



ORDINANCE NO. 4024-24

An ORDINANCE Relating to Allowing Birthing Centers on the Ground Floor on Certain Designated Streets, AMENDING EMC Chapters 19.04 (Definitions) and 19.05 (Uses).

WHEREAS,

-----REASON-----

- A.** City regulations limit certain uses, including Clinics, on the ground floor of streets within Metro Everett that are designated Pedestrian and Transit-Oriented Development; and
- B.** The limits on ground floor uses on certain designated streets are intended to promote pedestrian orientation through enhanced street-level activity and visual interest and to promote clustering of and synergy in retail, services, and other businesses that benefit from or depend on spontaneous visits from strolling customers; and
- C.** Birthing centers provide an important service and can be supportive of active and vibrant streets that are busy with people, provide inviting ground floor spaces, and focus on retail, commercial, and business uses.

-----PLANNING COMMISSION-----

- D.** The Planning Commission reviewed the amendments contained in this ordinance, including holding a briefing on June 18, 2024 and a public hearing on August 6, 2024; and
- E.** The Planning Commission, after hearing from the public and deliberating, voted to approve Resolution 24-03 on August 6, 2024, recommending the city council _____ the amendments contained in this ordinance; and

-----SEPA-----

- F.** City staff reviewed the proposal under provisions of the State Environmental Policy Act, completed an environmental checklist, and issued a Determination of Non-Significance on August 1, 2024; and

-----STATE AGENCY NOTICE-----

- G.** Notice of the proposed amendments to the comprehensive plan was sent to the Washington State Department of Commerce on July 31, 2024 and a letter of receipt was received the same day; and

-----GMA, MPP, CPP CONSISTENCY-----

- H. The amendments contained in this ordinance maintain consistency with the GMA and are consistent with the GMA planning goals; and
- I. The amendments contained in this ordinance are consistent with and supportive of the multicounty planning policies in VISION 2050; and
- J. The amendments contained in this ordinance are consistent with and supportive of the countywide planning policies; and
- K. The amendments contained in this ordinance are consistent with and supportive of goals, objectives, and policies in the city's comprehensive plan; and

-----COMPREHENSIVE PLAN POLICIES-----

- L. This ordinance is consistent with and supportive of goals, policies, and implementation strategies in the Everett Comprehensive Plan, including:
 - 1. Policy LU-2.4.1 Encourage redevelopment of Everett's metropolitan center with an intensive mix of governmental, financial, and professional services; cultural activities; high density housing; appropriate industrial uses; and retail and service businesses in a compact, pedestrian-and transit-oriented downtown setting.
 - 2. Goal UD-8.6 Downtown Everett should be the cultural center of the city, with a rich concentration of commercial enterprises, civic uses, historic structures, residential development, and public spaces.
 - 3. Objective UD-8.6.1 To strengthen the retail base by concentrating shops and services in selected areas.
 - 4. Policy UD-8.6.1 Consider amendments to the City's land use code, as necessary, to improve standards that reinforce pedestrian-friendly development in downtown, especially in areas designated as retail streets.

-----CITY CRITERIA-----

- M. The City Council considered the factors in EMC 15.03.300(C) in reviewing the proposed development regulation text amendments in this ordinance; and
- N. The City Council finds that the proposed amendments to the city's development regulations (unified development code) contained in this ordinance are consistent with the Everett comprehensive plan, bear a substantial relation to public health, safety and welfare, and promote the best long-term interests of the Everett community.

- A. -----CITY COUNCIL PROCESS-----

- B. On _____, the Everett City Council held a public hearing, after proper notice, and considered public comment and the entire record related to the code amendment contained in this ordinance.

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

Section 1. A subsection is hereby added to Section 19.04.060.

"Birthing center" or "childbirth center" means any health facility, not part of a hospital or in a hospital, that provides facilities and staff to support a birth service to low-risk maternity clients.

