



ORDINANCE NO. 4102-25

An ORDINANCE Adopting the Everett 2044 Periodic Update Development Regulations and Amending Chapters 3.78, 8.60, 13.68, 14.16, 16.20, 19.01, 19.03, 19.04, 19.05, 19.06, 19.08, 19.09, 19.13, 19.17, 19.22, 19.25, 19.26, 19.29, 19.33, 19.34, 19.35, 19.37, 19.38, 19.40, 19.43, 19.45, 19.51, and 20.08.

WHEREAS,

- A.** The City of Everett maintains development regulations under the Growth Management Act (GMA) and last conducted a periodic review and update of the plan in 2015 with annual amendments adopted since then; and
- B.** The City of Everett initiated the periodic update process under Revised Code of Washington (RCW) 36.70A.130 and Washington Administrative Code (WAC) 365-196-610 with a project scoping process including a Determination of Significance and Request for Comments on Scope of Environmental Impact Statement issued on February 18, 2022; and
- C.** The City Council adopted Resolution 7924 on June 13, 2023, advancing a set of specific amendment requests to the periodic update process, including three site specific comprehensive plan land use designation map and/or zoning map amendments and six text amendments to the comprehensive plan and/or development regulations; and
- D.** The disposition of the specific amendment requests, which are all implemented, or partially implemented, in the Everett 2044 ordinances, is detailed in a staff memorandum dated May 30, 2025; and
- E.** The Planning Commission led the review and development of the comprehensive plan and development regulations consistent with Chapter 2.20 EMC, including holding forty-two briefings and workshops on various aspects of the plan and regulations before holding a public hearing and deliberating on June 3, 2025; and
- F.** The Planning Commission, after hearing from the public and deliberating, adopted Resolution 25-01 on June 3, 2025, recommending the city council approve the Comprehensive Plan contained in this ordinance, including recommending that the inclusionary zoning regulations contained in 19.09.070 should be removed and the City should work proactively on a subarea planning effort; and
- G.** The city assumed lead agency status for processing the proposed action under the State Environmental Policy Act (Chapter 43.21C RCW and Chapter 197-11 WAC); and

- H. The city determined that this ordinance is part of an action subject to the requirement for an Environmental Impact Statement (EIS) under the State Environmental Policy Act (SEPA); and
- I. The city's responsible official issued a Determination Significance and Request for Comments on Scope of Environmental Impact Statement on February 18, 2022; and
- J. The environmental review is part of a phased review under WAC 197-11-060(5), adopting by reference and supplementing information in the 2015 Environmental Impact Statement for the Everett Growth Management Comprehensive Plan (as addended in 2020) and Puget Sound Regional Council's VISION 2050 Environmental Impact Statement, and for the unincorporated portions of Everett's municipal urban growth area, the Snohomish County 2024 Comprehensive Plan Update Environmental Impact Statement; and
- K. The city's responsible official issued a Draft Supplemental Environmental Impact Statement on April 25, 2025, describing and evaluating the proposed action and reasonably available alternatives; and
- L. The city's responsible official issued a Final Supplemental Environmental Impact Statement on May 30, 2025; and
- M. Notice of the proposed updated comprehensive plan was sent to the Washington State Department of Commerce on April 7, 2025 and a letter of receipt was received the next day; and
- N. The updated development regulations contained in this ordinance maintain consistency with the GMA and are consistent with the GMA planning goals; and
- O. The updated development regulations contained in this ordinance are consistent with and supportive of the Everett Comprehensive Plan; and
- P. The development regulations amendments contained in this ordinance were prepared following the procedural requirements in RCW 36.70A and WAC 365-196; and
- Q. Early and continuous public participation was encouraged throughout the periodic update process, following the Everett 2044 Public Participation Plan; and
- R. The development regulations amendments contained in this ordinance were prepared following the procedural requirements in EMC 15.02.095 and Planning Director Interpretation 2023-01; and
- S. The City Council considered the factors in EMC 15.03.300 in reviewing the proposed development regulations amendment in this ordinance and based approval, in part, on the following findings:
 - 1. The proposed development regulation and map amendments are consistent with the Everett comprehensive plan;
 - 2. The proposed development regulation and map amendments bear a substantial relation to public health, safety or welfare;
 - 3. The proposed development regulation and map amendments promote the best long-term interests of the Everett community

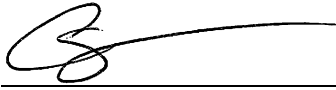
4. In October 2020, the Puget Sound Regional Council adopted VISION 2050, establishing new multicounty planning policies and a regional growth strategy which calls for Everett, a Metropolitan Center regional geography, to plan for and accommodate 20% of the population growth and 39% of the employment growth in Snohomish County through 2050.
 5. In September 2021, the Snohomish County Council adopted the 2021 Snohomish County Buildable Lands report, which indicated a shortfall in housing capacity in Everett (“Key results: ... There is a significant 2035 population capacity shortfall within the City of Everett”), which puts Everett into a so-called reasonable measures framework (see RCW 36.70A.215 and appendix D of the Countywide Planning Policies) that requires actions to address the capacity shortfall.
 6. In June 2023, Snohomish County Tomorrow and the Snohomish County Council completed adoption of a new housing growth target (appendix B, Table H2 of the Countywide Planning Policies) for Everett of 38,557 new housing units in Everett by 2044 at a range of affordability levels. This target further exceeds Everett’s buildable housing capacity and requires actions to address the capacity shortfall as part of, or prior to, the comprehensive plan periodic update.
- T. The Everett City Council held holding twenty-two briefings and workshops on various aspects of the amended development regulations from 2022 through 2025; and
- U. On June 11, 2025, the Everett City Council held a public hearing, after proper notice, and considered public comment and the entire record related to the amendments contained in this ordinance.

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

Section 1. Multiple sections of Everett Municipal Code are hereby amended as indicated in Exhibit 1, with strikeout text deleted and underlined text added.

Section 2. 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 and ordinance numbering.

Section 3. 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.



Cassie Franklin, Mayor

ATTEST:



Ashleigh Scott, City Clerk

PASSED: 06/18/2025

VALID: 06/24/2025

PUBLISHED: 06/21/2025

EFFECTIVE DATE: 07/08/2025

Exhibit 1: Development Regulations Amendments

Everett 2044 Development Regulations Amendments

Final Final Draft

June 17, 2025



everettwa.gov/2044

TABLE OF CONTENTS

TABLE OF CONTENTS.....	2
CHAPTER 3.78 – MULTIFAMILY HOUSING PROPERTY TAX EXEMPTION	7
3.78.060 Designated residential targeted areas.	7
CHAPTER 13.68 – STREET CONSTRUCTION AND PRIVATE CONSTRUCTION.....	7
13.68.010 Definitions.	7
13.68.020 Purpose and applicability.	8
CHAPTER 14.16 – WATER RATES AND REGULATIONS.....	10
14.16.430 Single and multiple metered services—Regulations and charges.	11
CHAPTER 16.20 – BILLBOARDS	12
16.20.040 Location restrictions.	12
CHAPTER 8.60 PARKING ON RESIDENTIAL PROPERTY	12
8.60.020 Definitions.	12
CHAPTER 19.01 INTRODUCTION TO UNIFIED DEVELOPMENT CODE.....	13
19.01.020 How to use the Unified Development Code.....	13
CHAPTER 19.03 – ZONING DISTRICTS AND MAPS.....	16
19.03.010 Establishment of zone districts	16
19.03.020 Establishment of Overlay Zones	17
19.03.030, Purpose and application of zone districts	17
19.03.040, Maps incorporated.....	21
19.03.050, Zoning boundary interpretation.....	22
CHAPTER 19.04 – DEFINITIONS	23
19.04.010, Overview	23
19.04.020, General definitions.....	23
19.04.030, Lot, building, and structure definitions	29
19.04.040, Measurement definitions.....	34 33
19.04.050, Use definitions, residential.....	36 35
19.04.060, Use definitions, commercial.....	39
19.04.070, Use definitions, industrial	42
19.04.080, Use definitions, public, institutional, quasi-public	43
19.04.100, Use definitions, other	46 45
CHAPTER 19.05 – USES.....	4746
19.05.010 Purpose and applicability.	47 46
19.05.020 General provisions.....	47
19.05.030 Uses allowed by zone, overlay, street type or shorelines.	47
19.05.035 Adaptive reuse of nonresidential buildings.....	49
19.05.040, Use of building spaces in the mixed USE zones.....	51 50
19.05.045, Neighborhood Commercial	51
19.05.050, Prohibited Uses	53
19.05.060, Modification of use regulations	54
19.05.065, Accessory uses, facilities and activities	54
19.05.067, Home occupations.....	54
19.05.068, Temporary uses	54

19.05.070, Use table overview	56
19.05.080, Table 5-1 (residential use table)	58
19.05.090 Table 5-2 (commercial use table)	61
19.05.100 Table 5-3 (industrial use table)	65
19.05.110 Table 5-4 (public, institutional, quasi-public use table)	66
19.05.120, Table 5-5 (miscellaneous use table)	68
19.05.200, Watershed resource management zone	69
19.05.210, Park and open space zone	69
CHAPTER 19.06 – LOTS, SETBACKS AND RESIDENTIAL DENSITIES	70
19.06.010, Minimum lot area, width, depth, frontage.	70
19.06.020, Building setbacks/building placement standards	71
19.06.030, Exceptions to building or structure placement requirements.	73
19.06.040, Calculation of lot area.	77
19.06.050, Lot Type and lot line identification	77
19.06.060, Lot requirements for lots created or modified through land division, assemblage, or other development processes.	78
19.06.070, Minimum lot area—Averaging in land divisions.	80
19.06.080, Land divisions—Exceptions to minimum lot area, width, depth, frontage and lot coverage.	80
19.06.090, Other administrative modifications of development standards.	82
19.06.100, Residential densities	82
19.06.110, Density and lot size—Neighborhood Residential-Constrained Zone.	83
CHAPTER 19.08 – NEIGHBORHOOD RESIDENTIAL DEVELOPMENT STANDARDS	84
19.08.010 Intent, applicability, and overview.	84
19.08.020 Neighborhood Residential General Standards.	85
19.08.030 Neighborhood Residential Site Design	86
19.08.040 Neighborhood Residential Building design standards	89
19.08.050 Front porch and entrance requirements	93
19.08.060 Garage requirements	101
19.08.110 Residential accessory buildings	105
19.08.300 Administrative modification of development standards.	116
CHAPTER 19.09 – URBAN DEVELOPMENT STANDARDS	117
19.09.010 Purpose and applicability.	117
19.09.020 Building form and design standards	119
19.09.030 Building entrance requirements.	120
19.09.040 Front porches.	123
19.09.050 Required AMENITY SPACE, INCLUDING outdoor and common areas	123
19.09.060 Other requirements	127
19.09.070 Inclusionary zoning	127
19.09.200 Building form standards	132
19.09.210 Facade design (articulation, blank and exposed fire walls, exterior building and fencing materials).	134
19.09.220 Design standards and street designations	138
19.09.230 Structured parking	140
19.09.240 Weather protection	141
19.09.250 Building transparency	141

19.09.260 Special design standards	142
19.09.300 Building design standards applicable to the LI and HI zones.....	145
19.09.310 Additional standards applicable to the LI and HI zones.	147
19.09.400 Modification of development standards.....	149
19.09.410 Design review	150
19.09.420 Authority of planning director.....	150
CHAPTER 19.13 – SPECIFIC USE STANDARDS	150
19.13.005, Purpose	150
19.13.010, Modification of use standards.....	150
19.13.020, Aboveground utility and communication facilities	150
19.13.040, Adult retail business requirements	154
19.13.050, Adult use business requirements.....	155
19.13.060, Airfields, float plane facilities, landing facilities and special aviation uses	156
19.13.070, Alcohol production and coffee roasters.....	157
19.13.080, Churches, religious facilities or places of worship	157
19.13.090, Community center.....	157
19.13.095, Drive-through facilities.....	158
19.13.110, Hazardous waste treatment and storage facilities.....	160
19.13.120, Hospitals.....	161
19.13.130, Jails and correctional facilities.....	161
19.13.140, Light automobile and truck service, body repair and painting	162
19.13.160, Marijuana	162
19.13.170, Mini-casinos	165
19.13.180, Schools	166
19.13.190, Temporary extreme weather shelters	167
19.13.220 Home occupations	167
19.13.225 Live/work units.....	168
19.13.235 Reasonable accommodation.....	168
19.13.250 Short term rentals.	170
19.13.260 Homeless Shelter and Housing.....	170
19.13.270 Manufactured homes, mobile homes, tiny homes and recreational vehicles.	173
19.13.280 Secure community treatment facilities.	175
CHAPTER 19.17 – AIRPORT/PORT/NAVY COMPATIBILITY	176
19.17.005 User guide.	176
19.17.010 Purpose.	176
19.17.020 Applicability—Airport compatibility.....	177
19.17.030 Exemptions.....	177
19.17.040 Preexisting uses.....	178
19.17.050 Airport compatibility area map.	178
19.17.060 Federal Aviation Administration review.....	179
19.17.070 Uses and development approvals within the airport compatibility area.....	179
19.17.080 Notice and disclosure required within an airport influence area.	180
19.17.090 Disclosure text for airport influence area.	180
19.17.100 Port and naval compatibility area designated.....	181

19.17.110 Port compatibility area.....	181
19.17.120 Compatibility with Naval Station Everett.	183
CHAPTER 19.22 – BUILDING AND STRUCTURE HEIGHTS.....	184
19.22.010, Overview	184
19.22.020, Heights for principal and accessory buildings	185
19.22.030, Where height reductions are required.....	189
19.22.040, Airport compatibility area.	191
19.22.060, How heights are measured.	191
19.22.070, Exception for heights in industrial zones.	194
19.22.090, Other accessory structures and appurtenance height limits.	200
19.22.100, Modification of building heights.	201
CHAPTER 19.25 LAND DIVISION GENERAL EVALUATION CRITERIA	204
CHAPTER 19.26 LAND DIVISION DEVELOPMENT STANDARDS	205
19.26.010 Applicability.....	205
CHAPTER 19.29 PLANNED DEVELOPMENT OVERLAY	206
19.29.030 Minimum lot area.....	206
CHAPTER 19.33 – STREETS, SIDEWALKS AND PEDESTRIAN CIRCULATION	206
19.33.010, Applicability and user guide	206
19.33.020, Street designations.....	206
19.33.030, Public sidewalk requirements	210
19.33.040, Public sidewalk treatments	211
19.33.050, Exceptions to public sidewalk standards.....	212
19.33.060, Pedestrian access to public streets – internal pedestrian connections.	212
19.33.070, Land division for residential development – pedestrian access to schools	214
19.33.080, Easements and dedications.....	214
CHAPTER 19.34 – PARKING	214
19.34.010, Purpose and applicability	214
19.34.020, Required off-street Vehicle parking spaces.....	215
19.34.040, Off-street Vehicle parking requirements, general provisions.	222
19.34.050, Exceptions to off-street Vehicle parking space requirements.	223
19.34.060, Reductions to off-street Vehicle parking space requirements.....	224
19.34.070, Shared Vehicle parking.....	228
19.34.080, Transportation demand management.	229
19.34.090, Nonconforming Vehicle parking.....	232
19.34.100, Location of off-street Vehicle parking.....	232
19.34.105, Vehicle storage in residential zones.....	235
19.34.110 Vehicular Access to Off-Street parking – Alleys and driveways.	236
19.34.120, Parking area design and construction.	237
19.34.130, Drive-through facilities.....	239
19.34.140, Pedestrian access.	239
19.34.150, Off-street loading requirements.	239
19.34.160 – Bicycle and Micromobility Facilities	240
19.34.170 – Bicycle Facilities, Required Counts	249

