panels • Community gardens for use by residents • Structured Parking 	<ul style="list-style-type: none"> • 250 sf of floor area for each linear foot of retail frontage • 5 sf of floor area for each sf of health club • 5 sf of floor area for each sf of green roof • 5 sf of floor area for each sf of daycare • 10 sf of floor area for each sf of solar panel • 10 sf of floor area for each sf of community garden • .5 FAR for 80% or greater of required parking contained in a structure

**Table 30.34A.030(3)
Floor Area Ratio Super Bonuses**

Feature	Additional Floor Area for Each Feature
<ul style="list-style-type: none"> • One percent of total construction cost for public art • LEED (Silver Certification) • Built Green (King and Snohomish County Certification) • <u>One Transfer of Development Rights (TDR) credit. Credits used for the TDR density bonus offered in urban centers must be certified through the Snohomish County Transfer of Development Rights program as authorized in Chapters 30.35A and 30.35B of the SCC.</u> 	<ul style="list-style-type: none"> • .5 FAR • 1 FAR • 1 FAR • <u>3,000 square feet</u>

Notes:

Public art is a fountain, sculpture, painting, mural, or similar object that is sited within a planned development as a focal point and is intended for the enjoyment of the general public. It does not contain characteristics of an advertising sign or identify or draw attention to a business.

Add a new section 30.34A.220, beginning on page 59, line 28, as follows:

Section 30.34A.220. Urban Centers as TDR Receiving Areas.

Areas zoned UC are designated as Transfer of Development Receiving Areas, consistent with GPP Policy LU 14.A.6 and chapter 30.35A SCC. Credits used for the TDR density bonus offered in urban centers must be certified through the Snohomish County Transfer of Development Rights program as authorized in Chapters 30.35A and 30.35B of the SCC.

AMENDMENT SHEET 9

URBAN CENTERS CODE ORDINANCE NO. 09-079

Amendment Name: Urban centers review and approval process

Brief Description: Change the urban centers review and approval process from a Type I decision made by PDS to a Type II decision made by the hearing examiner with appeals to be heard by the county council. Incorporate additional decision criteria.

Affected Code Sections: Section 5, SCC 30.34A.180

New Recitals, Findings or Conclusions to Support:

None.

Existing Ordinance Recitals, Findings, Conclusions or Sections to Delete or Modify:

Amend section 30.34A.180, beginning on page 58 line 24, as follows:

30.34A.180 Review process and decision criteria.

(1) An Urban Center development shall be ~~((decided as a Type 1 decision and is subject to the review procedures in chapter 30.71 SCC))~~ processed as a Type 2 application as described in chapter 30.72 SCC. The hearing examiner may approve, approve with modifications, or deny Urban Center development application under the circumstances set forth in this chapter.

(2) The ~~((director))~~ hearing examiner may approve or approve with conditions the proposed development when all the following are met:

(a) The development complies with the requirements in this chapter, chapters 30.24 and 30.25 SCC, and requirements of other applicable county codes;

(b) The proposal is consistent with the comprehensive plan;

(c) The proposal will not be materially detrimental to uses or property in the immediate vicinity;

(d) The development demonstrates high quality design by incorporating elements such as:

(i) Superior pedestrian- and transit-oriented architecture;

(ii) Building massing or orientation that responds to site conditions;

(iii) Use of structural articulation to reduce bulk and scale impacts of the development;

(iv) Use of complementary materials;

(v) Use of lighting, landscaping, street furniture, public art, and open space to achieve an integrated design;

~~((e))~~e) The development features high density residential and/or non-residential uses; and

~~((d))~~f) Buildings and site features are arranged, designed, and oriented to facilitate pedestrian access, to limit conflict between pedestrians and vehicles, and to provide transit linkages.

(3) An Urban Center development application may be denied without prejudice by the hearing examiner pursuant to SCC 30.72.060. If denied without prejudice, the application may be reactivated under the original project number and without additional filing fees if a revised application is submitted within six months of the date of the hearing examiner's decision. In all other cases a new application shall be required.

(4) In addition to the notice required by chapter 30.70 SCC, the department shall distribute copies of the Urban Center development application to each of the following and shall allow 21 days from the date of published notice for the agencies to submit comments on the proposal:

(a) Snohomish Health District;

(b) Department of public works;

(c) Washington State Department of Transportation;

(d) Any city or town whose municipal boundaries are within one mile of the proposed Urban Center development or whose urban growth area includes the subject site, or whose public utilities would be used by the proposed Urban Center development; and

(e) Any other federal, state, or local agencies as may be relevant.

