



Planning Commission Meeting:

First Wednesday of every Month @ 7:00pm

Planning & Community Development Department

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

[www.lakestevenswa.gov](http://www.lakestevenswa.gov)

Municipal Code

Available online:

[www.codepublishing.com/WA/LakeStevens/](http://www.codepublishing.com/WA/LakeStevens/)

\*Items attached

\*\*Items previously distributed

# Items to be distributed

## PLANNING COMMISSION AGENDA

Regular Meeting Date: 02/19/2020

**Lake Stevens PD Conference Center**  
**10518 18<sup>TH</sup> St SE**

- **CALL TO ORDER 7:00pm**  
Pledge of Allegiance
- **ROLL CALL**
- **GUEST BUSINESS**
- **ACTION ITEMS**
  1. Approve minutes for 01-22-2020
- **PUBLIC HEARING**
  1. **2020 Comprehensive Plan Ratification**
  2. **LUA2019-0129 Code Amendment to zoning standards**
  3. **Code Amendment infill lot**

**Public hearing presentation will follow the public hearing format listed below:**

### **PUBLIC HEARING FORMAT**

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

### **DISCUSSION ITEMS**

- **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.*

**PLANNING COMMISSION REGULAR MEETING MINUTES**

Police Department Conference Center

10518 – 18<sup>th</sup> Street SE, Lake Stevens, WA 98258

Wednesday, January 22, 2020

CALL TO ORDER: 7:30 pm by Chair Janice Huxford

MEMBERS PRESENT: Janice Huxford, Vicki Oslund, Jennifer Davis, Linda Hoult, and John Cronin

MEMBERS ABSENT: None

STAFF PRESENT: Community Development Director Russ Wright, Sabrina Harris, Associate Planner and Kathy Pugh, City Clerk

OTHERS PRESENT: Councilmembers Gary Petershagen and Steve Ewing

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Chair Huxford called the meeting to order at 7:30 p.m. and led the Pledge of Allegiance.

**Roll Call:** All present.**Guest business:** None.**Action Items:****Approval of Minutes:** Motion by Commissioner Hoult, seconded by Commissioner Davis, to approve the minutes of the December 4, 2019 meeting. On vote the motion carried (5-0-0-0).**Election of Officers:** Outgoing Chair Huxford appreciated her fellow commissioners and said it has been an honor to serve as Chair.**MOTION:** Commissioner Hoult nominated, with Commissioner Oslund seconding the nomination, Jennifer Davis for Chair and John Cronin for Vice Chair. Chair Huxford confirmed that the nominees accepted the nominations and called for the vote. On vote the nomination carried (5-0-0-0).

Chair Davis thanked Commissioner Huxford for her time as Chair of the Planning Commission.

**Public Hearing:****LUA2019-0129 Code Amendment to Subdivision Regulations-Continued:****MOTION:** Moved by Commissioner Hoult, seconded by Commissioner Huxford to open the public hearing. On vote the motion carried (5-0-0-0).

Director Wright presented the staff report and reminded this is the continued public hearing that was begun on December 4, 2019. He briefly reviewed the amendments and said these amendments tidy up the subdivision codes by bringing them under one

section in the municipal code. This provided an opportunity to update some of the subdivision codes that have not been fully utilized, as well as making administrative clarifications. Director Wright said the Planned Residential Development (PRD) has received the most attention from both the public and the Commission. He reviewed the questions including restricting unit types of attached homes with four units in a cluster, applicable lot size that is applicable to a PRD and what a smaller lot size would look like. Also discussed was stormwater management improvements and increases for impervious surfaces for the Urban Residential zone.

Director Wright said the City Council also made some comments that are included in the packet, as well as receiving comments from the Master Builders Association and citizens. He briefly reviewed new changes to the code based on the Council's and Master Builder's comments and said the proposed changes have been checked against the Comprehensive Plan, city policies and the Growth Management Act for consistency.

Responding to Commissioner Huxford's questions regarding lot size, Director Wright explained this is a placeholder and awaiting direction from the Commission.

Commissioner Cronin said the City Council and Master Builder comments provided clarification and he supports moving forward.

Commissioner Hoult asked about unforeseen difficulties with affordable housing and Director Wright said he is not aware of any difficulties.

Responding to Commissioner Davis' questions regarding the impact of increased impervious surfaces, Director Wright said that with the thoughtful implementation of these regulations there should be no affect on older neighborhoods. He explained new stormwater regulations that water be held and metered out at a specific rate and that it is purified as part of the process.

Commissioner Huxford asked about lot line adjustments based on topography, and Director Wright confirmed that lot line adjustments are made following administrative review, including for waterfront properties. Director Wright further explained that lot line adjustments do not create new lots.

Chair Davis invited public comment.

Shane Oden, 3210 Catherine Drive, Lake Stevens, asked about the affect of lot line adjustments and whether those adjustments need to comply with stormwater requirements.

Charles Whipple, 10325 Sandy Beach Drive, Lake Stevens, said he has reviewed these documents and he does not see any consideration for water runoff from higher-altitude homes to the lake, possibly affecting lakefront homes.

Larry Crawford, 10728 Vernon Road, Lake Stevens, asked if there has been any discussion about additional living units on the lake and commented he does not support multi-family infill on lakefront properties.

Mark Villwock, LDC, Inc., said he has worked with City staff in reviewing the new regulations and characterized them as not as aggressive as Snohomish County PRD

regulations. He suggested considering allowing private access drives in PRDs for attached units. He also commented that remaining lots are often odd-shaped and to allow for development similar to existing homes, allowing more impervious surface provides the opportunity to provide more neighborhood compatibility.

Dillon Sluter, with Snohomish County Manager of Master Builders Association, commented the MBA has worked for a more flexible PRD code and this code provides incentives for builders; he said the PRD is a good tool for infilling vacant lots and overall the MBA is supportive of these changes.

David Toyer, Toyer Strategic Consulting, 3701 Colby Avenue, Everett, echoed the comments made by Mark Villwock and Dillon Sluter. He commented on the refinement of the PRD design aspects and said the flexibility provided in lot sizes helps too. He also supports the increase to impervious surfaces and believes stormwater requirements can still be accommodated.

Sally Jo Sebring, 1099 – 99<sup>th</sup> Avenue SE, Lake Stevens, is concerned that increased water flow caused by increased impervious surfaces will affect her as a property owner, and she believes stormwater manuals do not always work as intended.

There being no further public comment Chair Davis closed the public comment portion of the hearing.

Chair Davis asked about lot line adjustments and increased stormwater runoff. Director Wright responded for boundary line adjustments the RCW's are silent on those issues, but development projects are reviewed on their own merit and not on lot line adjustments.

Commissioner Huxford commented the placeholders, and other concerns such as lot line adjustments in the new code language, create too many ambiguities and she is concerned there are too many unanswered questions.

Commissioner Cronin said that a lot of this proposed code relates to infill development which is part of a future discussion.

Director Wright clarified that the elements of this proposed code are already PRD tools in the city's toolbox and that they are assembled under one new section of the code.

Commissioner Cronin said he is comfortable with the stormwater provisions and other proposed code changes and that it will be difficult to complete infill development without added flexibility. He added that more restrictions equal less flexibility.

Chair Davis asked about the remaining buildable properties and whether they are subject to all code requirements, and Director Wright confirmed that they are. Chair Davis then said she agrees with Commissioner Cronin's comments about moving forward.

Commissioner Oslund believes these code revisions are a good start.

Commissioner Hoult appreciated staff's efforts and is comfortable with moving forward.

Commissioner Huxford is not comfortable, but she trusts the work of this commission, the staff and council, and she believes concerns can be addressed.

In response to questions regarding the form of the motion, Director Wright said those concerns can be included in the form of the recommendation to Council.

**MOTION:** Moved by Commissioner Hoult, seconded by Commissioner Cronin, to close the public hearing. On vote the motion carried (5-0-0-0).

**MOTION:** Moved by Commissioner Oslund, seconded by Commissioner Hoult, to forward recommended language to Council and to add caveats to note that there was public discussion and concern about the amount of impervious surface and about the minimum number of acres for a PRD. On vote the motion carried (5-0-0-0).

#### **Discussion Items:**

**Zoning Code Updates:** Director Wright said this is a walkthrough of the Zoning Code and some of the infill and is in part based on recommendations made by the Land Use Advisory Group. He noted that one of the commitments made to City Council is that no actions would be taken that would affect the Waterfront Residential zone, and these regulations can be reviewed and implemented separately from the Waterfront Residential zone.

Director Wright briefly reviewed the history of the requirements and needs to provide affordable and/or attainable housing including the “missing middle.” The question is how to create diverse housing stock for the community. This includes the Accessory Dwelling Units that were addressed last year and looking at PRDs and small lot single-family development. Director Wright commented on the work of the Land Use Advisory Group, their approaches and their interests including quality neighborhoods and affordable and efficient housing.

Director Wright said this will include a code cleanup including standardizing language to relate to lot size. This is already being implemented in the Comprehensive Plan. He said early on there was a need to set the baseline in comparison to neighboring jurisdictions and the Land Use Advisory Group focused on this. He then briefly reviewed Lake Stevens setback requirements compared to setbacks required by other jurisdictions.

Associate Planner Harris next reviewed and commented on innovative housing and how it fits with infill regulations. Examples include attached units (small multi-plexes), compact housing and small lot/reduced lot sizes. Planner Harris also commented on where this type of housing could be located and how it would work with critical areas.

Director Wright commented the proposals are responsive to legislation coming out of Olympia and that the City of Lake Stevens has already implemented a lot of the tools that are being legislated, including participating with the Alliance for Affordable Housing (AAH). Planner Harris added that the city is at the forefront of addressing the missing middle.

Director Wright said the goal is to put tools in the toolkit and see how they are utilized, and staff is requesting direction on setting a public hearing in February. He then

responded to Commissioners' questions on how public outreach would be made.

Commissioner Cronin commented there is a lot at play, and it will be interesting see what Snohomish County is doing.

In response to Chair Davis' question, there was consensus to move forward with a public hearing including options for moving forward.

**Commissioner Reports:**

Commissioner Hoult clarified Councilmembers Petershagen and Ewing are the Commission's City Council representatives.

Commissioner Huxford appreciated the public feedback heard this evening.

Commissioner Oslund complimented City staff on the good communication during the recent snow event.

Commissioner Cronin thanked Commissioner Huxford for her guidance as Chairperson.

**Planning Director's Report:**

Director Wright said there will not be a meeting on January 29<sup>th</sup> and had no additional report.

**Adjourn:**

**MOTION:** Moved by Commissioner Hoult, seconded by Commissioner Huxford to adjourn the meeting at 9:13 p.m. On vote the motion carried (5-0-0-0).

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Jennie Fenrich, Planning Commission Clerk



Staff Report  
City of Lake Stevens  
Planning Commission

Public Hearing 2020 Docket Ratification  
Date: February 19, 2020

**Subject:** 2020 Comprehensive Plan Docket Ratification Public Hearing

**Contact Person/Department:** Russ Wright, Community Development Director

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**ACTION REQUESTED:** Hold a public hearing on the proposed Comprehensive Plan map and text amendments to for the 2020 Docket.