19.34.200 – Modification of required off-street parking spaces, bike and micromobility spaces including location and driveway width standards.	252
CHAPTER 19.35 – LANDSCAPING	252
19.35.010, User guide.	252
19.35.020, Purpose.	253
19.35.030, Application of landscaping requirements.	254
19.35.050, Landscaping type definitions and requirements (Types I-IV).	255
19.35.055, Plant specification.	257
19.35.060, Application of landscape categories and type (Tables 35-1 and 35-2).	258
19.35.080, Outdoor display and off-street parking area landscape requirements.	262
19.35.090, Special landscape requirements applicable to neighborhood residential zone.....	265
19.35.100, Landscape requirements for land divisions.....	266
19.35.110, Additional landscaping requirements in the LI and HI zones.	266
19.35.120, Landscaping adjacent to freeways.	267
19.35.130, Additional landscaping requirements and design standards.	268
19.35.140, Landscape plan requirements.	269
19.35.150, Irrigation plan requirements.	270
19.35.160, Landscaping installation and performance assurance requirements.	271
19.35.170, Landscape maintenance and maintenance assurance requirements.	271
19.35.180, Landscape enforcement.....	272
19.35.190, Administrative modification of landscaping requirements.....	272
CHAPTER 19.36 SIGNS	273
19.36.040 Sign categories—Freestanding signs—Wall signs.	273
CHAPTER 19.37 CRITICAL AREAS	276
CHAPTER 19.38 NONCONFORMITIES	287
19.38.010 Purpose and intent.	287
19.38.030 Nonconforming structures.	287
CHAPTER 19.40 FENCES	289
19.40.010 Fences height and location.	289
19.40.020 Barbed wire, razor wire, chain link, electric and other similar fence materials.	291
CHAPTER 19.43 ENVIRONMENTAL POLICY	291
19.43.140 Categorical exemptions—Infill development.....	291
CHAPTER 19.45 ANNUAL REPORT	291
19.45.010 Director of planning and community development duties.	291
CHAPTER 19.51 TRANSPORTATION MITIGATION	292291
19.51.180 Definitions and usage.....	292 291
CHAPTER 19.53 – PARKS IMPACT FEES	294
19.53.060 Parks impact fee formula.	294
CHAPTER 20.08 – NOISE	294
20.08.020 Definitions.	294
20.08.040 Environmental sound—Maximum permissible levels.....	297

CHAPTER 3.78 – MULTIFAMILY HOUSING PROPERTY TAX EXEMPTION

3.78.060 DESIGNATED RESIDENTIAL TARGETED AREAS.

The boundaries of the designated residential target areas are located within the urban centers listed below and are as follows:

All parcels within the ~~Mixed Urban (MU), Business (B), and Urban Residential 4 (UR4)~~ UR7, MU4, MU7, MU15, and MU25 zoning districts as defined in Chapter 19.03 EMC and mapped on the city's official zoning map, EMC 19.03.040 Map 3-1, and as amended in the future, are designated as residential targeted areas for purposes of this chapter.

CHAPTER 13.68 – STREET CONSTRUCTION AND PRIVATE CONSTRUCTION

13.68.010 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply:

A. "Alley" means the minor portion of the public road network not designed for general travel and used primarily as means of access to the rear of residences and business establishments.

B. "Alley improvement" means the drainage, grading and pavement facilities required to improve the alley to city design standards.

C. "City engineer" means the person appointed by the mayor to position of engineering department head, or city engineer's designee.

D. "Right-of-way" means the public property used or reserved for municipal purposes including all public utilities and street usages.

E. "Street" means all or any portion of the city public road network open to the public for travel with exception of alleys and limited access highways designated as state highways.

F. "Street improvements", also referred to as "frontage improvements", means the installation of all public facilities required to improve the street or alley to city design standards including grading, drainage, pavement, curb/gutter, sidewalk, streetlights, traffic signals and other necessary appurtenances. Such street improvements shall not be limited to the half street abutting the property; for example, where no permanent street improvement existed, the street improvement shall be extended beyond the centerline a sufficient distance (ten feet minimum) to permit safe movement of traffic.

G. "Interim street improvements" means the installation of improvements to bring the public facility up to the existing character of the surrounding streets and pedestrian facilities and may include widening of or installation of the asphalt street surface, gravel or paved shoulder, temporary drainage facilities and in case of alleys, an all-weather gravel driving surface.

13.68.020 PURPOSE AND APPLICABILITY.

The purpose of this chapter is to establish standards for improvements to public streets, sidewalks and alleys that would be required with development.

A. Frontage Improvements Required—~~Business, Commercial and Industrial Non-Residential Development.~~ No building permit shall be issued by the city for construction of any new building or facility of any kind or description, or in connection with any additions, alterations, or repairs within any twelve-month period which exceeds fifty percent of the current market value of an existing building or facility on the property, unless or until the public streets and alleys rights-of-way upon which the same abuts shall be improved to current city standards including roadway, sidewalk, drainage, and landscaping. The applicant shall be required to construct street improvements together with all necessary appurtenances.

B. Frontage Improvements Required—Residential Uses. Public streets and alleys rights-of-way upon which the residential use abuts shall be improved to current city standards for any residential development except the following:

1. The addition of one or two accessory dwelling units to a lot with one or more principal dwelling units to remain, up to a total of two accessory dwelling units per lot.

~~that results in a total of three or more dwellings, excluding accessory dwelling units. This requirement for street improvements applies to single-family residences, duplex, triplex, multiple family or any combination thereof resulting in three or more dwelling units in total.~~

~~C. Sidewalk Improvement Required for all Residential Development Within Sidewalk Priority Areas. This requirement supersedes the development threshold in subsection B of this section. All development resulting in the construction of one or more new residential dwelling units, excluding accessory dwellings, shall provide a sidewalk or safe walking path meeting city standards along the property's full frontage when located in the "sidewalk priority" area shown on Map 13.68-1. The sidewalk priority area includes the following locations:~~

- ~~1. Metro Everett, as defined in EMC Title 19;~~
- ~~2. Areas within one-quarter mile of a high frequency transit corridor;~~
- ~~3. Areas within one-quarter mile of major arterials; and~~
- ~~4. Areas within one-quarter mile of a public school or public park.~~

D. Exceptions. The city engineer may allow the property owner to provide interim street improvements, as defined in Section 13.68.010(G) and the administrative guidelines, or to deviate from the requirements of this chapter in the following circumstances:

1. Where a proposed development is subject to a land use permit under EMC Title 19, and conditions have been imposed through the land use review process which are intended to alter, supplement or replace the requirements of this chapter;
2. Where ultimate improvements are not desirable to the city engineer at the present time due to existing severe horizontal or severe vertical grade alignment problems;



3. Where the city engineer is satisfied that adequate street improvements exist except for nominal lacking of street width;

4. Where plans for more comprehensive improvements exist which would alter the ultimate improvements required to be constructed on the public right-of-way abutting the proposed development site;

5. Where the existing street and alley improvements can adequately serve the property in the short-term future, in accordance with the published administrative guidelines;

6. When existing street and/or alley improvements are inadequate or no public street and/or alley improvements exist:

a. Where ultimate improvements are, in the opinion of the city engineer, using reasonable engineering judgment, not desirable, or, in the case of known plans for more comprehensive improvements, encompassing the public right-of-way abutting the site, the city engineer may allow an interim street improvement;

b. In all other cases of inadequate improvements or no public street or alley improvements, street and/or alley improvements shall be required;

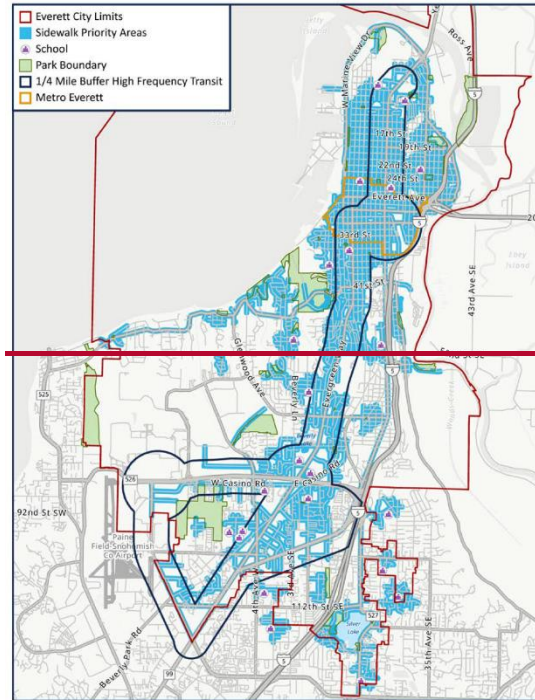
7. The addition of a residential garage or carport shall be exempt from requirements of this chapter when such construction is an addition to an existing residential use.

E. All owners of properties shall dedicate additional rights-of-way as necessary to complete the required street improvements in accordance with city standards; provided, however, that the developer shall still be required to meet the appropriate setback requirements as well as all other applicable development standards.

F. All improvements required by this chapter shall be extended as necessary to provide a smooth transition with existing improvements, both laterally across the street and longitudinally up and down the street, for drainage, vehicular and pedestrian traffic. Interim street improvements are defined in the administrative guidelines.

1

Map 13.68-1: Sidewalk Priority Areas



2

3

CHAPTER 14.16 – WATER RATES AND REGULATIONS

4

14.16.030 DEFINITIONS.

5

A. “Utilities division” means that operational subdivision within the department of public works of the city. Use of this term may refer to the organization in general or apply to a particular functional unit or division thereof.

6

7

8

B. “Water system” means the entire physical plant and facilities operated or controlled by the utilities division, both within and outside the city limits, which shall include but not be limited to all lands, rights, easements, permits, impoundments, reservoirs, tunnels, treatment facilities, pipelines, trestles, bridges, roads, buildings, structures, machines, equipment, records, pumps, valves, hydrants, meters, services and all related facilities and appurtenances for the collection, treatment and delivery of water. The use of this term may refer to the entire water system or an appropriate functional division or part thereof.

9

10

C. “Water service” means the entire process of supply development, impoundment, treatment, transmission, storage and distribution of water, together with the associated administrative, construction, operation and maintenance functions involved in delivering the commodity to various points of use or consumption throughout the water system.

11

12

D. “Customer” or “person” means and includes persons of either sex, associations, cooperatives, partnerships, and corporations whether acting by themselves or by a servant, agent, or employee; the singular number shall be held and construed to include the plural and the masculine pronoun to include the feminine.

13

14

15

16

17

E. "Premises" means a continuous lot or tract of land including the building or group of adjacent buildings under a single control ~~with respect to the use of water thereon and the responsibility for payment thereof.~~

F. "Water service connection" (also referred to as a service connection) means the physical installation of the tap, fittings, pipe and other necessary appurtenances required to deliver water from the main to the premises up to and including the service cock or meter.

G. "Utilities superintendent" means the chief administrative officer of the utilities division; and any act in this chapter required or authorized to be done by the utilities superintendent may be done on behalf of the utilities superintendent by an authorized employee of the utilities division.

H. "Public Works" means the department of public works of the city. Use of this term may refer to the organization in general or apply to a particular functional unit or division thereof.

14.16.430 SINGLE AND MULTIPLE METERED SERVICES—REGULATIONS AND CHARGES.

~~Only one metered service connection shall normally be installed to a premises under single ownership. If, however, a consumer shall request that more than one metered service be connected to a premises under single ownership and the superintendent shall agree that the particular individual circumstances warrant such additional connection(s), the party requesting same shall make application and payment in the regular manner and such additional connection(s) shall be considered to be solely for the benefit and convenience of the applicant. The premises shall thereafter be charged for water service through each service connection independently as though service were being provided to two or more premises, and the minimum charge and the charge for water consumed shall be computed separately for each metered service; provided that the premises shall remain liable for a lien for water charges as provided in Section 14.16.850.~~

A. Residential dwelling units – Separate meters required. Each residential dwelling unit (as defined by the current edition of the International Residential Code for one- and two- unit dwellings) shall require a separate metered service. The required permit(s) shall be obtained, and a separate metered service shall be installed to each dwelling unit. Each meter shall be charged for water service independently and shall remain liable for a lien for water charges as provided in Section 14.16.850.

1. Where multiple existing dwelling units share a single metered service, separation of the service and installation of a separate metered service to each dwelling unit may be required at the discretion of Public Works.

B. Commercial structures – Single metered service. Commercial structures (as defined by the current edition of the International Building Code, including multi-family structures with three or more dwelling units) shall provide a single metered service per structure, sized per the current edition of the Uniform Plumbing code.

1. Multiple metered services may be permitted for separate non-residential tenant spaces within a commercial structure at the discretion of Public Works.

CHAPTER 16.20 – BILLBOARDS

16.20.040 LOCATION RESTRICTIONS.

Billboard structures and billboards shall only be allowed in the following situations:

A. Billboards and billboard structures which are nonconforming per the requirements of this chapter shall be allowed per the requirements of this chapter;

~~B. Billboards and billboard structures which comply with the requirements of this chapter and are located on properties which have the following zoning designations in accordance with the city's zoning code: B-2, C-1, C-2, M-M and M-1;~~

~~C. Billboards and billboard structures which comply with the requirements of this chapter and are not located on or visible from the main traveled way of the scenic view corridors. In order to be "located on or visible from" a scenic view corridor, the billboard must be located within two hundred feet of the nearest edge of the right-of-way along Hewitt Avenue or within one hundred twenty feet of the nearest edge of the right-of-way along either Colby Avenue or Marine View Drive; and~~

~~D. Billboards and billboard structures which are not located within five hundred feet of any structures, sites or districts which have been identified as having historical or landmark significance and which are listed in the National Historical Register, State Historical Register, or other official city inventory of historic and landmark places.~~

CHAPTER 8.60 PARKING ON RESIDENTIAL PROPERTY

8.60.020 DEFINITIONS.

For the purpose of this chapter, the following terms shall be defined as follows:

A. "Licensed driver" means a person who has obtained a valid Washington State driver's license. The only exceptions are those expressly allowed by RCW 46.20.025, as now or hereinafter enacted, or a new resident to Washington as defined by RCW 46.20.021, as now or hereinafter enacted.

B. "Operable vehicle" is a motor vehicle which is capable of being operated legally on a public highway and has, in fact, been operated on a public highway in the previous thirty days.

~~C. "Residential" means those areas identified in Chapter 19.03 EMC as Residential Zones of Everett that are zoned R-S, R-S-1, R-1, R-1(A), R-2, R-2(A), R-3, R-4 and R-5, as defined by Title 19, Chapter 1.~~

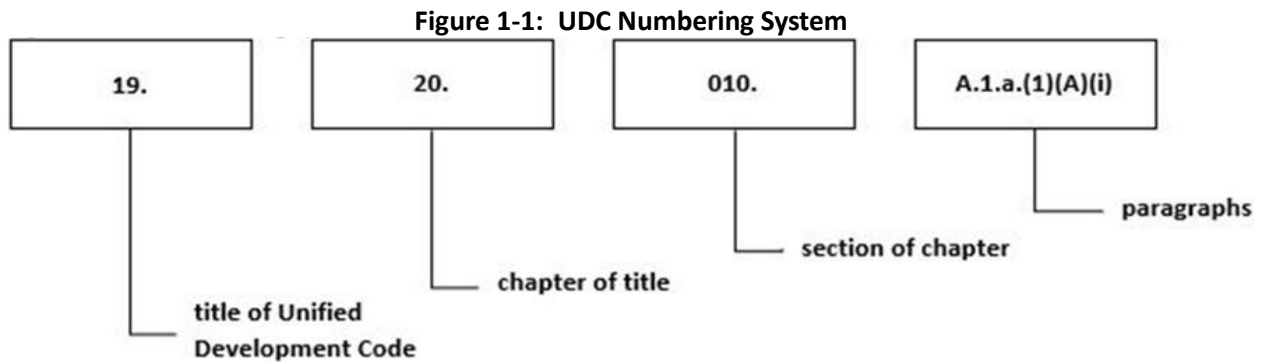
D. "Residential address" means any residential parcel or parcels of land that are identified by a single address. In instances where this chapter applies to an address with a duplex or other multiple-family dwelling on the property, the address will be considered a single residential address and not multiple residential addresses, unless the residential address has an approved building and parking plan pursuant to Section 8.60.040(B)(3).