Section 2. Section EMC 19.05.180 is hereby amended as indicated in Exhibit 1, with strikeout text deleted and underlined text added:

Section 3. The following is provided for reference and may not be complete:

EMC Amended/Repealed by this Ordinance	Ordinance History of EMC Amended/Repealed by this Ordinance
EMC 19.04.060	(Ord. 3896-22, 2022 § 10) (Ord. 3895-22, 2022 § 8) (Ord. 3774-20, 2020 § 5)
EMC 19.05.180	(Ord. 3895-22, 2022 § 13) (Ord. 3774-20, 2020 § 5)

Section 4. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any internal references.

Section 5. The City Council hereby declares that should any section, paragraph, sentence, clause or phrase of this ordinance be declared invalid for any reason, it is the intent of the City Council that it would have passed all portions of this ordinance independent of the elimination of any such portion as may be declared invalid.

Section 6. The enactment of this Ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this Ordinance.

Section 7. It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provision or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.



Cassie Franklin, Mayor

ATTEST:



City Clerk

PASSED: 9/4/2024

VALID: 09/05/2024

PUBLISHED: 09/07/2024

EFFECTIVE DATE: 09/19/2024

19.05.090 Table 5-2 (commercial use table).

USE	R S	R 1	R 2	R 2A	UR 3	UR 4	NB	B	MU	L11 L12	HI	AG
Alcohol production, micro—e.g., microbrewery, microdistillery, microwinery						A ¹	A	P	P	p ²	p ²	P
Automobile drive-through facility								p ³	p ³	p ³		
Auto fuel sales								p ⁴	A ⁴	p ⁴	P	
Automobile, light truck or RV sales or rental								p ⁵		p ⁷		
Equipment sales and rental								P	A	P	P	
Heavy truck and equipment sales										P	P	
Automobile and truck service, light; body repair and painting								p ⁴	p ⁴	p ⁴	p ⁸	
Automobile and truck service, heavy											P	
Automobile dismantling/recycling										p ⁹	p ⁹	
Impound, storage yard, tow yard										p ¹⁰	p ¹⁰	
Casino, mini								p ¹¹		p ¹¹		
Convention center								P	P	P		
Clinics						A ¹	p ¹⁶	P	p ¹⁷	A ¹⁷		
Day care center, commercial	C	C	C	C	A	P	P	P	P	P	P	
Entertainment and recreation—enclosed in building (e.g., theater, fitness facility)						A ¹	P	P	p ¹²	p ¹²		
Entertainment and recreation—not enclosed (e.g., amusement, outdoor arena)								P	C	A	P	C
Food or beverage establishment						A ¹ 13	p ¹⁴	p ¹⁴	p ¹⁴	p ¹⁴ 15	p ¹⁴	
Lodging—hotels, motels								P	P	P		
Offices						A ¹	P	P	P	p ¹⁵	p ¹⁵	
Parking, commercial—applicable if principal use								P	p ¹⁸	p ¹⁸	P	
Retail sales and service						A ¹ 19	p ¹⁹	p ¹⁹	p ¹⁹	p ¹⁹ 20	p ²⁰	
Storage, commercial—enclosed in building (e.g., mini-storage)								P	A ²¹	p ²¹	P	
Storage, commercial—not enclosed in building (e.g., boat or RV storage)								p ⁴		p ⁴	P	
Veterinary clinic or animal day care—limited to small animal							p ²³	P	p ²²	p ²²		
Veterinary clinic or commercial kennels—large animal or commercial kennels								A		A ²²		A

1 Permitted only on designated residential mixed-use corridor or TOD streets. The use must be located on the ground floor of a residential mixed-use development with no less than fifty percent of the gross floor area used for single-family or multifamily residential uses.

2 See Industrial Uses. Alcohol production is allowed as a primary use without the requirement to include a restaurant, retail, or tasting room.

3 In Metro Everett, permitted only in the areas indicated on Map 13-2.

4 TOD or pedestrian streets: prohibited use.

5 In the B zone, permitted only on Broadway, Evergreen Way, Rucker Avenue, and on Everett Mall Way with the following condition: On Everett Mall Way, minimum lot area for vehicle sales and related/supportive uses is two and one-half acres.