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**BACKGROUND/ HISTORY:**

Under the Growth Management Act, the City can amend its Comprehensive Plan and Future Land Use Map once per year, with a few exceptions, through an annual docket process. This briefing is to provide a list of proposed city-initiated map and text amendments for the Commission's consideration in setting the 2020 Comprehensive Plan Docket. A staff summary and analysis describe how each proposed amendment is consistent with the annual amendment and ratification criteria.

**DISCUSSION:**

This year's docket includes the following items:

1. Text amendments

- T-1 Chapter 2 – Land Use Element

City-initiated updates to the Land Use Element, including a review of waterfront residential purpose, minor map amendments for a pending property purchase and statistical updates. Implementing changes to the municipal code related to any land use designation changes would be reviewed concurrently.

- T-2 Chapter 7 – Public Services and Utilities Element

Placeholder if any changes are needed for partner agencies including the Lake Stevens Sewer District and Lake Stevens School District.

- T-3 Chapter 9 –Capital Facilities Element

City-initiated amendment to update park, road and facility projects in the Capital Project List.

- T-4 Procedural Amendments

Standard administrative updates, including incorporating SEPA documents and updating the dates on the cover, footnotes and the Table of Contents.

- P-1 Placeholder

Placeholder to address an inconsistency identified during the docket review process.

## 2. City-Initiated Land Use Map Amendment and Rezone

City request to change the land use designations to Central Business District for parcels along 17th Place NE, with pending purchase of property next to boat launch, to support recreation and commercial uses in the downtown area. Concurrently, we would change the Shoreline Designation to High Intensity.

### **NEXT STEPS:**

Staff will discuss the ratification process and summarize each of the proposed amendments consistency with the ratification criteria. If docketed, city staff will conduct additional analysis, based on the merits of the application compared to established review criteria, for review and recommendation by the Planning Commission and action by the City Council. This current action is to set the 2020 Docket only and not a recommendation of approval or denial of any amendments.

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### **RECOMMENDATION:**

Forward a recommendation to City Council to set the 2020 Docket as submitted. Staff will prepare a letter of recommendation to the City Council.

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### **ATTACHMENTS:**

- A. Docket Summary Table**
- B. Analysis Sheets / Maps**

**SUMMARY OF 2020 DOCKET PROPOSALS**

<b>RATIFICATION MAPS</b>		
<u>#</u>	<u>NAME</u>	<u>REQUEST</u>
M-1	<b>City-Initiated Map Amendment</b>	City request to change the land use designations to Downtown / Local Commerce with a concurrent rezone to Central Business District for parcels along 17th Place NE, with pending purchase of property next to boat launch, to support recreation and commercial uses downtown. Concurrently, the Shoreline Designation would change to High Intensity.
<b>RATIFICATION TEXT</b>		
<u>#</u>	<u>NAME</u>	<u>REQUEST</u>
T-1	<b>Chapter 2 – Land Use</b>	City-initiated updates to the Land Use Element, including a review of waterfront residential purpose, minor map amendments for pending a property purchase and statistical updates. Implementing changes to the municipal code related to any land use designation changes would be reviewed concurrently.
T-2	<b>Chapter 7 – Public Services</b>	Placeholder if any changes are needed for partner agencies including the Lake Stevens Sewer District and Lake Stevens School District.
T-3	<b>Chapter – 9 Capital Facilities</b>	City-initiated text amendments to update park, road and facility projects in the Capital Project List
T-4	<b>Procedural Amendments</b>	Standard administrative updates, including incorporating SEPA documents and updating the dates on the cover, footnotes and the Table of Contents.
P-1	<b>Placeholder</b>	Placeholder to address any inconsistencies identified during the docket review process.

Factors for Consideration:

### Map Amendments

- *How is the proposed land use designation supported by or consistent with the existing policies of the various elements of the Comprehensive Plan? If it isn't, the development should demonstrate how the change is in the best long-term interest of the city.*

- The city proposes land use designation changes to support the development of downtown parcels for recreation and economic development as identified in the Downtown Subarea Plan along 17<sup>th</sup> Street NE. This proposal is consistent with several existing policies in the Comprehensive Plan and Subarea Plan.

LAND USE GOAL 2.1 PROVIDE SUFFICIENT LAND AREA TO MEET THE PROJECTED NEEDS FOR HOUSING, EMPLOYMENT AND PUBLIC FACILITIES WITHIN THE CITY OF LAKE STEVENS.

LAND USE GOAL 2.4 ENCOURAGE THE CONTINUED PLANNING OF LOCAL GROWTH CENTERS TO DEVELOP A BALANCED AND SUSTAINABLE COMMUNITY THAT PROVIDES A FOCUS FOR EMPLOYMENT, PUBLIC AND RESIDENTIAL DEVELOPMENT.

LAND USE GOAL 2.5 CONTINUE TO SUPPORT THE REDEVELOPMENT OF DOWNTOWN LAKE STEVENS THAT ENCOURAGES A COMPACT COMMERCIAL DISTRICT THAT FACILITATES EASY PEDESTRIAN ACCESS BETWEEN SHOPS AND BUILDINGS, ALLOWS MIXED-USE DEVELOPMENT, PROMOTES ECONOMIC DEVELOPMENT COMPATIBLE WITH THE CHARACTER OF LAKE STEVENS AND STIMULATES A DIVERSE ARRAY OF BUSINESS TYPES TO ATTRACT VISITORS AND MEET THE NEEDS OF RESIDENTS.

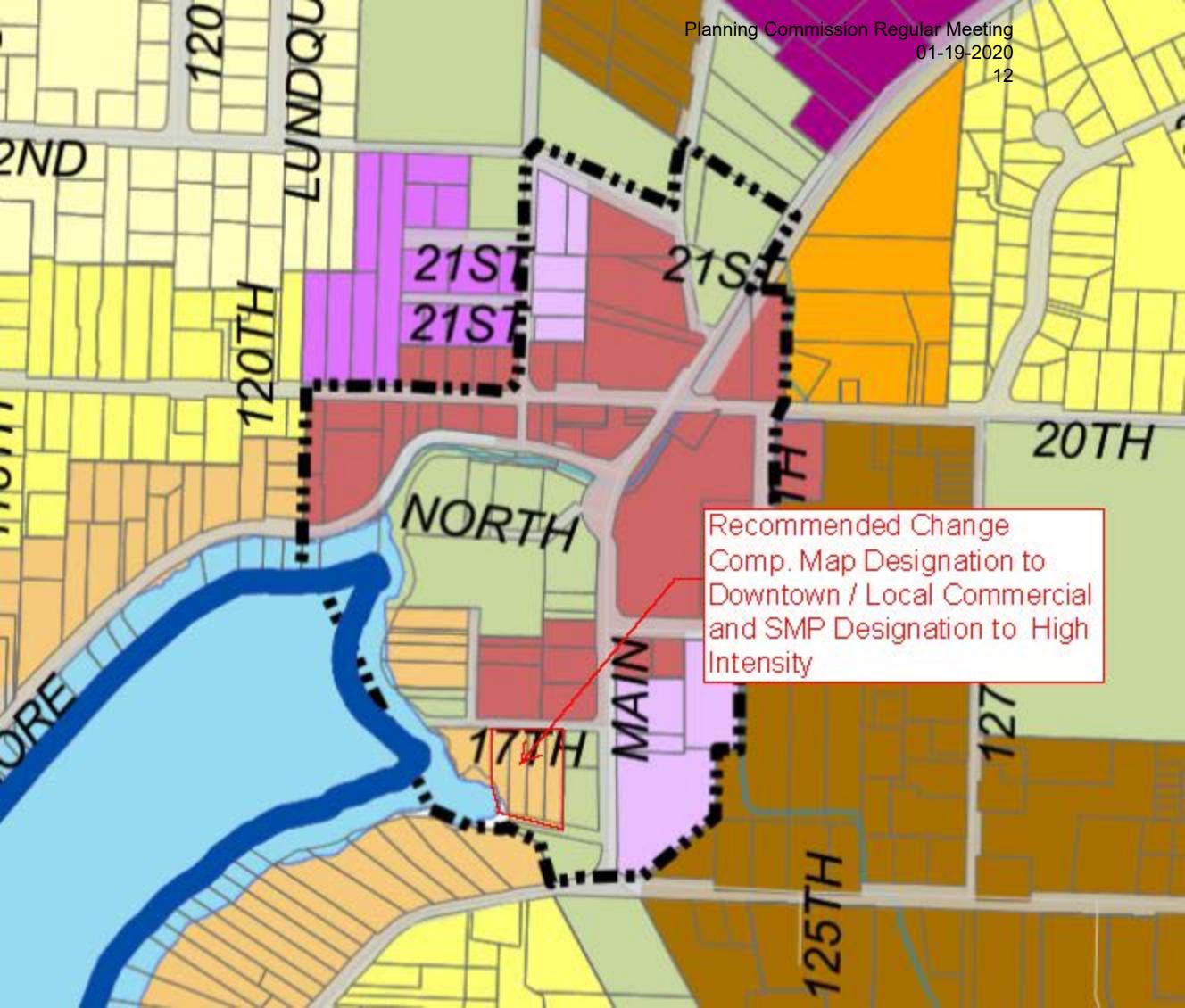
ECONOMIC DEVELOPMENT GOAL 6.5 ENHANCE AND SUPPORT TOURISM IN LAKE STEVENS DOWNTOWN PLAN POLICY 2.6.4 ALONG 123RD DRIVE NE AND 17TH PLACE NE PROHIBITED USES WILL INCLUDE THOSE THAT INCORPORATE THE RETAIL SALE OF AUTOMOBILES AND MOTORIZED BOATS AND DRIVE-THRUS. PERMITTED USES FRONTING 123RD DR. NE WOULD INCLUDE COMMUNITY MEETING OR CONFERENCE FACILITIES, LODGING, LIMITED DINING/DRINKING ESTABLISHMENTS AND PUBLIC/SEMI-PUBLIC USE. PERMITTED USES FRONTING 17TH PLACE NE SHOULD BE LIMITED TO VEHICLE/BOAT PARKING AND LIMITED TO USES THAT CATER TO WATERWAY DEPENDENT USES AND/ OR NORTH COVE PARK.

- *How does the proposed land use designation promote a more desirable land use pattern for the community? If so, a detailed description of the qualities of the proposed land use designation that make the land use pattern for the community more desirable should be provided to enable the Planning Commission and City Council to find that the proposed land use designation is in the community's best interest.*
- The proposed map amendment promotes a more desirable land use pattern that increases recreational opportunities, economic growth and development predictability as outlined in the Downtown Lake Stevens Subarea in an area identified for housing transition. This area is envisioned to transition from single-family homes to higher intensity uses will support downtown as a unique destination for community gathering, shopping, recreation and entertainment while enhancing public use of Lake Stevens.
- *What impacts would the proposed change of land use designation have on the current use of other properties in the vicinity, and what measures should be taken to ensure compatibility with the uses of other properties in the vicinity?*
- New development, generated from the new land use designation, would be required to meet current development and design standards identified in the Downtown Lake Stevens Subarea Plan.