E. "Motor vehicle" has the meaning defined by state law.

CHAPTER 19.01 INTRODUCTION TO UNIFIED DEVELOPMENT CODE

19.01.020 HOW TO USE THE UNIFIED DEVELOPMENT CODE

A. *Numbering System.* The numbering scheme used in the Unified Development Code operates in the following manner:



B. *Zone Designations.* The zoning map establishes zone designations for all property in the city. An individual wanting to develop property in Everett should start by looking up the zone designation on the zoning map.

C. *Use Tables.* The use tables in Chapter 19.05 EMC list the permitted uses for each zone designation, as well as special regulations that apply to specific uses and specific locations. Use these tables to determine whether a use is allowed in a particular zone, and what type of review process is required.

D. *Development Standards.* After the zoning and allowable uses have been determined, the user should refer to the additional chapters of this title for development standards that apply to building placement, building design, and site development standards (parking, landscaping, streets/sidewalks, fences, screening, and exterior lighting). Table 1-1 below provides a quick reference guide to standards for basic types of development (residential, commercial, industrial, etc.).

Table 1-1: Applicable Regulations by Development Type

Type of Development	Regulations	See Chapter #:
Residential-Dwelling— Single-Family (new or addition) Neighborhood Residential and Neighborhood Residential- Constrained Zones	• Building setbacks; lot coverage; densities	• 19.06— Lot and Building Placement Lots, Setbacks, and Residential Densities
	• <u>Development standards</u>	• <u>19.08—Neighborhood Residential Development Standards</u>
	• Building height	• 19.22—Building Heights

Type of Development	Regulations	See Chapter #:
<u>Residential—Detached Dwellings and Townhouses in All Zones</u>	• <u>Building setbacks; lot coverage</u>	• <u>19.06— Lots, Setbacks, and Residential Densities</u>
	• <u>Development standards</u>	• <u>19.08—Neighborhood Residential Development Standards</u>
	• <u>Building height</u>	• <u>19.22—Building Heights</u>
<u>Residential—Zones Other than Neighborhood Residential and Neighborhood Residential-Constrained, but not including Detached Dwellings and Townhouses</u>	• <u>Building setbacks; lot coverage</u>	• <u>19.06— Lots, Setbacks, and Residential Densities</u>
	• <u>Development standards</u>	• <u>19.09—Urban Development Standards</u>
	• <u>Building height</u>	• <u>19.22—Building Heights</u>
Residential Accessory Building (garage, shed, etc.)	• Accessory building regulations	• 19.08.110—Residential Accessory Buildings
	• Building setbacks; Lot coverage	• 19.06— Lot and Building Placement <u>Lots, Setbacks, and Residential Densities</u>
	• Building height	• 19.22—Building Heights
Duplex and Townhouse	• Density, FAR, open space	• 19.08.030—Townhouse and Duplexes
	• Facades, roofs, transparency	• 19.08.040—Design Standards for Townhouses and Duplexes
Multifamily Dwellings	• Entrances; porches; common areas	• 19.09—Multifamily Development Standards
	• Modulation; facades; weather protection; transparency	• 19.12—Building Form and Design Standards

Type of Development	Regulations	See Chapter #:
Commercial Building	<ul style="list-style-type: none"> Building form, modulation; facades, weather protection; transparency; other design standards 	<ul style="list-style-type: none"> 19.12—Building Form and Design Standards19.09—Urban Development Standards
Industrial Building	<ul style="list-style-type: none"> Building materials; articulation; entrances; windows 	<ul style="list-style-type: none"> 19.12.20009.30019.09.31012-210—Building Design Standards Applicable to the LI2 and HI Zones.
	<ul style="list-style-type: none"> Open space, site design 	<ul style="list-style-type: none"> 19.09.31012-21019.09.31012-210—Additional Standards Applicable to LI2 and HI Zones
Specific Uses	<ul style="list-style-type: none"> Unique uses not addressed in above development types 	<ul style="list-style-type: none"> 19.13—Specific Use Standards
Division of Land	<ul style="list-style-type: none"> Residential subdivisions Short subdivisions Binding site plans Boundary adjustment 	Land Divisions: <ul style="list-style-type: none"> 19.24—Administration 19.25—Land Division General Evaluation Criteria 19.26—Land Division Development Standards 19.27—Unit Lot Land Divisions

- 1 E. *Other Development Regulations*. In addition to the standards in the Unified Development Code, the
- 2 following additional standards apply to new development:

Code Requirement	Administered By:
Design and Construction Standards and Specifications	Public Works Department
EMC Title 13, Streets and Sidewalks	Public Works Department
EMC Title 14, Water and Sewers	Utilities/Public Works Department
International Fire Code	Fire Department

Code Requirement	Administered By:
International Building Code	Building Official
Shoreline Master Program (2019, or as updated)	Planning Department

CHAPTER 19.03 – ZONING DISTRICTS AND MAPS

19.03.010, ESTABLISHMENT OF ZONE DISTRICTS

A. In order to classify, regulate, restrict and segregate the uses of land, water and buildings; to regulate and restrict the location, height and bulk of buildings and other structures; to regulate the area of yards and other open spaces around buildings; and to regulate the intensity of land use and the density of population; the following zones, or zoning districts, are established:

Abbreviation	Name
AG	Agriculture
R-S	Suburban Residential
R-1	Single-Family Detached Low Density
NR-C	Neighborhood Residential-Constrained
R-2	Single-Family Detached Medium Density
NR	Neighborhood Residential
R-2(A)	Single-Family Attached Medium Density Residential
UR3	Urban Residential 3(4 Floors)
UR4	Urban Residential 4(7 Floors)
UR4	Urban Residential 4(7 Floors)
UR7	Urban Residential 7(15 Floors)
NB	Neighborhood Business
MU4	Mixed-Use (4 Floors)
B	Business
MU7	Mixed-Use (7 Floors)
MU15	Mixed-Use (15 Floors)
MU25	Mixed-Use (25 Floors)
LI-MU	Light Industrial - Mixed Use
LI2	Light Industrial-2
LI	Light Industrial
HI	Heavy Industrial
P-OS	Park and Open Space
WRM	Watershed Resource Management

B. *Unzoned Areas*. If areas are not within a zoning district, they shall be: (1) reviewed under the Everett shoreline master program, if applicable; or (2) as an unlisted use in the adjacent zone, subject to the process set forth in EMC 19.05.070.

19.03.020 ESTABLISHMENT OF OVERLAY ZONES

In certain instances, special circumstances warrant the application of special regulations or administrative processes to specific areas. In order to apply these special regulations or administrative processes, the following overlay zones are established:

Abbreviation	Name
H	Historic
I	Institutional
PD	Planned Development
APN	Airport/Port/Navy Compatibility

19.03.030, PURPOSE AND APPLICATION OF ZONE DISTRICTS

A. *Agriculture Zone (AG)*. The purpose of the agricultural use zone is to provide and protect areas for certain agricultural uses on lands which are not appropriate for residential, commercial or industrial development at urban intensities.

B. *Residential Zones*.

~~1. *Suburban Residential Zone (R-S)*. The purpose of the suburban residential zone is to provide for and protect certain areas of the city for single-family detached residential uses where topography or other environmental constraints require larger minimum lot sizes. The secondary purpose of the R-S zone is to provide an interim "holding zone" in annexed areas for which other zoning is not established at the time of annexation.~~

~~2. *Single-Family Detached Low Density Residential Zone (R-1)*. The purpose of the single-family detached low density residential zone is to provide for and protect certain areas of the city for detached single-family residential uses.~~

~~3. *Single-Family Medium Density Residential Zone (R-2)*. The purpose of the single-family medium density residential zone is to provide for and protect areas of the city for single-family detached and a limited amount of duplex residential use.~~

~~4. *Single-Family Attached Medium Density Zone (R-2(A))*. The purpose of the single-family attached medium density zone is to provide for a variety of single-family living opportunities at densities which are compatible with adjoining single-family detached neighborhoods and which can be used as a transition between single-family neighborhoods and land uses of higher intensity.~~

~~5. *Urban Residential 3 (UR3)*. The primary purpose of the urban residential 3 zone is to provide for multiple family residential use at medium densities. In this zone, commercial uses are generally prohibited.~~

~~6. *Urban Residential 4 (UR4)*. The primary purpose of the urban residential 4 zone is to provide for multiple family residential use at high densities. Additional neighborhood-oriented commercial uses may be allowed within certain locations when developed in a mixed-use context.~~

1. *Neighborhood Residential-Constrained*. The purpose of the Neighborhood Residential-Constrained zone is to reduce risk from hazards in areas with limited access by providing for a continuation of established development patterns and limiting growth potential.

2. *Neighborhood Residential*. The purpose of the Neighborhood Residential is to provide for a variety of housing opportunities while limiting the scale of buildings to three floors or less to be complimentary to existing neighborhood scale and bulk.

3. *Urban Residential (4 Floors)*. The purpose of the Urban Residential (4 Floors) zone is to permit moderate-scale residential development in buildings up to up to four floors along with limited opportunities for neighborhood commercial development.

4. *Urban Residential (7 Floors)*. The primary purpose of the Urban Residential (7 Floors) zone is to permit moderate-scale residential development in buildings up to seven floors along with limited opportunities for neighborhood commercial development.

C. ~~*Business and Commercial Mixed Use Zones*~~.

~~1. *Neighborhood Business (NB)*. The purpose of the neighborhood business zone is to:~~

~~a. Provide for the limited scale retail, personal service and convenience consumer needs of the immediately adjacent residential neighborhoods, rather than the larger community;~~

~~b. Establish building and development standards which assure that uses, buildings and structures are appropriately sited, scaled and designed so as to be compatible with surrounding residential neighborhoods; and~~

~~c. Ensure that businesses can be accessed by nonmotorized means of transportation.~~

~~2. *Business (B)*. The purpose of the business zone is to provide a wide variety of business and commercial uses; to allow higher density residential uses; to provide effective building and streetscape standards intended to promote quality development and pedestrian accessibility.~~

~~3. *Mixed Urban (MU)*. The purpose and function of the mixed urban zone are:~~

~~a. To reinforce and enhance the downtown city core that provides local and regional service, retail, entertainment, civic and public uses, as well as a variety of urban housing choices;~~

~~b. To provide for intensive, mixed use development in areas around high capacity transit stops, including bus rapid transit and future light rail stations; and~~

c. ~~To promote high quality, pedestrian friendly developments with attractive streetscapes and public amenities.~~

1. ~~Mixed Urban Use (4 Floors)~~. The purpose of the ~~Mixed Urban Use (4 Floors)~~ zone is to provide for low-scale residential and commercial development in buildings up to four floors.

2. ~~Mixed Use Urban (7 Floors)~~. The purpose of the ~~Mixed Use Urban (7 Floors)~~ zone is to provide for medium-scale residential and commercial development in buildings up to seven floors.

3. ~~Mixed Use Urban (15 Floors)~~. The purpose of the ~~Mixed Use Urban (15 Floors)~~ zone is to provide for intensive mixed-use development along transit corridors and around high-capacity transit stations in buildings up to fifteen floors.

4. ~~Mixed Use Urban (25 Floors-Center City)~~. The purpose of the ~~Mixed Use Urban (25 Floors-Center City)~~ zone is to reinforce and enhance the downtown center city that provides local and regional service, retail, entertainment, civic and public uses as well as a variety of urban housing choices in buildings up to twenty-five floors.

D. *Industrial Zones.*

1. ~~Zone-Light Industrial-Mixed Use 1 (LI1-MU)~~. The purpose of the ~~light industrial 1-Light Industrial-Mixed Use (LI-MU1)~~ zone is to ~~accommodate a diverse range of uses, including support existing light industrial and manufacturing uses while providing opportunities for the addition of commercial, with additional opportunities for and~~ residential uses.

2. ~~Zone-Light Industrial-2 (LI2)~~. The purpose of the light industrial (LI2) zone is to support industrial development and uses and those that are highly complementary, prohibit incompatible uses, concentrate employment, and mitigate adverse impacts on adjacent residential zones.:

a. ~~Provide for and protect areas for high quality campus style office and industrial park development on large parcels of land;~~

b. ~~Establish standards which promote a high level of aesthetic amenities such as view, open space, native vegetation, landscaping, unusual natural site features and quality architectural design;~~

c. ~~Protect and buffer adjacent residential uses from the incompatible aspects of office and industrial park development;~~

d. ~~Allow for only those uses which are able to comply with the development requirements and performance criteria which assure compatibility with surrounding uses; and~~

e. ~~To provide areas for development of high quality single or multiple tenant business parks which offer opportunities for a wide variety of nonretail business to locate in small to medium office and warehouse spaces.~~

3. *Heavy Industrial (HI)*. The purpose of the heavy ~~manufacturing industrial~~ zone is to provide for and protect certain areas of the city for heavy manufacturing uses. This zone is also intended to:

- a. Provide and protect areas of the city for marine-related commerce, while striking a balance with the need for limited commercial uses;
- b. Preserve Everett's "working waterfront" character; and
- c. Further the goals of the Everett comprehensive plan and shoreline master program relating to public access to and enjoyment of the shoreline.

E. *Park and Open Space Zone (P-OS)*. The purpose of the park and open space zone is to provide a zoning classification for recreational and open space uses and other compatible public uses on current and future city-owned land, or for public properties characterized by environmental sensitivity and value to be preserved, for the most part, in their undisturbed state, and to provide and protect open space and other natural assets of the community.

F. *Watershed Resource Management (WRM)*. The purpose of the watershed resource management zone is to provide a land use classification which allows for the continuation of existing uses and anticipated future uses for land in the city-owned Chaplain Tract within the corporate limits of Everett. These are lands that are not intended for urban development and are located outside the urban growth boundary. These properties are intended to be used only for municipal service purposes that do not conflict with the maintenance of a safe and adequate water supply for the Everett water system, and which are in accordance with applicable license requirements.

G. *Overlay Zones*.

1. *Historic Overlay Zone (H)*. The purpose of the historic overlay zone is to:

- a. Establish a regulatory mechanism for the designation and protection of historic sites, buildings, districts and landmarks;
- b. Provide for methods of modifying the development standards of the underlying zone in the interest of preserving or enhancing the historic features or significance of a particular site; and
- c. Recognize the depth of historical resources in Everett and their significance to the heritage of the community.

2. *Institutional Overlay Zone (I)*. The purpose of the institutional overlay zone is to allow for various institutional land uses with special needs and impacts to be located in the Everett community in a manner which is compatible with surrounding land uses through a master plan review process which requires public involvement and provides predictability to the institution and the public.

3. *Planned Development Overlay Zone (PD)*. The purpose of the planned development (PD) overlay zone is to allow for commercial, industrial and mixed-use developments which are of a unique character and desirable quality, and which are beneficial to the area in which the property is located and to the community in general. ~~The planned development overlay zone may only be applied to commercial or industrial zones.~~ It is the intent of this chapter to provide a public review process through which a planned development may be proposed with alternative standards to those contained in this title, and that the primary basis for city approval of

alternative development standards is that the proposal will result in a development which, as a whole, provides public benefits and high quality development that otherwise cannot be realized through conformance to the requirements of this title.

4. *Airport/Port/Navy Compatibility Overlay Zone (APN)*. The purpose of the APN compatibility zone is to protect Paine Field Airport, Port of Everett, and Naval Station Everett from nearby incompatible land uses and development by implementing special development standards and project permit notice procedures.

5. *Mixed-Use Centers*. The purpose of Mixed-Use Centers is to support significant housing and employment growth in compact and pedestrian-oriented urban places that are connected to public transit and active transportation networks. Mixed-Use Centers include Metro Everett.

19.03.040, MAPS INCORPORATED

The map or set of maps entitled “city of Everett zoning map” is adopted as part of this title. Printed copies of all maps are available at the planning department. The online versions may be found at the official city website.