(5) Any revision which substantially alters the approved site plan is no longer vested and re-submittal of a complete application is required pursuant to SCC 30.34A.170. Revisions not requiring re-submittal are vested to the regulations in place as of the date the original application was submitted. Revisions after approval of the development which cause an increase in traffic generated by the proposed development shall be reviewed pursuant to SCC 30.66B.075.

~~((4))~~6) Urban Center project approval expires after six years from the date of approval unless a complete application for construction has been submitted to the department.

Amend section 30.34A.210 on page 59, lines 21 – 26, as follows:

30.34A.210 Master plans and city review

(1) Where the county has adopted a master plan the ~~((director))~~ hearing examiner may require an applicant to meet any applicable requirements of the plan.

(2) If the county has executed an interlocal agreement with an adjacent city, the city must be involved the project review as specified in the interlocal agreement.

Add a new section as follows:

Section ##. Snohomish County Code Section 30.72.020, added by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

30.72.020 Type 2 permits and decisions.

The following are processed as Type 2 permits and decisions:

- (1) Conditional use permit and major revisions;
- (2) Rezones (site-specific);
- (3) Official site plan or preliminary plan approval when combined with a rezone request in FS, IP, BP, PCB, T, RB, RFS, and RI zones;
- (4) Flood hazard area variance, if combined with a Type 2 application;
- (5) Preliminary subdivision approval and major revisions;
- (6) Planned residential developments;
- (7) Short subdivision with dedication of a new public road;
- (8) Shoreline substantial development, conditional use, or variance permit if forwarded pursuant to SCC 30.44.240;
- (9) Shoreline substantial development permit rescission; (~~and~~)
- (10) Boundary line adjustments as provided in SCC 30.41E.020 (~~SCC~~);
and
- (11) Urban centers developments as provided in SCC 30.34A.180.

Council Disposition: _____ **Date:** _____

AMENDMENT SHEET 9A
Urban Centers Development Regulations
URBAN CENTERS CODE ORDINANCE NO. 09-079

Amendment Name: Urban centers review and approval process

Brief Description: Change the urban centers review and approval process from a Type I decision made by PDS to a Type II decision made by the hearing examiner with appeals to be heard by the county council. Incorporate additional decision criteria. This alternative to Amendment 9 includes language deleting urban centers as a Type 1 administrative action under SCC 30.71.020.

Affected Code Sections: Section 5, SCC 30.34A.180

New Recitals, Findings or Conclusions to Support: None.

Existing Ordinance Recitals, Findings, Conclusions or Sections to Delete or Modify:

Amend section 30.34A.180, beginning on page 58 line 24, as follows:

30.34A.180 Review process and decision criteria.

(1) An Urban Center development shall be ~~((decided as a Type 1 decision and is subject to the review procedures in chapter 30.71 SCC))~~ processed as a Type 2 application as described in chapter 30.72 SCC. The hearing examiner may approve, approve with modifications, or deny Urban Center development application under the circumstances set forth in this chapter.

(2) The ~~((director))~~ hearing examiner may approve or approve with conditions the proposed development when all the following are met:

(a) The development complies with the requirements in this chapter, chapters 30.24 and 30.25 SCC, and requirements of other applicable county codes;

(b) The proposal is consistent with the comprehensive plan;

(c) The proposal will not be materially detrimental to uses or property in the immediate vicinity;

(d) The development demonstrates high quality design by incorporating elements such as:

(i) Superior pedestrian- and transit-oriented architecture;

(ii) Building massing or orientation that responds to site conditions;

(iii) Use of structural articulation to reduce bulk and scale impacts of the development;

(iv) Use of complementary materials;

(v) Use of lighting, landscaping, street furniture, public art, and open space to achieve an integrated design;

~~((e))~~e) The development features high density residential and/or non-residential uses; and

~~((d))~~f) Buildings and site features are arranged, designed, and oriented to facilitate pedestrian access, to limit conflict between pedestrians and vehicles, and to provide transit linkages.

(3) An Urban Center development application may be denied without prejudice by the hearing examiner pursuant to SCC 30.72.060. If denied without prejudice, the application may be reactivated under the original project number and without additional filing fees if a revised application is submitted within six months of the date of the hearing examiner's decision. In all other cases a new application shall be required.

