



PLANNING COMMISSION AGENDA

Special Meeting Date: 01/22/2020

PD Conference Center - 10518 18TH ST SE

Planning Commission
Meeting:

First Wednesday of every
Month @ 7:00pm

Planning & Community
Development Department

1812 Main Street
Lake Stevens, WA 98258
(425) 622-9430

www.lakestevenswa.gov

Municipal Code

Available online:

www.codepublishing.com/WA/LakeStevens/

*Items attached

**Items previously
distributed

Items to be
distributed

- **CALL TO ORDER** 7:30pm
Pledge of Allegiance
- **ROLL CALL**
- **GUEST BUSINESS**
- **ACTION ITEMS**
 1. Approve minutes for 12-04-2019
 2. Election of Officers
- **PUBLIC HEARING**
 1. LUA2019-0129 Code Amendment to subdivision regulations-continued

Public hearing will follow the public hearing format listed below:

PUBLIC HEARING FORMAT

1. PC Chair Opens Public Hearing
2. Staff Presentation
3. Commission's questions for staff
4. Proponent's comments
5. Comments from the audience
6. Proponent rebuttal comments
7. Close public comments portion of hearing by motion
8. Re-open public comment portion of hearing for additional comments (optional)
9. Close Hearing by motion
10. COMMISSION ACTION BY MOTION—Recommendation to Council
 - A. Approve
 - B. Deny
 - C. Continue

DISCUSSION ITEMS

1. Zoning Code Updates

- **COMMISSIONER REPORTS**
- **PLANNING DIRECTOR'S REPORT**
- **ADJOURN**

SPECIAL NEEDS

The City of Lake Stevens strives to provide accessible opportunities for individuals with disabilities. Please contact City of Lake Stevens ADA Coordinator, at (425) 622-9419 at least five business days prior to any City meeting or event if any accommodations are needed. For TDD users, please use the state's toll-free relay service.



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PLANNING COMMISSION REGULAR MEETING MINUTES
Lake Stevens School District Admin Bldg.
1825 S Lake Stevens Rd, Lake Stevens, WA 98258
Wednesday, December 04, 2019

CALL TO ORDER: 7:00 pm by Chair Janice Huxford

MEMBERS PRESENT: Janice Huxford, Vicki Oslund, Tracey Trout, Jennifer Davis, Linda Hoult, Steve Ewing and John Cronin

MEMBERS ABSENT: None

STAFF PRESENT: Community Development Director Russ Wright and Clerk Jennie Fenrich

OTHERS PRESENT: Councilmember Petershagen

Excused Absence: None

Guest business. None

Action Items:

1. Commissioner Hoult made a motion Commissioner Ewing seconded to approve the minutes for 11/06/19. Approved 7-0-0-0.
2. Commissioner Hoult made a motion and Commissioner Cronin for the minutes of 11/20/2019. Approved 7-0-0-0.

Public Hearing:

Chair Huxford asked for a motion to open the public hearing on the Code amendment to subdivision regulations. Commissioner Hoult made the motion and Commissioner Ewing seconded. Motion passed 7-0-0-0.

Staff Presentation: Planner Dillon Roth stated this is a code amendment to reorganize subdivision designations and clean up the code. Changes were made to the Residential Designation.

Comments from the Commission: Commissioner Ewing asked for clarification on the density chart and the changes specifically to HUR and how will that affect building lot sizes. Director Wright said this change is only to remove the Cluster Subdivision column. Mr. Ewing asked about uses of the 10 percent that will be required for common spaces in the PRD Zone. Director Wright said they will be used as they make sense in the development and will be monitored by HOA. Commissioner Ewing also asked about the definition of significant trees. Staff said they are determined as 6 to 8-inch diameter at breast height.

Commissioner Trout asked if impervious surface allowance is recalculated and how the stormwater run-off will be handled. Director Wright said there are very prescriptive requirements that will still have to be met.

Comments from Public: David Arnold from Vibrant Homes wants to make sure the passing of this amendment doesn't create unintended consequences with affordable housing. He wishes to build green affordable housing in Lake Stevens.

Greg Ellis shared his vision of building a communal living neighborhood that would possibly have a co-op, wholistic living center where families can age in place. He's asking for additional time to work with the City and the code amendment to provide fair fees or waived fee development.

Sally Jo Sebring believes the late additional request to the code change was not properly studied as part of the SEPA determination.

Janette Scott made a plea to consider keeping housing affordable in our City. Her daughter could not afford to purchase a home here and Ms. Scott wants to advocate aging in place affordable housing for our City. She states that Lake Stevens is not affordable.

Dylan Sluder representing the Master Builder Association, says they concur with Mr. Toyer's letter and that this change will bring more types of housing.

Chair Huxford asked for a motion to close the public portion of the hearing. Commissioner Hoult moved and Commissioner Ewing seconded the motion. Motion passed 7-0-0-0.

Comments from the Commission: There was discussion about affordability and building. Commissioner Cronin brought the point that not all builders are going to have the same goal and will be considering how much profit can be made from a project and won't have affordability as intention. The request made to go from 3 acres to 1 for PDR needs more time for consideration. The Commission decided to continue this hearing for more time to consider. Commissioner Hoult made a motion to continue and Commissioner Trout seconded. The motion passed 7-0-0-0.

Discussion items: Director Wright acknowledged the work the Commission has done this year and gave the program for the 2020 schedule.

Commissioner Reports: Commissioner Ewing invited anyone who would like to participate in a Blood Drive February 1, 2020 at LDS church to do so. He also thanked the person who decorated the round-a-bouts for the holidays. Commissioner Trout asked about the rumors has heard about the ROW vacation on 123rd Ave. Director Wright said it will have public process and there will be hearings. She is excited about Winterfest and thanks the City staff for the event. Commissioner Trout thanked the public for coming to the meeting tonight. She also thanked Tracey Trout for her service on the Commission. Commissioner Davis also thanked Tracey for her time on the Commission. She also thanked the Staff for their hard work this year. Chair Huxford asked if the man who sent his letter of thanks to the Commission had been thanked and it was confirmed that he had. Commissioner Oslund thanked the Staff for their diligent work this year and acknowledged her appreciation to the Land Use Advisory Committee. Commissioner Cronin thanked Tracey for her service as well as all the commissioners and staff for all the work this year. He believes the City has the best interests of the citizens at heart.

Planning Director Report- There is a joint meeting on January 7th with the City Council. The next Planning Commission meeting will be January 15, 2020

Adjourn. Motion to adjourn by Commissioner Hoult, seconded by Commissioner Cronin. Motion carried 7-0-0-0. Meeting adjourned 8.48 pm.

Janice Huxford, Chair

Jennie Fenrich, Clerk, Planning & Community Development

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Staff Report
City of Lake Stevens Planning Commission
Public Hearing

Date: **January 22, 2020**

SUBJECT: Code Amendment to subdivision regulations (LUA2019-0129)

CONTACT PERSON/DEPARTMENT: Russ Wright, Community Development Director / Planning and Community Development

SUMMARY: Code amendment to restructure subdivision regulations.

ACTION REQUESTED OF PLANNING COMMISSION: Forward a recommendation to City Council on proposed regulations.

Background on Code Amendment Process

The city initiated this code amendment to restructure subdivision regulations into one cohesive chapter and revise the Cluster Subdivision Code, Unit Lot Subdivision and Planned Residential Development code sections as necessary. This code amendment is one of the phases of amendments related to the Land Use Advisory Committee process and responsive to House Bill 1923 to increase building supply within the city.

Code amendments require an environmental determination and a Department of Commerce review. A Determination of Non-Significance (DNS) was issued on September 7, 2019; no comments or appeals were received. The code amendment was sent to the Washington State Department of Commerce for expedited review. Expedited review was granted on September 23, 2019 and no further comments have been received.

The Planning Commission was briefed on the draft code September 18, 2019 and held a hearing on December 4, 2019. The Commission held the hearing open to allow staff time to respond to specific questions presented and make additional changes. **The meeting scheduled for January 15, 2020 was cancelled because of inclement weather and the material is being carried forward to tonight's meeting. New elements in the staff report are bolded.** At the public hearing, the Planning Commission heard public comments and discussed proposed amendments. The Planning Commission requested that staff make some slight changes to the proposed regulations and bring back additional information on the following items.

1. Restricting attached housing in PRDs to four units.
2. Identify lots affected by the proposed PRD area restrictions applied to sites at least three acres in size (current regulation is five acres), based on comments received.
 - Applying an analysis of parcel data in our GIS software, there are 486 parcels 1 acre or greater, 334 parcels between 1 and 3 acres and 150 parcels greater than 3 acres.
 - These numbers do not distinguish buildable lands status.
 - The final language will be updated based on the discussion with the Planning Commission.
3. Describe the potential effects on stormwater management with the proposed increases to impervious areas.

- The city's stormwater coordinator reports the addition of new impervious surfaces may have unintended consequences citywide especially on previously developed sites. When updating, revising, and developing new local development-related codes, rules, standards, or other enforceable documents there is a goal to minimize impervious surfaces, retain native vegetation and stormwater runoff where feasible.
- Through the implementation of the city's adopted stormwater regulations (DOE Stormwater Manual for Western Washington) and emphasizing low-impact principles runoff from new impervious surfaces are mitigated by being detained in appropriately-sized vaults or ponds.
- Under the city's NPDES permits, reduction of pollutants is a primary goal, considering stormwater management needs or limitations. The city is responsible to periodically report locally initiated or state-mandated, long-range land use plans, affecting stormwater, to accommodate growth or transportation.
- The city is responsible to maintain public systems including pipe / culvert cleaning, ditch maintenance, street cleaning, road repair, snow and ice control, etc.; implement education programs and control of illicit discharge.
- The new regulations do not negate the need to follow DOE stormwater requirements or best management practices. As designed the PRD and cluster subdivision codes require set asides for open spaces and promote retention of significant trees that would offset any increases in impervious areas. Other impervious coverage changes will be reviewed with associated code amendments.

Additional changes for clarification were made to the PRD code and Unit Lot Subdivision Code.

1. PRD Changes

- 14.18.300 (C) limited to single family, townhome and two-family per PC discussion.
- 14.18.300(d) restructured and exceptions clearly laid out in subsection 3. Incorporates requested changes from the Master Builders to clarify intent of modifications to dimensional standards.

2. Unit Lot Subdivision Changes

- 14.18.320(e) added or tract in relation to parking areas per Master Builders request.

3. Additional changes, shown with yellow highlights on draft code, were made after receipt of direction from City Council following its January 14, 2020 meeting and based on written comments from the MBA (attached):

- 14.18.160 - added reference to 14.16A.180 for financial security per Council direction;
- 14.18.300(d) – by definition townhomes include three or more units. This section updated to clearly state that three- and four-unit townhomes and duplexes are permitted per Council direction;
- 14.18.300(d)(3) – changed setback to dimensional and changed “single-family” to “PRD” in subsections as the intent is to provide flexibility in attached and detached configurations per comment letter;
- 14.18.300(e)(1) and (e)(5) – updated language to provide for flexibility in orientation to street or courtyard per Council direction;

- 14.18.300(e)(4) – updated landscape language to clarify type and location of screening;
- 14.18.300(h) – updated language to add definition reference and add “buffer” per comment letter; and
- 14.48.055 – updated language to apply to projects meeting the following criteria, “The allowance to construct impervious surfaces up to 55 percent of the lot in the UR zone, shall only apply to new parcels developed following the 2012 Washington State Department of Ecology Storm Water Management Manual for Western Washington, as amended in 2014, as now or hereafter revised” per Council direction.

Major Changes in the Draft Regulations

The following bullet points highlight some of the changes to the regulations:

- Chapter 14.18 currently contains two parts, Subdivisions and Binding Site Plans. The chapter will now include two additional parts, Boundary Line Adjustments and Alternative Subdivisions. Alternative Subdivisions (Part IV) include Planned Residential Developments (PRD), Cluster Subdivisions and Unit Lot Subdivisions. These new parts are already in the LSMC but are scattered throughout.
- Increasing the impervious surface allowance in the Urban Residential zone from 40% to 55%.
- The PRD section is the section undergoing the most change. PRDs are a type of development that allows greater flexibility to the zoning standards in exchange for a higher quality design and more common amenities. Changes to the PRD code include:
 - A density bonus of 20%.
 - A requirement to “tier” development based on density. Lower density residential uses shall be closer to existing public roads and higher density residential uses shall be developed more toward the interior of the subject properties.
 - A requirement to have a diverse set of house and townhouse plans/elevations.

FINDINGS AND CONCLUSIONS:

1. Compliance with elements of the Comprehensive Plan

- Land Use Element Policy 2.3.2 – Preserve and promote the character of existing neighborhoods through thoughtful development regulations and design standards.
- Land Use Element Goal 2.2 – Achieve a well balanced and well-organized combination of residential, commercial, industrial, open space, recreation and public uses.
- Land Use Element Policy 2.3.4 – Maintain development regulations to promote compatibility between uses; retain desired neighborhood character; ensure adequate light, air and open space; protect and improve environmental quality; and manage potential impacts on public facilities and services.
- Housing Element Goal 3.1 – Provide fair and equal access to a range of housing types and choices to meet the existing and project housing needs of all Lake Stevens residents regardless of income level or demographic status.
- Housing Element Policy 3.1.3 – Allow diverse subdivision methods including short subdivisions, formal subdivisions, cluster subdivisions, planned residential developments

and units lot subdivisions to create buildable lots throughout the city.

Conclusions – The proposed code amendments are consistent with Comprehensive Plan goals as they relate to the subdivision process and regulation.

2. Compliance with the State Environmental Policy Act (SEPA) (Chapter 97-11 WAC and Title 16 LSMC)

- A DNS was issued on September 7, 2019.
- No comments or appeals from agencies or the public were received regarding the SEPA determination.

Conclusions – The proposed code amendment has met local and state SEPA requirements.

3. Compliance with the Growth Management Act (RCW 36.70A.106)

- The city requested expedited review from the Department of Commerce on September 6, 2019.
- The Department of Commerce sent granted approval on September 23, 2019.
- Staff will file the final ordinance with the Department of Commerce within 10 days of City Council action.

Conclusions – The proposed code amendment has met Growth Management Act requirements.

4. Public Notice and Comments

- The city published a notice of SEPA determination on September 7, 2019.
- The city published a notice of public hearing in the Everett Herald on November 20 and November 27, 2019. The notice was also posted at City Hall and on the city's website.
- One public comment has been received to-date and previously reviewed. If more comments are received prior to the hearing, the comments will be distributed on the night of the hearing.
- **An additional public comment was received relative to the change in impervious area (attached)**

Conclusions – The city has met public notice requirements per Chapter 14.16B LSMC.

RECOMMENDATION: Forward a recommendation to the City Council to APPROVE the proposed code amendment to reorganize and modify subdivision regulations.

ATTACHED:

- 1) Revised Draft Regulations
- 2) MBA letter
- 3) Sebring letter

Attachment 1

Sections:

Part I. Subdivisions ~~and Boundary Line Adjustments~~

- 14.18.010 Subdivisions
- 14.18.015 Review of Subdivisions
- 14.18.020 Limitations on Re-Subdividing Short Plats
- 14.18.025 Criteria for Preliminary Plat Approval
- 14.18.030 Application for Final Plat Approval
- 14.18.035 Approval of Final Plats
- 14.18.040 Content of the Final Plat
- 14.18.045 Endorsements on Short and Long Subdivision Plats
- 14.18.050 Plat Approval Not Acceptance of Dedication Offers
- 14.18.055 Subdivision Recording Requirements
- 14.18.060 Alterations of Subdivisions
- 14.18.065 Vacations of Subdivisions
- ~~14.18.070 Boundary Line Adjustments~~

Part II. Binding Site Plans

- 14.18.105 Purpose and Applicability
- 14.18.110 Procedure
- 14.18.115 Additional Application Requirements
- 14.18.120 Decision Criteria
- 14.18.125 Subsequent Development Permits
- 14.18.130 Conditions of Approval
- 14.18.135 Conditions for Previously Approved Site Plan
- 14.18.140 Conditions When Concurrently Reviewed
- 14.18.145 Design Standards - Access Requirements
- 14.18.150 Road and Right-of-Way Establishment and Right-of-Way Dedication
- 14.18.155 Phased Development
- 14.18.160 Acceptance of Site Improvements
- 14.18.165 Bond or Performance Security
- 14.18.170 Revisions
- 14.18.175 Recording with County Auditor
- 14.18.180 Vacation

Part III. Boundary Line Adjustments

14.18.200 Lot Line Adjustments

Part IV. Alternative Subdivisions

14.18.300 Planned Residential Developments

14.18.310 Cluster Subdivisions

14.18.320 Unit Lot Subdivisions

Part I. Subdivisions ~~and Boundary Line Adjustments~~

14.18.010 Subdivisions.

Unless exempted by Chapter [58.17](#) RCW, all subdivision activity is subject to the requirements of this title. No person may subdivide land except in accordance with all of the provisions of this chapter. Short plats consist of subdivisions which result in nine or fewer lots. Subdivisions of 10 or more lots may also be referred to as formal or long plats/subdivisions. (Ord. 811, Sec. 5 (Exh. 4), 2010)

14.18.015 Review of Subdivisions.

No person may subdivide his land except in accordance with the provisions of this title. Long and short subdivisions are subject to a three-step approval process. The first step is approval of the preliminary plat, the second is approval and construction of the infrastructure necessary to serve the plat, and the third step is for approval of the final plat. Each step requires a separate application and fee as set by Council resolution. (Ord. 811, Sec. 5 (Exh. 4), 2010)

14.18.020 Limitations on Re-Subdividing Short Plats.

Short plats can be re-subdivided with a subsequent short plat within five years if the total number of lots created between the original and second short plat does not exceed nine. If the number of lots exceeds nine, re-subdivision requires a long plat. (Ord. 811, Sec. 5 (Exh. 4), 2010)

14.18.025 Criteria for Preliminary Plat Approval.

- (a) A preliminary plat shall follow the procedures for a Type II review for a short plat and Type III review for plats pursuant to Chapter [14.16B](#).
- (b) A preliminary plat shall be approved if it meets the approval criteria in Chapter [58.17](#) RCW and the requirements of this title.