A. *Zoning*. See Map 3-1 below. The official zoning map of the city is on file with the office of the city clerk.

B. *Critical Areas*. These maps support the critical area regulations in Chapter 19.37 EMC.

C. *Street Designations*. See Chapter 19.33 EMC.

D. *Gateway Corridor Streets*. See Chapter ~~19.12~~ 19.09 EMC.

~~E. *Drive-Through Facility Permitted Locations*. See Chapter 19.13 EMC.~~

F. *Overlay Zones*.

1. *Airport Compatibility*. See Chapter 19.17 EMC.

2. ~~Port~~ *Navy Compatibility*. See Chapter 19.17 EMC.

3. *Historic Resources*. See Chapter 19.28 EMC.

~~G. *Building Heights*. See Chapter 19.22 EMC.~~

H. *Building Heights—Industrial Waterfront*. See Chapter 19.22 EMC.

I. *Adult Retail/Mini-Casinos*. See Chapter 19.13 EMC.

J. *Off-Street Parking Areas in Metro Everett*. See Chapter 19.34 EMC.

K. *Special Building Setbacks for West Marine View Dr.—23rd St./24th St.* See Chapter 19.06 EMC.

L. *Shoreline Designations*. See shoreline master program.

shoreline environment designations as established in the shoreline master program, the zone boundary is the ordinary high water mark.

D. *Other Cases*. Where a zone boundary is not indicated to follow a property line or public right-of-way, the boundary line is as drawn, based upon the scale shown on the zoning map.

E. *Classification of Vacated Rights-of-Way*. Where a right-of-way is vacated, the area comprising the vacated right-of-way shall acquire the classification of the property to which it reverts unless otherwise provided by city council action.

CHAPTER 19.04 – DEFINITIONS

19.04.010, OVERVIEW

Except where specifically defined in this chapter or other sections of this title, all words used in this title shall have the meaning commonly or logically associated therewith. When not inconsistent with the context, words used in the present tense include the future, words in the singular include the plural, and words in the plural include the singular. The word “person” may be taken for persons, association, firm, partnership or corporation as well as the individual. The masculine includes the feminine. The word “occupied” includes premises designed or intended to be occupied; the word “used” includes designed or intended to be used. The word “shall” is always mandatory; the word “may” denotes a use of discretion in making a decision.

19.04.020, GENERAL DEFINITIONS

“Accessory building” means a building which is subordinate and incidental to the permitted principal building, located on the same lot with such principal building, and erected or established only after or in conjunction with the establishment of the principal building. An accessory building includes, but is not limited to, garages, carports, storage buildings, and other similar buildings. An accessory building does not include accessory dwelling units.

“Accessory use, activity or structure” means a use, activity, structure or part of a structure which is customarily subordinate and incidental to the permitted principal use or building, located on the same lot with such principal use or building, and erected or established only after or in conjunction with the establishment of the principal use or building. A caretaker’s or watchman’s quarters are considered to be an accessory use in industrial zoning districts.

“Airport approach area” is the area of land under an imaginary approach surface of an airport as described in 14 CFR Part 77.19(d).

“Airport compatibility area” or “ACA” means an area adjacent to a public use airport where land uses that are incompatible with airport operations are discouraged. The airport compatibility area is the area within a specified distance of each runway, to be measured as a distance extending outward from the portion of the runway centerline between runway thresholds.

“Airport hazard” means any structure or tree or use of land which obstructs the air space required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off of aircraft.



1 “Airport influence area” or “AIA” means an area within a specified distance of a public use airport that
2 may experience impacts from airport operations. The airport influence area is the area within a specified
3 distance of each runway, to be measured as a distance extending outward from the portion of the
4 runway centerline between runway thresholds.

5 “Airport runway protection zone” means a trapezoidal area at ground level off the end of an airport
6 runway, the dimensions of which are defined by the Federal Aviation Administration to enhance the
7 safety and protection of people and property on the ground.

8 “Airport transitional area” is the area of land under an imaginary transitional surface of an airport as
9 described in 14 CFR Part 77.19(e).

10 “Alley” means a public or private way permanently reserved as a means of access to abutting property.

11 “Antique” means a product that is sold or exchanged because of the value derived by the age of the
12 product being greater than fifty years.

13 “Applicant” means a person who applies for any permit or approval to do anything governed by this
14 chapter and who has legal standing to apply for a permit or approval on the specific property.

15 ~~“Architectural barrier” means a fence, berm, wall or combination of earth, plant and structural materials~~
16 ~~designed and constructed to reduce visual or noise impacts between properties or uses.~~

17 “Assurance device” means a financial mechanism by which the city assures compliance with the
18 requirements of this chapter or other development or use entitlement.

19 “Brownfield” is real property, the expansion, redevelopment or reuse of which may be complicated by
20 the presence or potential presence of a hazardous substance, pollutant, or contaminant.

21 “Building official” means the building official for the city or his/her designee.

22 “Business license” means a license issued by the city for the purpose of collecting business tax revenues.

23 “Cease(d)” means, for purposes of Chapter 19.38 EMC, to come to an end; to not use; to vacate. For
24 purposes of Chapter 19.38 EMC, no showing of intent to cease is required.

25 “Certificate of occupancy” means a permit to occupy a building.

26 “City attorney” means the city attorney for the city or his/her designee.

27 “City council” means the city council of the city.

28 “City engineer” means the public works director for the city or his/her designee.

29 “Clearing” means the act of removing or destroying vegetation or other organic plant materials by
30 physical, mechanical, or chemical means.

31 “Code compliance officer” means the code compliance officer for the city.

32 “Comprehensive plan” means the city of Everett comprehensive plan, including any subarea plans,
33 adopted pursuant to Chapter 36.70A RCW.



1 “Conditional use” means a use which, because of its unusual size, infrequent occurrence, special
2 requirements, possible safety hazards, or other possible detrimental effects on surrounding properties,
3 may be approved only after a public hearing.

4 “Day, working” means any day on which the city administrative offices are open for normal business.

5 “Development” means all structures, uses or other alterations or modifications of the natural landscape
6 occurring above or below ground or water on a particular lot. Within the riparian habitat zone or the
7 special flood hazard area, the definition of “development” shall also include removal of substantial
8 native vegetation, or alteration of natural site characteristics.

9 “Development permit” means any permit issued by the city to use or develop property that must be
10 issued before initiating the use or development.

11 “Disabled person” means a person who is defined as handicapped under the provisions of the federal
12 Fair Housing Act Amendments of 1988.

13 “Drainage facility” means the system of collecting, conveying and storing surface and stormwater runoff.
14 Drainage facilities shall include but not be limited to all surface and stormwater runoff conveyance and
15 containment facilities, including streams, pipelines, channels, ditches, wetlands, infiltration facilities,
16 retention/detention facilities, erosion/sedimentation control facilities, and other drainage structures and
17 appurtenances, both natural and manmade.

18 “Drive-through, drive-up or drive-in service” means a type of service provided by a business that allows
19 customers to purchase products, food, beverages or services without leaving their cars.

20 ~~“Drive- in window or station-up service window”~~ means a window or station used for providing service
21 to customers who remain seated in their vehicles to conduct a business transaction, such as are
22 commonly found at restaurants, financial institutions, or other similar businesses.

23 “Electric vehicle” means any vehicle that operates, either partially or exclusively, on electrical energy
24 from the grid, or an off-board source, that is stored on board for motive purpose. “Electric vehicle”
25 includes: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle; (3) a neighborhood electric
26 vehicle; and (4) a medium-speed electric vehicle.

27 “Electric vehicle charging station” means a public or private parking space that is served by battery
28 charging station equipment that has as its primary purpose the transfer of electric energy (by conductive
29 or inductive means) to a battery or other energy storage device in an electric vehicle.

30 “Electric vehicle charging station—restricted” means an electric vehicle charging station that is (1)
31 privately owned and restricted access (e.g., single-family home, executive parking, designated employee
32 parking) or (2) publicly owned and restricted (e.g., fleet parking with no access to the general public).

33 “Erosion” means the process whereby the landform is worn away by the action of water, wind, rain, or
34 ice activity.

35 ~~“Geologist” means a person who is licensed in the state of Washington under the provisions of Chapter~~
36 ~~18.220 RCW and Chapter 308-15 WAC, and who has at least one year of practical experience in the~~
37 ~~Pacific Northwest.~~



1 “Grading” means any excavating, filling, or clearing of land or any combination thereof.

2 “Hearing examiner” means the land use hearing examiner for the city.

3 “Historical commission” means the historical commission for the city.

4 “Homeless” means a person who lacks a fixed, regular, and adequate nighttime residence, and who has a
5 primary nighttime residence that is:

6 1. A supervised publicly or privately operated shelter designed to provide temporary living
7 accommodations; or

8 2. An institution that provides a temporary residence for mentally ill individuals intended to be
9 institutionalized; or

10 3. A public or private place not designed for, or ordinarily used as, a regular sleeping
11 accommodation for human beings.

12 “Landscaping” means the planting, removal and maintenance of vegetation along with the movement
13 and displacement of earth, topsoil, rock, bark and similar substances done in conjunction with the
14 planting, removal and maintenance of vegetation.

15 “Low impact development (LID)” means a stormwater management strategy that emphasizes
16 conservation and the use of existing natural site features integrated with distributed, small-scale
17 stormwater controls to more closely mimic natural hydrologic patterns in developed settings.

18 “Metro Everett” means the ~~regionally-designated Mixed-Use Center growth-center identified on the~~
19 ~~zoning map for Snohomish County identified in Chapter 19.02 of the Everett comprehensive plan.~~

20 “Minor exterior alteration” means development that alters the exterior envelope to a building whose
21 value over a three-year period does not exceed fifty percent of the building’s valuation based on the city
22 of Everett’s valuation methods.

23 “Municipal Code” means the various laws of the city contained within the Everett Municipal Code.

24 “Native vegetation” means vegetation on a site or plant species which are indigenous to the area in
25 question; or if the site has been cleared, species of a size and type that were on the site on the effective
26 date of this title or reasonably could have been expected to have been found on the site at the time it
27 was cleared.

28 “Natural topography” means the elevation of a parcel of land prior to any human modification of the
29 topography.

30 “Nonconforming building” means a legally established structure or building, the size, dimensions, or
31 setbacks of which met the applicable Unified Development Code requirements in effect at the time the
32 building was constructed, but which fails by reason of adoption, revision or amendment of the Unified
33 Development Code to conform to the present requirements of the zone in which it is located.

34 ~~“Nonconforming landscaping” means on-site landscaping, the dimensions, area or location of which met~~
35 ~~the applicable Unified Development Code requirements in effect at the time the use or building was~~

~~established, but which fails by reason of adoption, revision or amendment of the Unified Development Code to conform to the present requirements of the zone in which it is located.~~

“Nonconforming lot” means a legally established lot, the area, dimensions or location of which met the applicable Unified Development Code requirements in effect at the time the lot was created, but which fails by reason of such adoption, revision or amendment of the Unified Development Code to conform to the present requirements of the zone in which it is located.

“Nonconforming parking” means legally established off-street parking for a particular use, the quantity, design, location or construction of which met the applicable Unified Development Code requirements in effect at the time the use was established, but which fails by reason of adoption, revision or amendment of the Unified Development Code to conform to the present requirements of the zone in which it is located.

“Nonconforming use” means a legally established use which met the applicable Unified Development Code requirements at the time it was established but which fails by reason of adoption, revision or amendment of the Unified Development Code to conform to the present requirements of the zone in which it is located.

“Off-street parking area” means an area designed and/or used for parking vehicles which is not located in a street or alley right-of-way.

“Outdoor storage of bulk materials” means the holding or stockpiling on land of material and/or products in a bulk form or in bulk containers, including but not limited to aggregate, topsoil, powder, grain, stone, bricks, wood chips, metal, building materials, parts, pallets, utility piping, used materials, and metal. Bulk materials may include products for sale, materials used in manufacturing activities, inoperable equipment or vehicles, and recycled materials.

“Owner” means the holder of fee title, a mortgagee, or contract purchaser.

“Park” means any property designated, dedicated, or developed by or on behalf of a government entity for park or open space use, including passive and active forms of recreation.

“Parking space” means a portion of an off-street parking area, meeting the city’s design and construction standards, having access to a public street or alley.

“Planning commission” means the planning commission for the city.

“Planning department” means the planning department for the city.

“Planning director” means the planning director for the city or his/her authorized representative.

“Practicable” means possible or capable of being done.

“Principal building” means the primary or predominant building on a lot.

“Principal use” means the primary or predominant use of any lot or building.

“Public agency” means any agency, political subdivision, or unit of local government of this state including but not limited to municipal corporations, special purpose districts, and local service districts;



any agency of the state, the United States, or any Indian tribe recognized as such by the federal government.

“Public works director” means the public works department director for the city or his/her authorized representative.

“Reasonable alternative” means an alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, and having less impacts to regulated critical areas. It may include an area not owned by the applicant which could reasonably have been or be obtained, utilized, expanded, or managed in order to fulfill the basic purpose of the proposed activity.

“Recreational vehicle” means a vehicle which is (1) built on a single chassis; (2) four hundred square feet or less when measured at the largest horizontal projection; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Redevelopment” means the process to rebuild, restore or develop an area or property that has previously been developed for a specific use or purpose.

“Repair or maintenance” means an activity that restores the character, scope, size, and design of a serviceable area, structure, or land use to its previously authorized undamaged condition. Activities that change the character, size, or scope of a project beyond the original design and alter a regulated critical area are not included in this definition.

“Retention/detention facility” means a type of drainage facility designed either to hold water for a considerable length of time and then release it by evaporation, plant transpiration, and/or infiltration into the ground; or to hold runoff for a short period of time and then release it to the surface and stormwater management system.

“Review authority” means the individual or the board, council or commission with authority to review, make recommendations concerning, or approve development permits.

“Review process” means the procedure listed in EMC Title 15, Local Project Review Procedures, by which a specific use shall be evaluated before a determination is made concerning the issuance of an approval, a license or permit.

“Right-of-way” means the actual property which is publicly dedicated or reserved for street and alley access and for other public purposes such as public utilities, bicycle paths, and pedestrian walkways.

“Sensitive land uses” means those land uses which are particularly sensitive to the secondary effects of adult use businesses. Sensitive land uses include the following:

1. Single-family and multiple-family residential zones;
2. Churches, or other religious facilities or institutions;
3. Public and private schools, training facilities and technical schools which have twenty-five percent or more of their students under the age of eighteen;
4. Public parks and playgrounds;



5. Community development block grant designated neighborhoods.

“SEPA” means the current edition of the State Environmental Policy Act and the city ordinance implementing the state Act.

“Street” means a public or private thoroughfare which provides the principal means of access to abutting properties.

“Traffic engineer” means the traffic engineer for the city.

“Transfer of development rights” means, in general, the process for transferring development rights from a sending site to a receiving site.

“Use” means the activity or function carried out on an area of land, or in a building located thereon.

“Vacate” means to move out; to make vacant or empty; to leave.

“Water-dependent” has the same meaning as set forth in Chapter 19.08 of the Everett shoreline master program.

“Water-dependent use” has the same meaning as set forth in Chapter 19.08 of the Everett shoreline master program.

“Water-related uses” has the same meaning as set forth in Chapter 19.08 of the Everett shoreline master program.

“Zone” means a specifically delineated area within the city, which is indicated on the zoning map, within which regulations and requirements uniformly govern the use, location and size of buildings and land.

“Zoning map” means the map adopted by the city showing the geographic location of zones within the municipal boundaries.

19.04.030, LOT, BUILDING, AND STRUCTURE DEFINITIONS

“Accessory Dwelling Unit” or “ADU,” means a dwelling unit with an interior habitable area, including basements and attics but not including a garage or accessory structure, that is under 1,000 square feet and which is subordinate to a permitted principal dwelling unit located on the same lot.

“Antenna” means any exterior apparatus or apparatuses designed for telephonic, radio, data, internet, or other communications through the sending and/or receiving of electromagnetic waves or radio frequency signals, including without limitation equipment attached to a tower or building for the purpose of providing personal wireless services.

“Awning—canopy” means a fixed-roofed structure, with open sides, which provides shade or protection and is in whole or in part self-supporting.