- *Comments received from affected property owners and residents.*
  - As part of the review process affected stakeholders will be notified of any proposed changes.

### **Ratification Criteria**

1. *Is the proposed amendment appropriate to the Comprehensive Plan rather than implementation as a development regulation or program?*
  - a. The proposed amendments are to existing text in the comprehensive plan would revise specific areas due to a council directed study item related to waterfront residential uses, and updates to capital projects and changes to statistical data. These changes are not development regulations but may trigger a review of development regulations to implement.
2. *Is the proposed amendment legal? Does the proposed amendment meet existing state and local laws?*
  - a. Yes, all amendments proposed shall follow an established legal process and criteria.
3. *Is it practical to consider the proposed amendment? Reapplications for reclassification of property reviewed as part of a previous proposal are prohibited unless the applicant establishes there has been a substantial change of circumstances and support a plan or regulation change at this time.*
  - a. The identified map changes and updated text elements have not been previously reviewed. The proposed review of subarea plans was predicted as part of the adoption.
4. *Does the City have the resources, including staff and budget, necessary to review the proposed amendment?*
  - a. The city will complete the amendment process with the existing staff or consultants with the budget available.
5. *Does the proposed amendment correct an inconsistency within or make a clarification to a provision of the Plan?*
  - a. Yes, the identified map amendments were predicted as a future action to implement the Downtown Plan. Any changes to statistical data will ensure the most up to date information. Updating other references and plans will create internal consistency within the plan. The proposed amendments will correct inconsistencies as they are discovered.
6. *OR All of the following:*
  - a. *The proposed amendment demonstrates a strong potential to serve the public interest by implementing specifically identified goals and policies of the Comprehensive Plan; and*
    - i. The proposed amendments aim to serve the public interest by keeping the plan up to date and implement the Downtown Lake Stevens Plan to provide opportunities for economic development, recreation and public parking.
  - b. *The public interest would best be served by considering the proposal in the current year, rather than delaying consideration to a later subarea plan review or plan amendment process.*
    - i. The proposed amendments are necessary during this review period to best serve the public with the above amenities and opportunities.





Staff Report  
City of Lake Stevens Planning Commission  
Public Hearing  
Date: **February 19, 2020**

**SUBJECT:** Code Amendment to zoning standards

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

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**SUMMARY:** Code amendment to restructure and update zoning regulations.

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**ACTION REQUESTED OF PLANNING COMMISSION:** Forward a recommendation to City Council to approve the proposed regulations.

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**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.

**Background**

This is a city-initiated code amendment to evaluate the city's zoning code and identify flexible and efficient standards to increase diversity in housing stock throughout the community and promote quality neighborhoods. This code amendment is responsive to House Bill 1923 to increase building supply within the city.

Staff created an outreach program to discuss these issues with a Land Use Advisory committee comprised of interested citizens and industry constituents. Work with the Land Use Advisory Committee included a visual preference survey, review of the city's current zoning standards, comparison 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 and 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 briefed the Planning Commission six times at different phases and periodically briefed the Council on the progress. As part of this update staff worked with representatives from Master Builders and other stakeholders to ensure that the changes result in projects that can be constructed as envisioned.

Many changes required restructuring and reorganizing existing code with minor adjustments to support the greater project. Edits are shown through the track-change function, underlined sections are new, strike-through changes are deletions and the unaltered code is in black. If the Planning Commission is satisfied with the updates following the hearing, staff will schedule an additional public hearing with the City Council.

Amendments to Chapters 14.08, 14.16C, 14.36, 14.38, 14.40, 14.44 and 14.76 reflect changes to definitions, naming, reorganization and simplification of the municipal code and recent changes to the Comprehensive Plan as follows:

- Chapter 14.08 LSMC – Added or revised definitions for cottage housing development, infill development, innovative housing, lots, lot area, lot width, buildable area, density, duplex and zero lot line.
- LSMC 14.16C.080 – Consolidated regulations in Chapters 14.16 and 14.36 LSMC Planned Neighborhood Development into a single section.
- Chapter 14.36 LSMC
  - Updated LSMC 14.36.010 descriptions of residential zones to be consistent with the Comprehensive Plan
  - Updated LSMC 14.36.020 descriptions of commercial zones to be consistent with the Comprehensive Plan and other sections of code.
  - Added LSMC 14.36.025 Mixed-Use District Established to provide descriptions of mixed-use zones to be consistent with the Comprehensive Plan and other sections of code.
  - Updated Title of LSMC 14.36.030
  - Deleted LSMC 14.36.040 Planned Neighborhood Development
  - Updated Table 14.36.200 Land Use / Zoning compatibility
- Chapter 14.38 LSMC Subareas
  - Updated LSMC 14.38.020 to delete Main Street District and Neighborhood Business zones to be consistent with recent changes to the Comprehensive Plan
  - Updated Table 14.38-I dimensional standards and notes to be consistent with changes to Chapter 14.48 Tables I & II.
- Chapter 14.40 LSMC Permissible Uses
  - Notes to editor to update zone names
  - Delete NC column as this zone does not exist
  - Update footnotes
- Chapter 14.44 Supplementary Use
  - Deleted LSMC 14.44.035 to consolidate regulations into a single section in Chapter 14.46 LSMC.
  - Deleted LSMC 14.44.095 Neighborhood Commercial as this zone does not exist.
  - Deleted LSMC 14.44.320 Diversity within Planned Residential District to consolidate regulations into a single section in Chapter 14.18 LSMC.
- LSMC 14.76.090 – updates table and notes to reflect zone name changes.

Changes in Chapter 14.48 LSMC include new zone names, element clarifications 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.

- LSMC 14.48.020 Duplexes in Single-Family Zones – updated from 150 percent to 125 percent to be consistent with proposed infill requirements.
- LSMC 14.48.030 Minimum Lot Widths – Subsection (b) lot width measurement language updated to be consistent with other jurisdictions.
- LSMC 14.48.035 Lot Standards – New section developed to clarify setback standards for a variety of lot types.
- LSMC 14.48.040 Building Setback Requirements – Multiple subsections updated for consistency with other changes.
- LSMC 14.48.045 – New section added to clarify rules for accessory structures.
- LSMC 14.48.050 Exceptions to Building Setback Requirements – Multiple subsections updated for consistency with other changes.
- LSMC 14.48.055 Maximum Impervious Surface – This section was deleted because these standards were embedded in Table 14.48-I.
- LSMC 14.48.060 Building Height Limitations – This section was revised to provide standard measurements and add graphics.
- LSMC 14.48.085 Density Calculation – New section added to provide guidance on determining densities for project development and regulations for limited lot size averaging.
- LSMC 14.48.100 Rural Subdivision – This section deleted. There are no rural zones in the city.
- Table 14.48-I Residential Density and Dimensional Standards updated to reflect zone name changes and update development standards for lot area, width, setbacks and impervious area based on recommendations from the Land Use Advisory Committee and Industry Stakeholders.
- Table 14.48-II Non-Residential Density and Dimensional Standards added to show commercial development standards.

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## **FINDINGS AND CONCLUSIONS:**

### **1. Compliance with elements of the Comprehensive Plan**

- Land Use Element Policy 2.1.1 – Accommodate a variety of land uses to support population and employment growth, consistent with the city's responsibilities under the Growth Management Act, Regional Growth Strategy and Countywide Planning Policies.
- 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 2.3.2 – Preserve and promote the character of existing neighborhoods through thoughtful development regulations and design standards.
- Land Use Element Policy 2.3.3 – Encourage infill development on suitable parcels and redevelopment of underutilized parcels. Ensure the height, bulk and design of infill and redevelopment projects are compatible with their surroundings.
- 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.

- Land Use Element Goal 2.14 – Design and build a healthy community to improve the quality of life for all people who live, work, learn and play within the city
- 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.
- Housing Element Goal 3.3 – Encourage the use of innovative techniques to provide a broad range of infill housing types for all income levels and housing needs.
- Housing Element Goal 3.5 – Provide a balanced development pattern, which promotes pedestrian activities, a sense of community and safety.

**Conclusions** – The proposed code amendments are consistent with Comprehensive Plan goals as they relate to the diverse zoning opportunities, 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 December 24, 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 December 19, 2019. Acknowledgement received December 20, 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 or around December 24, 2019.
- The city published a notice of public hearing in the Everett Herald twice per Chapter 14.16B LSMC.
- No written comments have been received.

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

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

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**ATTACHED:**

- 1) Revised Draft Regulations

## Attachment 1

### 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.

*Adjusted gross density.* The number of dwelling units divided by the net buildable area.

*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"

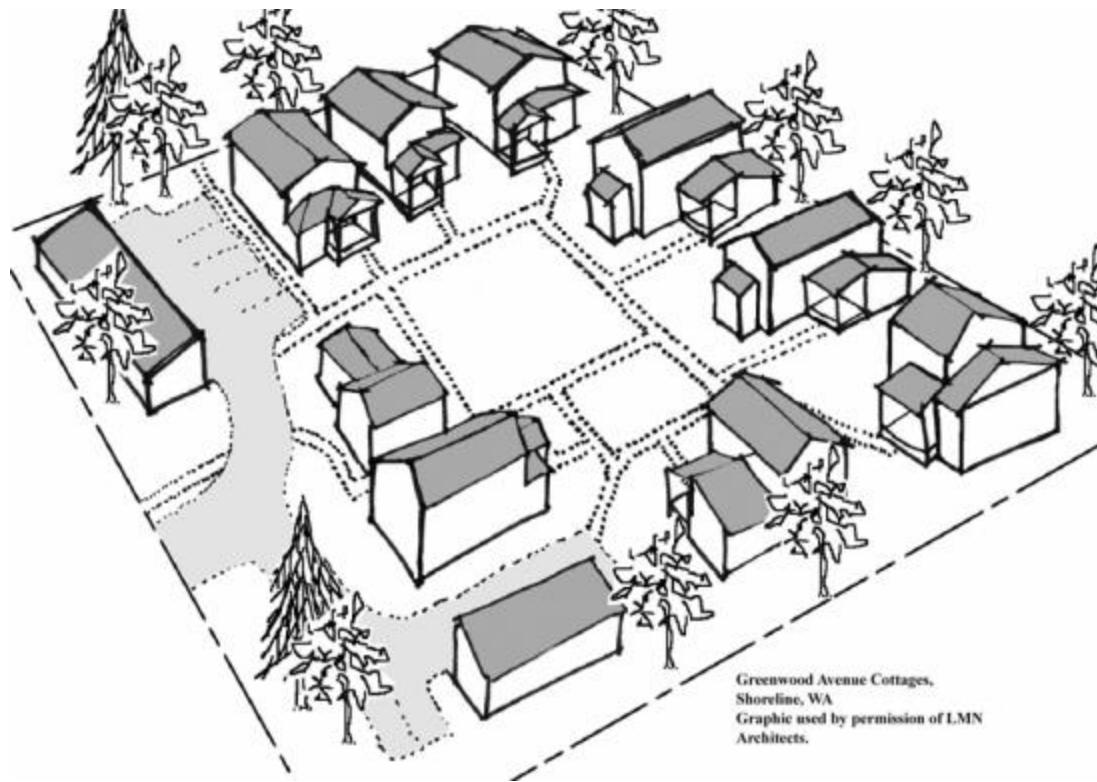
*Corner lot.* See definitions under "lot"

*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.* One or more groups of single-family dwelling units clustered around a common area and developed with a coherent plan, detached parking, common elements, and visually consistent landscaping and architecture for the site in accordance with 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.*



The following drawing shows a typical cottage housing development.<sup>12</sup>

*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.