(c) Preliminary plat approvals may contain conditions as deemed necessary to ensure the approval criteria are met. (Ord. 811, Sec. 5 (Exh. 4), 2010)

14.18.030 Application for Final Plat Approval.

The application for final plat approval shall include:

(a) Completed application form with fee.

(b) ~~Five~~Two draft copies of the following information:

(1) Mathematical lot closures showing error of closures not to exceed 0.005 times the square root of "n," where "n" equals the number of sides and/or curves of a lot.

(2) A certification from a professional land surveyor, licensed in the State of Washington, as to the survey data, layout of streets, alleys and other rights-of-way.

(3) A certification that bridges, sewage, water systems and other structures together with the information provided by the professional land surveyor for the approval signature of a licensed engineer acting on behalf of the City.

(4) A complete survey of the section or sections in which the plat is located, or as much thereof as may be necessary to properly orient the plat within the section or sections. A computer printout showing closures of the section or subdivision breakdown (if any), plat boundary, road centerlines, lots and tracts. The maximum allowable error of closure shall be .02 feet in any such closure.

(5) A title company certification which is not more than 30 calendar days old containing:

(i) A legal description of the total parcel sought to be subdivided; and

(ii) A list of those individuals, corporations, or other entities holding an ownership interest in the parcel; and

(iii) Any easements or restrictions affecting the property with a description, purpose and reference by auditor's file number and/or recording number; and

(iv) Any encumbrances on the property; and

(v) Any delinquent taxes or assessments on the property.

(6) An approved subdivision name reservation form from the Snohomish County Auditor's Office.

(7) If lands are to be dedicated or conveyed to the City as part of the subdivision, an American Land Title Association title policy shall be required.

(8) The Planning Director may require the applicant to submit any other information deemed necessary to make this determination, including, but not limited to, a copy of the tax map showing the land being subdivided and all lots previously subdivided from that tract of land within the previous five years. (Ord. 811, Sec. 5 (Exh. 4), 2010)

14.18.035 Approval of Final Plats.

(a) Final plats for subdivisions and short subdivisions are approved by the Planning and Public Works Directors. Final plats shall be approved if it is found that the requirements of preliminary plat, including applicable conditions of approval, have been met, and the requirements of Chapter [58.17](#) RCW have been met.

(b) The final plat submitted for recording shall be drawn in waterproof ink on a sheet made of material that will be acceptable to the Snohomish County Auditor's Office for recording purposes, and having dimensions of 18 inches by 24 inches.

(c) When more than one sheet is required to include the entire subdivision, all sheets shall be made of the same size and shall show appropriate match marks on each sheet and appropriate references to other sheets of the subdivision. The scale of the plat shall be at one inch equals not more than 50 feet.

(d) The applicant shall also provide all final plat maps and engineered as-builts in digital form. Files shall be submitted in "*.dwg" or other AutoCad-compatible format approved by Public Works. (Ord. 1023, Sec. 2 (Exh. A), 2018; Ord. 811, Sec. 5 (Exh. 4), 2010)

14.18.040 Content of the Final Plat.

The final plat shall contain the following information:

(a) The name of the subdivision, which name shall not duplicate the name of any existing subdivision as recorded in the Snohomish County Registry.

(b) The name and signatures of the subdivision owner or owners.

(c) The location by quarter section/section/township/range and/or by other legal description, the county, and state where the subdivision is located.

(d) The name, registration number, and seal of the professional land surveyor responsible for preparation of the plat, and a certification on the plat by said surveyor to the effect that (1) it is a true and

correct representation of the land actually surveyed by him/under his supervision; (2) that the exterior plat boundary, and all interior lot corners have been set on the applicant's property by him/under his supervision using appropriate permanent materials, with a field traverse with a linear closure of one to 10,000 and corresponding angular closure as specified in WAC [173-303-610](#); and (3) that all street centerline monuments (points of intersection, points of curve, points of tangency, etc.) within the plat and all intersections with existing street centerlines have been monumented with concrete monuments in case or other permanent material approved by the City.

(e) The scale according to which the plat is drawn in feet per inch or scale ratio in words or figures and bar graph. The drawing shall be of legible scale, and shall include the north arrow and basis of bearings. Unless otherwise approved by the Planning Director, the scale of the final plat will be at one inch equals 50 feet in order that all distances, bearings and other data can be clearly shown.

(f) A boundary survey prepared by a Professional Land Surveyor, licensed in the State of Washington, shall be shown on the proposed plat and shall reference the plat to the Washington Coordinate System, North Zone (North American Datum, 1983) with a physical description of such corners. When the necessary G.P.S. points exist within one-half mile of the subject property, they shall be located on the plat and used as primary reference datums.

(g) The boundary lines of the plat, based on an accurate traverse, with angular and linear dimensions.

(h) The exact location, width, number or name of all rights-of-way and easements within and adjoining the plat and a clear statement as to whether each is to be dedicated or held in private ownership.

(i) The true courses and distances to the nearest established right-of-way lines or official monuments which will accurately locate the plat.

(j) Curved boundaries and centerlines shall be defined by giving radii, internal angles, points of curvature, tangent bearings and lengths of all arcs.

(k) All lot and block numbers and lines, with accurate dimensions in feet and hundredths of feet, and bearings to one second of arc. Blocks in numbered additions to subdivisions bearing the same name must be numbered consecutively through the several additions.

(l) Accurate locations of all monuments at such locations as required by the City Engineer.

(m) All plat meander lines or reference lines along bodies of water which shall be established above, but not farther than 20 feet from the high waterline of the water or within a reasonable distance, to ensure reestablishment.

- (n) Accurate outlines and dimensions of any areas to be dedicated or reserved for public use, with purposes indicated thereon and in the dedication; and/or any area to be reserved by deed covenant for common uses of all property owners.
- (o) A full and correct legal description of the property.
- (p) All permanent restrictions and conditions on the lots or tracts or other areas in the plat required by the City.
- (q) Any additional pertinent information required at the discretion of the Public Works Director or Planning and Community Development Director.
- (r) An endorsement to be signed, prior to recordation, by the proper officer in charge of tax collections, certifying that all taxes and delinquent assessments have been paid, satisfied, or discharged.
- (s) The following declaration: "All conditions of the preliminary ~~short~~ plat, embodied within the Form of Decision [recorded in Book ____, Page ____ of the Snohomish County Registry/which is attached hereto as Exhibit ____], shall remain conditions of construction of the public improvements." (Ord. 811, Sec. 5 (Exh. 4), 2010)

14.18.045 Endorsements on Short and Long Subdivision Plats.*

All subdivision plats shall contain the following endorsements, specific language of which is to be made available by the Planning Director: certificate of subdivision approval, certificate of approval of public improvements, certificate of ownership and dedication, certificate of survey and accuracy, certificate of City Treasurer, Planning and Public Works Directors Approvals, Snohomish County treasurer's certificate, and recording certificate. (Ord. 903, Sec. 22, 2013; Ord. 811, Sec. 5 (Exh. 4), 2010)

* Code reviser's note: This section has been updated to correspond to changes made by Ordinance 1023 and the intent of the city council in passing Ordinance 1023.

14.18.050 Plat Approval Not Acceptance of Dedication Offers.

Preliminary approval of a plat does not constitute acceptance by the City of the offer of dedication of any streets, sidewalks, parks, or other public facilities shown on a plat. Offers of dedication will be officially accepted with approval of the final plat. (Ord. 811, Sec. 5 (Exh. 4), 2010)

14.18.055 Subdivision Recording Requirements.

When the City approves a final subdivision or final short subdivision, the applicant shall record the original signed final plat or final short plat with the Snohomish County Auditor. The applicant will also furnish the

City with one reproducible copy of the recorded documents, and the Snohomish County Assessor shall be furnished one paper copy. (Ord. 811, Sec. 5 (Exh. 4), 2010)

14.18.060 Alterations of Subdivisions.

- (a) If an applicant wishes to alter a subdivision or short subdivision or any portion thereof, except as provided in Section [14.18.065](#), that person shall submit an application to the Department of Planning and Community Services requesting the alteration. The application shall contain the signatures of all persons having an ownership interest in lots, tracts, parcels, sites or divisions within the subdivision or short subdivision or in that portion to be altered.
- (b) The Planning Director shall have the authority to determine whether the proposed alteration constitutes a minor or major alteration. Major alterations are those which substantially change the basic design, density, open space, or other similar requirements or provisions.
- (c) If the subdivision or short subdivision is subject to restrictive covenants, which were filed at the time of the approval, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or short subdivision or any portion thereof.
- (d) If the alteration is requested prior to final plat or final short plat review and signature, a minor alteration may be approved with consent of the Planning Director. A long plat or short plat major alteration shall require consent of the Planning Director as a Type II review for short subdivisions after public notice or the ~~City Council~~Hearing Examiner as a Type ~~VIII~~ review for subdivisions after public notice and a public hearing is held. Notice shall be provided of the application for a long plat or short plat alteration to all owners of property within the subdivision or short subdivision, all parties of record, and as was required by the original subdivision or short subdivision application. The Planning Director shall have the authority to determine whether the proposed alteration constitutes a minor or major alteration pursuant to subsection (b) of this section.
- (e) If the alteration is requested after final plat or final short plat review and signature, but prior to filing the final plat or final short plat with Snohomish County, a plat or short plat alteration may be approved with consent of the Planning Director for short subdivisions as a Type II review or the City Council for subdivisions as a Type V review. Upon receipt of an application for alteration, notice shall be provided of the application to all owners of property within the subdivision or short subdivision, all parties of record, and as was required by the original application. The notice shall establish a date for a public hearing.

(f) If the alteration is requested after filing the final plat or final short plat with Snohomish County, a minor plat ~~or short plat~~ alteration may be approved with consent of the Planning Director ~~in the case of short subdivisions~~ as a Type II review ~~or the City Council for subdivisions as a Type V review~~. If the Planning Director determines that the proposed alteration is a major alteration, pursuant to subsection (b) of this section, then the Planning Director may require replatting pursuant to this chapter. Upon receipt of an application for alteration, notice shall be provided of the application to all owners of property within the subdivision or short subdivision, all parties of record, and as was required by the subdivision or short subdivision plat application. The notice shall establish a date for a public hearing.

(g) The City shall determine the public use and interest in the proposed alteration and may deny or approve the application for alteration. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between adjacent properties.

(h) After approval of the alteration, the City shall order the applicant to produce a revised drawing of the approved alteration of the subdivision or short subdivision, and after signature the final plat or final short plat shall be filed with Snohomish County to become the lawful plat or short plat of the property.

(i) This section shall not be construed as applying to the alteration or replatting of any plat or short plat of State-granted shore lands. (Ord. 811, Sec. 5 (Exh. 4), 2010)

14.18.065 Vacations of Subdivisions.

(a) Whenever an applicant wishes to vacate a subdivision or short subdivision or any portion thereof, that person shall file an application for vacation with The Department of Planning and Community Services. The application shall set forth the reasons for vacation and shall contain signatures of all parties having an ownership interest in that portion of the subdivision subject to vacation.

(b) If the development is subject to restrictive covenants which were filed at the time of the approval, and the application for vacation would result in a violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the subdivision or short subdivision or portion thereof.

(c) When the vacation application is specifically for a City street or road, the procedures for right-of-way vacation in Section [14.16C.095](#) shall be followed for the street or road vacation. When the application is

for the vacation of the plat or short plat together with the streets or roads, the procedure for vacation in this section shall be used, but vacations of streets may not be made that are prohibited under State law.

(d) Notice shall be given to all owners of property within the subdivision or short subdivision, to all property owners within 300 feet of short subdivision and subdivision boundaries, and to all applicable agencies. The Planning Director shall conduct a public meeting in the case of short subdivisions, and the City Council shall conduct a public hearing on the application for a vacation. The application for vacation of a subdivision or short subdivision may be approved or denied after the City has determined the public use and interest to be served by the vacation. If any portion of the land contained in the proposed vacation was dedicated to the public for public use or benefit, such land, if not deeded to the City, shall be deeded to the City unless the City Council sets forth findings that the public use would not be served in retaining title to those lands.

(e) Title to the vacated property shall vest with the rightful owner as shown in Snohomish County records. If the vacated land is land that was dedicated to the public, for public use other than a road or street, and the City Council has found that retaining title to the land is not in the public interest, title thereto shall vest with the person or persons owning the property on each side thereof, as determined by the City Council. When a road or street that is to be vacated was contained wholly within the subdivision or short subdivision and is part of the boundary of the subdivision or short subdivision, title to the vacated road or street shall vest with the owner or owners of property contained within the vacated subdivision.

(f) This section shall not be construed as applying to the vacation of any plat or short plat of State-granted shore lands. (Ord. 811, Sec. 5 (Exh. 4), 2010)

~~14.18.070 Boundary Line Adjustments.~~

~~(a) Minor lot line adjustments are exempt from the subdivision regulations. Minor lot line adjustments to existing legal lots are permitted when no new lots are created through the process and the adjusted lots either meet all requirements of this title and other City regulations. In the case of existing legal nonconforming lots, the adjustment shall not create a new or greater nonconformity with respect to any City regulations.~~

~~(b) Application for a boundary line adjustment (BLA) is made by submitting to the Planning Director a land use development application, with a survey of the subject property showing existing and proposed lot lines, before and after legal descriptions, owner's certificate, surveyor's certificate, and Planning Director's approval certificate.~~

~~(c) To finalize an approved boundary line adjustment, it shall be recorded with the Snohomish County auditor's office no later than one year after final approval has been issued by the Planning Director or the application and approval shall lapse and a new application must be submitted.~~

~~(d) Recording fees and applicable state fees shall be paid by the applicant. Immediately after recording, copies of the recorded BLA documents shall be provided to the City. The BLA shall not take effect until recorded with the Snohomish County auditor and copies returned to the City.~~

~~(e) The department may grant up to a one year extension of a BLA for good cause, if a written request for extension, including a description of reason for request, is submitted to the Planning Director at least two weeks before approval lapses.~~

~~(f) If the BLA affects more than one property owner, a conveyance document(s) shall be recorded at the same time as the BLA documents. The conveyance document(s) shall establish ownership consistent with the approved, adjusted boundaries.~~

~~(g) When a BLA is recorded subsequent to a record of survey for the same property, the recording number of the record of survey shall be noted on the BLA map. (Ord. 903, Sec. 23, 2013; Ord. 811, Sec. 5 (Exh. 4), 2010)~~

Part II. Binding Site Plans

14.18.105 Purpose and Applicability.

(a) The purpose of this chapter is to provide an alternative method for the division of land as authorized by RCW [58.17.035](#) and [58.17.040](#)(4), (5), and (7). A binding site plan ensures through covenants, conditions, restrictions, easements, and other requirements binding upon all lot owners that the collective lots continue to function as one site concerning but not limited to public roads, improvements, open spaces, drainage, and other elements specified in this chapter.

(b) The provisions of this part shall apply to:

- (1) The division of commercial or industrial zoned land for sale or lease when used for commercial or industrial purposes, or the division of land for lease when used as a mobile home park;
- (2) The division of land resulting from subjecting a portion of a parcel or tract to the Horizontal Property Regimes Act, Chapter [64.32](#) RCW, or the Condominium Act, Chapter [64.34](#) RCW; and
- (3) The division of land for the creation of special purpose tracts.

(c) The provisions of this part do not apply to:

- (1) Divisions of commercial or industrially zoned property for lease during exhibitions or other special events of a temporary, short-term nature, not to exceed six months' duration;
- (2) Boundary line adjustments;
- (3) Housing cooperatives; and
- (4) Divisions for commercial or industrial zoned land when such lands are being used only for single-family or multifamily residential purposes, or are proposed for such residential purposes, except when the division is proposed pursuant to subsection (b)(2) of this section. (Ord. 811, Sec. 5 (Exh. 4), 2010)

14.18.110 Procedure.

The department will process a binding site plan according to the procedures for a Type II administrative decision. Application requirements are established and implemented per Section [14.16A.220](#). A binding site plan application will be processed concurrently with any other application for development of the same site, unless the applicant requests otherwise. (Ord. 811, Sec. 5 (Exh. 4), 2010)

14.18.115 Additional Application Requirements.

The submittal requirements for binding site plan applications are set forth in an application checklist provided by the Department pursuant to Section [14.16A.220](#). All binding site plan applications must include one of the following site plan representations, which show the proposed and existing location of all roads, improvements, open space, and any other element specified by this title:

- (a) A previously approved site plan;
- (b) A revision to a previously approved site plan; or
- (c) A new site plan for proposed development. (Ord. 811, Sec. 5 (Exh. 4), 2010)

14.18.120 Decision Criteria.

In order to approve a binding site plan, the Department must find that the newly created lots function and operate as one site and that the binding site plan and record of survey comply and are consistent with the following provisions as well as any other applicable regulations as determined by the Department:

- (a) Requirements of this part;
- (b) Requirements for noise control, Chapter [9.56](#);

- (c) Requirements for public or private roads, right-of-way establishment and permits, access, and other applicable road and traffic requirements;
- (d) Compliance with fire lane, emergency access, fire-rated construction, hydrants and fire flow, and other requirements of Chapter [14.84](#);
- (e) Compliance with applicable construction code requirements, Chapter [14.80](#);
- (f) Compliance with applicable use and development standard requirements of this title;
- (g) Compliance with applicable shoreline management code requirements of the Shoreline Master Program, Chapter [14.92](#) and/or flood hazard area requirements of Chapter [14.64](#);
- (h) Compliance with environmental policies and procedures and critical areas regulations of Title [16](#) and Chapter [14.88](#);
- (i) Compliance with applicable drainage requirements of Chapter [14.64](#);
- (j) Compliance with applicable impact fee requirements;
- (k) Provisions for adequate sewer service, water supply and refuse disposal; and
- (l) Any other applicable provision of this title. (Ord. 898, Sec. 4, 2013; Ord. 855, Sec. 19, 2011; Ord. 811, Sec. 5 (Exh. 4), 2010)

14.18.125 Subsequent Development Permits.

Subsequent site development permits for the land are subject to compliance with the zoning, building, and other applicable land use codes and regulations existing at the time of development permit review, unless addressed as part of the binding site plan review and expressly depicted on the binding site plan. (Ord. 811, Sec. 5 (Exh. 4), 2010)

14.18.130 Conditions of Approval.

(a) The Department is authorized to impose conditions and limitations on the binding site plan. By this authority, and if the Department determines that any delay in satisfying requirements will not adversely impact the public health, safety, or welfare, the Department may allow requirements to be satisfied prior to issuing the first building permit for the site, or prior to issuing the first building permit for any phase, or prior to issuing a specific building's certificate of occupancy, or in accordance with an approved phasing plan.