(4) In addition to the notice required by chapter 30.70 SCC, the department shall distribute copies of the Urban Center development application to each of the following and shall allow 21 days from the date of published notice for the agencies to submit comments on the proposal:

(a) Snohomish Health District;

(b) Department of public works;

(c) Washington State Department of Transportation;

(d) Any city or town whose municipal boundaries are within one mile of the proposed Urban Center development or whose urban growth area includes the subject site, or whose public utilities would be used by the proposed Urban Center development; and

(e) Any other federal, state, or local agencies as may be relevant.

(5) Any revision which substantially alters the approved site plan is no longer vested and re-submittal of a complete application is required pursuant to SCC 30.34A.170. Revisions not requiring re-submittal are vested to the regulations in place as of the date the original application was submitted. Revisions after approval of the development which cause an increase in traffic generated by the proposed development shall be reviewed pursuant to SCC 30.66B.075.

~~((4))~~6) Urban Center project approval expires after six years from the date of approval unless a complete application for construction has been submitted to the department.

Amend section 30.34A.210 on page 59, lines 21 – 26, as follows:

30.34A.210 Master plans and city review

(1) Where the county has adopted a master plan the ~~((director))~~ hearing examiner may require an applicant to meet any applicable requirements of the plan.

(2) If the county has executed an interlocal agreement with an adjacent city, the city must be involved the project review as specified in the interlocal agreement.

Add a new section as follows:

Section ##. Snohomish County Code Section 30.71.020, last amended by Amended Ordinance No. 08-101 on January 21, 2009, is amended to read:

30.71.020 Type 1 permits and decisions.

The following are processed as Type 1 administrative decisions:

- (1) Administrative conditional use permit;
- (2) Binding site plan approval;
- (3) Boundary line adjustment, except as provided in 30.41E.020 SCC;
- (4) Building and grading permits subject to SEPA review pursuant to chapter 30.61 SCC, or subject to conditions imposed pursuant to chapter 30.32D;
- (5) Free standing signs in the FS and RFS zones;
- (6) Code interpretations;
- (7) Flood hazard permit, except as provided in SCC 30.43C.020;
- (8) Flood hazard variance;
- (9) Freeway service zone official site plan (existing FS zone);
- (10) Shoreline substantial development permit, shoreline conditional use, and shoreline variance, except when processed as a Type 2 decision pursuant to SCC 30.44.240;
- (11) Short subdivision approval with no dedication of a new public road right-of-way;
- (12) ~~((Urban centers project decision pursuant to chapter 30.34A SCC;~~
- ~~(13))~~ Variance;
- ~~((14))~~13) Single family detached units applications pursuant to chapter 30.41F SCC; and
- ~~((15))~~14) Administrative site plan pursuant to SCC 30.23A.100.

Add a new section as follows:

Section ##. Snohomish County Code Section 30.72.020, added by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

30.72.020 Type 2 permits and decisions.

The following are processed as Type 2 permits and decisions:

- (1) Conditional use permit and major revisions;
- (2) Rezones (site-specific);
- (3) Official site plan or preliminary plan approval when combined with a rezone request in FS, IP, BP, PCB, T, RB, RFS, and RI zones;
- (4) Flood hazard area variance, if combined with a Type 2 application;
- (5) Preliminary subdivision approval and major revisions;
- (6) Planned residential developments;

- (7) Short subdivision with dedication of a new public road;
- (8) Shoreline substantial development, conditional use, or variance permit if forwarded pursuant to SCC 30.44.240;
- (9) Shoreline substantial development permit rescission; (~~and~~)
- (10) Boundary line adjustments as provided in SCC 30.41E.020 (~~SCC~~);
and
- (11) Urban centers developments as provided in SCC 30.34A.180.

Council Disposition: _____ **Date:** _____

AMENDMENT SHEET #10
Urban Centers Development Regulations
ORDINANCE NO. 09-079

Brief Description: This amendment would add language to the definition of an urban center to emphasize the need for urban centers to have access to high capacity transit routes, not just proximity to these routes.

Proposed amendment to Section 27:

30.91U.085 “Urban center” means an area with a mix of high-density residential, office and retail(~~development~~) uses with public and community facilities and pedestrian connections located(~~along designated~~) within one-quarter mile of existing or planned stations for high capacity transit routes and (~~or transit~~) corridors.

New Recitals, Findings or Conclusions to Support: N/A