[Fee Simple: a form of freehold ownership, a permanent and absolute tenure of an estate in land with freedom to dispose of it at will.](#)

*Flag lot.* See definitions under “lot”

[Fourplex.](#) A building containing only four dwelling units.

[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.

[Infill Development.](#) The development or redevelopment of vacant or underutilized residential land that is surrounded by other development, utility easements or critical areas and buffers.

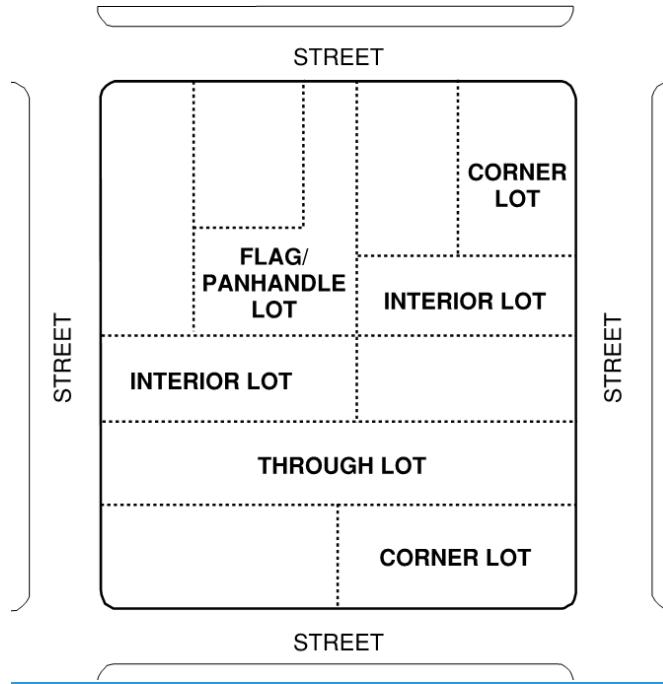
[Infill Development.](#) The creative recycling of vacant or underutilized lands within cities and suburbs. Examples include a vacant lot within an existing neighborhood, surface parking lots, or empty buildings.

~~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.

"Lot Width" means the horizontal distance between lot sidelines.

Panhandle lot. See definitions under "lot"

"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, existing

easements that will remain, submerged lands, critical areas and buffers, regional utility corridors and land dedicated to the city.

*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.~~

A building designed exclusively for occupancy by two families containing two dwelling units with separate entrances and sharing a common wall that may include side walls, floors or ceilings. Duplexes may be located either on one lot or on separate lots. This definition does not include single-family dwellings within an approved accessory dwelling unit.

*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"

*Triples.* A building containing only three dwelling units.

"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.

#### **14.16C.080 Planned Neighborhood Developments.**

(a) The purpose of this section is to allow a larger, integrated development with characteristics of up to three ~~or four~~ different zoning districts constructed under a single application.

(b) Procedure. Planned neighborhood developments shall be reviewed in the manner and following the procedures established in Chapters 14.16A and 14.16B for a Type IV review.

(c) Standards. The following standards shall be met:

(1) In a planned neighborhood development, the developer may make use of the land for any purpose authorized in a particular PND ~~zoning district development~~ in which the land is located, subject to the provisions of this title. ~~No area of less than 10 contiguous, developable acres may be zoned 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. Section 14.36.040 describes the various types of PND zoning districts.~~

~~(2) Each PND district shall include a medium density residential element, comprised of R4, R6 or R8-12 depending on the underlying zoning district. 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.~~

~~(3) A second element of each PND district may include a Multi-Family Residential element corresponding to the zoning districts described in Sections 14.36.010(a)(5). Not more than 35 percent of the total area may be developed for higher density residential purposes. Within the portion of the PND developed for higher density residential, all development must be in accordance with the regulations applicable to the zoning district to which the PND district corresponds.~~

~~(4) A third element of each PND district may include a commercial element or mixed-use element corresponding to the Mixed Use, Local Business or Central Business District zoning districts. Not more than 10 percent of the total area may be developed for commercial purposes. Within that portion of a PND district 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.~~

~~(2) Within any lot developed as a planned neighborhood development, not more than 35 percent of the total area may be developed for higher density residential purposes (Multi-Family Residential), not more than 10 percent of the total area may be developed for purposes that are permissible only in a Local Business, Mixed Use, or Central Business District zoning district (whichever corresponds to the PND zoning district in question), and not more than five percent of the total lot area may be developed for uses permissible only in the Light Industrial zoning district (assuming the PND zoning district allows such uses at all).~~

~~(35) The plans for the proposed planned neighborhood development shall indicate the particular portions of the lot that the developer intends to develop for higher density residential purposes, lower medium density residential purposes, and commercial or mixed-use purposes permissible in a commercial district (as applicable), and purposes permissible only in a Light Industrial district (as applicable). For purposes of determining the substantive regulations that apply to the planned neighborhood development, each portion of the lot development so designated shall then be treated as if it were a separate district, zoned to permit, respectively, higher density residential~~

~~(Multi-Family Residential), lower density residential (Suburban Residential, Urban Residential, or High Urban Residential), commercial or Light Industrial uses.~~ However, only one permit - a planned neighborhood development permit - shall be issued for the entire development.

**(46)** The nonresidential portions of any planned neighborhood development may not be occupied until all of the residential portions of the development are completed or their completion is assured by any of the security mechanisms provided in Section 14.16A.180 (Security Mechanisms) to guarantee completion. The purpose and intent of this provision is to ensure that the planned neighborhood development procedure is not used, intentionally or unintentionally, to create nonresidential uses in areas generally zoned for residential uses except as part of an integrated and well-planned, primarily residential development.

## 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 – minimum of four dwellings per acre. The R4 single-family 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) 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.

(3) R6 – minimum of six dwellings per acre. The R6 single-family district 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.

(4) R8-12 – minimum of 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 allows for the development of single-family detached dwellings and attached townhomes.

(4) (c) 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 a minimum of 15 units per acre or more 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, and 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.~~

~~(eb) 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.~~

~~(dc) 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.~~

~~(i) 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.

(e) 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.

(f) 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 three and possibly four zoning districts.

(1) One element of each PND district shall be the medium density residential element. 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 district 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 be the higher density residential element. Here there are two possibilities, each one corresponding either to the Multi Family residential or Mixed Use zoning districts described in Sections 14.36.010(e) and 14.36.020(e), respectively. Within that portion of the PND district that is developed for higher density residential purposes, all development must be in accordance with the regulations applicable to the higher density residential district to which the PND district corresponds.

(3) A third element of each PND district shall be the commercial element. Here there are three possibilities, each one corresponding to one of the following commercial districts identified in Section 14.36.010, 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 contiguous, developable acres may be zoned 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**

<b>Neighborhood Commercial</b>	X	X	X	-	-	-	-	-	-	-	-	-	-
Local Business					X		X						
Central Business District						X							
Mixed Use								X					
Planned Business District									X				
<b>Sub-Regional Commercial</b>	-	-	-	-	-	X	-	-	-	-	-	-	-
Light Industrial									X	X			
General Industrial										X			
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						
<b>Main Street District</b>	-	-	-	-	-	-	-	X	-	-	-	-	-
Mixed Use Neighborhood								X					
<b>Neighborhood Business</b>	-	-	-	-	-	-	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

SRC = **Sub-Regional Commercial**

COM = Commercial (Subareas)

GIDA = General Industrial w/Development Agreement

**14.38.020 Zoning Districts. I(NOTE to Code Publishing – renumber remaining code sections with deletions of subsections (c) and (e).)**

The following zoning districts implement the goals, policies and distribution of land uses set forth in the subarea plans:

(c) ~~Main Street District (MS). The purpose of this district is 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.~~

(1) ~~Principal Uses.~~

- (i) ~~Arts and entertainment;~~
- (ii) ~~Food services;~~
- (iii) ~~Small to mid size retail trade; and~~
- (iv) ~~Transit facilities/stops.~~

(2) ~~Secondary Uses.~~

- (i) ~~Amusement and recreation industries;~~
- (ii) ~~Commercial parking structures/lots;~~
- (iii) ~~Finance and insurance;~~
- (iv) ~~Health care services;~~
- (v) ~~Personal services;~~
- (vi) ~~Professional, scientific, and technical services;~~
- (vii) ~~Public administration;~~
- (viii) ~~Small wireless facilities/towers and antennas 50 feet tall or less; and~~
- (ix) ~~Eligible facility modifications.~~

(3) ~~Residential Uses.~~

- (i) ~~Mixed use multifamily residential units including apartments, condominiums, and live/work units, where the majority of residential units are located above commercial uses.~~

(4) ~~Special Regulations.~~

- (i) ~~Automotive, boat, and recreational vehicle sales and services are not allowed.~~
- (ii) ~~Drive-through uses are not allowed between the building and right-of-way and are subject to screening requirements found in the applicable design guidelines.~~
- (iii) ~~Theaters and performing arts venues are limited to a maximum size of 500 seats.~~
- (iv) ~~The footprint of small to mid-size retail trade uses, in any single-use structure, may not exceed 30,000 gross square feet.~~
- (v) ~~Health care, professional, scientific, or technical service structures' footprints may not exceed 5,000 gross square feet.~~
- (vi) ~~Macro facilities collocation on existing buildings/structures requires an administrative conditional use permit per Section 14.16C.015.~~
- (vii) ~~Macro facilities (e.g., new tower, pole or structure)/towers and antennas more than 50 feet tall require a conditional use permit per Section 14.16C.045.~~
- (viii) ~~Marijuana facilities are not allowed.~~

(e) ~~Neighborhood Business (NB). The purpose of this district is 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.~~

(1) ~~Principal Uses.~~

- (i) ~~Arts and entertainment;~~
- (ii) ~~Food services;~~
- (iii) ~~Personal services;~~
- (iv) ~~Small retail trade; and~~

(v) ~~Transit facilities/stops.~~

(2) ~~Secondary Uses.~~

(i) ~~Amusement and recreation industries;~~

(ii) ~~Finance and insurance;~~

(iii) ~~Professional, scientific, and technical services;~~

(iv) ~~Public administration;~~

(v) ~~Small wireless facilities/towers and antennas 50 feet tall or less; and~~

(vi) ~~Eligible facility modifications.~~

(3) ~~Special Regulations.~~

(i) ~~Automotive, boat, and recreational vehicle sales are not allowed, except in locations immediately adjacent to a State route or State highway.~~

(ii) ~~Drive-through uses are subject to screening requirements found in the applicable design guidelines.~~

(iii) ~~The footprint of any single structure may not exceed 10,000 gross square feet.~~

(iv) ~~Macro facilities collocation on existing buildings/structures requires an administrative conditional use permit per Section 14.16C.015.~~

(v) ~~Macro facilities (e.g., new tower, pole or structure)/towers and antennas more than 50 feet tall require a conditional use permit per Section 14.16C.045.~~

(vi) ~~Marijuana facilities are not allowed.~~

(f) Other Zones. The subareas may also contain the ~~Urban Residential (UR)R8-12, High Urban Residential (HUR)R6~~, and Public/Semi-Public (P/SP) zoning districts, as described in Chapter 14.36 or as modified below.

(1) ~~High Urban Residential (HUR)R8-12.~~ Within the subareas, the purpose of the ~~HUR-R8-12~~ district is to accommodate higher-density residential uses that may include multi-family condominiums, apartments, townhouses and row houses, as well as any small lot single-family residential units or innovative housing options per Chapter 14.46 in areas served by public water and sewer facilities, as well as the other uses described in Table 14.40-I of Chapter 14.40. ~~The dimensional standards for single-family residential districts shall be per Table 14.48-I.~~

(2) Public/Semi-Public (P/SP). Within the subareas, the purpose of P/SP district is to accommodate public and semi-public uses, such as schools, government facilities, public utilities, community facilities, parks, etc., as well as the other uses described in Table 14.40-I of Chapter 14.40.

#### 14.38.040 Dimensional Regulations.

Table 14.38-I Dimensional Regulations

Zone	Minimum Lot Size	Building Setback (from lot line, tract or easement) (ft) <sup>12</sup>		Min. Landscape Buffer (ft) <sup>7</sup>	Min. First Floor Height (ft)	Max. Height (ft) <sup>9, 12-14</sup>
		Front	Side/Rear			
<b>Commercial Zones</b>						
BD	NA	5	10 <sup>4, 5</sup>	5	12	55
CBD	NA	5 <sup>1</sup>	0 <sup>4, 5, 6</sup>	5	15	55
CD	NA	5	10 <sup>4, 5</sup>	5	15	55 <sup>10</sup>
NB	NA	5	10 <sup>4-5</sup>	5	15	35
<b>Mixed Use Zones</b>						
MS	NA	5 <sup>4</sup>	0 <sup>4-5, 6</sup>	5	15	55

Table 14.38-I Dimensional Regulations

Zone	Minimum Lot Size	Building Setback (from lot line, tract or easement) (ft) <sup>10</sup>		Min. Landscape Buffer (ft) <sup>7</sup>	Min. First Floor Height (ft)	Max. Height (ft) <sup>9, 12-14</sup>
		Front	Side/Rear			
MUN	NA	10 <sup>2, 3, 11</sup>	10 <sup>5, 6</sup>	5	15 <sup>8</sup>	45
<b>Residential Zones</b>						
HUR <sup>12</sup>	3,600 sq. ft.	10 <sup>2-3</sup>	5 <sup>5</sup>	5	NA	45
UR	7,500 sq. ft. <sup>13</sup>	20 <sup>9</sup>	5	NA	NA	35

Notes:

1. The minimum required setback is five feet and the maximum allowed setback is 10 feet in the CBD ~~and MS~~ districts to allow an active storefront area.
2. The minimum required setback is 10 feet and the maximum allowed setback is 25 feet subject to modifications defined in LSC 14.16C.120.
3. ~~Porches, covered entries, or pedestrian oriented spaces may project up to five feet into front yard setbacks in residential districts.~~
4. Districts that allow commercial uses shall maintain a 10-foot, Type B screen when adjacent to residential zones, per Section [14.76.040\(a\)](#).
5. Structures 35 feet or taller next to single-family districts must be stepped back five feet for every floor over 35 feet per Figure 14.38-II.



Figure 14.38-II illustrates stepping back the upper stories of a structure, adapted from the Everett Municipal Code.

6. Attached housing units or attached commercial structures built on separate lots can be built to the common property line. The outside setback for attached structures abutting a right-of-way, separate detached structures, or a different zone shall be 10 feet.
7. Landscape buffers will be comprised of a Type C screen per Section [14.76.040\(a\)](#) along side and rear property lines; however, the City may waive the landscape buffer when adjacent properties share parking, access, or other common features that make intensive landscaping impractical. In addition, perimeter landscape buffer

along property lines of adjacent high-density single-family lots is not required; however, screening different developments from neighboring properties will provide separation, vegetation and define each development.

8. The first-floor height of residential structures in the MUN district, without an attached retail/service component, not facing a public right-of-way may be reduced to industry standard.
9. If a project includes a parking structure or affordable housing as described in Section [14.38.050\(a\)](#), the City will also allow an overall height increase of 10 feet above maximum height.
10. The City will consider an increase in maximum height up to 80 feet with a conditional use permit per Section [14.16C.045](#).

~~11. Maximum impervious surface for parcels in the HUR district is 65 percent.~~

~~12. When developed as a planned residential development (Section [14.44.020](#)) the per unit lot size may be reduced to 3,000 square feet for HUR district and 6,000 square feet for the UR district in return for the dedication of additional open space at the ratio of 400 square feet per dwelling unit.~~

~~13. Eaves and other minor architectural features may project into the required setback up to 18 inches.~~

~~14.11. Building heights in the CBD and P/SP zoning districts west of Main Street between North Lakeshore and 16th Street SE may not exceed 45 feet.~~

#### **14.40.090 More Specific Use Controls.**

Whenever a development could fall within more than one use classification in the Table of Permissible Uses (referenced in Section 14.40.010 and found at the end of this chapter), the classification that most closely and most specifically describes the development controls. For example, a small doctor's office or clinic clearly falls within the 3.110 classification (office and service operations conducted entirely indoors and designed to attract customers or clients to the premises). However, classification 3.130, "office or clinics of physicians or dentists with not more than 10,000 square feet of gross floor area," more specifically covers this use and therefore is controlling. (Ord. 1020, Sec. 3, 2018; Ord. 468, 1995)

**TABLE 14.40-I: TABLE OF PERMISSIBLE USES BY ZONES<sup>16</sup>**

**Notes to editor – the following changes need to be made to the table of permissible uses:**

**1. Change the following zone names as follows**

- **SR becomes R4**
- **UR becomes R6**
- **HUR becomes R8-12**

**2. Strike NC column in its entirety – this zoning district does not exist**

**3. Footnotes**

- **Strike Footnote 4 – NC zoning District does not exist**
- **Update Footnote 8 to reflect zoning district name changes described above**
- **Renumber remaining notes with deletions noted**

## Chapter 14.44 SUPPLEMENTARY USE REGULATIONS

### 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.~~

### **14.76.090 Additional Screening Requirements.**

#### TABLE 14.76-I: SCREENING REQUIREMENTS

**Notes to editor – the following changes need to be made to the table of permissible uses:**

**4. Change the following zone names as follows**

- SR becomes R4**

- UR becomes R6
- HUR becomes R8-12

5. Strike NC column in its entirety – this zoning district does not exist

## 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 14.48-1 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.

#### **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.

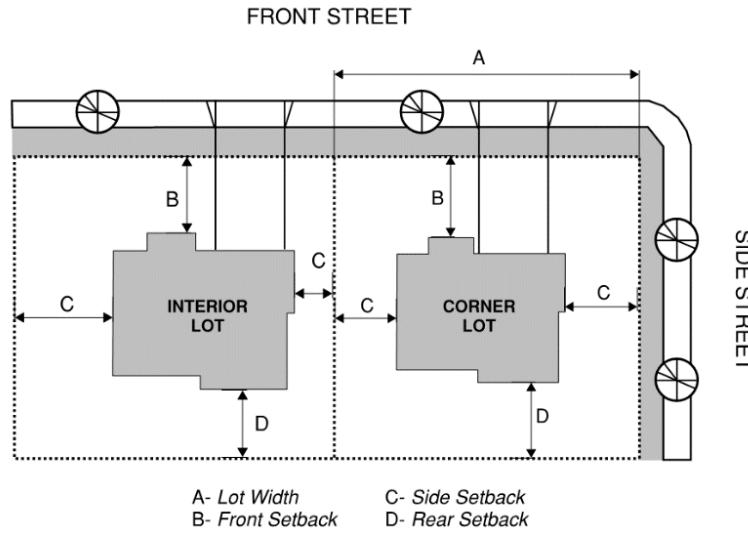
(b) Without limiting the generality of the foregoing standard, Table 14.48-1 ~~indicates establishes~~ minimum lot widths ~~that are recommended and are deemed presumptively to satisfy the standard set forth in subsection (a) of this section.~~ The lot width shall be measured along a ~~straight horizontal~~ line ~~between side lot lines measured at approximate right angles at the midway point between the front and rear lot lines 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)

**14.48.35 Lot standards.**

(a) Corner lots situated at the intersection of two or more streets shall measure the front setback along the lot line abutting the right-of-way that best conforms to the pattern of existing site development on adjacent lots. Side setbacks along side streets are reduced to 10 feet.

(b) Interior lots shall measure the front setback along the lot line abutting the right-of-way.



(c) Panhandle / Flag Lots are lots accessed from the abutting right-of-way by a narrow access corridor of land within the same lot. Panhandle lots shall be allowed subject to the following requirements:

- (1) Panhandle lots shall meet setback and other dimensional standards, on the portion of the lot outside the panhandle, where the access corridor joins the wide portion of the lot. The area within the panhandle access corridor shall not be used to determine lot area, lot width, lot depth or impervious area for the lot.
- (2) The panhandle shall provide direct access to a paved public or private street. The access corridor shall maintain a minimum width of 15 feet, a minimum height clearance of 12 feet and meet the city's engineering standards.
- (3) There shall not be more than two contiguous panhandle lots where the panhandles abut. In such cases the panhandles can be reduced to 10 feet per lot.
- (4) All requirements of the fire code shall be met, including access, turnarounds and sprinklers as applicable.
- (5) No buildings shall be erected within the panhandle access.

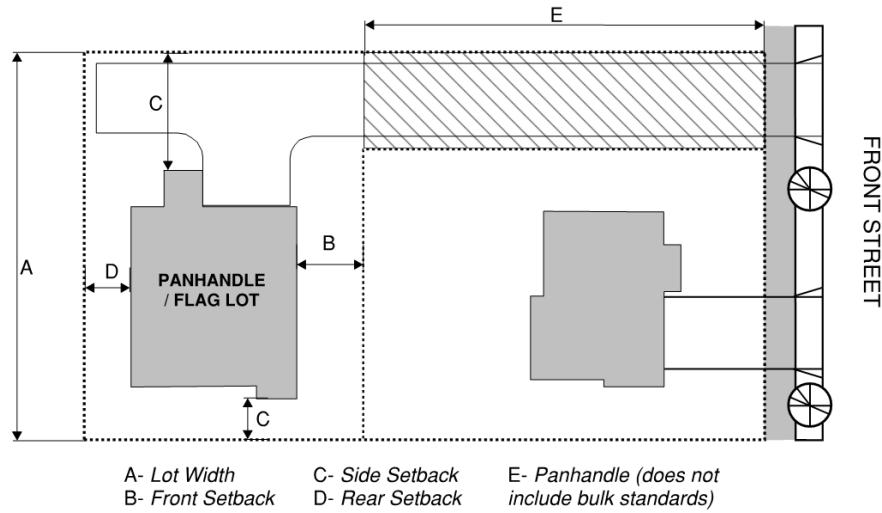
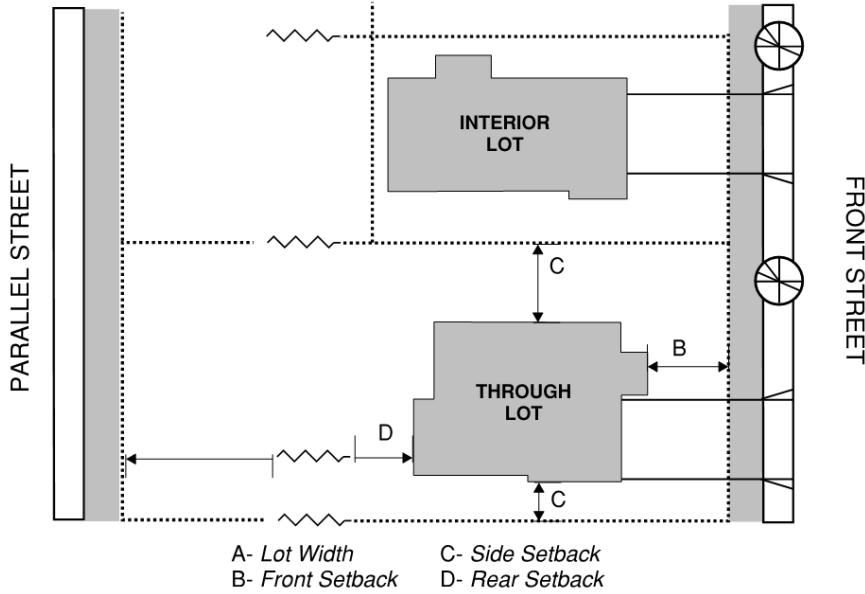


Figure X: A typical configuration for panhandle lot. Setbacks and orientation can vary based on site conditions.

(d) Through lots include lots with parallel or approximately parallel streets shall measure the front setback along the lot line abutting the right-of-way that best conforms to the pattern of existing site development on adjacent lots or that that lot line which abuts a nonarterial street. The other lot line abutting a right-of-way shall be considered a rear yard.



#### 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.~~

~~(21) 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.~~

~~(32) 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.~~

~~(dc) 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 shall not exceed 200 square feet without a building permit,
- (2) The height of the accessory structure shall 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 or open porches. This reduction does not apply to garages or other nonhabitable areas or carports.~~

~~(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.~~

~~(d) 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.~~

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

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

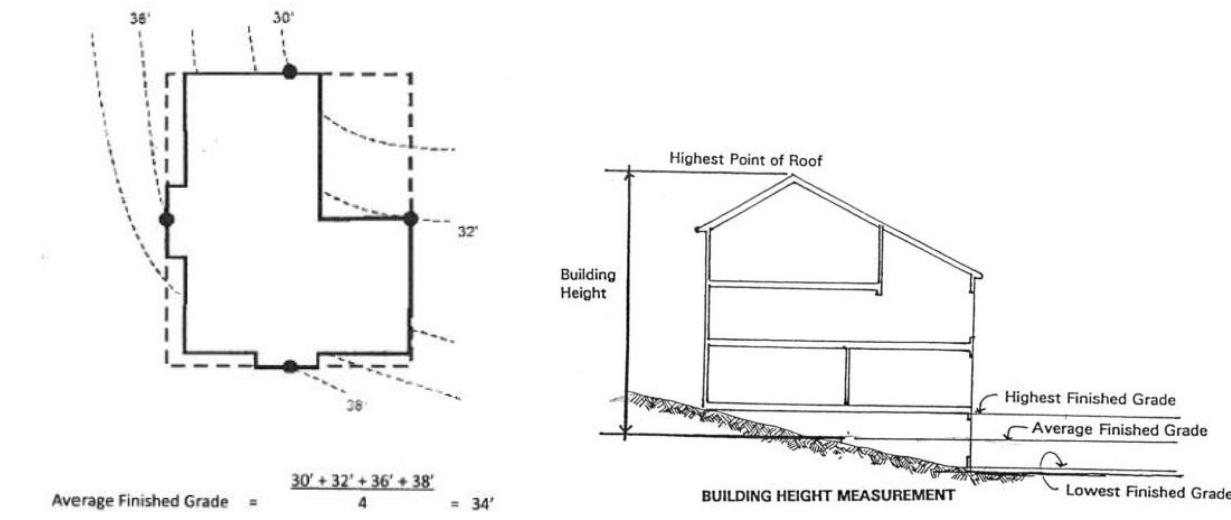
Exceptions for fences, walls, and hedges are contained in Chapter [14.52](#). (Ord. 1063, Sec. 2 (Exh. B), 2019; Ord. 903, Sec. 39, 2013; Ord. 811, Sec. 56, 2010; Ord. 741, Sec. 7, 2007; Ord. 676, Sec. 45, 2003; Ord. 666, Sec. 9, 2002; Ord. 595, 1999; Ord. 468, 1995)

**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.

~~(fe) 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.~~

(fe) 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)

#### **14.48.080 Architecturally Integrated Subdivisions.**

*Repealed by Ordinance 579.*

#### **14.48.085 Density Calculation and Lot Size Averaging**

(a) The density calculation for new residential developments and subdivisions shall be based on an adjusted gross density as follows, unless otherwise defined in this title.

(1) Subtract a 25 percent reduction factor from the gross development area to account for infrastructure including easements, streets and stormwater, etc.

(2) Divide the net buildable area by the minimum lot size of the underlying zoning district to determine the maximum adjusted gross density.

(3) For the multifamily residential zoning district, the minimum density is 15 units per acre. The maximum density will be limited by bulk standards, maximum height, required open space, parking and other zoning standards of this title.

(4) Limitations. Nothing contained within this chapter guarantees the maximum adjusted gross density will be attained. The adjusted gross density may not always be achievable due to unique site considerations including, but not limited to critical areas, topography, right-of-way dedications, utility easements, open space requirements and stormwater requirements.

(5) When the adjusted gross density is determined, if the calculation for lots or units results in a fraction of 0.5 or greater the number shall be rounded up to the next whole number.

(b) Lot size averaging. After calculating the adjusted gross density, the proponent may apply limited lot size averaging provisions up to the amount necessary to achieve the adjusted gross density. The proponent may use one of the following methods, unless dimensional standards are modified by other sections of this title, including but not limited to planned residential developments, cluster subdivisions and infill development:

(1) The proponent may reduce lot sizes by 10 percent within the residential development and/or subdivision provided no other dimensional reductions are applied; or

(2) The proponent may reduce lot widths within the residential development and/or subdivision by 10 percent. In no case shall lots be less than 40 feet wide provided no lot size reductions are applied.

**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 14.48-1, 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.~~

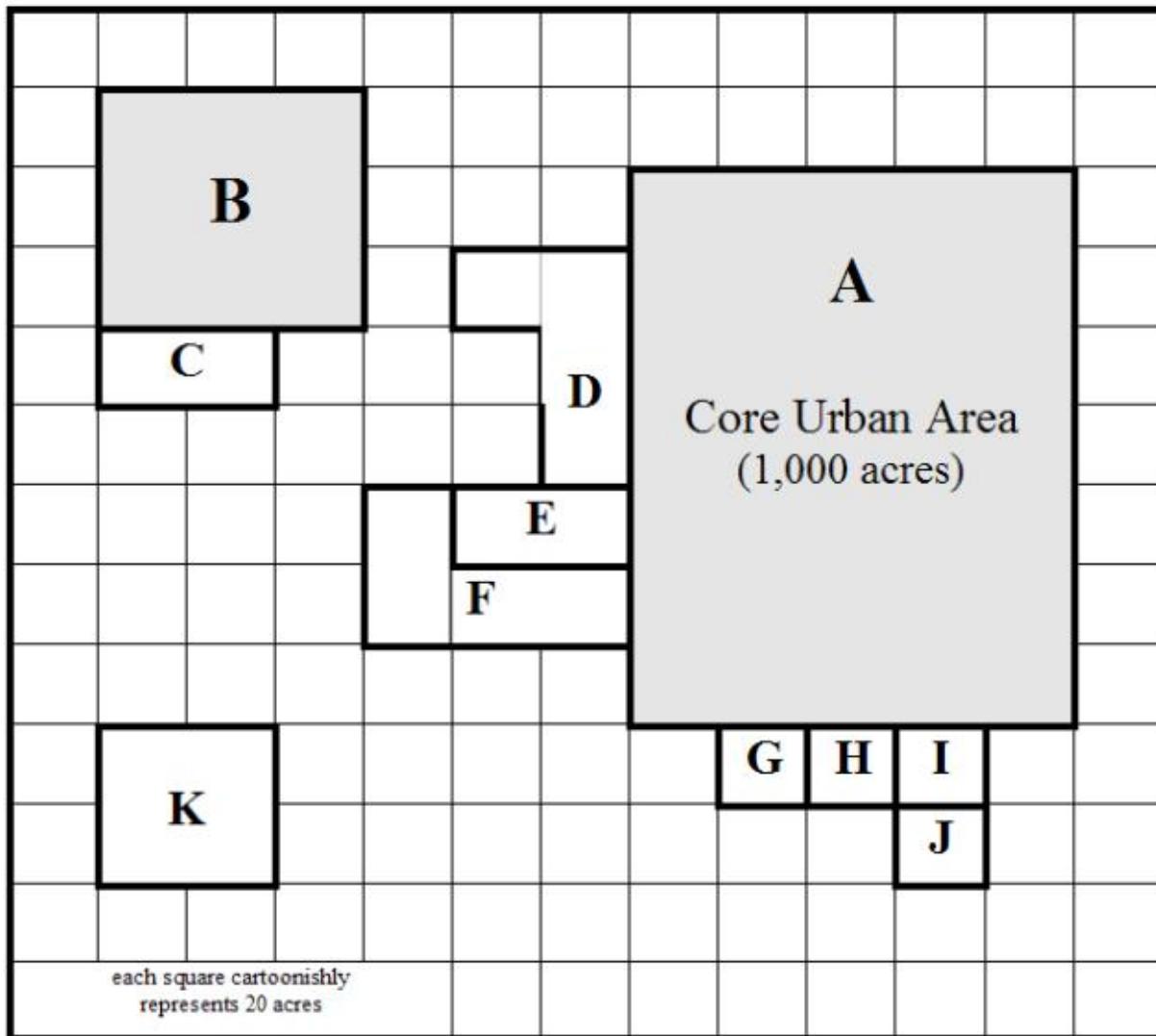
~~(b) Exemptions from subsection (a)(1) and which are allowed to develop at their higher densities upon the findings of subsection (a)(2-4) being made include:~~

~~(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 §14.18.100 (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: <sup>4</sup>								Height Limitation (ft.)			
	Standard Subdivision	Cluster Subdivision			Nonarterial Street Right-of-Way Line		Nonarterial Street Centerline <sup>1</sup>		Ultimate Arterial Street Right-of-Way Line		Lot Line, Tract or Easement <sup>3</sup>					
					Building	Freestanding Sign	Building	Freestanding Sign	Building	Freestanding Sign	Building and Freestanding Sign	Building and Freestanding Sign				
Waterfront Residential	9,600 ft <sup>2</sup>	7,500 ft <sup>2</sup>	9,600 ft <sup>2</sup>	50	25	12.5	55	42.5	25	12.5	5	35				
Suburban Residential <sup>2</sup>	5 acres/ 9,600 ft <sup>2</sup>	5 acres/ 7,500 ft <sup>2</sup>	5 acres/ 9,600 ft <sup>2</sup>	80	25	12.5	55	42.5	25	12.5	5	35				
Urban Residential <sup>2</sup>	5 acres/ 7,500 ft <sup>2</sup>	6,000 ft <sup>2</sup>	7,500 ft <sup>2</sup>	60	20	10	50	40	20	10	5	35				
High Urban Residential	3,600 ft <sup>2</sup>	N/A	3,600 ft <sup>2</sup>	40	15	5	45	35	20	5	5	35				
Multi-Family Residential	3,000 ft <sup>2</sup>	N/A	0 ft <sup>2</sup>	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: <sup>4</sup>								Height Limitation (ft.)			
	Standard Subdivision	Cluster Subdivision			Nonarterial Street Right of Way Line		Nonarterial Street Centerline <sup>1</sup>		Ultimate Arterial Street Right of Way Line		Lot Line, Tract or Easement <sup>3</sup>					
					Building	Freestanding Sign	Building	Freestanding Sign	Building	Freestanding Sign	Building and Freestanding Sign					
Neighborhood Commercial	3,000 ft <sup>2</sup>	N/A	0 ft <sup>2</sup>	0	0	0	30	30	0	0	0	35				
Mixed Use	3,000 ft <sup>2</sup>	N/A	0 ft <sup>2</sup>	0	0	0	30	30 ft <sup>2</sup>	0	0	0	60				
Local Business	3,000 ft <sup>2</sup>	N/A	0 ft <sup>2</sup>	0	0	0	30	30	0	0	0	60				
Central Business District	3,000 ft <sup>2</sup>	N/A	0 ft <sup>2</sup>	0	0	0	30	30	0	0	0	60				
Planned Business District	0 ft <sup>2</sup>	N/A	0 ft <sup>2</sup>	0	0	0	30	30	0	0	0	40				
Sub-Regional Commercial	0 ft <sup>2</sup>	N/A	0 ft <sup>2</sup>	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: <sup>4</sup>								Height Limitation (ft.)			
	Standard Subdivision	Cluster Subdivision			Nonarterial Street Right of Way Line		Nonarterial Street Centerline <sup>1</sup>		Ultimate Arterial Street Right of Way Line		Lot Line, Tract or Easement <sup>2</sup>					
					Building	Freestanding Sign	Building	Freestanding Sign	Building	Freestanding Sign	Building and Freestanding Sign	Building and Freestanding Sign				
Light Industrial	0 ft <sup>2</sup>	N/A	N/A	10	0	0	30	30	0	0	0	0	85			
General Industrial	0 ft <sup>2</sup>	N/A	N/A	10	0	0	30	30	0	0	0	0	85			
Public/Semi-Public	0 ft <sup>2</sup>	N/A	N/A	0	0	0	0	0	0	0	0	0	60			

<sup>1</sup>See Section 14.48.040(a)(1) for use of centerline.

<sup>2</sup>See Section 14.48.100 for use of five acres or square feet requirements.

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

<sup>4</sup>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 Standards<sup>1</sup>**

<u>Zoning District</u>	<u>Lot Size</u>		<u>Lot Width</u>	<u>Front Setback<sup>2</sup></u>	<u>Side Setback</u>	<u>Rear Setback</u>	<u>Maximum Impervious Area<sup>6</sup></u>	<u>Maximum Height</u>
R4	<u>8,000 sq ft</u>		<u>60-feet internal</u> <u>65-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>
WR	<u>9,600 sq ft</u>		<u>variable - not</u> <u>less than 50-feet</u>	<u>25-feet</u>	<u>15 total</u> <u>(no less than</u> <u>5-feet one side)</u>	<u>20-feet<sup>7</sup></u>	<u>40%<sup>5</sup></u>	<u>35</u>
R6	<u>6,000 sq ft</u>		<u>50-feet internal</u> <u>55-feet corner</u>	<u>15 - feet</u>	<u>15 total</u> <u>(no less than</u> <u>5-feet one side)</u>	<u>15-feet</u>	<u>55%</u>	<u>35</u>
R8 – 12 <sup>3</sup>	<u>Detached</u>	<u>4,000</u> <u>sq ft</u>	<u>45-feet internal</u> <u>50-feet corner</u>	<u>15 - feet</u> <u>(25-feet</u> <u>max.)<sup>8</sup></u>	<u>10 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>2,800</u> <u>sq ft</u>	<u>16-feet internal</u> <u>26-feet corner</u>	<u>15 - feet</u> <u>(25-feet</u> <u>max.)<sup>8</sup></u>	<u>10-feet between</u> <u>other districts or</u> <u>buildings onsite</u>	<u>10-feet</u>	<u>75%</u>	<u>45</u>
MFR	<u>none</u>		<u>20 feet<sup>4</sup></u>	<u>variable</u>	<u>10-feet between</u> <u>other districts or</u> <u>buildings onsite</u>	<u>10-feet between</u> <u>other districts</u>	<u>80%</u>	<u>55</u>

1. Unless otherwise stated, the dimensional standards refer to minimum requirements.
2. The minimum required setback for garages is 20 feet from the front lot line to ensure sufficient space for cars to park in driveways without blocking sidewalks.
3. The R8-12 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.
4. 20-foot minimum street frontage.
5. Per Lake Stevens Shoreline Master Program

6. The allowance for impervious surfaces shall only apply to parcels with adequate stormwater facilities 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; otherwise the lot coverage remains 40% for single-family zones (R4, R6 and WR) and 65% for the R8-12 zoning district on existing developed parcels.”
7. 20-feet for waterfront residential parcels separated by roads; otherwise, per the Lake Stevens Shoreline Master Program
8. The maximum driveway length is mandatory for standard platted lots. Exceptions to this standard may be considered on a case basis for infill lots and lots with unique site conditions including but not limited to critical areas, topography and location of easements and utility corridors.

**Table 14.48-II: Non-residential Density and Dimensional Standards<sup>1</sup>**

<u>Zoning District</u>	<u>Minimum Street Frontage<sup>8</sup></u>	<u>Front Setback</u>	<u>Side Setback<sup>2,3</sup></u>	<u>Rear Setback<sup>3</sup></u>	<u>Min. Landscape Buffer (ft)<sup>3</sup></u>	<u>Height<sup>4,5</sup></u>
<b>Commercial Zones<sup>6</sup></b>						
Business District	<u>20</u>	<u>5</u>	<u>10</u>	<u>10</u>	<u>5</u>	<u>55</u>
Central Business District	<u>20</u>	<u>5</u>	<u>10</u>	<u>10</u>	<u>5</u>	<u>55</u>
Commercial District	<u>20</u>	<u>5</u>	<u>10</u>	<u>10</u>	<u>5</u>	<u>55</u>
Local Business	<u>20</u>	<u>5</u>	<u>10</u>	<u>10</u>	<u>5</u>	<u>45</u>
Planned Business District <sup>7</sup>	<u>20</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>5</u>	<u>45</u>
Public/Semi-Public	<u>20</u>	<u>5</u>	<u>10</u>	<u>10</u>	<u>5</u>	<u>55</u>
<b>Industrial Zones<sup>6</sup></b>						
Light Industrial	<u>20</u>	<u>20</u>	<u>10</u>	<u>10</u>	<u>5</u>	<u>45</u>
General Industrial	<u>20</u>	<u>20</u>	<u>10</u>	<u>10</u>	<u>5</u>	<u>55</u>
<b>Mixed Use Zones</b>						
Mixed-Use	<u>20</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>5</u>	<u>55</u>
Mixed-Use Neighborhood	<u>20</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>5</u>	<u>45</u>

1. Districts that allow commercial uses shall maintain a 10-foot, Type B screen when adjacent to residential zones, per Section 14.76.040(a).
2. Attached housing units or attached commercial structures built on separate lots can be built to the common property line. The outside setback for attached structures abutting a right-of-way, separate detached structures, or a different zone shall be 10 feet.
3. Landscape buffers will be comprised of a Type C screen per LSCM 14.76.040 next to side and rear property lines; however, the City may waive the landscape buffer when adjacent properties share parking, access, or other common features that make intensive landscaping impractical. In addition, perimeter landscape buffer next to property lines of adjacent high-density single-family lots is not required; however, screening different developments from neighboring properties will provide separation, vegetation and define each development.
4. Structures 35 feet or taller next to single-family districts must be stepped back five feet for every floor over 35 feet

5. The minimum first floor height in commercial and mixed-use zoning districts is 15-feet; however, residential structures in mixed-use districts, without an attached retail/service component, not facing a public right-of-way may be reduced to industry standard.
6. The City will consider an increase in maximum height up to 80 feet with a conditional use permit per Section 14.16C.045.
7. Development standards are found in LSCM 14.44.090 Planned Business District.
8. Minimum street frontage refers to having either a direct physical connection to a street or right-of-way; or access is provided through an easement.



Staff Report  
City of Lake Stevens Planning Commission  
Public Hearing  
Date: **February 19, 2020**

**SUBJECT:** Code Amendment for Infill Housing Regulations

**CONTACT PERSON/DEPARTMENT:** Sabrina Gassaway, Associate Planner

**SUMMARY:** Code amendment to create Infill Housing Regulations.

**ACTION REQUESTED OF PLANNING COMMISSION:** Forward a recommendation to City Council to approve the proposed regulations.

**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.

**Background**

A city-initiated code amendment to evaluate the city's zoning code and identify flexible and efficient standards to increase diversity in housing stock throughout the community and promote quality neighborhoods. This code amendment is responsive to House Bill 1923 to increase building supply through infill development of duplexes, triplexes and fourplexes in single-family zones within the city.

Staff created an outreach program to discuss these issues with a Land Use Advisory Committee comprised of interested citizens and industry constituents. Work with the Committee has included a visual preference survey, review of the city's current zoning standards, comparison of standards from multiple jurisdictions, briefing on the city's buildable lands and participation in creating updated standards for residential 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 six times and periodically briefed the Council. As part of this update, staff has worked with representatives from Master Builders and other stakeholders to ensure that the changes result in projects that can be constructed as envisioned.

Many changes required restructuring and reorganizing existing code with minor adjustments to support the greater project. Edits are shown through the track-change function, underlined sections are new, strike-through changes are deletions and the unaltered code is in black. If the Planning Commission is satisfied with the updates following the hearing, staff will schedule an additional public hearing with the City Council.

Amendments to Chapter 14.46 LSCM parts I and II include the simplification of the review process for innovative housing projects and minor code updates to cottage housing developments. The revisions help simplify the review process for innovative housing projects and remove duplicative processes.

LSMC 14.46.015 Review and Processing – Removed the requirement that an applicant host a neighborhood meeting prior to the project's submittal.

- LSMC 14.46.020 Application - Removed duplicate project submittal requirements that already existed in 14.16.105.
- LSMC 14.46.025 Sewer Requirements – Updated to section title to Utility Requirements and include provisions for both sewer and water.
- LSMC 14.46.100 Purpose and Intent – Deleted reference to 14.44.035 to specifically call out allowed zoning for cottage housing.
- LSMC 14.46.115 Community Assets – Deleted minimum open space requirement for cottage housing developments and increased the height for community buildings in cottage developments from 18 to 25 feet.

Chapters 14.46 LSMC create regulations for infill housing with eligibility criteria, dimensional standards, design standards, and development bonuses for infill housing projects contained within Part III.

- LSMC 14.46.200 Purpose and Intent - New section added to provide direction as to the purpose and intent of the infill housing code.
- 14.46.210 Applicability - New section added to provide eligibility criteria for infill housing developments including applicable zoning, project size and minimum dwelling unit creation.
- 14.46.230 Infill Residential Standards
  - Adds infill standards that reduce dimensional requirements of the underlying zone for lot area and width, with an additional reduction for detached dwelling units under 1,600 sq ft in size.
  - Added infill development standards that provide dimensional requirements and incentives for setback, small multiplexes, parking and impervious surface.
  - Added infill design standards that provide requirements to ensure compatibility of infill development with the character of existing neighborhoods. These include parking, building orientation, landscaping, building façade and site design requirements.

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## FINDINGS AND CONCLUSIONS:

### 1. Compliance with elements of the Comprehensive Plan

- Land Use Element Policy 2.1.1 – Accommodate a variety of land uses to support population and employment growth, consistent with the city's responsibilities under the Growth Management Act, Regional Growth Strategy and Countywide Planning Policies.
- 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 2.3.2 – Preserve and promote the character of existing neighborhoods through thoughtful development regulations and design standards.
- Land Use Element Policy 2.3.3 – Encourage infill development on suitable parcels and redevelopment of underutilized parcels. Ensure the height, bulk and design of infill and redevelopment projects are compatible with their surroundings.
- 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.

- Land Use Element Goal 2.14 – Design and build a healthy community to improve the quality of life for all people who live, work, learn, and play within the city
- 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.
- Housing Element Goal 3.3 – Encourage the use of innovative techniques to provide a broad range of infill housing types for all income levels and housing needs.
- Housing Element Goal 3.5 – Provide a balanced development pattern, which promotes pedestrian activities, a sense of community and safety.

**Conclusions** – The proposed code amendments are consistent with Comprehensive Plan goals as they relate to the diverse zoning opportunities, 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 December 24, 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 December 19, 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 or around December 24, 2019.
- The city published a notice of public hearing in the Everett Herald twice per Chapter 14.16B LSMC.
- No written comments have been received.

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

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**RECOMMENDATION:** Forward a recommendation to the City Council to APPROVE the proposed code amendment to reorganize and modify zoning regulations for infill housing.

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**ATTACHED:**

- 1) Revised Draft Regulations

## Exhibit 1

### 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**

**~~14.46.030 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 ~~will~~ follow the permit path associated with the underlying permit pursuant to Chapters 14.16A and 14.16B.

(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.~~

~~(d) A detailed description of how the proposed development is applying development bonuses including but not limited to; parking reductions, lot width reductions, and lot size reductions.~~

~~(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.~~

~~(eh) -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 UtilitySewer Requirements.**

Innovative housing developments are required to be developed where on sewerspublic 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)*

#### **14.46.100 Purpose and Intent.**

(a) These regulations set forth the required standards for cottage housing developments as permissible uses in various zoning districts as specified in Section 14.44.035. the following zoning districts: R6, R8-12 and MFR.

(b) Cottage housing allows for a higher density development than is normally allowed. This is made possible by smaller home sizes, clustered home sites, and parking and design standards.

(c) The intent of the cottage housing development regulations is to:

- (1) Support the growth management goal of more efficient use of urban residential land;
- (2) Support development of diverse housing in accordance with the Comprehensive Plan;
- (3) Increase the variety of housing types available for smaller households;
- (4) Provide opportunities for small, detached dwelling units within existing neighborhoods; and

(5) Provide opportunities for creative, diverse and high quality infill development that is compatible with existing neighborhoods. (Ord. 798, Sec. 7 (Exh. 2), 2009)

**14.46.115 Community Assets.**

(a) Common Open Area. The minimum common open area requirements set forth in this section are intended to provide a sense of openness, visual relief, and community in cottage housing developments. Common open areas shall provide a centrally located, focal area for the cottage housing development.

(1) At least 400 square feet of common open area per cottage is required for each cluster.

(2) Required common open area may be divided into no more than two separate areas per cluster.

(3) To be considered as part of the minimum open space requirement, an area of common open area must have a minimum dimension of 35 feet on all sides.

(4) The total common open area shall be at least 3,000 square feet, regardless of the number of units in the cluster.

(5) At least two sides of the common open area shall have cottages along the perimeter.

(6) Parking areas, yard setbacks, private open space, and driveways do not qualify as common open area. Community buildings can be counted towards the common open area calculations.

(b) Community Buildings.

(1) Community buildings are permitted in cottage housing developments.

(2) Community buildings shall be clearly incidental in use and size to dwelling units.

(3) Building height for community buildings shall be no more than two stories with a maximum height of 2518 feet, including ground level structured parking.

(4) Maximum size of community buildings shall be 2,000 square feet.

(5) Design shall be similar to and compatible with the design of the cottages.

(6) Community buildings may be constructed on top of parking structures to a maximum height of 23 feet.

(c) Other shared facilities could include tool sheds, gazebos, workshops, or similar common elements. (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 meets all the following criteria:

- (1) The lot is within one of the following zoning districts: R4, R6 and R8-12;
- (2) Adjacent properties abutting at least 50 percent of the non-street perimeter of the subject property:
  - (i) Are developed with single-family dwellings or higher intensity uses; or
  - (ii) Are encumbered by critical areas and associated buffers near the boundary; or
  - (iii) Are utility easements, such as the Everett Waterline or PUD power easement, that create a substantial break in development and/or redevelopment potential.
- (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, their associated buffers, proposed dedications to the City and existing utility easements that will remain; 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.

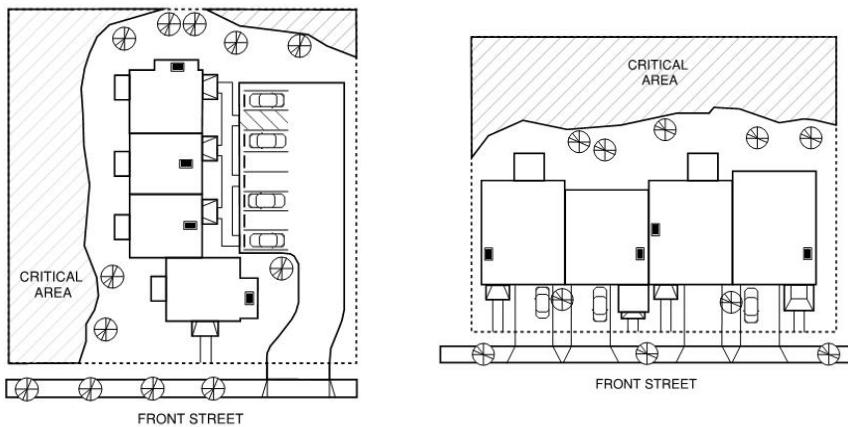
(b) *Infill Land Division Standards* - Reduction in Dimensional Requirements for Infill Residential Development. Notwithstanding the dimensional development standard requirements found in the underlying residential zones of LSMC 14.48, property that is eligible for infill residential development pursuant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

- (1) Minimum Lot Area. Minimum lot area may be reduced by 20 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 20 percent of the required minimum lot width of the underlying zone with no lots being narrower than 40 feet.
- (3) Developments that provide detached housing units 1,600 square feet or smaller shall be granted a 20 percent adjusted gross density bonus to the underlying zoning district.

(c) *Infill Development Standards.* Properties eligible for infill residential development pursuant to LSMC 14.46.210 may apply 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 front 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 with one or less bedrooms will qualify for a reduced 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 on a single lot.

(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 to match the neighborhood character. Multiplexes may have one unit face the street to meet this design standard.
- (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 for infill projects. Parking lots can be attached to individual lots, in common easements or set aside in a separate tract.
  - (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.
- (4) 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.
- (5) Horizontal building facades longer than 25 feet, or the width of individual attached units, shall be treated to reduce building mass and visual bulk using elements described in the Lake Stevens Design Guidelines for blank wall treatments.
- (6) Attached dwelling units shall be design reviewed using the Multifamily Chapter of the Lake Stevens Design Guidelines.

(7) Additional requirements for Garden / Courtyard Apartments:

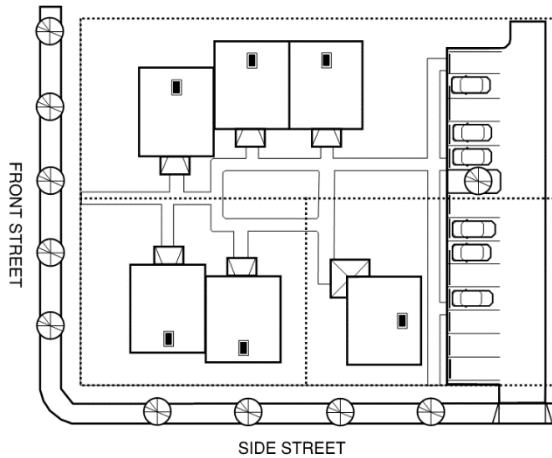


Figure (x): Multiple lots combined to create a garden courtyard project that includes a detached single family, duplex and triplex with consolidated parking in the rear of the development.

- (i) Each dwelling unit must have a separate, ground-related entrance with entrances facing the shared open space.
- (ii) Garden / courtyard projects shall provide architectural details on facades that face the courtyard and the public right of way.

- (iii) Garden / courtyard entries shall be well defined using landscaping, ornamental fencing, or architectural features.
- (iv) Every unit shall have a covered entry from the courtyard.
- (v) The internal garden / courtyard space of the development shall be defined through architectural features, buildings, or landscape, and include community amenities.
- (vi) A walkway from each dwelling unit shall be provided that connects the dwelling unit to the street through the courtyard. Connections through the parking area of the development do not count towards this requirement.
- (vii) Parking accessed from a street or lane shall be limited to one driveway with a maximum width as defined by the currently adopted EDDS.
- (viii) Garbage/recycling areas shall be consolidated and screened from public view.