(b) The binding site plan shall contain a provision requiring that any development of the site shall be in conformity with the approved binding site plan.

(c) The Department may authorize sharing of open space, parking, access, and other improvements among properties subject to the binding site plan. Conditions and restrictions on development, use, maintenance, shared open space, parking, access, and other improvements shall be identified on the binding site plan and enforced by covenants, conditions, restrictions, easements, or other legal mechanisms.

(d) All provisions, conditions, and requirements of the binding site plan shall be legally enforceable on the owner, purchaser, and any other person acquiring a possessory ownership, security, or other interest in any property subject to the binding site plan.

(e) After approval of a binding site plan for land zoned and used for commercial or industrial purposes, or for land zoned and used for mobile home parks, the applicant shall record the approved binding site plan with a record of survey (except for the provision of RCW [58.09.090](#)(1)(d)(iv)) as one recording document complying with the requirements of this section.

(f) After approval of a binding site plan for land, all or a portion of which will be subjected to the provisions of Chapter [64.32](#) or [64.34](#) RCW, the applicant shall record the approved binding site plan with a record of survey (except for the provisions of RCW [58.09.090](#)(1)(d)(iv)) as one recording document complying with the requirements of this section. Following recordation of the binding site plan with record of survey, the applicant shall independently complete improvements shown on the approved binding site plan and file a declaration of condominium, and survey map and plans as required by Chapter [64.32](#) or [64.34](#) RCW.

(g) Under subsection (e) or (f) of this section, when a record of survey is not required pursuant to RCW [58.09.090](#)(1)(d)(iv), the applicable record of survey data, consistent with the application requirements as adopted by the department pursuant to Section [14.16A.220](#), shall be shown on the binding site plan to be recorded. (Ord. 811, Sec. 5 (Exh. 4), 2010)

14.18.135 Conditions for Previously Approved Site Plan.

If a previously approved site plan is submitted for binding site plan approval, the conditions and limitations imposed by the department may, where appropriate, include any conditions and limitations contained in the previously approved site plan. (Ord. 811, Sec. 5 (Exh. 4), 2010)

14.18.140 Conditions When Concurrently Reviewed.

When a binding site plan is being considered concurrently with another land development application, the department will incorporate all conditions and limitations imposed on the concurrent application into the binding site plan. (Ord. 811, Sec. 5 (Exh. 4), 2010)

14.18.145 Design Standards - Access Requirements.

Access requirements and road standards to and within lots of the binding site plan shall be provided in accordance with Chapters [14.56](#) and [14.72](#) and the EDDS. New public road(s) shall be provided for lot access where determined by the Public Works Director to be reasonably necessary as a result of the proposed development or to make appropriate provisions for public roads. The applicant may also propose establishment of public road(s). (Ord. 811, Sec. 5 (Exh. 4), 2010)

14.18.150 Road and Right-of-Way Establishment and Right-of-Way Dedication.

(a) Where road and/or right-of-way establishment is required for a binding site plan application or proposed by the applicant, establishment shall be in accordance with Chapter [14.56](#) and shall occur prior to recording the binding site plan with record of survey. The establishment shall be effective upon recording of the binding site plan with record of survey.

(b) Where dedication of new right-of-way is required for binding site plan approval, the dedication shall be made in accordance with Chapter [14.56](#), prior to or at the time of recording the binding site plan with record of survey. The dedication shall be effective upon recording of the binding site plan with record of survey.

(c) Road and right-of-way establishment and right-of-way dedications stated as approval conditions for a previously approved site plan requiring implementation prior to issuance of any subsequent building or development permit shall be implemented at the time of binding site plan with record of survey recording.

(d) Where right-of-way is established by recording a binding site plan with record of survey but not required or built upon at the time of site development, a revised binding site plan with record of survey may be prepared, approved, and recorded showing the elimination of the right-of-way.

(e) This section shall not apply where the establishment or dedication has already been approved or is being considered for approval with another concurrent land development application that includes a site plan approval. (Ord. 811, Sec. 5 (Exh. 4), 2010)

14.18.155 Phased Development.

(a) An applicant who chooses to develop a site in phases or divisions shall submit to the department a phasing plan consisting of a written schedule and a drawing illustrating the plan for concurrent review with the application for a binding site plan.

(b) Site improvements designed to relate to, benefit, or be used by the entire development (such as stormwater detention ponds or tennis courts in a residential development) shall be noted on the phasing plan. The phasing plan shall relate completion of such improvements to completion of one or more phases or stages of the entire development.

(c) Once a phasing plan has been approved, the information contained therein shall be shown on, or the phasing plan attached to and made a part of, the binding site plan.

(d) Approval of a phasing plan does not constitute approval of the binding site plan. No land may be used, no buildings may be occupied, and no lots may be sold except in accordance with the approved binding site plan. (Ord. 811, Sec. 5 (Exh. 4), 2010)

14.18.160 Acceptance of Site Improvements.

All public and private site improvements must be completed and accepted by the City or subjected to a performance security [per LSMC 14.16A.180](#) approved by the department prior to issuing the first building permit for the site, prior to issuing the first building permit for any phase, or prior to issuing a specific building's certificate of occupancy. Alternatively, the Department may condition the completion of such improvements pursuant to an approved phasing plan. (Ord. 811, Sec. 5 (Exh. 4), 2010)

14.18.165 Bond or Performance Security.

(a) Prior to issuing the first building permit for a site development, prior to issuing the first building permit for each phase, or prior to issuing a specific building's certificate of occupancy, the Director may require performance security or security to be provided in a form and amount deemed necessary to assure that all work or actions required by this title are satisfactorily completed in accordance with the approved binding site plan and to assure that all work or actions not satisfactorily completed will be corrected to comply with the approved binding site plan to eliminate hazardous conditions, to restore environmental damage or degradation, and to protect the health, safety, and general welfare of the public bonding in accordance with Section [14.16A.180](#), Security Mechanisms.

(b) The bond or other security device must be conditioned on:

- (1) The work or requirements being completed in accordance with the binding site plan;
 - (2) The site being left in a safe condition; and
 - (3) The site and adjacent or surrounding areas being restored in the event of damages or other environmental degradation from development activities conducted pursuant to the binding site plan.
- (Ord. 811, Sec. 5 (Exh. 4), 2010)

14.18.170 Revisions.

- (a) The applicant may revise a binding site plan application or may request that the department revise conditions of binding site plan approval. The department will consider revisions upon an applicant's request, payment of any fees, and submittal of materials required by the department.
- (b) If a revision to a previously recorded binding site plan or record of survey is approved, the applicant must record the revised binding site plan or record of survey.
- (c) Any request for a revision to an approved plan shall be reviewed pursuant to Section [14.16A.235](#). (Ord. 811, Sec. 5 (Exh. 4), 2010)

14.18.175 Recording with County Auditor.

- (a) To finalize an approved binding site plan, it shall be recorded with the Snohomish County auditor's office no later than one year after final approval has been issued by the Planning Director or the application and approval shall lapse and a new application must be submitted.
- (b) Immediately after recording, copies of the recorded binding site plan documents shall be provided to the City. The ~~BLA-binding site plan~~ shall not take effect until recorded with the Snohomish County auditor and copies returned to the City. (Ord. 903, Sec. 24, 2013; Ord. 811, Sec. 5 (Exh. 4), 2010)

14.18.180 Vacation.

The department is authorized to approve vacation of a binding site plan pursuant to Section [14.16A.240](#) upon the request of all owners of the subject property. If determined appropriate by the department, the Planning Director shall require that all parties having an interest in property subject to the binding site plan consent to vacation and that all legal instruments effecting the division of property into lots be rescinded. (Ord. 811, Sec. 5 (Exh. 4), 2010)

Part III. Boundary Line Adjustments [SECTION MOVED FROM 14.18.070]

14.18.070200 Boundary Line Adjustments.

- (a) Minor lot line adjustments and lot consolidations are exempt from the subdivision regulations. Minor lot line adjustments to existing legal lots and lot consolidations are permitted when no new lots are created through the process and the adjusted lots either meet all requirements of this title and other City regulations. In the case of existing legal nonconforming lots, the adjustment shall not create a new or greater nonconformity with respect to any City regulations.

(b) Application for a boundary line adjustment (BLA) is made by submitting to the Planning Director a land use development application, with a survey of the subject property showing existing and proposed lot lines, before and after legal descriptions, owner's certificate, surveyor's certificate, and Planning Director's approval certificate.

(c) To finalize an approved boundary line adjustment, it shall be recorded with the Snohomish County auditor's office no later than one year after final approval has been issued by the Planning Director or the application and approval shall lapse and a new application must be submitted.

(d) Recording fees and applicable state fees shall be paid by the applicant. Immediately after recording, copies of the recorded BLA documents shall be provided to the City. The BLA shall not take effect until recorded with the Snohomish County auditor and copies returned to the City.

(e) The department may grant up to a one-year extension of a BLA for good cause, if a written request for extension, including a description of reason for request, is submitted to the Planning Director at least two weeks before approval lapses.

(f) If the BLA affects more than one property owner, a conveyance document(s) shall be recorded at the same time as the BLA documents. The conveyance document(s) shall establish ownership consistent with the approved, adjusted boundaries.

(g) When a BLA is recorded subsequent to a record of survey for the same property, the recording number of the record of survey shall be noted on the BLA map. (Ord. 903, Sec. 23, 2013; Ord. 811, Sec. 5 (Exh. 4), 2010)

Part IV. Alternative Subdivisions

14.18.300 Planned Residential Developments. [SECTION MOVED FROM 14.44.020]

It is intended that a Planned Residential Development (PRD) will result in a higher quality neighborhood that incorporates design for buildings, parks, open space, landscaping, roadways, and other project features; provide flexibility to the property owners; encourage a variety or mixture of housing types; and promotes compatibility with the surrounding neighborhoods. In addition to meeting the other relevant requirements of this title, PRDs must comply with the following:

(a) The PRD must be located on sites containing at least **three** acres within a single-family zoning district.

(b) The PRD is eligible for a 20 percent density bonus above of the allowable density of the underlying zoning district per Chapter 14.48 LSMC.

(c) Permissible residential uses within a PRD include single-family detached dwellings, duplexes and attached single-family townhomes of three and four units, regardless of the underlying zoning district.

(d) Alternative development standards may be used through the PRD process, including reduced lot size, width, or setback restrictions for a portion of the lots, subject to the following:

(1) At least 60 percent of the PRD lots must comply with the underlying zoning district's minimum lot size and be comprised of single-family detached residences.

(2) Optionally, the PRD may contain graduated densities (i.e., distinct lot patterns representing two or more different zoning districts).

i. If the PRD contains graduated densities, then the second graduated density of SFR lots must be designed to achieve the minimum dimensional standards of the next smaller zoning district's lot size and lot width standards.

ii. Attached housing portions of a PRD are limited to four units per structure and may not exceed 25 percent of the total PRD dwelling units.

(3) Dimensional requirements of the underlying zoning district shall apply within the PRD for each land use proposed, with following exceptions.

i. PRD lot sizes can be reduced up to 25%, with no lots being smaller than 3,600 square feet;

ii. PRD lot widths can be reduced up to 25%, with no lots being narrower than 40 feet;

iii. PRD lots can reduce side setbacks up to 25%, with no side setback being less than five feet per side;

iv. PRD Lots can reduce rear setbacks up to 25%, with no rear setback being less than 10 feet; and

v. PRD Lots with attached housing must be a minimum 16-feet wide and may have zero-foot internal side setbacks along common walls. Separation between buildings must be a minimum of 10-feet.

vi. Impervious areas on attached housing lots may be increased on a lot by lot basis, but the entire project may not exceed the impervious area for the underlying zoning district.

(e) The design of a PRD, including site layout, landscaping, public facilities (e.g., storm drainage, parks, streets, etc.) and building design shall be subject to design review and shall meet the city's adopted Design Guidelines, in addition to the following:

(1) Primary building entrances shall be located on the front facades of residences and oriented to the primary street or courtyard depending on the overall PRD design.

(2) Facades shall emphasize the pedestrian entrance to the structure by using distinct architectural features, varied materials, windows, and/or varied rooflines.

(3) All homes, with garages, shall include offsets forward from the garage that define the living area or entry of the home or include other elements including but not limited to using windows, contrasting colors, materials or other architectural features to soften the appearance of garages.

(4) A Type B landscape screen shall be required along the frontage of the PRD where the PRD intersects a collector, arterial or other residential street.

(5) Ensure that the primary frontage of new development includes inviting and appropriate landscaping from the public way or courtyard that compliments the structure.

(h) The PRD must include and improve 10 percent of the site (excluding critical areas and buffers) with common amenities including but not limited to:

(1) Usable open space area for parks and recreation including but not limited to play areas, sport courts, trails, gazebos, covered shelters, picnic tables and benches;

(2) Landscaped entries into the project;

(3) Protection of significant trees. A minimum of 15% of the site's significant trees or significant stands of trees, as defined in Chapter 14.08 LSMC, outside of critical areas and associated buffers, shall be retained (rounding to the nearest whole tree). The retained trees shall only include healthy trees that have a high likelihood of withstanding wind-throw.

14.18.310 Cluster Subdivisions [SECTION MOVED FROM 14.48.070]

(a) In any single-family residential zoning district, a developer may create lots that are smaller than those required by Section 14.48.010 if such developer complies with the provisions of this section.

(b) The subdivision must result in six lots or more.

(c) The intent of this section is to authorize a decrease in lot sizes and leave the land "saved" by so doing as usable open space, thereby lowering development costs and increasing the amenity of the project without increasing the density beyond what would be permissible if the land were subdivided into the size of lots required by Section 14.48.010.

(1) Lot sizes and lot widths may be reduced by up to 20% of the dimensional standards for the underlying zone as specified in Section 14.48.010.

(d) The amount of usable open space that must be set aside shall be determined by:

(1) Subtracting from the standard square footage requirement set forth in Section 14.48.010 the amount of square footage of each lot that is smaller than that standard;

(2) Adding together the results obtained in subsection (c)(1) of this section for each lot.

(e) The provisions of this section may only be used if the usable open space set aside in a subdivision comprises at least 10,000 square feet of space that satisfies the definition of usable open space.

(f) The setback requirements of Sections 14.48.040 and 14.48.050 shall apply in cluster subdivisions. (Ord. 903, Sec. 40, 2013; Ord. 501, Sec. 10, 1995; Ord. 468, 1995)

14.18.320 Unit Lot Subdivisions [SECTION MOVED FROM 14.46.030]

(a) The primary purpose of these provisions is to allow for the creation of fee simple unit lots for townhouse dwellings and duplexes, while applying only those site development standards applicable to the parent site as a whole.

(b) The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all the development standards of this title based on analysis of the individual unit lot, except that any private open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.

(c) Unit lot subdivisions and subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.

(d) Private access drives are allowed to provide access to dwellings and off-street parking areas within a unit lot subdivision. Access, joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open area and other similar features, as recorded with Snohomish County.

(e) Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot or tract other than the lot with the dwelling unit, if the right to use that parking is formalized by an easement or otherwise define on the final plat, as recorded with Snohomish County.

(f) The facts that the unit lot is not a separate buildable lot and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with Snohomish County.

Chapter 14.48 LSMC DENSITY AND DIMENSIONAL REGULATIONS

Table 14.48-I: Density and Dimensional Standards

Zone	Minimum Lot Size		Minimum Residential Densities (Minimum Square Feet per Dwelling Unit)	Minimum Lot Width (ft.)	Building Setback Requirements Minimum Distance, in feet, from: ⁴								Height Limitation (ft.)
	Standard Subdivision	Cluster Subdivision			Nonarterial Street Right-of-Way Line		Nonarterial Street Centerline ¹		Ultimate Arterial Street Right-of-Way Line		Lot Line, Tract or Easement ³		
					Building	Freestanding Sign	Building	Freestanding Sign	Building	Freestanding Sign	Building and Freestanding Sign		
Waterfront Residential	9,600 ft ²	7,500 ft ²	9,600 ft ²	50	25	12.5	55	42.5	25	12.5	5	35	
Suburban Residential ²	5 acres/ 9,600 ft ²	5 acres/ 7,500 ft ²	5 acres/ 9,600 ft ²	80	25	12.5	55	42.5	25	12.5	5	35	
Urban Residential ²	5 acres/ 7,500 ft ²	6,000 ft ²	7,500 ft ²	60	20	10	50	40	20	10	5	35	
High Urban Residential	3,600 ft ²	N/A	3,600 ft ²	40	15	5	45	35	20	5	5	35	
Multi-Family Residential	3,000 ft ²	N/A	0 ft ²	50	0	0	30	30	10	0	0	60	
Neighborhood Commercial	3,000 ft ²	N/A	0 ft ²	0	0	0	30	30	0	0	0	35	
Mixed Use	3,000 ft ²	N/A	0 ft ²	0	0	0	30	30 ft ²	0	0	0	60	
Local Business	3,000 ft ²	N/A	0 ft ²	0	0	0	30	30	0	0	0	60	
Central Business District	3,000 ft ²	N/A	0 ft ²	0	0	0	30	30	0	0	0	60	
Planned Business District	0 ft ²	N/A	0 ft ²	0	0	0	30	30	0	0	0	40	
Sub-Regional Commercial	0 ft ²	N/A	0 ft ²	10	0	0	30	30	0	0	0	85	
Light Industrial	0 ft ²	N/A	N/A	10	0	0	30	30	0	0	0	85	
General Industrial	0 ft ²	N/A	N/A	10	0	0	30	30	0	0	0	85	
Public/Semi-Public	0 ft ²	N/A	N/A	0	0	0	0	0	0	0	0	60	

14.48.055 Maximum Impervious Surface.

Unless otherwise provided for elsewhere in Title [14](#) or the Shoreline Master Program, the maximum impervious surface shall not exceed 40 percent of a lot for development in single-family zoning districts, except that the impervious surface areas for development in the **Urban Residential (UR) zone shall not exceed 55 percent and the** High Urban Residential (HUR) zoning district shall not exceed 65 percent of the lot. **The allowance to construct impervious surfaces up to 55 percent of the lot in the UR zone, shall only apply to new parcels developed following the 2012 Washington State Department of Ecology Storm Water Management Manual for Western Washington, as amended in 2014, as now or hereafter revised.**

From: [Dylan Sluder](#) Attachment 2
To: [Russell Wright](#)
Subject: PRD Clarification
Date: Wednesday, January 15, 2020 9:36:16 AM
Attachments: [image003.png](#)
[image005.png](#)
[image006.png](#)
[image002.png](#)
[PRD-MV1-15.pdf](#)

Hi Russ,

Mark forwarded me some additional comments on the PRD code. I have attached his thoughts on it. It is mainly clarification and wordsmithing. I just wanted to provide a heads up to you.