“Binding site plan” means a drawing to a scale specified by local ordinance which: (1) identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by local regulations; (2) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the local government

body having authority to approve the site plan; and (3) contains provisions making any development be in conformity with the site plan.

“Blank wall” means exterior ground floor walls of buildings visible from a street or publicly accessible open space that are over four feet in height with a horizontal length greater than fifteen feet, and do not include a window, door, building modulation or other architectural detailing. Building walls adjacent to an alley and exterior fire walls built along interior property lines are not considered blank walls.

“Building” means any structure built for the support, shelter or enclosure of persons, animals, vehicles, mechanical devices or property of any kind. When separated by common walls located on property lines, each portion of such structure shall be deemed a separate building. A building is constructed to include exterior walls of the structure, usually solid from the ground to the roof line except for window and door openings.

“Building appurtenance” means chimneys, steeples, television and radio antennas, ham radio antennas, television dish antennas, flagpoles, and vent pipes in any zone, and mechanical systems in zones other than single-family zones, and other similar features, excluding signs, which are customarily located on or above the roof of a building.

“Carport” means a covered shelter for an automobile, open on two or more sides.

“Courtyard” means any portion of the interior of a lot which is fully or partially enclosed by the walls of a building or buildings on the same development site, which is not within a required setback area and is unobstructed from the ground upward.

“Dish antenna” means a parabolic-shaped antenna which is designed to receive television broadcasts or other electronic communication signals. The antenna is considered as an accessory structure unless it is attached to the principal building, in which case it is considered a building appurtenance.

“Dooryard” means the main façade of a building set back from the front lot line and defined by a low wall or hedge, creating a small private area between the sidewalk and the façade. Each Dooryard is separated from adjacent Dooryards. The Dooryard is raised or at grade.

“Driveway” means an area of property designed to provide access between a street and a building or parking area.

~~“Duplex” contains two dwelling units (see Chapter 19.05 EMC, “Dwelling, 2-unit”), but unlike a townhouse, a duplex could be two units on separate floors (upper unit and lower unit) or two units joined at the side.~~

~~“Dwelling” means one or more habitable rooms designed to be occupied by one or more persons with shared facilities for living, sleeping, cooking, eating, and sanitation which meet the minimum requirements of EMC Title 16, Building and Construction, and in which all habitable rooms are internally accessible from within the dwelling.~~

“Facade” means the entire building exterior wall face, including grade to the top of the parapet or eaves, and the entire width of the building elevation. For buildings with more than one occupant, the facade for each occupant shall be that portion of the exterior wall face between the points where interior walls between tenants intersect with the exterior wall.

“Facilities for Cooking” (“Kitchen”) means any room(s) used, or designed to be used, for cooking or the preparation of food, and having provisions available for any of the following: an installed gas or electric oven, stove, or range (microwave is not considered a range or oven); a kitchen sink (hand sinks or utility sinks are not to be considered kitchen sinks); a dishwasher; or plumbing or standpipes for equipment and facilities normally found in a kitchen. Home occupation food processing plants licensed under RCW 69.07 and cottage food operations licensed under RCW 69.22 are not considered “facilities for cooking” for the purpose of defining a dwelling.

“Fence” means a manmade barrier erected to enclose, screen or separate areas of land.

“Frontage” means the area between (and/or on) a building facade and the public right-of-way or the pavement of a public sidewalk.

“Garage” means an accessory building constructed of at least three walls, designed or used for the shelter or storage of vehicles owned or operated by the occupants of the principal building.

“Garage, private attached” means a portion of the principal building which is attached by a common wall or substantial roof structure to the principal dwelling designed or used for the storage or shelter of vehicles owned or operated by the occupants of the principal building.

“Green roof” means an engineered roofing system that allows for the propagation of rooftop vegetation while maintaining the integrity of the underlying roof structure and membrane.

“Lot” means an area of land established by plat, subdivision or as otherwise permitted by law to be used, developed or built upon in accordance with the provisions of the Unified Development Code.

“Lot, corner” means a lot located at the junction of and fronting on two or more intersecting streets.

“Lot, interior” means any lot which is not a corner lot.

“Lot line” means a line of record that divides one lot from another lot or from a public or private street or alley.

“Lot line, front” means the lot line dividing a lot from the street. On a corner lot, only the shorter lot frontage shall be considered as the front lot line. On a panhandle or through (double-fronting) lot, the front lot line and setbacks shall be determined during the subdivision approval process, or, if not determined during subdivision review, shall be determined by the planning director.

“Lot line, rear” means the lot line opposite and most distant from the front lot line. In the case of triangular or other irregularly shaped lots, an imaginary line ten feet in length located entirely within the lot, parallel to and at a maximum distance from the front lot line.

“Lot line, side” means any lot line which is not a front or rear lot line.

“Lot, panhandle” means a lot with access provided to the bulk of the lot by means of a narrow strip of land which does not meet the full frontage or width requirements of this title.

“Lot, substandard” means a lot that does not meet minimum lot area and/or dimensional (lot width, lot depth and/or lot frontage) requirements of this title.



1 “Manufactured home,” “mobile home,” “mobile home park subdivision,” “manufactured housing
2 subdivision,” “mobile home park,” “manufactured housing community” or “manufactured/mobile home
3 community” has the same meaning as set forth in RCW 59.20.030. “Designated manufactured home” or
4 “new manufactured home” has the same meaning as set forth in RCW 35.63.160.

5 “Marquee” means a permanent roof-like structure or canopy of rigid material supported by and
6 extending from the facade of a building.

7 “Open space” means land area not covered by buildings, roads, driveway and parking areas, or outdoor
8 storage areas, including, but not limited to, landscape areas, gardens, woodlands, walkways, courtyards
9 or lawns, and outdoor recreation areas. Except as otherwise provided by this title, open space includes
10 setback areas that meet the requirements defined in this title.

11 “Open space, common” means private open space provided within a development which is provided for,
12 and which is permanently accessible to, all residents/tenants of the development.

13 “Open space, private” means a small parcel of land or outside area (deck, lanai, patio) immediately
14 adjacent to an individual dwelling unit maintained by and for its residents and reserved exclusively for
15 their use.

16 “Open space, public” means an area that is visible and accessible to the public, but may be designed for
17 the use and enjoyment of the development.

18 “Plat” is a map or representation of a subdivision, showing thereon the division of a tract or parcel of
19 land into lots, blocks, streets and alleys, or other divisions and dedications.

20 “Plat, final” is the final drawing of the subdivision and dedication prepared for filing for record with the
21 county auditor and containing all elements and requirements set forth in this chapter and in local
22 regulations adopted under this chapter.

23 “Plat, preliminary” is a neat and approximate drawing of a proposed subdivision showing the general
24 layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the
25 requirements of this chapter. The preliminary plat shall be the basis for the approval or disapproval of
26 the general layout of a subdivision.

27 ~~“Porch” means a roofed shelter, usually open at the sides, which shall be open on three sides, projecting~~
28 ~~from the face of a building and used to protect the entrance to a building; a carport is not considered a~~
29 ~~porch.~~

30 “Shared yard” means a portion of a development held in common and/or single ownership, not reserved
31 for the exclusive use or benefit of an individual tenant or owner, and is available for use by all persons
32 who reside or work in the building or on the lot. Excludes the following:

33 1. Required front setbacks;

34 2. Areas devoted to parking, driveways, and maneuvering areas;

35 3. Open space at grade less than 10 feet in its minimum dimension;

36 “Short plat” is the map or representation of a short subdivision.



1 “Short subdivision” means the division or redivision of land into nine or fewer lots, tracts, parcels, sites
2 or divisions for the purpose of sale, lease, or transfer of ownership.

3 “Stoop” means a small stair, landing or ramp connecting a building entrance to a walkway or sidewalk.

4 “Street-facing dwelling unit facade” means a ground or first floor of a dwelling unit facade facing, and
5 within thirty feet of, a front or side-street lot line on a public street.

6 “Structure” means a combination of materials constructed or erected on or under the ground, or
7 attached to something having a permanent location on or under the ground.

8 “Structured parking” means a structure in which vehicle parking is accommodated on multiple stories or
9 floors.

10 “Subdivision” means the division or redivision of land into ten or more lots, tracts, parcels, sites or
11 divisions for the purpose of sale, lease, or transfer of ownership.

12 “Swale” means a shallow drainage conveyance with relatively gentle side slopes, generally with flow
13 depths less than one foot.

14 “Tiny home,” “tiny house” or “tiny house with wheels” has the same meaning as set forth in RCW
15 35.21.686, which is a dwelling to be used as permanent housing with permanent provisions for living,
16 sleeping, eating, cooking, and sanitation built in accordance with the state building code.

17 “Tiny house communities” has the same meaning as set forth in RCW 35.21.686, which is real property
18 rented or held out for rent to others for the placement of tiny houses with wheels or tiny houses utilizing
19 the binding site plan process in RCW 58.17.035.

20 “Tower” means any structure that is designed and constructed primarily for the purpose of supporting
21 one or more antennas, including self-supporting lattice towers, guy towers or monopole towers. The
22 term encompasses personal wireless service facilities towers, microwave towers, common-carrier
23 towers, cellular telephone towers, personal communications services towers, alternative tower
24 structures, and other similar structures, and its attendant base station. The term does not include public
25 utility poles.

26 “Townhouses” means buildings that contain three or more attached single-family dwelling units that
27 extend from foundation to roof and that have a yard or public way on not less than two sides. also called
28 “single-family, attached,” are buildings joined at the side by a common wall. Each dwelling has up to two
29 or three stories and no dwellings are placed over another. Each dwelling has individual and direct
30 pedestrian access to the street and typically contains some private open space in the front and back. A
31 development of townhouses could include two units attached (see Chapter 19.05 EMC, “Dwelling, 2-
32 unit”) or multiple units attached.

33 “Townhouse unit” means a single-family dwelling unit in a townhouse that extends from foundation to
34 roof and that has a yard or public way on not less than two sides that extends at least 50 percent of the
35 length of each of these two sides.

19.04.040, MEASUREMENT DEFINITIONS

“Base elevation” means the average elevation of the approved topography of a parcel at the midpoint on each of the four sides of the smallest rectangle which will enclose the proposed structure, excluding all eaves and decks. The approved topography of a parcel is the natural topography of a parcel or the topographic conditions approved by the city prior to January 1, 1988, or as approved by a subdivision, short subdivision, binding site plan, shoreline substantial development permit, or SEPA environmental review issued after January 1, 1988. On any lot exhibiting evidence of an unapproved fill, a soils analysis may be required to determine the approved topography. An approved bench mark will establish the relative elevation of the four points used to establish the base elevation.

“Benchmark” means a fixed reference point or object, more or less permanent in character, the elevation of which is known, or to which a nominal elevation can be assigned.

“Buildable area” means the lot area minus undevelopable areas.

“Building footprint” means the perimeter of a building at the outer edge of the outside walls of the building, including cantilevered portions of a building.

“Caliper” means diameter of a tree trunk measured six inches above the ground.

“Density” means a ratio of dwelling units to lot area, usually expressed in terms of dwellings per acre or square feet of land area per dwelling unit.

“Finished ground floor levels” is measured as the elevation from ground level to the floor level of the first story of the building at the main entrance.

“Floor” is the habitable level within a building that is above grade. Exposed basements less than four feet from grade or attics not exceeding four feet at the knee-wall shall not constitute a floor.

“Floor area ratio” means a measure of development intensity which is the gross building area (square footage of the total floor area except parking areas) divided by the lot area.

“Floor height” is measured from the surface of any floor to the surface of the floor above it or, if there is no floor above, from the surface of the floor to the top of the wall plate.

“Floorplate” is the total gross floor area of any given floor of a building, measured to the exterior of the wall or balcony.

“Grade” means the elevation of a lot prior to development.

“Grade, finished” means the elevation of a lot after completion of development.

“Gross floor area” means the sum of the gross horizontal areas of the floors of a building or buildings, measured from exterior faces of exterior walls, and from the centerline of common walls.

1. Gross floor area includes: basement space, elevator shafts and stairwell at each floor, mechanical equipment rooms with headroom of seven feet, six inches or more, or attic spaces with headroom of seven feet, six inches or more, penthouse floors, interior balconies and mezzanines, and enclosed porches.

2. Gross floor area shall not include: accessory water tanks and cooling towers, mechanical equipment rooms with headroom of less than seven feet, six inches, ~~or~~ attic spaces with headroom of less than seven feet, six inches, exterior steps or stairs, terraces, breezeways, and open spaces.

“Ground floor” means the floor of a building closest to the height of the adjacent front street sidewalk or, where no sidewalk exists, closest to the height of the grade at the front lot line.

Height, Building. See Chapter 19.22 EMC for how heights are measured.

“Line of sight” with respect to the siting of secure community transition facilities means the maximum unobstructed distance at which it is possible to reasonably visually distinguish and recognize individuals. For the siting of secure community transition facilities, this distance is six hundred feet. However, a distance less than six hundred feet may be considered if the applicant demonstrates that visual barriers exist or can be created that would reduce the line of sight to a distance less than six hundred feet.

“Lot area” means the total area within the lot lines of a lot, excluding any primary access easements or panhandles, and excluding any area dedicated for public right-of-way purposes.

“Lot coverage by building” means the amount or percent of the ground area of a lot on which buildings are located. This amount/percent includes all areas which are partially or totally enclosed and covered by a weathertight roof, including any garages, carports, and cantilevered portions of a building which are not above the ground floor of a building, and storage areas covered by a watertight roof even if not fully enclosed. Building coverage does not include eaves, decks, and uncovered porches. Minor portions of panhandle lots and primary access easements shall not be included in the lot area for purposes of calculating building coverage.

“Lot depth” means the mean distance between the front lot line and rear lot line.

“Lot frontage” means the length of the front lot line measured at the street right-of-way.

“Lot width” means the horizontal distance between side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

“Setback” means the required minimum distance between any lot line and any structure, building or use.

“Setback, average” means calculating the average front setback of two adjacent properties. If the property is on the corner, the average setback is the front setback of the adjacent properties. If there are no adjacent properties, then there is no average setback unless otherwise allowed in this code.

Setback, Front. “Front setback” means the required minimum distance between the front lot line and any structure, building or use.

Setback, Rear. “Rear setback” means the required minimum distance between the rear lot line and any structure, building or use.

Setback, Side (Interior). “Side (interior) setback” means the required minimum distance between the side lot line which does not abut a street and any structure, building or use.

Setback, Side (Street). “Side (street) setback” means the required minimum distance between the side lot line abutting the street on a corner lot and any structure, building or use.



19.04.050, USE DEFINITIONS, RESIDENTIAL

This section defines uses set forth in Table 5-1 in EMC 19.05.080.

“Adult family home” has the same meaning as RCW 70.128.010, which means a residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services. An adult family home may provide services to up to eight adults upon approval from the department under RCW 70.128.066.

“Assisted living facility” means a residential facility for elderly persons (age fifty-five or older) who require moderate to extensive assistance with daily tasks such as cooking, eating, bathing, housekeeping, dispensing of medicines, shopping, appointments and other tasks.

“Congregate care facility” means a residential facility for the elderly. The minimum age limit for the elderly is fifty-five years for the residents, with younger spouses permitted. The facility typically has a central lobby, common dining area, hobby and/or recreational rooms. The fee structure shall include at least one meal per day in the common dining area. Accessory support uses for the tenants, such as pharmacies, banking service, etc., may be included.

“Day care, family home” means day care provided in the home as an incidental use to the principal residential use of the property, for up to twelve children full time, or six adults full time, or as otherwise provided by the state of Washington.

“Dormitory” means a building with sleeping accommodations, without in-room cooking facilities, for residents affiliated with an educational, religious, or other institution.

~~“Dwelling” means any building that contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.~~

~~“Dwelling unit” means one or more habitable rooms designed to be occupied by one or more persons with shared facilities for living, sleeping, cooking, eating, and sanitation which meet the minimum requirements of EMC Title 16, Building and Construction, and in which all habitable rooms are internally accessible from within the dwelling.~~

~~“Dwelling, cottage housing” means small, detached dwelling units clustered around a central common open space.~~

~~“Dwelling, multiple-family” means a building(s) or portion of a building arranged or designed to be occupied by five or more families living independently of each other.~~

~~“Dwelling, one-unit” means a detached building designed for and occupied by only one household, sharing no common walls with other dwelling units, except an accessory dwelling unit (“ADU”).~~

~~“Dwelling, three- to four-unit” means a building designed for and occupied by three or four households, living independently of each other in separate dwelling units. A three- to four-unit dwelling may be attached by a common wall or walls or stacked in a manner that individual dwelling units are located above or below other dwelling units.~~

~~“Dwelling, two-unit” means a building designed for and occupied by two households, living independently of each other in separate dwelling units. A two-unit dwelling may be attached by a common wall or walls or stacked in a manner that individual dwelling units are located above or below other dwelling units. A two-unit dwelling does not include an accessory dwelling unit (“ADU”) which may be permitted on a lot with a one-unit dwelling.~~

~~“Dwelling unit, accessory,” or “ADU,” means a dwelling unit which is subordinate to a permitted principal dwelling unit located on the same lot.~~

“Dwelling, Co-Living Housing”, means a residential development with sleeping units that are independently rented and lockable and provide living and sleeping space, and residents share kitchen facilities with other sleeping units in the building, as in 36.70A RCW. A sleeping unit in co-living housing shall be treated as one-quarter of a dwelling unit for purposes of calculating density and vehicle parking requirements.

~~“Dwelling unit, micro-housing” or “small efficiency dwelling unit” means a single, independent, residential dwelling unit within a multifamily building of no less than 24 units and consisting of one habitable room (excluding kitchen, bath, closets, storage areas, and built-ins). These units have a living room floor area two hundred twenty square feet or less, or a total gross unit size three hundred twenty square feet or less.~~

“Emergency housing” has the same meaning as RCW 36.70A.030(9):

“Emergency housing” means any facility that is constructed for the primary purpose of providing temporary indoor accommodations for individuals or families who are homeless, or at imminent risk of becoming homeless, that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families consistent with RCW 36.70A.030(9). Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

“Emergency shelter, indoor” means any facility that is constructed for the primary purpose of providing shelter for people experiencing homelessness in general or for specific populations of people experiencing homelessness consistent with RCW 36.70A.030(10). People may be granted admittance on a nightly or extended-stay basis. Emergency shelters may include day centers that do not provide overnight accommodations. Supportive services may or may not be provided in addition to the provision of shelter.

“Emergency shelter, outdoor” means a facility that provides shelter in temporary structures for people experiencing homelessness in general or for specific populations of people experiencing homelessness.

“Temporary structure” means not affixed to land permanently including tents, vehicles, or other structures not regulated under the building code. People may be granted admittance on a nightly or extended-stay basis.

“Extreme weather shelter, temporary” means a facility intended to house people experiencing homelessness for specific situations such as cold or hot weather or poor air quality conditions. The shelter operations are limited to the duration of the period that the extreme conditions persist. People may be granted admittance either for an overnight stay, during the day, or both.

Family Home (Day Care and Adult). Please see definitions of “adult family home” and “day care, family home.”

“Group housing, extended care facility” means a state-licensed extended care facility, including an assisted living facility, congregate care facility, nursing or convalescing home, and any other group housing serving more than sixteen individuals.

“Group housing, residential care facility” means a state-licensed residential care facility designed to serve as the primary residence for individuals and two resident staff, which has shared living quarters without separate bathroom and/or kitchen facilities for each unit.

“Live/work” units mean built spaces that function ~~predominantly~~ as both work spaces and ~~secondarily~~ as residences.

“Transit Stop, Major” means:

(a) A stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;

(b) Commuter rail stops;

(c) Stops on rail or fixed guideway systems; or

(d) Stops on bus rapid transit routes, including those stops that are under construction.

“Transit Stop, Frequent” means stops for a bus or other transit mode providing actual fixed route service at intervals no longer than 15 minutes per hour for at least five full hours during the peak hours of operation on weekdays

“Managing agency” means an organization that has the capacity to organize and manage a homeless encampment. A “managing agency” may be the same entity as the sponsor.

“Mobile home park,” “manufactured housing community,” or “manufactured/mobile home community” has the same meaning as in RCW 59.20.030: any real property which is rented or held out for rent to others for the placement of two or more mobile homes, manufactured homes, or park models for the primary purpose of production of income, except where such real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy.

“Nursing or convalescent home” means a facility or institution for the care of the aged or infirm, or a place of rest for those suffering bodily disorders. This term does not include hospitals or facilities for the primary treatment of sickness or injuries, or for surgical care, or congregate care facilities.

“Permanent supportive housing,” also referred to as supportive housing, has the same meaning as RCW 36.70A.030(16):

“Permanent supportive housing” is subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was

1 experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to
2 retain their housing and be a successful tenant in a housing arrangement, improve the resident's health
3 status, and connect the resident of the housing with community-based health care, treatment, or
4 employment services. Permanent supportive housing is subject to all of the rights and responsibilities
5 defined in chapter 59.18 RCW.

6 "Recreational vehicle (RV) park" means real property rented or held out for rent to others for the
7 placement of recreational vehicles.

8 "Secure community transition facility" means a facility, as defined in RCW 71.09.020, for the housing of
9 sexually violent predators.

10 "Short-term rental" means the use of an entire dwelling unit or portion thereof by any person or group
11 of persons to occupy for rent for a period of less than thirty consecutive days. Short-term rentals do not
12 include hotels or motels.

13 "Sleeping Unit" is an independently rented and lockable room for sleeping and living; sleeping units are
14 not required to have private bathrooms or private kitchens because residents typically share bathrooms
15 and/or kitchen facilities with other sleeping units in the building. Per the IBC sleeping units must be at
16 least 70 square feet; rooms larger than 240 square feet otherwise meeting the definition here of
17 sleeping unit will be considered dwelling units for other EMC 19 purposes such as parking calculations.
18 Rooms for sleeping, regardless of size, when designed as an integral part of a single larger permitted
19 dwelling unit, will not be counted as 'sleeping units'.

20 "Sponsor" means a local faith-based or other local community-based organization that has an
21 agreement with the managing agency to provide basic services and support for the residents of a
22 homeless encampment, such as shelter, food and sanitation, and liaison with the surrounding
23 community and joins with the managing agency in an application for a temporary use permit. A
24 "sponsor" may be the same entity as the managing agency.

25 Supportive housing. See "Permanent supportive housing."

26 "Tiny house" and "tiny house with wheels" mean a dwelling to be used as permanent housing with
27 permanent provisions for living, sleeping, eating, cooking, and sanitation built in accordance with the
28 state building code.

29 "Tiny house communities" means real property rented or held out for rent to others for the placement
30 of tiny houses with wheels or tiny houses utilizing the binding site plan process in RCW 58.17.035.

31 "Transitional housing" has the same meaning as RCW 84.36.043(2)(c):

32 "Transitional housing" means a project that provides housing and supportive services to homeless
33 persons or families for up to two years and that has as its purpose facilitating the movement of homeless
34 persons and families into independent living.

35 **19.04.060, USE DEFINITIONS, COMMERCIAL**

36 This section defines uses set forth in Table 5-2 in EMC 19.05.090.

37 "Animal day care" means short-term daytime (not overnight) care for dogs, cats and other small animals.





- 1 “Auto fuel sales” means a business selling gasoline, diesel and other fuel products such as propane. This
2 includes convenience stores selling food and related items.
- 3 “Automobile and truck service, heavy” means a business where vehicle repair and maintenance of heavy
4 trucks over eighteen thousand pounds and other large equipment is performed.
- 5 “Automobile and truck service, light” means a business where vehicle repair and maintenance, cleaning
6 and alterations are performed. Cleaning includes automatic and self-service washing, vacuuming and
7 detailing.
- 8 “Automobile dismantling/recycling” means the disassembly of vehicles, together with sorting, cleaning
9 and storage of spare parts and recyclable materials, such as scrap metals.
- 10 “Automobile drive-through facility” means all equipment and improvements used to allow customers to
11 be served from within their vehicles. This includes order placing stations, speakers, service windows,
12 signs, driveways and holding lanes.
- 13 “Automobile, light truck or RV sales or rental” means a business where new or used cars, light trucks and
14 recreational vehicles are displayed for sale, rent or lease, typically outdoors on a paved parking lot. This
15 use may include a showroom and/or service facility.
- 16 “Birthing center” or “childbirth center” means any health facility, not part of a hospital or in a hospital,
17 that provides facilities and staff to support a birth service to low-risk maternity clients.
- 18 “Body repair and painting” means a business that includes repair of damaged vehicles and painting or
19 repainting.
- 20 “Casino, mini” means a business which provides gambling and gaming as a primary source of its revenue,
21 which may include food and beverage sales for consumption on the premises as a secondary part of its
22 business activity.
- 23 “Clinic” means a building or portion of a building designed and used for the medical, dental or surgical
24 diagnosis or treatment of patients under the care of doctors.
- 25 “Commercial parking” means a parking lot or parking garage that is designed, used or intended to be
26 used for the parking of motor vehicles outside the street right-of-way. Commercial parking areas are
27 used, rented or leased to the general public, ~~customers or residents of development, or are provided as~~
28 ~~public parking for persons commuting to another location, such as a park-and-ride lot.~~ This use does not
29 include park and rides or parking lots or garages which are constructed as required for, or accessory to,
30 another permitted use.
- 31 “Convention center” means a large civic building or group of buildings designed for conventions,
32 industrial shows, and the like, having large exhibit areas and often including conference rooms, hotel
33 accommodations, restaurants, and other facilities.
- 34 “Day care center, commercial” means a day care facility for more than twelve children or adults.
- 35 “Entertainment and recreation, enclosed” means an entertainment or recreation facility under private
36 ownership and operated by a for-profit or nonprofit organization, and providing one or more of the
37 following types of entertainment activities: cinemas, billiard parlors, nightclubs, coin-operated arcades,



bowling alleys, ice skating and roller skating; one or more of the following types of recreation facilities: fitness center, indoor gymnasium, spa or health club, including tennis, handball, golf, squash, volleyball, racquetball, badminton, skate park and swimming. The use does not include adult use business, adult retail or adult entertainment as defined in this title.

“Entertainment and recreation, not enclosed” means an entertainment or recreation facility under private ownership and operated by a for-profit or nonprofit organization and providing one or more of the following types of entertainment activities: ice skating; skate park and swimming; or commercial outdoor recreation, including golf courses, archery range, or similar use.

“Equipment sales and rental” means service industry providing machinery, equipment and tools of all kinds and sizes (from earthmoving to powered access, from power generation to hand-held tools, etc.) for a limited period of time to final users, mainly to construction contractors but also to industry and individual consumers.

“Food or beverage establishment” means restaurants, cafes, and similar types of land uses that prepare and serve edible goods for consumption by the customer including beverage service. This use includes coffee roasting and production of wine, beer, or other alcoholic or nonalcoholic beverages in conjunction with the use of food or beverage establishment.

“Heavy truck and equipment sales” means a business where new or used trucks over eighteen thousand pounds are displayed for sale, typically outdoors on a paved parking lot. This use may include a showroom and/or service facility.

“Hotel” or “motel” means a transient accommodation offering three or more lodging units to guests for periods of less than thirty days, and may also provide incidental services such as restaurants, meeting rooms or recreational facilities.

“Impound, storage, tow yard” means a lot used for the temporary storage of vehicles which have been towed by a towing company or for impounded vehicles, but which does not include permanent vehicle storage or dismantling of vehicles.

“Kennel, commercial” means an establishment that houses, cares for, breeds, or raises dogs, cats or other small domestic animals for profit.

~~“Microbrewery, microdistillery, or microwinery” means a small-scale business located in a building where the primary use is for restaurant, retail, or tasting room, and which specializes in producing limited quantities of wine, beer, or other alcoholic beverage.~~

“Office” means a building or portion thereof which is used for general business, and nonprofit administrative purposes not involving manufacturing, sale of inventory or provision of services involving manual skills or mechanical processes. Remote provision of services including healthcare, social services, and counseling are included in the category of office. Not included in the category of office are those businesses and occupations defined by this title as clinics, government administrative offices or uses such as private clubs.

“Retail sales and service” means a business providing products for retail sale or service to the ~~general~~ public or to group members, excluding marijuana retail.

“Social services” means a use operated by a public agency, nonprofit, or other organizations of a charitable nature generally providing a service to people of the community. Staff may be located primarily on site or may be based off site and provide regular hours or visits on site. Generally, they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Examples include services for behavioral health, counseling, therapy, drug and alcohol rehabilitation, and prepared meal distribution. This definition does not include schools, hospitals, clinics, day cares, food banks, or residential uses.

“Storage, commercial” means a building or buildings containing separate storage spaces of a limited size leased or rented on an individual basis, which do not include warehouses or loading docks. Where allowed, commercial storage may also include separate storage space located outside of buildings, or under a roof only, such as boat or RV storage, and is of a limited size leased or rented on an individual basis.

“Veterinary clinic” means a facility rendering surgical and medical treatment to animals, which may include overnight accommodations for purposes of recovery. For ~~the purpose of~~ these regulations, small animals shall be deemed to be ordinary household pets, excluding horses, donkeys, or other such animals not normally housed or cared for entirely within the confines of a residence.

19.04.070, USE DEFINITIONS, INDUSTRIAL

This section defines uses set forth in Table 5-3 in EMC 19.05.100.

“Aggregates extraction and related manufacturing” means the mining and processing of sand and gravel resources and closely related manufacturing such as concrete or asphalt batch plants, manufacturing of products using concrete or aggregate materials, storage and transport of mined or excavated materials, and other closely related uses accessory to aggregate extraction activities.

“Aircraft assembly” means the assembly of aircraft components into finished aircraft or the repair, service or maintenance of aircraft, including engine testing, test flights, and major overhaul or rebuilding.

“Distribution center” means a building designed to store products for retailers and wholesalers, to be redistributed to another location or to customers.

“Freight terminal” means a transportation facility furnishing services incidental to air, motor freight, and rail transportation. Examples of these facilities include: freight forwarding services; freight terminal facilities; joint terminal and service facilities; overnight mail processing facilities; packing, crating, inspection and weighing services; postal service bulk mailing distribution centers; transportation arrangement services; trucking facilities, including transfer and storage.

“Heavy industrial, manufacturing, processing, fabrication or assembly” means uses that generate potentially noxious or objectionable impacts such as noise, smoke, dust, vibration, odor, or concussion, the use or outdoor storage of heavy equipment, or outdoor storage of large quantities of bulk materials.

“Heliport” means an area of land, water, or structural surface designed, used, or intended to be used for landing or takeoff of passengers or cargo from or by helicopters, plus accessory buildings and uses.

“Light industrial, manufacturing, or assembly” means uses which are capable of being constructed, maintained and operated in a manner designed to be compatible with adjoining residential, commercial or other less intensive land uses. These uses do not generate noxious or objectionable impacts such as noise, smoke, dust, vibration, odor, or concussion; do not require the use of heavy equipment; and do not involve outdoor storage of large quantities of bulk materials or heavy equipment.

“Marine terminal” means a water-dependent transportation facility furnishing services incidental to barge, marine shipping and other marine vessels.

“Railyard” means a complex series of railroad tracks for the assembly, storing, sorting, maintenance, or loading and unloading, of railroad cars and locomotives. Railyards have many tracks in parallel for keeping rolling stock stored off the mainline, so that they do not obstruct the flow of traffic.

“Storage yard” means the use of land to store material, equipment, or vehicles, and any structures associated with the outdoor storage. This use includes bulk fuel, vehicle impound lot, bulk materials, large equipment and cargo shipping containers.

“Warehouse” means a building used to store merchandise, materials or commodities.

19.04.080, USE DEFINITIONS, PUBLIC, INSTITUTIONAL, QUASI-PUBLIC

This section defines uses set forth in Table 5-4 in EMC 19.05.110.

“Aboveground utility and communications facility, major” means a structure or improvement built or installed aboveground for the purpose of providing utility services or communications services to more than one lot. Included in this definition for purposes of this title are electrical substations; water storage reservoirs or tanks or pumping stations; telephone exchanges; manmade regional drainage detention or retention facilities; natural gas regulating facilities greater than four feet in height; sewer lift stations; wireless communications facilities including personal wireless service facilities; television or radio transmission or reception towers, antennas; and other ancillary or similar facilities or structures housing utility or communications equipment or improvements as determined by the planning director. This term shall not apply to equipment and vehicle storage yards, offices and buildings used to support the operations of utility or communication service providers.

“Aboveground utility and communications facility, minor” means fire hydrants; amateur radio antennas or towers and television reception dishes or antennas for private residential use regulated by EMC 19.22.090; utility poles carrying electrical transmission lines with fifty-five thousand volts or less of electrical power; pad-mounted switches and transformers; telephone or television cables; utility structures less than four feet in height above grade, minor aboveground equipment associated with underground utility facilities, or other such similar facilities as determined by the planning director. This term shall not apply to equipment and vehicle storage yards, offices and buildings used to support the operations of utility or communication service providers.

“Bicycle facilities” means improvements and provisions made to accommodate or encourage bicycling, including bike racks or lockers, other bicycle parking facilities, ~~(bike racks)~~ and bikeways.

“Cemetery” means land or structures dedicated for the interment of human or animal remains.

1 “Community garden” means a site where food, ornamental crops, or trees are grown for small-scale
2 cultivation, generally to residents of apartments and other dwelling types without private gardens.

3 “Correctional facilities” means public or private facilities providing for the confinement of juvenile
4 offenders, for the incarceration, confinement or detention of individuals arrested for or convicted of a
5 crime, or for the punishment, correction and/or rehabilitation of individuals convicted of crimes whose
6 freedom is restricted. The term “jails and correctional facilities” includes those group-care homes, Class
7 II (as defined in this section, including subclassifications II-A, II-B, and II-C) which are exempt from the
8 provisions of the Federal Fair Housing Act Amendments of 1988 and the Washington Housing Policy Act
9 (RCW 35.63.220).

10 “Food bank” is a place where stocks of food, typically basic provisions, are supplied free of charge to
11 people in need, by a nonprofit or charitable organization.

12 “Government administrative offices” means offices for federal, state, county, city or other governmental,
13 public utility, school district, or quasi-public agencies where staff of such agencies are employed in the
14 administration of government or public services. This term does not include correctional facilities, utility
15 facilities, equipment storage or parking, schools, fire stations, community centers, parks, or other public
16 or quasi-public service uses specifically listed in this title.

17 “Government use” means offices or facilities for federal, state, county, city or other governmental, public
18 utility, school district, or quasi-public agencies where staff of such agencies are employed in the
19 administration of government or public services. This term does not include correctional facilities, utility
20 facilities, schools, parks, or other public or quasi-public service uses specifically listed in this title.

21 “Hazardous waste” means all dangerous and extremely hazardous waste as defined in RCW
22 70.105.010(15), except for moderate risk waste as set forth in RCW 70.105.010(17).

23 “Hazardous waste storage” means the holding of hazardous waste for a temporary period, as regulated
24 by the state dangerous waste regulations, Chapter 173-303 WAC.

25 “Hazardous waste treatment” means the physical, chemical or biological processing of hazardous waste
26 for the purpose of rendering these wastes for material resource recovery, amenable for storage, or
27 reduced in volume, as regulated by the state dangerous waste regulations, Chapter 173-303 WAC.

28 “Hazardous waste treatment and storage facility, off-site” means treatment and storage facilities which
29 treat and store hazardous wastes generated on properties other than those on which the off-site
30 facilities are located.

31 “Hazardous waste treatment and storage facility, on-site” means treatment and storage facilities which
32 treat and store hazardous wastes generated on the same property.

33 “Hospital” means an institution that provides twenty-four-hour-per-day care for the diagnosis,
34 treatment, care and curing of individuals suffering from illness, injury or any condition requiring medical,
35 obstetric, surgical, or psychiatric care; and other related uses customarily incidental thereto.

36 “Light rail station” means a dedicated public facility providing access to light rail trains and typically
37 consisting of an elevated platform with waiting areas, ticket vending machines, bicycle facilities, and

1 other pedestrian/active mobility facilities providing connections to bus and other transit and the local
2 community.

3 “Park and ride” means a structure or area used, rented, or leased to the general public for connecting to
4 transit, owned by or in partnership with a public agency. This use does not include parking lots or
5 garages which are constructed as required for, or accessory to, another permitted use.

6 “Park” means any property designated, dedicated, or developed by or on behalf of a government entity
7 for park or open space use, including passive and active forms of recreation.

8 “Place of worship” or “religious facility” means a place for people to gather for religious practice.
9 Examples include churches, synagogues, and mosques and accessory uses including bible study such as
10 religious schools and day care.

11 “Schools (public and private)—elementary, middle and high schools” means a public or private facility
12 that provides teaching or learning. Typical uses include elementary, junior and senior high schools and
13 related uses, except as otherwise specifically defined in this code.

14 “Schools (public and private)—institutions of higher education” means public or private vocational and
15 trade schools, academies, colleges, and universities, ~~including~~including classrooms, administrative
16 offices, cafeteria, athletic facilities, dormitories, and off-street parking areas.

17 “Solid waste transfer station” means a solid waste handling facility where nonhazardous solid waste is
18 delivered by public agencies, businesses or individuals and transferred and/or sorted into other
19 containers to be transported to another location for ultimate disposal. A solid waste transfer station may
20 include provisions for extraction of recyclable or reusable materials, as well as collection facilities for
21 recyclable materials.

22 “Transit facilities” means public or private improvements at selected points along existing or future
23 transit routes for passenger pick-up, drop-off, and waiting. Improvements may include pullouts, shelters,
24 waiting areas, benches, information and directional signs or structures, and lighting.

25 “Transit station-off-street facility” means a dedicated transit facility outside of the public right-of-way
26 where several transit routes converge, designed to accommodate several buses at once to permit
27 transfer between transit routes. A transit center may provide transit passenger shelters and waiting
28 areas but does not include off-street parking for transit passenger vehicles.

29 “Transportation facilities of statewide significance” means the interstate highway system; interregional
30 state principal arterials including ferry connections that serve statewide travel; regional transit systems
31 as defined in RCW 81.104.015; high capacity transportation systems serving regions as defined in RCW
32 81.104.015; intercity passenger rail services; intercity high-speed ground transportation; rail fixed
33 guideway system, as defined in RCW 81.104.015, excluding yards and service and maintenance facilities;
34 the freight and passenger railroad system as regulated by the Federal Railroad Administration, excluding
35 yards and service and maintenance facilities; and in shoreline zones, and in adjacent zones where all or
36 any portion of a development is within a shoreline designated area or zone, marine port and barge
37 facilities and services that are related to marine activities affecting international and interstate trade,
38 excluding centralized, high density concentrations of port, deep water port, and marine shipping facilities
39 and services.

19.04.100, USE DEFINITIONS, OTHER

“Aircraft landing facilities” means airports, landing fields, helipads, or seaplane landing facilities and terminals for the accommodation of passengers and/or cargo carried by means of air transport.

“Bus Rapid Transit” means a public transit route that includes a combination of station facilities and improvements to the right-of-way that provide for enhanced frequently, reliability, and speed, including off-board fare payment and all-door boarding and dedicated transit or high-occupancy vehicle lanes along all or part of the route.

“Home occupation” means an occupation which is incidental and subordinate to a residential use, which is carried on by a member of the family residing in the dwelling.

“Junk store” means a retail store that sells previously used merchandise or goods the majority of which:

1. Have not been maintained, repaired, restored or reconditioned to a functional condition; or
2. Consist of salvaged or disassembled parts of merchandise, equipment or objects no longer in their original assembled configuration.

This definition excludes secondhand stores, pawnshops, thrift stores and artwork made from recycled or previously used materials incorporated into artwork. The planning director is authorized to maintain a list of stores that qualify as junk stores.

“Pawnshop” means an establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property.

“Secondhand store” means retail sales of previously used merchandise, the majority of which is not donated, such as clothing, furniture, appliances, household goods, sporting goods, recreational equipment or other merchandise not considered to be antique, that is in good repair or has been restored or reconditioned to a clean and usable condition. This definition excludes “pawn shop,” “thrift store,” and “junk store.” The planning director is authorized to maintain a list of stores that qualify as secondhand stores.

“Specified anatomical areas” means:

1. Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

“Specified sexual activities” means:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

“Thrift store” means a store that derives the majority of its sales from donated previously used merchandise such as clothing, furniture, appliances, household goods, sporting goods, recreational

equipment or other merchandise not considered to be antique. The planning director is authorized to maintain a list of stores that qualify as thrift stores.

CHAPTER 19.05 – USES

19.05.010 PURPOSE AND APPLICABILITY.

The purpose of this chapter is to establish the uses generally permitted in each zone which are compatible with the purpose of the zone and other uses allowed within the zone. All uses and structures proposed on properties within Everett shall be subject to the permitted uses and other requirements of this chapter.

19.05.020 GENERAL PROVISIONS.

A. Land uses which are listed in Tables 5-1 through 5-5 of this chapter shall be permitted subject to the review process listed in the table for a specific use in a particular zone. If a use is not listed, please refer to EMC 19.05.070(B) regarding unlisted uses.

B. Any one or more land uses identified as being allowed within a particular zone may be established on any parcel within that zone, subject to the planning permit required for the use, and compliance with all other applicable requirements of the city of Everett.

C. Where a project is proposed for development with two or more of the land uses listed in the use table, the overall project shall be subject to the highest review process (e.g., III is higher than II) for any of the proposed uses.

D. Land uses may be subject to specific use standards set forth in Chapter 19.13 EMC.

E. Land uses are subject to height (Chapter 19.22 EMC), setback (Chapter 19.06 EMC) and/or other requirements in this title.

F. Accessory Uses. See EMC 19.05.065 for accessory use standards.

19.05.030 USES ALLOWED BY ZONE, OVERLAY, STREET TYPE OR SHORELINES.

A. Overview. Except for lands covered by water and subject to the Everett shoreline master program, all property within the city is located within a zoning district set forth in Map 3-1 (Chapter 19.03 EMC) and shown in Tables 5-1 through 5-5. In addition to being located within a zoning district, a property may also be located within a zoning overlay. A use that is allowed in Tables 5-1 through 5-5 may be further restricted based on whether the property fronts on a designated street type.

B. Zoning Districts.

1. The land uses listed in Tables 5-1 through 5-5 determine whether a use is allowed in a zoning district. See Chapter 19.03 EMC for the city's zoning districts map. The zoning districts are located along the horizontal header row, and the uses allowed in the zoning districts are located on the vertical column of Tables 5-1 through 5-5.

2. The watershed resource management zone (not shown in Tables 5-1 through 5-5) applies to city-owned lands located in the city’s Chaplain watershed property. See EMC 19.05.200 for the requirements which apply to properties in the watershed resource management zone.

3. The park and open space zone (not shown in Tables 5-1 through 5-5) applies to city-owned public parks and open space property, in addition to additional public property developed as public parks or managed as open space. See EMC 19.05.210 for the requirements which apply to properties in the park and open space zone.

C. Zoning Overlays.

1. If a property is located within an overlay zone, it may provide for additional restrictions or exceptions that might apply to the property. Overlay standards may be found in Tables 5-1 through 5-5 or within specific sections as further outlined below.

2. For historic overlay zones, see Chapter 19.28 EMC.

3. For airport, port and navy compatibility area, see Chapter 19.17 EMC.

4. For planned development overlays, see Chapter 19.29 EMC.

5. For institutional overlays, see Chapter 19.31 EMC.

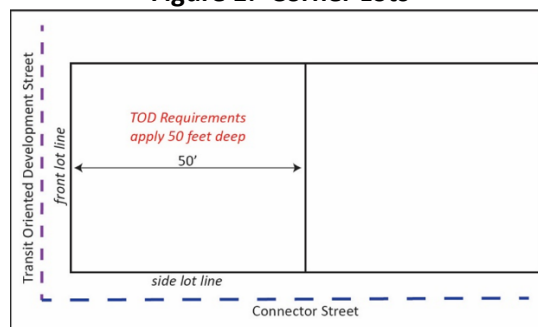
D. Street Type Designations.

1. Certain streets within Everett have one of four street types designated: transit-oriented development (“TOD”) street, pedestrian street, connector street and residential mixed-use corridor. See Chapter 19.33 EMC for Street Type Map.

2. A use that is allowed in Tables 5-1 through 5-5 may be further restricted based on whether the property fronts on a designated street type. The restriction based on street type designation could apply to the entire property or to ground floor uses.

3. Corner Lots. For corner lots with more than one street type designation, the most restrictive street type designation applies to that portion of the lot measured fifty feet in depth from the lot line adjoining the designation. See Figure 1 for how to apply this requirement.

Figure 1: Corner Lots



E. Shorelines of the State.

1. All uses, developments and activities proposed on properties under the jurisdiction of the Everett shoreline master program, in addition to being subject to the requirements of this title, shall be subject to the procedures and review criteria for shoreline substantial development permits, variances, and conditional use permits in Chapter 15.03 EMC.

2. All uses, developments and activities in shoreline jurisdiction shall be subject to the development standards and special regulations of this title and the requirements of the shoreline master program, except as follows:

a. When a conflict exists between the shoreline master program and this title, the shoreline master program shall take precedence over this title.

b. Zoning districts shown on Map 3-1 do not include areas waterward of the ordinary high water mark (OHWM). These areas will be subject to the Everett shoreline master program restrictions on uses, developments and activities.

19.05.035 ADAPTIVE REUSE OF NONRESIDENTIAL BUILDINGS

A. Purpose. The purpose of this section is to allow for adaptive reuse of nonresidential buildings in residential zones that are functionally obsolete in order to improve the economic feasibility of a property by considering uses that are not otherwise permitted, but which, if properly designed and managed, would not create unacceptable impacts on surrounding properties or the immediate vicinity in general. This process differs from the unlisted use process listed in EMC 19.05.070(B) in that uses that are not specifically authorized in the underlying residential zone may be considered using the process described herein.

B. Procedures. Any request for adaptive reuse of nonresidential buildings shall be reviewed as an administrative use in the Neighborhood Residential or Neighborhood Residential-Constrained zones; otherwise as a permitted use subject to the standards of this section. If the property is outside a historic overlay zone but listed on a historic register or as a contributing structure in a historic register district, the historical commission shall review the proposal and make a recommendation to the review authority.

C. Circumstances. The city may allow a use in a residential zone that is not specifically allowed in that zone if it is necessary to encourage adaptive reuse of a building under the following circumstances:

1. It is unlikely that the primary building on the subject property could be preserved if only uses permitted in the underlying zone were allowed.

2. Allowing a different use would enhance the character of the building and immediate vicinity.

3. The use would not have a detrimental effect upon surrounding properties or the immediate vicinity.

D. Uses. The following uses may be considered for adaptive reuse of an existing building in a residential zone:

1. Dwelling units. Density based on underlying zoning plus one additional dwelling unit;

2. Assisted living facilities;

3. Libraries;

4. Museums and art galleries;

5. Social services;

6. Public services;

7. Business incubators;

8. Artist studios;

9. Music venues;

10. Cafes and bistros;

11. Live/work units;

12. Bed and breakfasts;

13. Other uses not listed above if determined through the review process to be compatible with surrounding properties and the immediate vicinity.

E. *Review Criteria.* The following criteria shall be used as the basis for determining compatibility with surrounding uses and approving, denying, or conditionally approving a request to allow the adaptive reuse of a nonresidential building in a residential zone:

1. Evaluation criteria set forth in EMC 15.03.100.

2. The adaptive reuse would promote or aid in the preservation or rehabilitation of the primary building.

3. No significant adverse impacts to public safety.

4. Compliance with building and fire codes.

5. Hours of the day of proposed use or activity.

6. Proposed management and operational procedures to minimize and mitigate potential impacts.

7. Expansions to the primary building shall not exceed ten percent of the existing footprint or five hundred square feet, whichever is greater, and will not detrimentally affect the outside character of the building.

8. Other factors not specified herein that would create adverse impacts to the immediate vicinity.

9. Any proposal that would adversely affect properties in the immediate vicinity shall be denied. The city shall retain the right to revoke a permit issued under this section that fails to comply with any conditions of approval of said permit, or which operates in a manner inconsistent with representations made in the application, pursuant to Chapter 1.20 EMC.

19.05.040, USE OF ~~BASEMENT OR OTHER~~ BUILDING SPACES IN THE MIXED ~~URBAN-USE~~ ZONES.

A. *Purpose.* The purpose of this section is to allow ~~basements or other spaces in~~ buildings existing in ~~one of the~~ the mixed ~~use urban~~ (MU) zones, as of the effective date of the ordinance codified in this title, to be considered for uses that are not ~~otherwise~~ permitted ~~on a larger scale~~, but which, if properly designed and managed, would not create ~~unacceptable significant adverse~~ impacts on surrounding properties or the area in general. Other spaces, in addition to basements in existing buildings that, due to their location or configuration are not readily usable for permitted uses, as determined by the planning director, may be considered using the process described herein. This process differs from the unlisted use process listed in EMC 19.05.070(B) in that uses that are not specifically authorized in the MU zones may be considered using the process described herein.

B. *Review Process.*

1. Any request to allow a use that is not otherwise permitted in the MU zones, as provided by this section, shall be reviewed using Review Process II.

2. *Review Criteria.* The following criteria shall be used as the basis for approving, denying, or conditionally approving a request to allow the use of a basement space, or other space as provided herein, for a use not otherwise permitted in the MU zones.

- a. Traffic generated by the proposed use.
- b. Noise generated by the proposed use.
- c. Impacts from odor, vibration, dust or other nuisances.
- d. Aesthetic character and quality of the proposed use.
- e. Public safety impacts.
- f. Compliance with building and fire codes.
- g. Hours of the day of proposed use or activity.
- h. Proposed management and operational procedures to minimize and mitigate potential impacts
- i. Other factors not specified herein that would create a conflict with the uses that are permitted in the MU zones.

3. *Action.* Any proposal ~~that gives the outward appearance of a where the~~ use or activity ~~that is~~ incompatible with the intent and purpose of the MU zones shall be denied. The city shall retain the right to revoke a permit issued under this section for a use that fails to comply with any conditions of approval of said permit, or which operates in a manner inconsistent with representations made in the application, pursuant to Chapter 1.20 EMC.

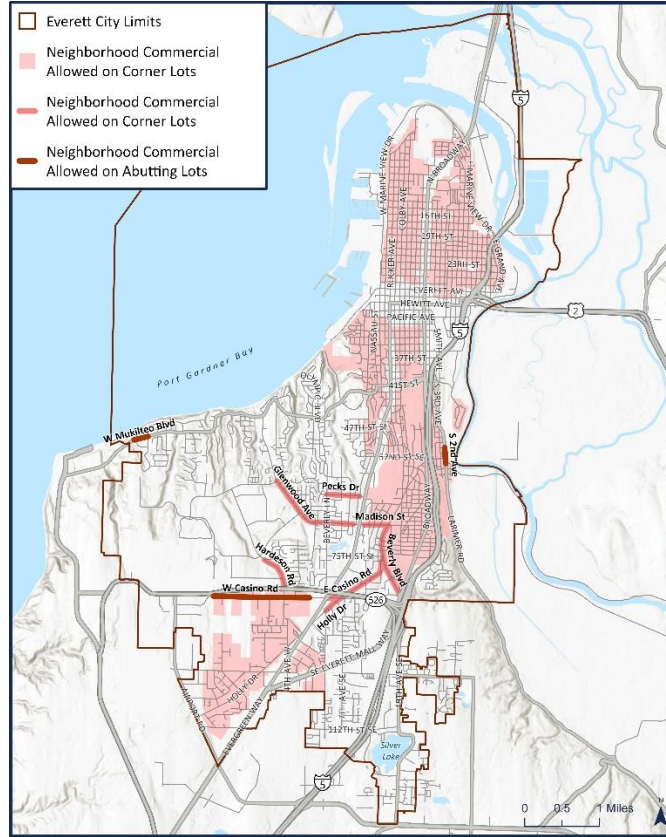
19.05.045, NEIGHBORHOOD COMMERCIAL

A. The purpose of this section is to allow small-scale neighborhood commercial uses in residential areas subject to specific development standards to ensure compatibility. Uses identified in section C are permitted where meeting the criteria in subsection B, subject to the standards in section C.

B. Neighborhood Commercial uses are permitted in residential zones in the following areas:

1

Map 5-1 Areas Eligible for Neighborhood Commercial



2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

1. Corner lots, meaning lots that abut two different and intersecting public streets, within the areas identified in Map 5-1; and

2. In buildings historically used for and built for commercial/residential mixed use, including buildings for which a legal nonconforming use has discontinued or ceased; and

3. Lots abutting the following streets:

a. W Casino Rd; and

b. S 2nd Ave between Zillah St and Eugene St.

c. W Mukilteo Blvd between Sound Ave and Upland Ave

C. Allowed Neighborhood Commercial uses:

1. Food or beverage establishment;

2. The following subcategories of Retail Sales and Service: grocery, specialty food stores (bakery, convenience store, ice cream, candy, deli, butcher/meat market, vegetable, beer/wine/liquor), cobbler/shoe repair, tailor, laundromat, barber, hair salon, bookstore, florist, pet store, pharmacy, or similar;

3. Clinic, except in the area bounded by Hoyt Avenue, Lombard Avenue, 10th Street, and 14th Street;

4. Lodging-Hotels, Motels (limited to five rooms);

5. Veterinary Clinic or Animal Day Care — Limited to Small Animal;

6. Day Care Center, Commercial (limited to 20 children or adults);

7. Entertainment and Recreation — Enclosed in Building (e.g., theater, fitness facility);

8. Offices; and

9. Other uses not listed above if determined through the review process described in Title 15 to be compatible with surrounding properties and the immediate vicinity.

D. Standards for Neighborhood Commercial uses, provided that standards may be modified by the planning director if determined through the review process described in Title 15 to be compatible with surrounding properties and the immediate vicinity:

1. Up to 3,000 square feet gross floor area or 50% of the gross floor area of the ground floor, whichever is larger;

2. Outdoor use areas are subject to administrative use permit and EMC 19.39.050;

3. See EMC 19.06.020 for reduced setbacks for Neighborhood Commercial uses;

4. No minimum off-street parking required;

5. Off-street parking prohibited between the building and the street;

6. No drive through facilities allowed;

7. Hours of operation: limited to 6 am to 11 pm;

8. See Chapter 20.08 for maximum permissible noise levels; and

9. The primary street-facing façade shall have a main entrance door and at least 60 percent of the area transparent windows or doors and the secondary street-facing facade must be 25 percent windows or entrance doors. Windows used to meet this standard must allow views from the building to the street and may not be glass block.

19.05.050, PROHIBITED USES

If Tables 5-1 through 5-5 do not indicate a specific review process for a specific use and zone, the use shall not be permitted in that zone. The following uses are prohibited anywhere within the city of Everett:

A. Aggregates extraction.

B. The disassembly, dismantling, or storage of more than five wrecked vehicles as defined in RCW 46.80.010(6) at any one time unless completely contained within an enclosed building.

C. Manufacture of explosives.

1 D. Stockyards, slaughterhouses, or rendering plants.

2 E. Petroleum refineries.

3 F. Sanitary landfills.

4 **19.95.060, MODIFICATION OF USE REGULATIONS**

5 A. Use Regulations That May Be Modified. An applicant may propose, and the planning director may
6 allow, deny or condition using Review Process II, a modification of the special regulations and notes in
7 Tables 5-1 through 5-5 in this chapter.

8 B. Evaluation Criteria.

9 1. Any proposal to modify use regulations shall not undermine the intent of the standards. The
10 planning director shall not approve a request for modification unless the proposal provides
11 architectural and urban design elements equivalent or superior to what would likely result from
12 compliance with the use regulations which are proposed to be modified.

13 2. The planning director shall consider the criteria set forth in EMC 15.03.060 in making a
14 decision.

15 **19.05.065, ACCESSORY USES, FACILITIES AND ACTIVITIES**

16 A. General. Accessory uses, facilities and activities normally associated with a use listed as a permitted
17 use in a zone are permitted as part of that permitted use on the same lot as the principal structure. The
18 accessory use, facility or activity must be clearly secondary to the permitted use. The primary use or
19 activity shall be established before or concurrent with the accessory use or activity. For home
20 occupations as an accessory to a residential use, see EMC 19.08.120.

21 B. Authority of the Planning Director. The planning director is specifically authorized to determine if a
22 particular accessory use, facility or activity is normally associated with a particular permitted use and if a
23 particular accessory use, facility or activity is clearly secondary to the permitted use.

24 C. Exceptions and Limitations. This title establishes specific limitations and regulations for some
25 accessory uses and facilities for some uses in some zones. Where applicable, those specific regulations
26 supersede the general statement of subsection (A) of this section.

27 **19.05.067, HOME OCCUPATIONS**

28 Home occupations are permitted in any ~~residential-zoned~~dwelling unit provided the home occupations
29 comply with EMC ~~19.08.120~~19.13.200

30 **19.05.068, TEMPORARY USES**

31 A. User Guide. This section establishes a mechanism whereby the city may, on a short-term basis,
32 permit a use to be conducted that would not otherwise be allowed in the zone in which it is located. This
33 section is intended to permit certain inherently temporary uses, such as community festivals and fresh
34 vegetable stands, that would not be allowed in the zone in which they are proposed, but which, if limited
35 in time and strictly controlled, may be in the best interest of the Everett community.



1 B. Process for Deciding Upon a Proposed Temporary Use. The city will use the review process as
2 described in Chapter 15.02 EMC, Local Project Review Procedures, to review and decide upon an
3 application for a temporary use permit.

4 C. Application Information. The applicant shall provide the following information to the planning
5 department:

6 1. A completed application on the form provided by the planning department, along with all
7 information requested in that form;

8 2. An irrevocable, signed and notarized statement granting the city permission to summarily
9 abate the temporary use and all physical evidence of that use if it is not removed by the
10 applicant within the period specified as part of the permit, and agreeing to reimburse the city for
11 any expenses incurred by the city in abating the temporary use; and

12 3. Written permission from the owner of the property upon which the temporary use is
13 proposed to be located authorizing the proponent to use the subject property for the stated
14 purposes and time period.

15 D. Criteria for Granting a Temporary Use Permit. The city may grant a temporary use permit only if it
16 finds that:

17 1. The proposed temporary use will not be materially detrimental to the public welfare, or
18 injurious to the property or improvements in the immediate vicinity; and

19 2. The proposed temporary use is compatible in terms of location, access, traffic, noise,
20 nuisance, dust control and hours of operation with existing land uses in the immediate vicinity;
21 and

22 3. The proposed temporary use is not otherwise allowable in the zone in which it is proposed.

23 E. Dimensional Requirements and Development and Performance Standards. The city shall establish
24 dimensional requirements and development and performance standards as part of the approval of each
25 temporary use permit. The city will use the nature of the proposed use and character of the surrounding
26 area as guides in establishing these requirements and standards.

27 F. Frequency and Duration of Temporary Use. The city may not grant a temporary use permit to the
28 same user for the same use more frequently than once in every three-hundred-sixty-five-day period. The
29 city may only grant a temporary use permit for a specified period of time, not to exceed sixty days except
30 as otherwise provided in this section. The temporary use permit shall specify a date by which the use
31 shall be terminated.

32 G. Removal of a Temporary Use. The city shall designate, as part of the temporary use permit, a period
33 following the expiration of the permit within which the temporary use must be terminated and all
34 physical evidence of the use must be removed by the applicant. If the temporary use and all physical
35 evidence of the use are not removed within the time specified, it will constitute a violation of this title.
36 Further, the city is authorized to abate the temporary use in accordance with subsection (C)(2) of this
37 section.

38 H. Exception to Permit Requirement.



1. Garage Sales. Garage sales shall be limited to two events per year with a maximum duration not to exceed four days per event.

2. Commercial and Industrial Zones. The following temporary uses, when located in commercial and industrial zones for not longer than the time periods specified below, are exempt from the permit requirements of this section:

a. Not to exceed forty-five days:

(1) Christmas tree lots;

b. Not to exceed ten consecutive days:

(1) Amusement rides;

(2) Carnivals and circuses;

(3) Parking lot sales which are ancillary to the indoor sale of the same goods and services.

I. Prohibited on Public Right-of-Way. See EMC 13.30.010 for permit requirements to use public right-of-way.

19.05.070, USE TABLE OVERVIEW

A. *General*. Land uses which are listed in Tables 5-1 through 5-5 of this chapter shall be permitted subject to the review process listed in the table for a specific use in a particular zone. If Tables 5-1 through 5-5 do not indicate a specific review process for a specific use and zone, the use shall not be permitted in that zone. If a use is not listed, please refer to subsection (B) of this section regarding unlisted uses. See Chapter 19.33 EMC for street type designations.

B. *Unlisted Uses*.

1. *Similar in Nature and Impact*. If a use is not listed but is similar in nature and impact to a use that is listed in Tables 5-1 through 5-5, the planning director may interpret and classify the use (see subsection (E) of this section) and proceed with review in accordance with the criteria outlined in EMC 15.03.030.

2. *Not Similar in Nature or Impact*. If a use is not listed and cannot be interpreted as similar in nature or similar in impact to a use that is listed in Tables 5-1 through 5-5, the use is deemed prohibited.

C. *Special Use Restrictions or Exceptions*. In some of the cells contained in Tables 5-1 through 5-5 are special regulations and endnotes. These special regulations and endnotes indicate that there are additional requirements or exceptions that apply to the specific use and/or zone corresponding with that particular cell in Tables 5-1 through 5-5. The special regulations are, in most cases, listed on the page(s) following Tables 5-1 through 5-5 in which the number is listed or provide reference to special regulations contained within the applicable other chapters of this code.

D. *Administrative Use and Conditional Use Permit Criteria*. Criteria for the evaluation of administrative use and conditional use permits assigned in Tables 5-1 through 5-5 are set forth in Chapter 15.03 EMC.

E. *Classification of Uses*. Land uses in Tables 5-1 through 5-5 are classified in one of four categories:



Key	Review Process
P = Permitted	Review Process I (REV I)
A = Administrative Use— subject to public notice and discretionary approval	Review Process II (REV II)
C = Conditional Use Permit— subject to hearing and discretionary approval	Review Process III (REV III)
Cell empty = Prohibited Use	Prohibited

19.05.080, TABLE 5-1 (RESIDENTIAL USE TABLE)

USE	R-S	R-1	R-2	R-2(A)	NR-C	NR	UR4 UR7	UR3	UR4	NB	B	MU4 MU7 MU15 MU25	L1 L12 L1-MU	LI	HI	AG	SPECIAL REGULATIONS
RESIDENTIAL USES																	
Dormitory								A	P		P ¹	P ¹					¹ TOD streets: Residential use on the ground floor cannot exceed twenty-five percent of the street frontage of the block.
Dwelling unit, accessory	P	P	P	P				P	P	P						P	See EMC 19.08.100, Accessory dwelling units.
Dwelling unit, 1-unit	P	P	P	P	P	P	P	P ² ₅	P ² ₅	P ⁵	P ⁵	P ⁵	P ⁶			P	² Allowed on property within a historic overlay zone. ⁵ Allowed if meeting the minimum density requirements set forth in EMC 19.06.100 . ⁶ Allowed only within Metro Everett.
Dwelling, 2-unit	C ⁴	P ³	P ³	P				P	P ² ₅	P ⁵	P ⁵	P ⁵				P	See EMC 19.08.030 and 19.08.040 , townhouse and duplex standards in single-family zones, and Chapter 19.09 EMC for all other zones. ² