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M E M O R A N D U M

To: Snohomish County Planning Commission
Greg Morgan, Planning Commission Secretary

From: David Killingstad, Principal Planner

Date: April 15, 2009

Subject: Transmittal of Approved as to Form Urban Center Ordinances

This memorandum transmits two approved as to form ordinances related to the Urban Center Code Update Project. One ordinance pertains to regulations to replace the Urban Centers Demonstration Program and another pertains to areawide rezones to implement a new urban center zoning classification. These ordinances supersede the ordinances transmitted to the Planning Commission on March 12, 2009.

Staff has revised portions of the proposed urban centers development regulations based on comments from the Planning Commission and public remarks provided at the UDC Update Public Forum on April 2. These changes are reflected in the approved as to form ordinance. A summary of the differences between the March 12 and the April 15 ordinance is provided below. No significant changes were made to the areawide rezone ordinance.

Permitted Uses and Reference Notes (SCC 30.22.100 and SCC 30.22.130)

In response to comments expressed by the Planning Commission, staff has revised the approach used to determine the permitted uses in the proposed urban center zone. The approved-as-to-form ordinance follows the current construction of the Unified Development Code (UDC). Currently permitted uses are expressed in three matrices (Urban, Rural/Resource, and Other). A new column is added to the Urban use matrix and is populated with uses intended to be compatible with pedestrian and transit oriented development.

Three new reference notes are added and an existing reference note is applied to select uses. One reference note prohibits drive-through facilities in the Urban Center (UC) zone. A second note permits boat launches only when associated with a marina. The third new note permits only building mounted

personal wireless communication facilities. Lastly, reference note 86 which prohibits outdoor storage of goods and materials is added to select uses.

Urban Center Development-Purpose and Applicability (SCC 30.34A.010)

The purpose and applicability (SCC 30.34A.010) is modified to include new language on non-conforming uses and structures. The proposed area-wide rezone will likely create new non-conforming uses and structures. The language clarifies under what circumstances a non-conforming use and/or structure would be allowed to expand in size. It also provides for the reconstruction of a single family detached home if it is destroyed due to fire or natural disaster.

FAR and FAR Bonuses (SCC 30.34A.030)

The FAR Table 30.34A.030(1) is modified to amend non-residential and mixed-use maximum FAR allowable with super bonus. Staff determined that an applicant would not be able to achieve the super bonus for a non-residential only project as it was limited to only a .5 FAR increase over the maximum FAR with bonus. Therefore, staff has revised the maximum FAR with super bonus from 2.0 to 2.5. In changing that number the cumulative number for a mixed-use project is adjusted accordingly from 6.0 to 6.5.

Table 30.34A.030(2) is modified to add a new FAR bonus for structured parking. Staff received feedback from stakeholders that the financial feasibility of structured parking depended on additional incentives. Therefore, staff is proposing to add a FAR bonus of .5 if 80% or more of the required parking is placed in a structure.

Parking Requirements (SCC 30.34A.050)

Staff has added two amendments to this section. One affects Table 30.34A.050(1) which lays out the required parking ratios by use. Another adds language regarding shared parking.

Unfortunately, the range of permitted uses in an urban center project is not reflected in the parking ratios. These include institutional or entertainment facilities such a theater. Therefore, staff has included a new entry in the table for "all other uses." For "all other uses" the required amount of parking will be determined through a parking study.

Shared parking is an important component of an urban center. Shared parking allows different uses to utilize the same parking at different times during the day. The March 14 version of the ordinance did not include language expressly allowing for shared parking. Therefore, staff has included a new section that lays out the procedures to allow shared parking. Specifically, an applicant will need to complete a shared parking study if choosing to incorporate shared parking as part of the project.

Landscaping (SCC 30.34A.060)

The March 14 ordinance proposes as mitigation for urban center projects next to R-9600, R-8400, R-7200, T, and LDMR zoning a 25-foot Type A buffer (SCC 30.34A.060(1)). The approved as to form ordinance tweaks this requirement to allow an average of 25 feet for the buffer. This will provide flexibility in project design.

Open Space (SCC 30.34A.070)

The approved as to form ordinance revises SCC 30.34A.070 to create a more readable code section. SCC 30.34A.070(3) is revised to incorporate residential and non-residential active recreation into one section rather than the two sections shown in the March 14 version. Another change is to allow those portions of sidewalks abutting active recreation space to be counted toward the open space requirements. This provides flexibility in design and recognizes that the lines between sidewalks and plazas often are blurred.

Stepbacks (SCC 30.34A.120)

SCC 30.34A.120 requires buildings over 60 feet in height to step back upper floors. The regulation could be interpreted to apply to all sides of a building. To reduce confusion, the approved as to form ordinance amends the regulation to clearly require stepped back upper floors only for those portions of buildings facing a public street. In addition, buildings located adjacent to residential zoning will be required to step back upper floors for those portions of buildings facing R-9600, R-8400, R-7200, T and LDMR zoning.

Other changes

There are several minor changes included in the approved-as-to-form ordinance these include:

- New definition of mixed use related to footnote 3 to Table 30.34A.030(1)
- Clarifying in SCC 30.34A.040 that limited building height when adjacent to R-9600, R-8400, R-7200, T and LDMR does not apply when the zone boundary is a right-of-way
- General formatting and typos