I will be there tonight and testify in support. I appreciate all your work on this.

Thanks!

Dylan



Dylan Sluder

Snohomish County Manager
Master Builders Association of King and Snohomish Counties

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(b) Application for a boundary line adjustment (BLA) is made by submitting to the Planning Director a land use development application, with a survey of the subject property showing existing and proposed lot lines, before and after legal descriptions, owner's certificate, surveyor's certificate, and Planning Director's approval certificate.

(c) To finalize an approved boundary line adjustment, it shall be recorded with the Snohomish County auditor's office no later than one year after final approval has been issued by the Planning Director or the application and approval shall lapse and a new application must be submitted.

(d) Recording fees and applicable state fees shall be paid by the applicant. Immediately after recording, copies of the recorded BLA documents shall be provided to the City. The BLA shall not take effect until recorded with the Snohomish County auditor and copies returned to the City.

(e) The department may grant up to a one-year extension of a BLA for good cause, if a written request for extension, including a description of reason for request, is submitted to the Planning Director at least two weeks before approval lapses.

(f) If the BLA affects more than one property owner, a conveyance document(s) shall be recorded at the same time as the BLA documents. The conveyance document(s) shall establish ownership consistent with the approved, adjusted boundaries.

(g) When a BLA is recorded subsequent to a record of survey for the same property, the recording number of the record of survey shall be noted on the BLA map. (Ord. 903, Sec. 23, 2013; Ord. 811, Sec. 5 (Exh. 4), 2010)

Part IV. Alternative Subdivisions

14.18.300 Planned Residential Developments. [SECTION MOVED FROM 14.44.020]

It is intended that a Planned Residential Development (PRD) will result in a higher quality neighborhood that incorporates design for buildings, parks, open space, landscaping, roadways, and other project features; provide flexibility to the property owners; encourage a variety or mixture of housing types; and promotes compatibility with the surrounding neighborhoods. In addition to meeting the other relevant requirements of this title, PRDs must comply with the following:

(a) The PRD must be located on sites containing at least three acres within a single-family zoning district.

(b) The PRD is eligible for a 20 percent density bonus above of the allowable density of the underlying zoning district per Chapter 14.48 LSMC.

(c) Permissible types of residential uses within a PRD include single-family detached dwellings, single-family attached townhomes (limited to four units per structure) and two-family residences, regardless of the underlying zoning district.

(d) Alternative development standards may be used through the PRD process, including reduced lot size, width, or setback restrictions for a portion of the lots, subject to the following:

(1) At least 60 percent of the PRD lots must comply with the underlying zoning district's minimum lot size and be comprised of single-family detached residences.

(2) Optionally, the PRD may contain graduated densities (i.e., distinct lot patterns representing two or more different zoning districts).

i. If the PRD contains graduated densities, then the second graduated density must be designed to achieve the minimum dimensional standards of the next smallest zoning district's lot size and lot width standards.

ii. Attached housing units shall be limited to four units per structure and may not exceed 25 percent of the total PRD dwelling units.

(3) Setback requirements of the underlying zoning district shall apply within the PRD for each land use proposed, with following exceptions.

i. Single-family lot sizes can be reduced up to 25%, with no lots being smaller than 3,600 square feet;

ii. Single-family lot widths can be reduced up to 25%, with no lots being narrower than 40 feet;

iii. Single-family lots can reduce side setbacks up to 25%, with no side setback being less than five feet per side;

iv. Single-family lots can reduce rear setbacks up to 25%, with no rear setback being less than 10 feet; and

v. Attached housing lots must be a minimum 16-feet wide and may have zero-foot internal side setbacks along common walls.

vi. Impervious areas on attached housing lots may be increased up to 25% of the lot area, but the entire project may not exceed the impervious area for the underlying zoning district.

(e) The design of a PRD, including site layout, landscape, streets, etc.) and building design shall be subject to design guidelines that meet the City's adopted Design Guidelines, in addition to the following:

(1) Primary building entrances shall be located on the front facades of residences and shall be clearly identifiable and visible from the street.

(2) Facades shall emphasize the pedestrian entrance to the structure by using distinct architectural features, varied materials, windows, and/or varied rooflines.

(3) All homes shall include offsets forward from the garage that define the living area or entry of the home or include other elements including but not limited to using windows, contrasting colors, materials or other architectural features to soften the appearance of garages.

with the below
modifications in
section 3.

Dimensional

There is no
minimum lot sizes

What about rear
yard setbacks and
building
separation?

(4) A Type A landscape screen shall be required on the perimeter of the PRD but are not required between uses within the PRD.

(5) Ensure that the primary frontage of new development includes inviting and appropriate landscaping from the public way that compliments the structure.

(h) The PRD must include and improve 10 percent of the site (excluding critical areas) with common amenities including but not limited to:

(1) Usable open space area for parks and recreation including but not limited to sport courts, trails, gazebos, covered shelters, picnic tables and benches;

(2) Landscaped entries into the project;

(3) Protection of significant trees. A minimum of 15% of the site's significant trees, outside of critical areas, shall be retained (rounding to the nearest whole tree). The retained trees shall only include healthy trees that have a high likelihood of withstanding wind through

excluding critical areas and there buffers as well as areas dedicated as ROW.

Viable

14.18.310 Cluster Subdivisions [SECTION MOVED FROM 14.48.070]

(a) In any single-family residential zoning district , a developer may create lots that are smaller than those required by Section 14.48.010 if such developer complies with the provisions of this section.

(b) The subdivision must result in six lots or more.

(c) The intent of this section is to authorize a decrease in lot sizes and leave the land "saved" by so doing as usable open space, thereby lowering development costs and increasing the amenity of the project without increasing the density beyond what would be permissible if the land were subdivided into the size of lots required by Section 14.48.010.

(1) Lot sizes and lot widths may be reduced by up to 20% of the dimensional standards for the underlying zone as specified in Section 14.48.010.

(d) The amount of usable open space that must be set aside shall be determined by:

(1) Subtracting from the standard square footage requirement set forth in Section 14.48.010 the amount of square footage of each lot that is smaller than that standard;

(2) Adding together the results obtained in subsection (c)(1) of this section for each lot.

(e) The provisions of this section may only be used if the usable open space set aside in a subdivision comprises at least 10,000 square feet of space that satisfies the definition of usable open space.

(f) The setback requirements of Sections 14.48.040 and 14.48.050 shall apply in cluster subdivisions. (Ord. 903, Sec. 40, 2013; Ord. 501, Sec. 10, 1995; Ord. 468, 1995)



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Staff Report City of Lake Stevens Planning Commission

Planning Commission Briefing
Date: **January 22, 2020**

SUBJECTS: Land Use Code Amendment

CONTACT PERSON/DEPARTMENT: Russ Wright, *Community Development Director*
Sabrina Harris, *Associate Planner*

SUMMARY: Over the last several months staff has been holding meetings with a Land Use Advisory Committee made up citizens and developers to evaluate the city's zoning code and make recommendations for ways to develop a flexible and efficient code that can increase diversity in housing stock throughout the community and promote quality neighborhoods.

ACTION REQUESTED OF PLANNING COMMISSION: None required

Project Goals:

1. Define what new development can look like in standard subdivisions for properties within and outside city limits considering the current land supply;
2. Define innovative housing tools that will support more diverse neighborhoods with a mix of housing types; and
3. Define an infill toolbox for re-developable and partially-used properties.

Staff created an outreach program to discuss these issues with an advisory committee comprised of interested citizens and industry constituents. Work with the Land Use Advisory Committee has included a visual preference survey, review of the city's current zoning standards, review of standards from multiple jurisdictions, briefing on the city's buildable lands status and participation in creating updated standards for residential development and infill development. Common themes expressed by the group focused on promoting more diversity in neighborhoods, efficiency in development and community aesthetics. Staff held eight meetings with the Land Use Advisory Committee throughout 2019 including a workshop with the Planning Commission. Staff has briefed the Planning Commission five times on changes and periodically briefed the Council on the progress.

Specific code development presented to the Planning Commission has included:

- Subdivision updates,
- Code Clean-up,
- Zoning standards updates, and
- Expanded in-fill requirements.

Many of the amendments required restructuring and reorganizing of existing code with minor adjustments to support the greater project. New proposed code sections are shown through the track-change function, underlined sections are new, while the unaltered code is in black.

Changes to Chapters 14.08, 14.36 and 14.44 are minor and reflect changes to definitions naming, reorganization and simplification of the municipal code and recent changes to the Comprehensive Plan. Changes in Chapter 14.48 include new zone names, element clarification and updates to the dimensional standards. The update includes revisions to lot size requirements, impervious surface limits, and setback standards that better align with that of other jurisdictions, buildable lands methodology while providing new flexibility in some design elements. As part of this update staff has worked with representatives from Master Builders and other stakeholders. Further meetings are scheduled to refine the final draft code.

Updates in Chapter 14.46 have included the addition of Part III Infill Development. The provision provides the abilities to develop alternative housing styles that give flexibility and standards for underutilized residential property. These flexibility options include bonuses for density, setback, and impervious surface that can be applied to eligible infill development properties. Regulations for cottage housing in part II saw little change and the remainder of the chapter has had minor changes to remove redundant processes.

Recently, staff has met with members of the Master Builders Association and incorporated some of their feedback into the current drafts. The purpose of tonight's meeting is to have a follow up discussion as staff completes the code updates and prepares for public hearings. A few minor changes in definition and completing the dimensional standard for non-residential zones are pending. If the Planning Commission requires an additional meeting to review, at Council's direction staff would request holding a special meeting on January 29, 2020. Otherwise, staff will schedule a public hearing for February 19, 2020.

ATTACHED:

1. Code amendment 14.08, 14.36, 14.44
2. Code amendment 14.46
3. Code amendment 14.48

Chapter 14.08 BASIC DEFINITIONS AND INTERPRETATIONS

Sections:

14.08.010 Definitions of Basic Terms

14.08.020 Recodified

14.08.010 Definitions of Basic Terms.

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this title.

Cluster. A group of residential dwelling units arranged around usable open space (~~Cluster Subdivisions, Section 14.48.070~~) or a common open area (~~Cottage Housing Development Standards, Chapter 14.46~~).

~~Corner lot. See definitions under "lot"~~

Corner lot. See definitions under "lot"

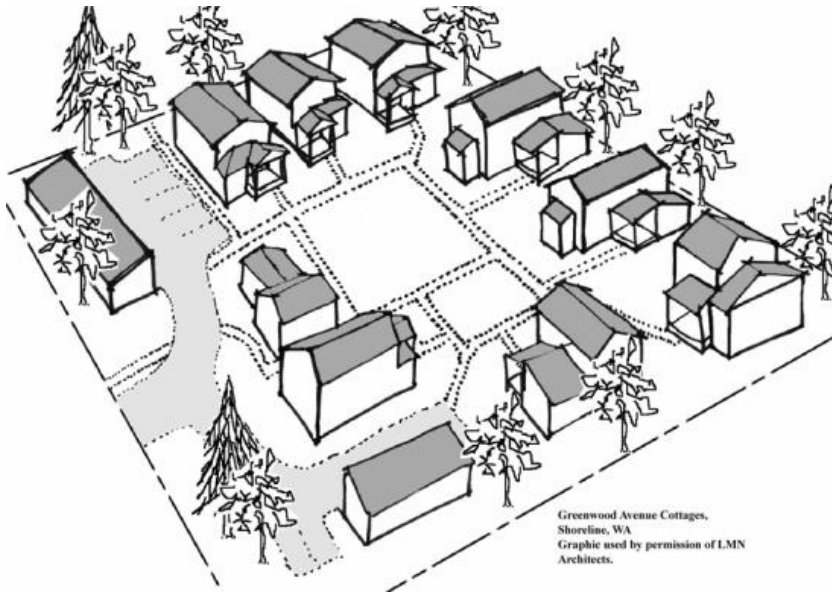
Cottage. A single-family detached dwelling unit, not larger than 1,500 square feet, constructed as part of a cottage housing development. More than one cottage may occupy a single lot.

Cottage Housing Development. See Chapter 14.46 Part II Cottage Housing Development Standards

Cottage Housing Development. One or more clusters of cottages developed under a single land development plan or as part of another land development plan (mixed use development or planned business district) (see Chapter 14.46). A cottage housing development shall have the following characteristics:

- (a) Each cottage is of a size and function suitable for one to three people;
- (b) Each cottage has the construction characteristics of a single-family house as set forth in this chapter;
- (c) Cottages are developed as a detached dwelling or carriage house, common interest community, and share use of common elements such as a common open area, tool shed, community building, gazebo, workshop or parking areas; and
- (d) The site is designed with a unified concept that includes homes surrounding a shared common open area, detached parking arranged on site perimeters, access within the site and from the site, and visually consistent landscaping and architecture.

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The following drawing shows a typical cottage housing development:

Cottage Housing Development Lot. The undivided lot on which a cottage housing development takes place.

Developable (e.g., land, acres). Land on which development can occur per the regulations of this and other titles of the Lake Stevens Municipal Code. Specifically, lands that are considered critical areas per Chapter 14.88 (Critical Areas) are not considered developable.

Developable Area. Land outside of critical areas, their setback, and buffers.

~~Flag lot. See definitions under "lot"~~

~~Flag lot. See definitions under "lot"~~

Infill Development. The creative recycling of vacant or underutilized lands within cities and suburbs. Examples include a vacant lot within an existing neighborhood, surface parking lots, or empty buildings. Infill development can reduce traffic congestion, save open space, and create more livable communities. Infill development contributes to a more compact form of development, which consumes less land and resources and offers increased mobility for those who cannot drive or prefer not to drive.

Innovative Housing Options. Different housing styles that provide a choice of housing in the City including, but not limited to, cottages, compact single-family homes, accessory dwelling units, "skinny" houses, and duplexes, triplexes, and fourplexes designed to look like single-family homes.

Lot. A fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

1. "Corner lot" means a lot bounded on two adjacent sides by intersecting public streets.

2. "Flag or panhandle lot" means a lot where the front and rear lot lines conform to zoning code requirements for lot dimensions and lot sizes except for the panhandle. The panhandle is a narrow strip of land which does not, itself, meet the full frontage or width requirements of a lot and will be utilized principally for access purposes from an improved public right-of-way.

3. "Interior lot" means a lot abutting only one street.

4. "Through lot" means a lot with frontage on two parallel or approximately parallel streets.

(e) The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

"Lot area" means the total horizontal area within the boundary lines of a lot, excluding any access easements or panhandles. For purposes of this definition, a "panhandle" means a narrow strip of land designed for access purposes which does not, itself, meet the full frontage or width requirements of a lot.

Lot Width. The width of a lot is the horizontal distance between the side lot lines measured on a line intersecting at right angles the line of the lot depth 30 feet from the front lot line.

"net buildable area" means gross land area, measured in acres, minus land area in roads, panhandle access and other rights-of-way, surface stormwater retention/detention/water quality facilities, submerged lands, regional utility corridors and land dedicated to the city.

"Net density" means the number of dwelling units divided by the net project area.

Panhandle lot. See definitions under "lot"

Residence, Duplex. A two-family residential use in which the dwelling units share a common wall (including without limitation the wall of an attached garage or porch) and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.

Residence, Multifamily. A residential use consisting of a building containing three or more dwelling units. For purposes of this definition, a building includes all dwelling units that are enclosed within that building or attached to it by a common floor or wall (even the wall of an attached garage or porch).

Residence, Multifamily Apartments. A multifamily residential use other than a multifamily conversion or multifamily townhouse.

Residence, Multifamily Conversion. A multifamily residence containing not more than four dwelling units and results from the conversion of a single building containing at least 2,000 square feet of gross floor area that was in existence on the effective date of this provision and that was originally designed, constructed and occupied as a single-family residence.

Residence, Multifamily Townhomes and Row Houses. A multi-story structure containing a group of three or more attached dwelling units, in which each dwelling unit shares a common wall (including without limitation the wall of an attached garage or porch) with at least one other dwelling unit; has a separate, ground floor entrance; and each dwelling unit has open space on at least two sides.

Residence, Single-Family Attached, One Dwelling Unit Per Lot. A residential use consisting of a single building containing two dwelling units which share a common wall (including without limitation the wall of an attached garage or porch), but located on two separate lots containing no other dwelling units in such a manner that a lot line bisects the building along the common wall and that each dwelling unit is completely on a separate lot.

Residence, Single-Family Detached, More Than One Dwelling Per Lot. A residential use consisting of two or more single-family detached dwelling units on a single lot.

Residence, Single-Family Detached, One Dwelling Unit Per Lot. A residential use consisting of a single detached building containing one dwelling unit and located on a lot containing no other dwelling units.

Residence, Two-Family. A residential use consisting of a building containing two dwelling units. If two dwelling units share a common wall, even the wall of an attached garage or porch, the dwelling units shall be considered to be located in one building.

Residence, Two-Family Conversion. A two-family residence resulting from the conversion of a single building containing at least 2,000 square feet of gross floor area that was in existence on the effective date of this provision and that was originally designed, constructed and occupied as a single-family residence.

[Through lot. See definitions under "lot"](#)

["Zero lot line development" allows single-family residences, sharing a common street frontage, to shift to one side of a lot. This means that the same side of each lot may have a zero or reduced setback. \(Ord. 2852 § 10 \(Exh. A\), 2011\).](#)

Chapter 14.36 ZONING DISTRICTS AND ZONING MAP

Sections:

Part I. Zoning Districts

14.36.010 Residential Districts Established

14.36.020 Commercial Districts Established

14.36.025 Mixed-Use Districts Established

14.36.030 Manufacturing Districts Established

14.36.034 Public/Semi-Public District Established

14.36.040 Planned Neighborhood Development Districts Established

14.36.050 Floodplain and Floodway Districts

14.36.060 Shoreline Environment Designation

Part II. Zoning Map

14.36.100 Official Zoning Map

14.36.110 Amendments to Official Zoning Map

14.36.120 Lots Divided by District Lines

Part III. Compatibility of Zoning Districts with Land Use Plan

14.36.200 Compatibility of Zoning Districts with Land Use Plan Defined

Part I. Zoning Districts

14.36.010 Residential Districts Established.

(a) The following residential districts are hereby established: R4, WR, R6, R8-12, MFR~~Suburban Residential, Urban Residential, High Urban Residential, Waterfront Residential, and Multi-Family Residential.~~ Each of these districts is designed and intended to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts. Other objectives of some of these districts are explained in the remainder of this section.

~~(b) The Suburban Residential (SR-4) and Urban Residential (UR) districts are designed primarily to accommodate single-family detached residential uses at medium densities in areas served by public water and sewer facilities. Some types of two-family residences are allowed in these districts on larger lots.~~

(1) R4 – Four dwellings per acre. The R-4 district is designed primarily to accommodate single-family detached residential uses and at medium densities of four to five dwelling units per net acre with the potential of some density bonuses. Some types of attached and accessory residences may be allowed.

(2) R6 – Six dwellings per acre. The R6 single-family zone is designed primarily to accommodate single-family detached residential uses at medium densities of six to seven dwelling units per net acre with the potential of some density bonuses. Some types of attached and accessory residences may be allowed.

(3) R8-12 – Eight to 12 dwellings per acre. The R8-12 residential zone is intended to achieve development densities of eight to 12 dwelling units per net acre with the potential of some density

bonuses. This zone will provide for the development of single-family detached dwellings and attached townhomes.

(4)-(e) The Waterfront Residential district (WR-4) is designed primarily to accommodate single-family detached residential uses at medium densities in areas adjacent to Lake Stevens and served by public water and sewer facilities.

(d)-(5) Multifamily Residential district The High Urban Residential (HUR-12) district is designed to accommodate single-family detached or attached residential uses at medium intermediate-higher densities in areas served by public water and sewer facilities. Some types of two-family residences are allowed in these districts on larger lots.

(e) The Multi-Family Residential district (MFR) is designed primarily to accommodate higher density multifamily developments. (Ord. 811, Sec. 25, 2010; Ord. 590, 1998; Ord. 468, 1995)

14.36.020 Commercial Districts Established.

(a) The following commercial districts are hereby established: Business District, Neighborhood Business, Commercial District, Central Business District, Local Business, and Mixed Use, Planned Business District, and Sub-Regional Commercial District. These districts are created to accomplish the purposes and serve the objectives set forth in the remainder of this section.

(b) The Neighborhood Commercial (NC) zone is designed to accommodate neighborhood commercial activities that would cater to residential needs and to which local residents may walk.

(c) The Central Business District (CBD) is designed to accommodate a wide variety of commercial activities (particularly those that are pedestrian-oriented) that will result in the most intensive and attractive use of the City's Central Business District.

(d) The Local Business (LB) zone is designed to accommodate commercial development generally similar to the types permissible in a Central Business District, except that it is intended that this zone be placed along arterials to cater to commuters, or as a transition in some areas between a higher intensity zone (e.g., commercial, industrial, etc.) and a lower intensity zone (e.g., residential, park, etc.), or may provide for a smaller scale shopping center that primarily serves one neighborhood or area of the City (as opposed to a sub-regional or regional shopping center).

(e) The Mixed Use (MU) zone is designed to accommodate a horizontally stratified mixture of residential and commercial uses. It is intended that this zoning classification be applied primarily in areas adjacent to the Central Business District, Community Business, Sub-Regional Commercial, or Planned Business District zones as a transition or buffer zone to residential districts.

(f) The Sub-Regional Commercial zone (SRC) is designed to accommodate the widest range of commercial activities.

(g) The Planned Business District (PBD) is designed to accommodate commercial or mixed-use development, including supporting residential structures, generally similar to the types permissible in a Central Business District or Mixed Use zone. It is intended that this zone be used on sites containing sensitive resources or other sites where, due to property-specific circumstances, detailed planning would benefit all property owners involved as well as the public by, among other things, allowing for comprehensive site planning and a transfer of densities among parcels in order to avoid impacts to sensitive resources.

(h) The Business District (BD) is designed to promote community and regional employment and accommodate land uses such as corporate offices, general offices, research and development, medical

clinics, **public and civic uses**, technology, and light manufacturing and assembly. This district should be located in areas with direct access to highways and arterials in addition to transit facilities, adequate public services and traffic capacity.

(if) The Commercial District (CD) is designed to accommodate the high intensity retail needs of the community and regional market by attracting a mix of large to small format retail stores and restaurants to create a vibrant and unified regional shopping center. Transportation accessibility, exposure to highways and arterials with adequate public services and traffic capacity characterize this district.

~~(j) The Main Street District (MS) is designed to provide pedestrian-oriented commercial uses that serve the community and region by attracting a variety of small (up to 10,000 gross square feet) to mid-sized (approximately 30,000 gross square feet) businesses along with high density residential uses in proximity to other retail and residential areas. Building design and pedestrian-oriented features would support an active and pleasant streetscape. This district should include enhanced sidewalks, public spaces and amenities for pedestrians and cyclists that emphasize pedestrian movement over vehicular movement.~~

~~(k) The Mixed Use Neighborhood (MUN) zone is designed to accommodate higher density residential development in proximity to employment and retail centers and provide basic convenience goods and services in areas with available public services and adequate traffic capacities. This district would have a minimum density of 15 dwelling units per acre and create a transition between higher and lower intensity land uses.~~

~~(l) The Neighborhood Business (NB) zone is designed to provide convenience goods, services, and opportunities for smaller scale shopping centers near neighborhoods that cater to pedestrians and commuters. This district should be located in areas with available public services, transportation accessibility to arterials and adequate traffic capacities. (Ord. 876, Sec. 16, 2012; Ord. 811, Sec. 26, 2010; Ord. 744, Sec. 2, 2007)~~

14.36.025 Mixed-Use Districts

(a) The following Mixed-Use Districts are hereby established Mixed Use (MU) and Mixed Use Neighborhood (MUN) to accommodate a mix of commercial and residential units at different intensities in transitional areas between commercial and residential areas.

(eb) The Mixed Use (MU) zone is designed to primarily accommodate a horizontally stratified mixture of residential and commercial uses. It is intended that this zoning classification be applied primarily in areas adjacent to the Central Business District, Community Business, Sub-Regional Commercial, or Planned Business District zones as a transition or buffer zone between commercial or multifamily zones to residential districts.

~~(kd)~~ The Mixed Use Neighborhood (MUN) zone is designed to accommodate higher density residential development in proximity to employment and retail centers and provide basic convenience goods and services in areas with available public services and adequate traffic capacities. This district would have a minimum density of 15 dwelling units per acre and create a transition between higher and lower intensity land uses.

14.36.030 ~~Manufacturing Industrial~~ Districts Established.

The following districts are hereby established primarily to accommodate enterprises engaged in the manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment: Light Industrial and General Industrial. The performance standards set forth in Part 1 of Chapter 14.44 place limitations on the characteristics of uses located in these districts. The

limitations in the Light Industrial district are more restrictive than those in the General Industrial district. (Ord. 468, 1995)

14.36.034 Public/Semi-Public District Established.

A Public/Semi-Public district is hereby established to accommodate public and semi-public uses, such as schools, government services and facilities, public utilities, community facilities, parks, etc., on publicly owned land. (Ord. 501, Sec. 6, 1995)

14.36.040 Planned Neighborhood Development Districts Established.

(a) ~~There are hereby established 36 different planned neighborhood development (PND) districts as described in this section.~~ Each PND district is designed to combine the characteristics of at least up to three ~~and possibly four~~ zoning districts.

(1) ~~One element of e~~Each PND district shall ~~be the~~include a medium density residential element, ~~comprised of one of the MDR zoning districts. Here there are three possibilities, each one corresponding either to the Suburban, Urban or High Urban residential districts described in Section 14.36.010. Use of the High Urban residential zone shall be in accordance with Chapter 14.88, Part IX.~~ Within that portion of the PND zone that is developed for medium density residential purposes, all development must be in accordance with the regulations applicable to the medium density residential zoning district used in the PND to which the particular PND zoning district corresponds (except that planned residential developments shall not be permissible).

(2) A second element of each PND district ~~shall~~may be theinclude a higher density residential element. ~~Here there are two possibilities, each one corresponding either to the Multi-Family residential or Mixed Use element zoning districts described in Sections 14.36.010(ea)(5) and 14.36.020(e)025, respectively.~~ Within ~~that the~~ portion of the PND ~~district that is~~ developed for higher density residential or mixed-use purposes, all development must be in accordance with the regulations applicable to the higher density residential zoning district to which the PND district corresponds.

(3) A third element of each PND district ~~shall~~may be theinclude a commercial element. ~~Here there are three possibilities, each one corresponding to one of the following commercial districts identified in Section 14.36.010020, Mixed Use, Local Business, or Central Business districts.~~ Within that portion of a PND district ~~that is~~ developed for purposes permissible in a commercial district, all development must be in accordance with the regulations applicable to the commercial district to which the PND district corresponds.

~~(4) A manufacturing/processing element may be a fourth element of any PND district. Here there are two alternatives. The first is that uses permitted within the Light Industrial district would be permitted within the PND district. The second alternative is that uses permitted only within the Light Industrial or General Industrial zoning districts would not be permitted. If a Light Industrial element is included, then within that portion of the PND district that is developed for purposes permissible in a Light Industrial district, all development must be in accordance with the regulations applicable to the Light Industrial district.~~

~~(b) In accordance with the description set forth in subsection (a) of this section, the 36 PND districts shall carry the following designations to indicate their component elements:~~

~~(1) SR, MU, LI~~

~~(2) SR, MU~~

~~(3) SR, MU, LB, LI~~

~~(4) SR, MU, LB~~

~~(5) SR, MU, CBD, LI~~

~~(6) SR, MU, CBD~~

~~(7) SR, MFR, MU, LI~~

~~(8) SR, MFR, MU~~

~~(9) SR, MFR, LB, LI~~

~~(10) SR, MFR, LB~~

~~(11) SR, MFR, CBD, LI~~

~~(12) SR, MFR, CBD~~

~~(13) UR, MU, LI~~

~~(14) UR, MU~~

~~(15) UR, MU, LB, LI~~

~~(16) UR, MU, LB~~

~~(17) UR, MU, CBD, LI~~

~~(18) UR, MU, CBD~~

~~(19) UR, MFR, MU, LI~~

~~(20) UR, MFR, MU~~

~~(21) UR, MFR, LB, LI~~

~~(22) UR, MFR, LB~~

~~(23) UR, MFR, CBD, LI~~

~~(24) UR, MFR, CBD~~

~~(25) HUR, MU, LI~~

~~(26) HUR, MU~~

~~(27) HUR, MU, LB, LI~~

~~(28) HUR, MU, LB~~

~~(29) HUR, MU, CBD, LI~~

~~(30) HUR, MU, CBD~~

~~(31) HUR, MFR, MU, LI~~

~~(32) HUR, MFR, MU~~

~~(33) HUR, MFR, LB, LI~~

~~(34) HUR, MFR, LB~~

~~(35) HUR, MFR, CBD, LI~~

~~(36) HUR, MFR, CBD~~

(c) No area of less than 15-10 contiguous, developable acres may be zoned developed as a PND-district, and then only upon the request of the owner or owners of all the property intended to be covered by such zone.

~~_(d) As indicated in the Table of Permissible Uses (Section 14.40.010), a planned neighborhood development is the only permissible use of a PND zone and planned neighborhood developments are permissible only in such zones.~~

(e) Planned neighborhood developments are subject to the requirements set forth in Section 14.16C.080. (Ord. 811, Sec. 27, 2010; Ord. 737, Sec. 3, 2006; Ord. 676, Sec. 22, 2003; Ord. 468, 1995)

14.36.200 Compatibility of Zoning Districts with Land Use Plan Defined

Table 14.36-I: Land Use Designation/Zone Compatibility Matrix

[illegible]

General Industrial with Development Agreement												X	
Public/Semi-Public	X	X	X	X	X	X	X	X	X	X	X	X	X
Subarea Zones													
Business District							X			X			
Commercial District							X						
Main Street District	-	-	-	-	-	-	-	X	-	-	-	-	-
Mixed Use Neighborhood								X					
Neighborhood Business	-	-	-	-	-	-	X	-	-	-	-	-	-
Miscellaneous Designations													
Floodplain and Floodway District	X	X	X	X	X	X		X	X	X	X	X	X
Shoreline Environment Designation	X	X	X	X	X	X		X	X	X	X	X	X

~~LDR~~ = ~~Low Density Residential~~

MU = Mixed Use

MDR = Medium Density Residential

PBD = Planned Business District

HDR = High Density Residential

LI = Light Industrial

WR = Waterfront Residential

GI = General Industrial

D/LC = Downtown/Local Commercial

P/SP = Public/Semi-Public

~~SRG~~ = ~~Sub-Regional Commercial~~

COM = Commercial (Subareas)

GIDA = General Industrial w/Development Agreement

Chapter 14.44 SUPPLEMENTARY USE REGULATIONS

~~14.44.020 Planned Residential Developments.~~

~~It is intended that a PRD will: result in a residential environment of higher quality than traditional lot-by-lot development by being held to higher standards of design of buildings, parks, open space, landscaping, roadways, entrance and other project features; provide flexibility to the property owners; protect critical areas and significant stands of trees; encourage a variety or mixture of housing types; and encourage compatibility of the development with the surrounding neighborhood. In addition to meeting the other relevant requirements of this title, planned residential developments (PRDs) must comply with the following:~~

~~(a) The PRD may only be located on tracts of at least five acres within a Suburban Residential, Urban Residential, High Urban Residential, or Multi-Family Residential zoning district.~~

~~(b) The gross density of a PRD shall not exceed the allowable density specified in Section 14.48.010.~~

~~(c) Permissible types of residential uses within a PRD include single-family detached dwellings (use classification 1.111), single-family attached (1.130), two-family residences (1.200), and multifamily residences (1.300) regardless of the underlying zone.~~

~~(d) In the SR and UR zones the developer may create lots and construct buildings with reduced lot size, width, or setback restrictions, except that:~~

~~(1) In the SR zone, perimeter lots must have a minimum area of 7,500 square feet and width of 60 feet, and in the UR zone, perimeter lots must have a minimum area of 6,000 square feet and width of 45 feet.~~

~~(2) At least 50 percent of the total number of dwelling units must be single-family detached residences on lots of at least 6,000 square feet in all zones except for the Multi-Family Residential.~~

~~(3) Comply with the fire protection requirements of the International Building Code (IBC) and the International Fire Code (IFC). Additional fire protection is required by these rules when setbacks are reduced below the standard five feet.~~

~~(4) Setback requirements of the underlying zone shall apply for all property lines located on the perimeter of the PRD.~~

~~(5) Each lot must be of a size and shape to contain the proposed improvements.~~

~~(6) The lots are designed so that homes can be constructed at least 15 feet from any environmentally critical area buffer.~~

~~(7) In providing additional amenity pursuant to subsection (h) of this section, priority shall be given to maintaining native areas in a natural condition.~~

~~(8) Homes shall be designed so as to minimize the visual impact of garages and automobiles from the streets and sidewalks through either:~~

~~(i) Providing alleys which provide access to the garage at the rear of the lot; or~~

~~(ii) Locate the garage at least 20 feet behind the front of the house; or~~

~~(iii) Locate the garage at least five feet behind the front of the house, with the combined width of garage doors no wider than 18 feet or 50 percent of the width of the front of the house (including garage), whichever is less.~~

~~(e) The design of a PRD, including site layout, landscaping, public facilities (e.g., storm drainage, parks, streets, etc.) and building design shall be subject to Design Review Board (DRB) approval and shall meet~~

the City's adopted Development Design Guidelines. In lieu of the DRB approving each SFR structure, the applicant may propose project-specific design guidelines, in which case the DRB may approve the guidelines, to be implemented administratively by the Department of Planning and Community Development. Where authority is granted by the DRB to staff to review individual single-family residential structures, the DRB shall be the arbiter between the applicant and staff.

(f) When located in the SR, UR or HUR zone, multifamily portions of a PRD shall be developed more toward the interior rather than the periphery of the tract so that only single-family detached residences border adjacent properties and roads.

(g) Type A screening (Chapter 14.76) shall apply to the exterior boundaries of the PRD, but are not required between uses within the PRD.

(h) When creating a PRD, the applicant must improve 10 percent of the site with common amenities, in addition to the open-space requirements. The amenities can include, but are not limited to, additional usable open-space area, landscaped entries into the project (in addition to the standard roadway dedication and landscaping requirements), landscape islands in the center of roads, special treatment of roads (such as concrete pavers), protection of significant clusters of trees, or other amenities as may be appropriate. Common amenities do not include protected critical areas and their buffers, unless passive recreation is provided within the buffer areas. In such case, credit for trails will be given at a rate of 10 square feet for each lineal foot of trail, 10 square feet for each park bench and five square feet for each interpretive sign. Park space will be given credit towards meeting this requirement only when it meets the criteria for dedication contained in Chapter 14.120.