6 Reserved.

7 Not permitted in the LI1 zone, and in the LI2 zone, only automobile rental is permitted on Airport Road where the minimum lot area for vehicle rental and related/supportive uses is one and one-half acres.

8 In the HI zone, light vehicle servicing is permitted only in multiple-tenant building or development.

9 Permitted only in the LI1 and HI zones when completely contained within an enclosed building.

10 Impound, storage and tow yards shall comply with landscaping and screening requirements of Chapter [19.39](#) EMC.

11 Mini-casinos are also not permitted within the area defined in Map 13-1.

12 In Metro Everett on TOD or pedestrian streets: Private clubs are a prohibited use on the ground floor.

13 Taverns, nightclubs and restaurants with live entertainment prohibited.

14 Taverns, nightclubs and restaurants with live, amplified entertainment shall be set back a minimum of one hundred feet from any residential zone.

15 Allowed as an accessory use only.

16 NB zone: permitted to occupy a maximum of fifty percent of the gross floor area.

17 In Metro Everett on TOD or pedestrian streets: Clinics, social or human service facilities, or community services are a prohibited use on the ground floor; provided, however, that the following are not considered clinics for the purpose of this restriction: **birthing centers**, dentists, psychiatrists, chiropractors, physical therapists, optometrists or ophthalmologists.

a) Government public health agency uses providing clinical services shall be deemed to be a permitted use on the ground floor within the MU or LI1/LI2 zone.

b) Health events on a property within the MU or LI1/LI2 zone providing clinical health services to the general public, not exceeding three days in duration and occurring not more than once every ninety days, shall be exempt from the prohibition of clinics on the ground floor.

18 In Metro Everett, surface parking lots prohibited as a principal use.

19 On TOD or pedestrian streets: Pawnshops, secondhand stores, thrift stores, and junk stores are a prohibited use on the ground floor.

20 Permitted as an accessory use for those products produced on premises; up to but no more than seventy-five percent of goods sold may be produced off site and by other producers.

21 TOD or pedestrian streets: prohibited use on the ground floor.

22 In Metro Everett only on TOD or pedestrian streets: prohibited use on the ground floor.

23 Limited to not more than twenty animals in the neighborhood business zone.











Ordinance No. 4042-24

Final Audit Report

2024-09-05

Created:	2024-09-04
By:	Marista Jorve (mjorve@everettwa.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAA3wEYqjvv5mED6QkehvOAetkL_KLEJ9KT

"Ordinance No. 4042-24" History

-  Document created by Marista Jorve (mjorve@everettwa.gov)
2024-09-04 - 11:50:12 PM GMT
-  Document emailed to Cassie Franklin (cfranklin@everettwa.gov) for signature
2024-09-05 - 2:17:50 AM GMT
-  Email viewed by Cassie Franklin (cfranklin@everettwa.gov)
2024-09-05 - 2:38:49 PM GMT
-  Document e-signed by Cassie Franklin (cfranklin@everettwa.gov)
Signature Date: 2024-09-05 - 2:39:08 PM GMT - Time Source: server
-  Document signing automatically delegated to Ashleigh Scott (ascott@everettwa.gov) by Marista Jorve (mjorve@everettwa.gov)
2024-09-05 - 2:39:09 PM GMT
-  Document emailed to Marista Jorve (mjorve@everettwa.gov) for signature
2024-09-05 - 2:39:10 PM GMT
-  Document emailed to Ashleigh Scott (ascott@everettwa.gov) for signature
2024-09-05 - 2:39:10 PM GMT
-  Email viewed by Ashleigh Scott (ascott@everettwa.gov)
2024-09-05 - 2:53:57 PM GMT
-  Document e-signed by Ashleigh Scott (ascott@everettwa.gov)
Signature Date: 2024-09-05 - 2:54:43 PM GMT - Time Source: server
-  Agreement completed.
2024-09-05 - 2:54:43 PM GMT