(i) Protected critical areas and significant stands of trees will be used as an amenity to the project through such techniques as providing pervious trails and benches in buffers and significant stands of trees, orienting buildings to create views, and any other technique to provide visual and physical access. (Ord. 903, Sec. 31, 2013; Ord. 746, Sec. 5, 2007; Ord. 741, Sec. 6, 2007; Ord. 639, Sec. 3, 2001; Ord. 579, 1998; Ord. 501, Sec. 9, 1995; Ord. 468, 1995)

14.44.035 Cottage Housing Developments.

Cottage housing developments (Chapter 14.46) shall be permitted only in the following residential zoning districts: Suburban Residential, Waterfront Residential, Urban Residential, and High Urban Residential. Cottage housing developments shall also be permitted in the Mixed Use zone if proposed as part of the overall development concept, which includes one or more commercial uses, and if each commercial use is built before or at the same time as the cottage housing development portion of the site. Cottage housing developments shall also be permitted in the Planned Business District to serve as a buffer between adjacent higher and lower density uses that are included in the master development plan. (Ord. 798, Sec. 5, 2009)

14.44.095 Neighborhood Commercial.

(a) A property may be rezoned to Neighborhood Commercial if and only if it meets the following criteria:

(1) Neighborhood Commercial zones shall be located on an intersection of two public rights-of-way, one of which must have a roadway classification of arterial or greater.

(2) No more than one acre of contiguous land may be zoned Neighborhood Commercial at any intersection.

~~(3) No property may be zoned Neighborhood Commercial within a one-half mile radius of any other property so zoned, unless it is contiguous to the already zoned property and does not cause the total area of property so zoned to exceed one acre.~~

~~(b) Development and land use within the Neighborhood Commercial zones shall comply with the following:~~

~~(1) Retail sales by dispensing of gasoline, diesel fuel and refillable propane is prohibited.~~

~~(2) Interior illuminated signs and freestanding signs are prohibited.~~

~~(3) The building design shall incorporate features common to the surrounding residential areas such as pitched roofs, natural materials, and detailing.~~

~~(4) Hours of operation shall cease between 10:00 p.m. and 6:00 a.m. (Ord. 662, Sec. 3, 2002; Ord. 468, 1995)~~

~~14.44.320 Diversity within Planned Residential Districts.~~

~~Within planned residential developments, no identical building elevation may be built on lots adjoining in any direction.~~

~~For the purposes of this section, streets are not considered to separate lots.~~

Chapter 14.46 INNOVATIVE HOUSING AND INFILL
INNOVATIVE HOUSING OPTIONS PROGRAM

Sections:

Part I. General Provisions

14.46.001 Purpose

14.46.005 Goals

14.46.010 Applicability

14.46.015 Review and Processing

14.46.020 Application

14.46.025 Sewer Requirements

~~**14.16.030 Unit Lot Subdivisions**~~

14.46.035 Modifications to the Provisions in This Chapter

14.46.040 Repealed

14.46.045 Repealed

Part II. Cottage Housing Development Standards

14.46.100 Purpose and Intent

14.46.105 Existing Dwellings

14.46.110 Density Standards

14.46.115 Community Assets

14.46.120 Impact Fees

14.46.125 Access and Parking

14.46.130 Walkways

14.46.135 Storage

14.46.140 Design Standards

Part III. Infill Development

14.46.200

Part I. General Provisions

14.46.001 Purpose.

This purpose of this chapter is to help achieve the goals and objectives of the Land Use and Housing elements of the Lake Stevens Comprehensive Plan ~~by providing for a separate program for individual projects creating a type of housing appropriately sized for smaller households.~~ These housing options encourage more efficient use of land and energy, build communities, and offer more affordability (Ord. 872, Sec. 2, 2012; Ord. 798, Sec. 7 (Exh. 2), 2009)

14.46.005 Goals.

The goals ~~of the for~~ innovative housing ~~and infill options as defined in this chapter program~~ are to:

- (a) Increase housing supply and the choice of housing styles available in the community in accordance with the Comprehensive Plan.
- (b) Provide for development of housing that responds to changing demographics and smaller-sized households.
- (c) Support the efficient use of land and higher density infill in developed areas.
- (d) Promote housing affordability and greater choice by encouraging smaller and more diverse home sizes and mixes of income levels.
- (e) Promote ~~high-~~quality design and materials that are compatible with adjacent neighborhoods.
- (f) Allow flexibility in site and design standards while promoting infill projects compatible with existing single-family developments. (Ord. 872, Sec. 3, 2012; Ord. 798, Sec. 7 (Exh. 2), 2009)

14.46.010 Applicability.

This chapter applies to all innovative housing projects allowed and submitted under this chapter. (Ord. 872, Sec. 4, 2012; Ord. 798, Sec. 7 (Exh. 2), 2009)

14.46.015 Review and Processing.

~~Innovative housing projects shall be reviewed and processed according to the requirements of Sections 14.16C.015, 14.16C.045 and 14.40.020(b), with the additional requirements below:~~

- (a) A pre-application conference per Section 14.16A.220(d) is highly recommended~~required~~ to exchange general and preliminary information and to identify potential issues.

~~(b) After the pre-application conference, the applicant shall schedule and host a neighborhood meeting before submitting an application to the City. The purpose of the neighborhood meeting is to provide residents who live adjacent and nearby to the innovative housing development an opportunity to obtain information about the proposal and provide comment on the overall project before an applicant expends significant time and resources in developing the specific site and development features of the proposal.~~

~~(1) The meeting shall be located in the general area of the proposed project.~~

~~(2) Notice of the neighborhood meeting shall be mailed to all property owners located within 300 feet of the proposed project or 20 property owners (whichever results in more property owners being noticed) and shall provide details of the proposed project, including a description of any modification or flexibility in site design standards that will be requested.~~

~~(3) Comprehensive notes describing the meeting shall be submitted with the project application.~~

~~(4) Following the neighborhood meeting, the applicant shall consider public input received during the neighborhood meeting and shall consider recommendations, if any, for revising the proposed innovative housing project to respond to neighborhood concerns.~~The

(b) Projects that use the provisions included in this chapter shall follow the permit path associated with the underlying permit pursuant to Chapters 14.16A and 14.16B.

(MAY BE TYPE II SITE PLAN REVIEW IF DESIRE FOR PUBLIC MEETING) – QUESTION FOR PLANNING COMMISSION.

(c) Innovative housing projects are subject to design review per LSMC 14.16C.050.

Duties and authority are as follows:

(1) The Design Review Board is required to meet with the Director and City staff at a meeting to discuss proposed innovative housing development site plans and recommend modifications.

(2) Prior to a final decision by the Director or the Hearing Examiner, the Design Review Board shall make a recommendation based on whether the proposed project meets the specific design requirements provided in this chapter for the specific type of innovative housing option and may propose allowable modifications. (Ord. 872, Sec. 5, 2012; Ord. 811, Sec. 54, 2010; Ord. 798, Sec. 7 (Exh. 2), 2009)

14.46.020 Application.

Applications for an innovative housing project shall be made on forms provided by the City, pursuant to the permit path associated with the underlying permit pursuant to Chapter 14.16A. In addition, to the underlying permit the following items shall be provided at the time of submittal shall be available for public review for a minimum of two weeks prior to the neighborhood meeting, and shall include the following materials.

(a) Preliminary Development Plan. A site preliminary development plan of the proposed development, indicating property lines, proposed setbacks, and lot coverage calculations proposed structures, parking, roads, infrastructure and open space / landscape areas and other items identified in LSMC 14.16C.105 Site Plan Review . The site plan shall also include the location of all adjacent structures, the distance to property lines, and the footprint of any existing structures on the property with a note on which structures will remain. The preliminary development plan shall consist of a site plan drawn to scale and shall display the following information:

(1) The location, size, configuration, and dimensions of the lot(s) on which the innovative housing development will be developed;

(2) The location, height and footprint including square feet for each dwelling unit;

(3) A depiction of individual dwelling unit area that delineates the spacing around each dwelling unit;

(4) A delineation of the common open areas, if applicable;

(5) The parking locations, layout, circulation, ingress and egress;

(6) The location, if applicable, of any buildings to be used in common by the residents of the innovative housing development;

(7) The layout and dimensions of pedestrian circulation from the parking areas and connections to the dwelling units;

~~(8) A depiction of the driveway access from a publicly maintained street to the innovative housing development parking areas, with its dimensions; and~~

~~(9) Any other information the Director finds necessary to ensure compliance with this title.~~

~~(b) Conceptual drawings of the proposed innovative housing type, including building footprints and building elevations, floor plans, roof plans, and additional architectural features.~~

(eb) A detailed description of how the proposed development is consistent and not in conflict with the surrounding neighborhood character and neighborhood design.

(ec) A detailed description of how the proposed development meets the purpose and goals of this chapter and complies with all the criteria and project parameters for an innovative housing project.

~~(e) A detailed description of the proposed unit type, including proposed square footage, unit mix, and number of bedrooms per unit.~~

~~(f) General information about the site including the number of dwelling units allowed by the zone and the number of proposed dwelling units, open space allowed and proposed, impervious surface allowed and proposed, and building height allowed and proposed.~~

~~(g) Photographs of the site and adjacent properties keyed to the site plan.~~

(h) Additional information as required by the application forms provided by the City or deemed necessary by City staff to consider the application. (Ord. 903, Sec. 37, 2013; Ord. 798, Sec. 7 (Exh. 2), 2009)

14.46.025 ~~Utility~~Sewer Requirements.

Innovative housing developments are required to be developed where on-sewers public utilities including public water and sanitary sewer are available or can be extended to. No septic systems shall be allowed. (Ord. 798, Sec. 7 (Exh. 2), 2009)

~~14.46.030 Unit Lot Subdivisions.~~

~~(a) The provisions of this section apply exclusively to the unit lot subdivision of land for innovative housing developments pursuant to this chapter in zones where such uses are permitted.~~

~~(b) Innovative housing developments may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards of this title based on analysis of the individual unit lot, except that any private open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.~~

~~(c) Unit lot subdivisions and subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.~~

~~(d) Access, joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open area and other similar features, as recorded with Snohomish County.~~

~~(e) Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with Snohomish County.~~

~~(f) The facts that the unit lot is not a separate buildable lot and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with Snohomish County. (Ord. 798, Sec. 7 (Exh. 2), 2009)~~

14.46.035 Modifications to the Provisions in this Chapter

(a) An applicant may request modifications to the provisions of this chapter or other provisions of this title related specifically to this chapter, to the extent that such modifications are consistent with the purpose, intent and requirements of this chapter.

(b) The applicant must describe each requested modification and document in writing how the modifications are consistent with the purpose, intent and requirements of this chapter.

(c) The Director or Hearing Examiner may approve modifications ~~after:~~

~~(1) Considering the Design Review Board's recommendations; and (2) Documenting documented~~ in writing that the modifications are consistent with the purpose and requirements of this chapter and do not threaten the public health, safety, or welfare depending on the underlying permit type.

(d) Minor changes to a site plan or design elements approved under this chapter may be approved by the Director. Changes that increase the intensity of development, e.g., trips generated or number of residential units; alter the character of the development or balance of mixed uses; increase the floor area in one building by more than 10 percent; change access points; move buildings around on the site; reduce the acreage of common open area or buffering areas; or diminish the effectiveness of perimeter buffers, are major and shall be subject to the requirements of this chapter. Major modifications may be approved by the original decision body and shall be subject to design review approval. (Ord. 872, Sec. 6, 2012; Ord. 798, Sec. 7 (Exh. 2), 2009)

14.46.040 Sunset Clause.

Repealed by Ord. 872. (Ord. 798, Sec. 7 (Exh. 2), 2009)

14.46.045 Program Evaluation.

Repealed by Ord. 872. (Ord. 798, Sec. 7 (Exh. 2), 2009)

Part III. Infill Development (NEW SECTION)

14.46.200 Purpose and Intent

The purpose of this section is to encourage the efficient development of underutilized residential parcels in areas that are primarily built out, where infill residential development should be encouraged. This section identifies conditions under which infill development is supported and relaxes certain development requirements to promote the efficient construction of infill development in appropriate areas of the city.

14.46.210 Applicability

(a) Eligibility Criteria. This chapter may be applied to development or redevelopment that meet all the following criteria:

(1) The lot is within one of the following zoning districts: R4, WR, R6 and R8-12;

(2) Adjacent properties abutting at least 50 percent of the non-street perimeter of the subject property (i.e., side and/or rear lot lines) are developed with single-family dwellings or higher

intensity uses or if adjacent properties are fully encumbered by critical areas and associated buffers;

(3) The subject property is at least 125 percent of the minimum lot size for the underlying zoning district up to a maximum of one acre, not including those lands encumbered by critical areas and their associated buffers; and

(i) If the infill development is made up of multiple parcels the maximum size shall be taken from the combined area of the parcels.

(4) The development or redevelopment creates a minimum of one new lot or dwelling unit.

14.46.230 Infill residential standards

(a) All other provisions of this title that would apply to a non-infill project shall apply to infill development except as specifically modified by this chapter.

(b) *Infill Land Division Standards* - Reduction in Dimensional Requirements for Infill Residential Development. Notwithstanding the dimensional development standard requirements found in the underlying residential zones of LSMC 14.48, property that is eligible for infill residential development pursuant to LSMC 14.46.210 shall be eligible for subdivision of land as follows:

(1) Minimum Lot Area. Minimum lot area may be permitted at 75 percent of the minimum areas required in Chapter 14.48 LSMC for the underlying zone.

(2) Minimum Lot Width. Minimum lot width may be reduced by 25 percent of the required minimum lot width of the underlying zone.

(3) Developments that provide detached housing units 1,600 square feet or smaller shall be granted a 20 percent density bonus to the underlying zoning district.

(c) *Infill Development Standards*. Property that is eligible for infill residential development pursuant to LSMC 14.46.210 shall be eligible for these additional development standards, provided all required utility infrastructure, access requirements, and street elements can be accommodated in accordance with the city design and construction standards.

(1) If the proposed project conforms to the average existing building lines or setbacks of adjoining structures, reduced front setbacks will be permitted. In no case, shall street setbacks be reduced for a garage or carport.

(2) Side setbacks for single-family units may be 5 feet per side.

(3) Impervious Surface. Maximum impervious surfaces can be increased by five percent over that allowed in the underlying zone.

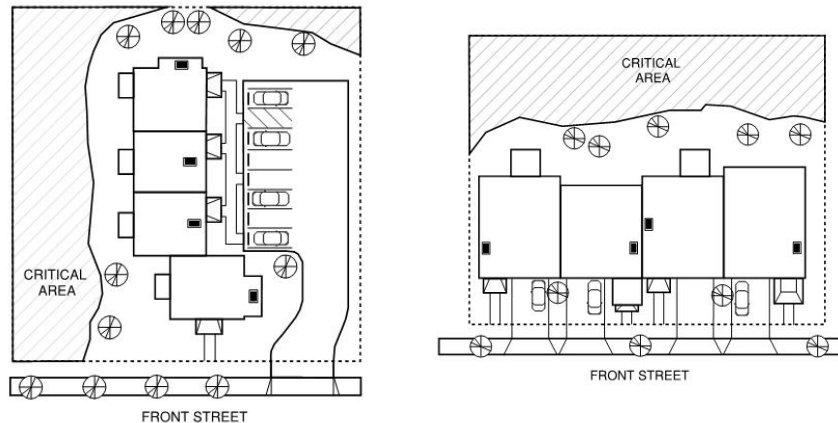
(4) Parking. Attached dwelling units, with shared parking lots, located within a half mile of a transit center or if the bedroom count is XX or less will qualify for a parking standard of 1.5 spaces required per unit.

(5) Attached dwelling units of up to four (4) units shall be allowed in single-family zones as infill development subject to the following lot size standards:

(i) Duplex lots shall be 125% of the minimum lot size of the underlying zone.

(ii) Triplex lots shall be 150% of the minimum lot size of the underlying zone.

(iii) Fourplex lots shall be 175% of the [minimum](#) lot size of the underlying zone.



(iv) Up to four units may be provided in a garden / courtyard apartment with a minimum of two units per structure.

(d) *Infill Design Standards.* Property that is eligible for infill residential development pursuant to LSMC 14.46.210 shall adhere to the following design requirements. While creativity and variation in architectural design is encouraged, the purpose of these requirements is to ensure compatibility of infill development with the character of nearby existing residential structures.

(1) Building orientation on infill lots shall match the predominant orientation of other buildings along the street frontage.

(2) [Parking.](#) Infill developments shall comply with all parking standards pursuant to chapter 14.72 LSMC except as specifically modified by this chapter.

(i) [Parking may be consolidated.](#)

(ii) For single-family and townhome projects, the access and off-street parking shall be similar to the predominant character for existing development along the street frontage; however, a central parking lot at the rear or side of the development would be allowed.

(iii) For stacked apartment style projects, the primary vehicular access and off-street parking is preferred to be located to the rear or side of the proposed structures.

(iv) For garden / courtyard style apartments the parking must be on the side or rear of the development.

(3) Landscaping shall be provided along the perimeter of the development and parking lots to soften the transition between new and existing dwelling units when the new dwellings are different than the adjacent [existing](#) land use.

(i) Attached dwelling-units, including townhomes, stacked apartment and garden / courtyards shall provide a Type B screen as described in 14.76.040 LSMC.

(ii) Detached single-family infill projects are exempt from buffer landscaping adjacent to other single-family zoning districts.

(5) Integration with Natural Amenities. Natural amenities (views, mature trees, creeks, rock outcrops, and other similar features) should be preserved and integrated with the development to the

maximum extent feasible. Clustering of lots/units and adjusting roadway configuration to integrate these features is encouraged to achieve these goals. Access and visibility to these natural amenities is encouraged.

(6) Horizontal building facades longer than 25 feet shall be treated to reduce building mass and visual bulk using elements described in the Lake Stevens Design Guidelines for blank wall treatments.

(7) Attached dwelling units shall be design reviewed using the Multifamily Chapter of the Lake Stevens Design Guidelines.

(8) Additional requirements:

Garden / Courtyard Apartments

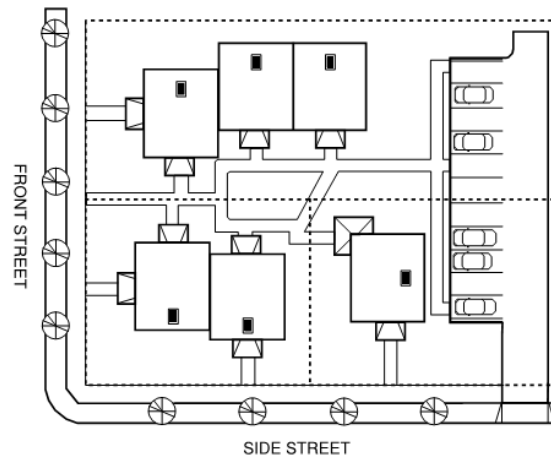


Figure (x): Multiple lots combined to create a garden courtyard project that includes a detached single family, duplex and triplex with consolidated parking in the rear of the development.

(i) Each dwelling unit must have a separate, ground-related entrance with entrances facing the shared open space.

(ii) Site Design

(A) Garden / courtyard projects shall provide architectural details on facades that face the courtyard and the public right of way.

(B) Garden / courtyard entries shall be well defined through the use of landscaping, ornamental fencing, or architectural features.

(C) Every unit shall have a covered entry from the courtyard.

(D) The internal garden / courtyard space of the development shall be defined through architectural features, buildings, or landscape, and include community amenities.

(E) A walkway from each dwelling unit shall be provided that connects the dwelling unit to the garden court and to the street. Connections through the parking area of the development do not count towards this requirement.

(F) Parking accessed from a street or lane shall be limited to one driveway with a maximum width as defined by the currently adopted EDDS.

(G) Garbage/recycling areas shall be consolidated and screened from public view.

Definitions & Graphics:

Garden/courtyard apartment: A residential development that shares a landscaped courtyard. The structure or structures are arranged around a garden court with parking typically consolidated and located to the side or rear of the development.

Chapter 14.48

DENSITY AND DIMENSIONAL REGULATIONS

Sections:

[14.48.010 Minimum Lot Size Requirements](#)

[14.48.020 Duplexes in Single-Family Zones](#)

[14.48.030 Minimum Lot Widths](#)

[14.48.040 Building Setback Requirements](#)

[14.48.050 Exceptions to Building Setback Requirements](#)

~~[14.48.055 Maximum Impervious Surface](#)~~

[14.48.060 Building Height Limitations](#)

~~[14.48.070 Cluster Subdivisions](#)~~

[14.48.080 Repealed](#)

[14.48.090 Density on Lots Where Portion Dedicated to City for Park and Recreational Facilities](#)

[14.48.094 Minimum Lot Size on Lots Where Right-of-Way is Dedicated to the City](#)

[14.48.100 Rural Subdivisions](#)

14.48.010 Minimum Lot Size Requirements.

Table 14.48-I indicates the basic minimum lot size required for each zone district, which shall apply to all created lots unless a reduction is otherwise allowed pursuant to a specific regulation contained elsewhere in this title. ~~(Ord. 811, Sec. 55, 2010; Ord. 676, Sec. 43, 2003; Ord. 590, 1998; Ord. 468, 1995)~~

14.48.020 Duplexes in Single-Family Zones.

Duplexes and two-family conversions in single-family zones shall be allowed only on lots having at least ~~150~~ **125** percent of the minimum square footage required for one dwelling unit on a lot in such district. (Ord. 1030, Sec. 2 (Exh. B), 2018; Ord. 676, Sec. 44, 2003; Ord. 590, 1998; Ord. 468, 1995)

14.48.030 Minimum Lot Widths.

(a) No lot may be created that is so narrow or otherwise so irregularly shaped that it would be impracticable to construct on it a building that:

- (1) Could be used for purposes that are permissible in that zoning district; and
- (2) Could satisfy any applicable setback requirements for that district.

(b) Without limiting the generality of the foregoing standard, Table 14.48-I ~~indicates~~ **establishes** minimum lot widths ~~that are recommended and are deemed presumptively to satisfy the standard set forth in subsection (a) of this section.~~ **The lot width shall be measured along a straight line connecting points A and B, where point A is the midpoint of the shorter side property line and point B is the point on the opposite side property line measured an equal distance from the front property line as point A.**

(c) No lot created after the effective date of this title that is less than the recommended width shall be entitled to a variance from any building setback requirement. (Ord. 468, 1995)

14.48.035 Lot standards.

(a) Corner Lots

(b) Through Lots

(c) Panhandle / Flag Lots. Panhandle lots shall be allowed subject to the following requirements:

- (1) The width of the access corridor shall be 20 feet between the street and buildable portion of the lot.
- (2) In determining setbacks and other dimensional standards for a panhandle lot, the handle portion of the lot shall not be used to determine building setbacks and other dimensional standards. Setbacks shall be determined as though no handle was on the lot
- (3) The access corridor shall maintain a minimum height clearance of 12 feet and shall be designed to meet the city's engineering standards.
- (4) There shall not be two or more contiguous panhandle lots, subject to the requirements of Chapter 14.56 LSMC
- (5) The access corridor shall provide direct access to a paved public or private street.
- (6) All requirements of the fire code shall be met, including access and sprinkler requirements.

14.48.040 Building Setback Requirements.

(a) Table 14.48-I ~~and Table 14.48-II~~ sets forth the minimum building and freestanding sign setbacks required from lot lines, ~~ultimate street rights-of-way and street centerlines.~~

~~_(1) If the ultimate street right-of-way line is readily determinable (by reference to the Comprehensive Plan Transportation Plan, a recorded map, set irons, adopted plan, or other means), the setback shall be measured from the ultimate right-of-way line. If it is not so determinable, the setback shall be measured from the actual street centerline.~~

~~_(2) As used in this section, the term "lot line, tract or easement" refers to all easements and lot boundaries other than those that abut streets.~~ Setbacks from access easements and access tracts are considered lot line setbacks for the purpose of determining front setbacks.

~~_(3) As used in this section, the term "building" includes any substantial structure which by nature of its size, scale, dimensions, bulk, or use tends to constitute a visual obstruction or generate activity similar to that usually associated with a building. It also includes any element that is substantially a part of the building, such as bay windows and chimneys, and not a mere appendage, such as a flagpole. Without limiting the generality of the foregoing, for the purpose of determining setbacks the following structures are to be considered buildings:~~

(i) Gas pumps and overhead canopies or roofs;

~~(ii) Fences, walls, and hedges (see Chapter 14.52 for height and setback requirements).~~

~~_(4) Eaves and other minor architectural features may project into the required setback up to 18 inches.~~

(b) Whenever a lot in a residential district abuts a nonresidential district, and its required setback is greater than that of the nonresidential lot, the nonresidentially zoned lot shall observe the more restrictive setback. Where a lot zoned General or Light Industrial shares a boundary with a residentially zoned lot, the setback for the industrial property along that common boundary shall be 30 feet.

~~(c) In the High Urban Residential District, one five-foot interior side yard setback of a lot may be reduced to zero feet for portions of the house that share a common wall with the home on the adjacent lot. Portions of a house which do not share a common wall must be set back a minimum of five feet. The Fire and Building Codes have special building requirements which must be met when setbacks are less than five feet.~~

~~(d)~~ All docks and other permissible overwater structures shall be set back pursuant to the Shoreline Master Program, Chapter 4, Section C.3. For the purposes of this section each property line extending into the lake shall be construed as extending at the same angle as the property line on shore. (Ord. 1063, Sec. 2 (Exh. B), 2019; Ord. 903, Sec. 38, 2013; Ord. 898, Sec. 7, 2013; Ord. 796, Sec. 8, 2009; Ord. 666, Sec. 8, 2002; Ord. 612, Sec. 1, 1999; Ord. 590, 1998; Ord. 468, 1995)

14.48.045 Accessory Structures

(a) In single-family residential zones, accessory structures must meet the following conditions:

(1) The gross floor area of all accessory structures may not exceed 200 square feet without a building permit,

(2) The height of the accessory structure does not exceed 12 feet, and

(3) The accessory structure shall be no closer to the front property line than that of the principal dwelling unit.

14.48.050 Exceptions to Building Setback Requirements.

(a) The following modifications to the setback requirements identified in Section [14.48.040](#) shall be allowed:

~~(1) In the Suburban Residential and Waterfront Residential districts only, where the high point of the roof or any appurtenance of an accessory building exceeds 12 feet in height, the accessory building shall be set back from the rear lot lines, tracts or easements an additional one foot for every foot of height exceeding 12 feet.~~

~~(2) In single-family residential zones, accessory structures may be located within the exterior side yard of a corner lot, provided the accessory structure meets the following conditions:~~

~~(i) The gross floor area of all accessory structures within the reduced setback area does not exceed 200 square feet.~~

~~(ii) The height of the accessory structure does not exceed eight feet.~~

~~(iii) The accessory structure is screened to a minimum height of six feet with an opaque fence or densely planted vegetation.~~

~~(iv) The accessory structure respects the minimum front yard setback and shall be no closer to the front property line than that of the principal house.~~

~~(v) The accessory structure is located no closer than 10 feet to the exterior side property line.~~

~~(b1)~~ In all single-family residential zones, the building setbacks from the street of the underlying zone may be reduced by five feet for living portions of the principal house only. This reduction does not apply to garages or other nonhabitable areas.

~~(c2)~~ In all single-family residential zones, the setback from a critical area buffer may be reduced to five feet for uncovered decks, provided sufficient room is provided to construct and maintain the deck without disturbing the buffer area.

~~(d2)~~ In all single-family residential zones, unenclosed front porches may be constructed to be as close as 15 feet of the ~~ultimate street right-of-way~~ front property line.

(3) Exterior mechanical equipment including air conditioners, heat pumps and similar may extend up to 24 inches into the required setback.

(4) Eaves and other minor architectural features may project into the required setback up to 18 inches.

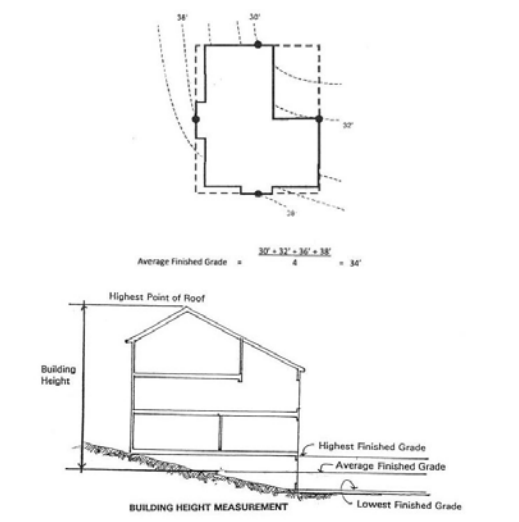
Exceptions for fences, walls, and hedges are contained in Chapter 14.52. (Ord. 1063, Sec. 2 (Exh. B), 2019; Ord. 903, Sec. 39, 2013; Ord. 811, Sec. 56, 2010; Ord. 741, Sec. 7, 2007; Ord. 676, Sec. 45, 2003; Ord. 666, Sec. 9, 2002; Ord. 595, 1999; Ord. 468, 1995)

14.48.055 Maximum Impervious Surface.

Unless otherwise provided for elsewhere in Title ~~14~~ or the Shoreline Master Program, the maximum impervious surface shall not exceed 40 percent of a lot for development in single-family zoning districts, except that the impervious surface areas for development in the High Urban Residential (HUR) zoning district shall not exceed 65 percent of the lot. (Ord. 947, Sec. 2, 2015; Ord. 595, 1999)

14.48.060 Building Height Limitations.

(a) For purposes of this section the height of a building shall be the vertical distance measured from the mean elevation of the finished grade ~~around the perimeter of~~ along four points of the proposed the building to the **highest point** of the building. The height of fences, walls, and hedges is as set forth in Chapter 14.52. The average finished grade shall be determined by first delineating the smallest square or rectangle which can enclose the building and then averaging the ground elevations taken at the midpoint of each side of the square or rectangle



(b) Building height limitations in the various zoning districts shall be as listed in Table 14.48-I and Table 14.48-II.

(c) The following features are exempt from the district height limitations set forth in subsection (b) of this section, provided they conform to the standards contained in subsection (d) of this section:

- (1) Chimneys, church spires, elevator shafts, and similar structural appendages not intended as places of occupancy or storage;
- (2) Flagpoles and similar devices;
- (3) Heating and air conditioning equipment, solar collectors, and similar equipment, fixtures, and devices.

(d) The features listed in subsection (c) of this section are exempt from the height limitations set forth in subsection (b) of this section if they conform to the following requirements:

- (1) Not more than one-third of the total roof area may be consumed by such features.
- (2) The features described in subsection (c)(3) of this section must be set back from the edge of the roof a minimum distance of one foot for every foot by which such features extend above the roof surface of the principal building to which they are attached.
- (3) The permit-issuing authority may authorize or require that parapet walls be constructed (up to a height not exceeding that of the features screened) to shield the features listed in subsections (c)(1) and (3) of this section from view.

~~(e) In any zoning district the vertical distance from the ground to a point of access to a roof surface of any nonresidential building or any multifamily residential building containing four or more dwelling units may not exceed 35 feet unless the Fire Chief certifies to the permit-issuing authority that such building is designed to provide adequate access for firefighting personnel or the building inspector certifies that the building is otherwise designed or equipped to provide adequate protection against the dangers of fire. A point of access to a roof shall be the top of any parapet wall or the lowest point of a roof's surface, whichever is greater. Roofs with slopes greater than 75 percent are regarded as walls.~~

~~(f)~~ Towers and antennas which exceed the height limit of the zone district are allowed to the extent authorized in the Table of Permissible Uses, use classification 18.000. (Ord. 1063, Sec. 2 (Exh. B), 2019; Ord. 676, Sec. 46, 2003; Ord. 590, 1998; Ord. 468, 1995)

~~14.48.070 Cluster Subdivisions.~~

~~(a) In any single-family residential subdivision or short subdivision of six lots or more, a developer may create lots that are smaller than those required by Section 14.48.010 if such developer complies with the provisions of this section and if the lots so created are not smaller than the minimums set forth in Table 14.48-I.~~

~~(b) The intent of this section is to authorize the developer to decrease lot sizes and leave the land "saved" by so doing as usable open space, thereby lowering development costs and increasing the amenity of the project without increasing the density beyond what would be permissible if the land were subdivided into the size of lots required by Section 14.48.010.~~

~~(c) The amount of usable open space that must be set aside shall be determined by:~~

~~(1) Subtracting from the standard square footage requirement set forth in Section 14.48.010 the amount of square footage of each lot that is smaller than that standard;~~

~~(2) Adding together the results obtained in subsection (c)(1) of this section for each lot.~~

~~(d) The provisions of this section may only be used if the usable open space set aside in a subdivision comprises at least 10,000 square feet of space that satisfies the definition of usable open space.~~

~~(e) The setback requirements of Sections 14.48.040 and 14.48.050 shall apply in cluster subdivisions. (Ord. 903, Sec. 40, 2013; Ord. 501, Sec. 10, 1995; Ord. 468, 1995)~~

14.48.080 Architecturally Integrated Subdivisions.

Repealed by Ordinance 579.

14.48.085 Density Calculation

The density calculation for new residential developments shall be based on a net density as follows, unless otherwise defined in this title.

(1) Determine Net Development Area. Subtract 25% from the gross development land area to account for infrastructure including streets and stormwater, etc.

(2) Divide net development area by the minimum lot size per the underlying zoning district to determine project density. For multifamily, multiply by the number of multi-family dwelling units per acre permitted in multi-family zone district.

(3) When the project density is determined, if the calculation for lots results in a fraction the number shall be rounded up to the next whole number.

(4) Lot size averaging. After calculating the project density, the proponent may apply a limited lot size averaging to achieve the net density provided no lot sizes are reduced by more than 10 percent to achieve the net density for the residential development and/or subdivision unless otherwise modified by other sections of this title.

14.48.090 Density on Lots Where Portion Dedicated to City for Park and Recreational Facilities.

(a) Subject to the other provisions of this section, if (1) any portion of a tract lies within an area designated on any officially adopted City plan as part of a proposed public park, greenway, or bikeway, and (2) before the tract is developed, the owner of the tract, with the concurrence of the City, dedicates to the City that portion of the tract so designated, then, when the remainder of the tract is developed for residential purposes, the permissible density at which the remainder may be developed shall be calculated in accordance with the provisions of this section.

(b) If the proposed use of the remainder is a single-family detached residential subdivision, then the lot size in such subdivision may be reduced in accordance with the provisions of Sections [14.48.070](#) except that the developer need not set aside usable open space to the extent that an equivalent amount of land has previously been dedicated to the City in accordance with subsection (a) of this section.

(c) If the proposed use of the remainder is a two-family or multifamily project, then the permissible density at which the remainder may be developed shall be calculated by regarding the dedicated portion of the original lot as if it were still part of the lot proposed for development.

(d) If the portion of the tract that remains after dedication as provided in subsection (a) of this section is divided in such a way that the resultant parcels are intended for future subdivision or development, then each of the resultant parcels shall be entitled to its pro rata share of the “density bonus” provided for in subsections (b) and (c) of this section. (Ord. 590, 1998; Ord. 468, 1995)

14.48.094 Minimum Lot Size on Lots Where Right-of-Way is Dedicated to the City.

Where land is dedicated to the City for public rights-of-way for a short plat or a building permit for a single-family house or a duplex, the minimum parcel size may be reduced by an equivalent square footage as that dedicated, not to exceed 10 percent of the required minimum parcel size. (Ord. 590, 1998; Ord. 468, 1995)

~~14.48.100 Rural Subdivisions.~~

~~(a) Except as exempted in subsection (b) of this section, where dual densities/minimum parcel sizes are given for a zone in Table 14.48-I, the lesser density/larger minimum parcel size prevails unless the decision-making authority is able to make all of the below listed findings, in which case the higher densities/smaller minimum parcel size prevails. The intent of the findings is graphically represented in Figure 14.1. The findings needed to be made to allow the higher density/smaller minimum parcel size are:~~

~~(1) The subject parcel(s) or tract(s) proposed for subdivision or development must be adjacent to an area of at least 1,000 acres (“core urban area”), of which at least 20 acres contiguous to the subject property is seventy-five percent (75%) subdivided and/or built at its allowed higher density. For the purpose of this section “adjacent” means sharing a common border for at least twenty-five percent (25%) of the subject property’s entire boundary (roads are not considered to separate properties). The net developable area of the 20 acres shall be used in the calculations so that lands permanently dedicated to public uses (open space, schools, Lake Stevens, etc.) do not forestall the ability of a subject property to develop to its higher density. Intervening areas of non-residentially zoned land between the core urban area and the subject property may be counted as part of the developed core urban area regardless of whether or not it is built, since the development of commercial or industrial land often follows residential development.~~

~~(2) All urban services (i.e., sewer, water, roads, other utilities, police, etc.) must be physically and fiscally available. Fulfillment of this finding shall be supported by the applicant providing an analysis of availability, analyzing both costs and benefits to the agencies or districts providing the services.~~

~~(3) All required infrastructure can be provided and provision is made a condition of the subdivision. This infrastructure must be provided consistent with the urban level of service established by the governing jurisdiction.~~

~~(4) Either:~~

~~(1) The property is annexed to the City OR~~

~~(2) The governing jurisdiction has passed a resolution stating that it is willing to provide urban services and the applicant has signed and recorded an agreement committing the entire property to annex to the City upon the initiation of a request for annexation which encompasses the subject property. The governing jurisdiction’s resolution should take into account the special service districts’ ability to provide the needed services.~~

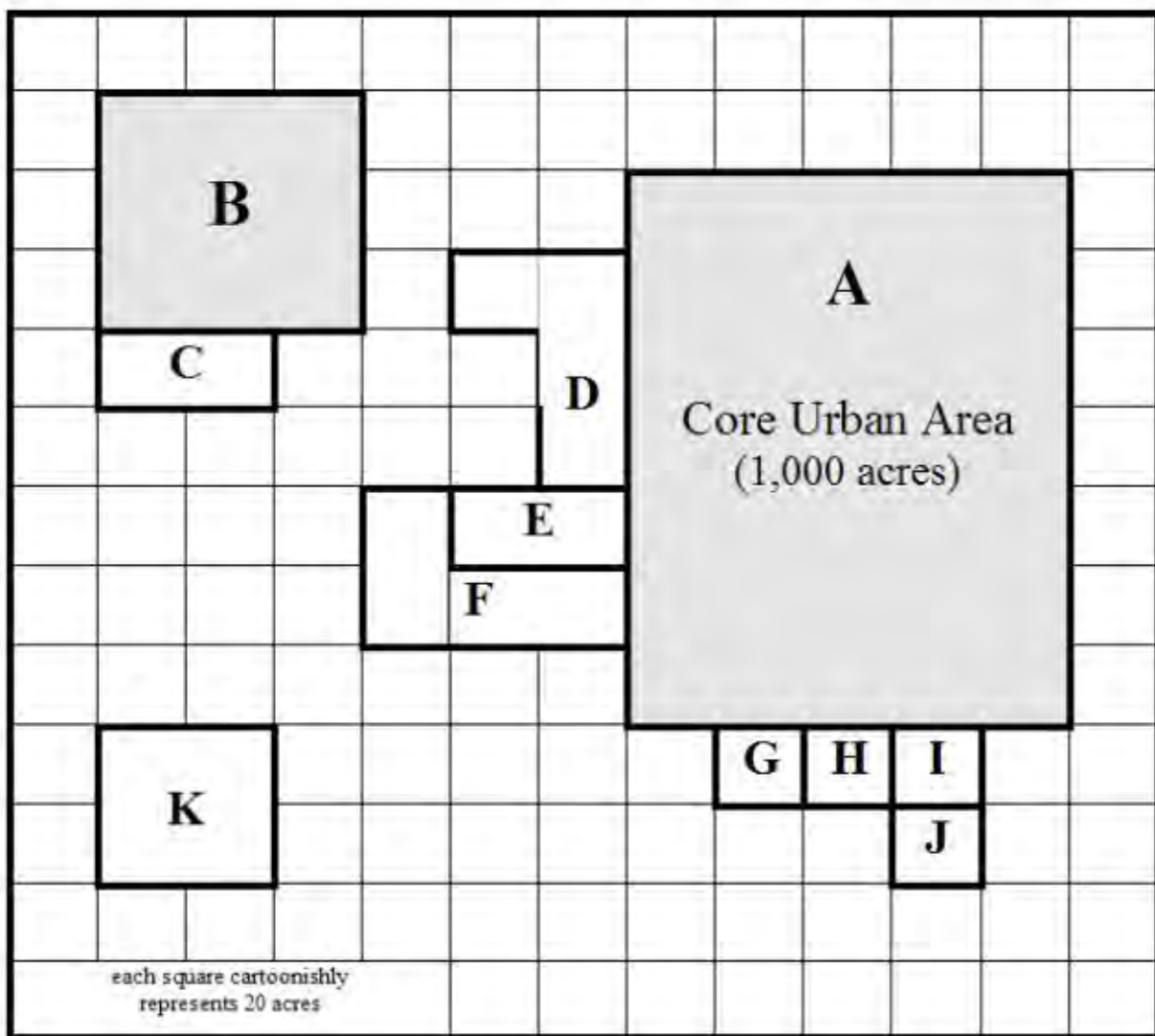
~~(b) Exemptions from subsection (a)(1) and which are allowed to develop at their higher densities upon the findings of subsection (a)(2-4) being made include:~~

~~(1) Those portions of PNDs developed as single-family residential districts.~~

~~(2) Properties within the City limits.~~

~~(c) For subdivisions into tracts of 5 acres or larger, provision of public improvements to an urban level shall not be required, although some provision may be required to adequately reduce the impacts of the proposed level of development. Specifically, public sewer facilities are not required and roads need only be developed to 28-feet of pavement with 6-foot gravel shoulders. However, dedication of all future rights-of-way as specified in the Transportation Plan of the Comprehensive Plan (or other adopted transportation plan) shall be made a condition of the subdivision. (Ord. 468, 1995)~~

Figure 14.1: Graphic Representation of the Intent of ~~§14.48.100~~ (Suburban Subdivisions)



Key to Figure 14.1

- A ~~The Urban Core Area of 1,000 acres, developed to its higher density.~~
=
- B ~~An outlying area developed to its higher density, but the overall area contains less than 1,000 acres.~~
=
- C ~~An undeveloped 40-acre tract that could subdivide into five-acre lots, but not to its higher density~~
= ~~yet. Even though more than a quarter of its boundary adjoins Area B, which is developed to its~~
 ~~higher density, that area is not a “core urban area” (i.e., it is less than 1,000 acres in size).~~
- D ~~An undeveloped 80-acre tract that could subdivide to its higher density, as more than a quarter of~~
= ~~its boundary adjoins the core urban area.~~
- E= ~~An undeveloped 40-acre tract that could subdivide into five-acre lots, but not to its higher density~~
 ~~until Area D developed to its higher density.~~
- F= ~~An undeveloped 80-acre tract that could subdivide into five-acre lots, but not to its higher density~~
 ~~until Area E developed to its higher density (and thus, not until Area D also developed to its higher~~
 ~~density).~~
- G ~~An undeveloped 20-acre tract that could subdivide to its higher density, as more than a quarter of~~
= ~~its boundary adjoins the core urban area.~~
- H ~~An undeveloped 20-acre tract that could subdivide to its higher density, as more than a quarter of~~
= ~~its boundary adjoins the core urban area.~~
- I= ~~An undeveloped 20-acre tract that could subdivide to its higher density, as more than a quarter of~~
 ~~its boundary adjoins the core urban area.~~
- J= ~~An undeveloped 20-acre tract that could subdivide into five-acre lots, but not to its higher density~~
 ~~until Area I developed to its higher density.~~
- K ~~An undeveloped 80-acre tract that could subdivide into five-acre lots, but not to its higher density~~
= ~~until higher density development reached its boundaries.~~

{Ord. 468, 1995}

Table 14.48 I: Density and Dimensional Standards-

Zone	Minimum Lot Size		Minimum Residential Densities (Minimum Square Feet per Dwelling Unit)	Minimum Lot Width (ft.)	Building Setback Requirements Minimum Distance, in feet, from: ⁴							Height Limitation (ft.)
	Standard Subdivision	Cluster Subdivision			Nonarterial Street Right of Way Line		Nonarterial Street Centerline ¹		Ultimate Arterial Street Right of Way Line		Lot Line, Tract or Easement ²	
					Building	Freestanding Sign	Building	Freestanding Sign	Building	Freestanding Sign	Building and Freestanding Sign	
Waterfront Residential	9,600-ft ²	7,500-ft ²	9,600-ft ²	50	25	12.5	55	42.5	25	12.5	5	35
Suburban Residential ²	5-acres/ 9,600-ft ²	5-acres/ 7,500-ft ²	5-acres/ 9,600-ft ²	80	25	12.5	55	42.5	25	12.5	5	35
Urban Residential ²	5-acres/ 7,500-ft ²	6,000-ft ²	7,500-ft ²	60	20	10	50	40	20	10	5	35
High Urban Residential	3,600-ft ²	N/A	3,600-ft ²	40	15	5	45	35	20	5	5	35
Multi-Family Residential	3,000-ft ²	N/A	0-ft ²	50	0	0	30	30	10	0	0	60

Table 14.48 I: Density and Dimensional Standards

Zone	Minimum Lot Size		Minimum Residential Densities (Minimum Square Feet per Dwelling Unit)	Minimum Lot Width (ft.)	Building Setback Requirements Minimum Distance, in feet, from: ⁴							Height Limitation (ft.)
	Standard Subdivision	Cluster Subdivision			Nonarterial Street Right-of-Way Line		Nonarterial Street Centerline ¹		Ultimate Arterial Street Right-of-Way Line		Lot Line, Tract or Easement ²	
					Building	Freestanding Sign	Building	Freestanding Sign	Building	Freestanding Sign	Building and Freestanding Sign	
Neighborhood Commercial	3,000-ft ²	N/A	0-ft ²	0	0	0	30	30	0	0	0	35
Mixed Use	3,000-ft ²	N/A	0-ft ²	0	0	0	30	30-ft ²	0	0	0	60
Local Business	3,000-ft ²	N/A	0-ft ²	0	0	0	30	30	0	0	0	60
Central Business District	3,000-ft ²	N/A	0-ft ²	0	0	0	30	30	0	0	0	60
Planned Business District	0-ft ²	N/A	0-ft ²	0	0	0	30	30	0	0	0	40
Sub-Regional Commercial	0-ft ²	N/A	0-ft ²	10	0	0	30	30	0	0	0	85

Table 14.48 I: Density and Dimensional Standards

Zone	Minimum Lot Size		Minimum Residential Densities (Minimum Square Feet per Dwelling Unit)	Minimum Lot Width (ft.)	Building Setback Requirements Minimum Distance, in feet, from: ⁴							Height Limitation (ft.)
	Standard Subdivision	Cluster Subdivision			Nonarterial Street Right-of-Way Line		Nonarterial Street Centerline ¹		Ultimate Arterial Street Right-of-Way Line		Lot Line, Tract or Easement ³	
					Building	Freestanding Sign	Building	Freestanding Sign	Building	Freestanding Sign	Building and Freestanding Sign	
Light Industrial	0 ft ²	N/A	N/A	10	0	0	30	30	0	0	0	85
General Industrial	0 ft ²	N/A	N/A	10	0	0	30	30	0	0	0	85
Public/Semi-Public	0 ft ²	N/A	N/A	0	0	0	0	0	0	0	0	60

¹ See Section 14.48.040(a)(1) for use of centerline.

² See Section 14.48.100 for use of five acres or square feet requirements.

³ Eaves and other minor architectural features may project into the required setback up to 18 inches.

⁴ If property is located on Lake Stevens or Catherine Creek or has wetlands, please refer to the required setbacks in the Shoreline Master Program and Chapter 14.88, Critical Areas.

(Ord. 903, Sec. 38, 2013; Ord. 855, Sec. 22, 2011; Ord. 811, Sec. 55, 2010; Ord. 796, Sec. 9 (Exh. 1), 2009; Ord. 773, Sec. 3, 2008; Ord. 744, Sec. 3, 2007; Ord. 676, Sec. 47, 2003; Ord. 468, 1995)

Table 14.48-I: Residential Density and Dimensional Standards¹

<u>Zoning District</u>	<u>Lot Size</u>		<u>Lot Width</u>	<u>Front Setback</u>	<u>Side Setback</u>	<u>Rear Setback</u>	<u>Maximum Impervious Area</u>	<u>Maximum Height</u>
<u>(Suburban Residential) R4</u>	<u>8600 sq ft</u>		<u>65-feet internal</u> <u>75-feet corner</u>	<u>25-feet</u>	<u>15 total</u> <u>(no less than</u> <u>5-feet one side)</u>	<u>20-feet</u>	<u>50%</u>	<u>35</u>
<u>WR</u>	<u>9600 sq ft</u>		<u>variable - not</u> <u>less than 50-</u> <u>feet</u>	<u>25-feet</u>	<u>15 total</u> <u>(no less than</u> <u>5-feet one side)</u>	<u>20-feet</u>	<u>40%</u>	<u>35</u>
<u>(Urban Residential) R6</u>	<u>6000 sq ft</u>		<u>55-feet internal</u> <u>50-feet corner</u>	<u>15 - feet</u>	<u>15 total</u> <u>(no less than</u> <u>5-feet ones ide)</u>	<u>15-feet</u>	<u>55%</u>	<u>35</u>
<u>(High Urban Residential) R8 – 12²</u>	<u>Detached</u>	<u>4200 sq ft</u>	<u>45-feet internal</u> <u>50-feet corner</u>	<u>15 - feet</u> <u>(25-feet max.)</u>	<u>15 total</u> <u>(no less than</u> <u>5-feet one side)</u>	<u>10-feet</u>	<u>65%</u>	<u>35</u>
	<u>Attached</u>	<u>2800 sq ft</u>	<u>16-feet internal</u> <u>26-feet corner</u>	<u>15 - feet</u> <u>(25-feet max.)</u>	<u>10-feet</u> <u>between other</u> <u>districts or</u> <u>buildings onsite</u>	<u>10-feet</u>	<u>75%</u>	<u>45</u>
<u>MFR</u>	<u>none</u>		<u>none</u>	<u>variable</u>	<u>10-feet</u> <u>between other</u> <u>districts or</u> <u>buildings onsite</u>	<u>10-feet</u> <u>between other</u> <u>districts</u>	<u>80%</u>	<u>60</u>

1. Unless otherwise stated, the dimensional standards refer to minimum requirements.

2. The R8-R12 zoning district applies two sets of development standards depending if the project is a detached single-family or attached townhouse development. Developments may apply a mix of standards if both types of housing are represented in the project.

Table 14.48-II: Residential Density and Dimensional Standards

<u>Zoning District</u>	<u>Lot Size</u>	<u>Lot Width</u>	<u>Front Setback</u>	<u>Side Setback</u>	<u>Rear Setback</u>	<u>Maximum Impervious Area</u>	<u>Height</u>
Commercial Zones							
<u>Central Business District</u>			<u>5</u>	<u>10</u>	<u>10</u>	<u>80%</u>	<u>55</u>
<u>Commercial District</u>			<u>5</u>	<u>10</u>	<u>10</u>	<u>80%</u>	<u>55^{*1}</u>
<u>Local Business</u>			<u>5</u>	<u>10</u>	<u>10</u>	<u>80%</u>	<u>45</u>
<u>Public/Semi-Public</u>			<u>5</u>	<u>10</u>	<u>10</u>	<u>75%</u>	<u>60</u>
Industrial Zones							
<u>Light Industrial</u>			<u>20</u>	<u>10</u>	<u>10</u>	<u>80%</u>	<u>45</u>
<u>General Industrial</u>			<u>20</u>	<u>10</u>	<u>10</u>	<u>80%</u>	<u>60</u>
Mixed Use Zones							
<u>Mixed-Use</u>			<u>10</u>	<u>10</u>	<u>10</u>	<u>75%</u>	<u>45</u>
<u>Mixed-Use Neighborhood</u>						<u>75%</u>	<u>45</u>

1 Setback shall be 10 feet if abutting a property in a residential zone. This setback shall be landscaped as required by Chapter

From: [Sally Jo Sebring](#) Attachment 3
To: [lsplanning](#)
Subject: Impervious Surface section of Subdivisions hearing
Date: Wednesday, January 15, 2020 11:56:20 AM

Dear Planning Commission members,

With the weather, I don't know if you will meet tonight, or if I will try to make it to the meeting. In case you do meet, I want to write something brief.

Please vote to remove the change in Impervious Surface allowance in Urban Residential zoning from this piece of legislation. Unless someone lives on the top of a very high hill in Lake Stevens, impervious surface allowance is an issue of concern and potential impact. It needs more in-depth study and input before you advise the Council on this issue. The question of allowable impervious surface in the city in various zones is slated to be taken up before you and the City Council in a later piece of legislation. That is the appropriate time for this specific item to be considered.

I know at least two of you were on the Planning Commission when the increase in impervious surface for High Urban Residential zoning went through in 2015. I remember several of you being very interested in the number of parcels that would be affected. It appeared to be a fairly low number, but with the annexations in the last couple of years, that change has affected many acres and projects. Even if this specific change for Urban Residential does not appear to affect a large number of parcels, please consider that over the life of this legislation it could affect many more and vote to strike it from tonight's legislation.

Thank you,

Sally Jo Sebring
1023 99th Ave SE
Lake Stevens WA 98258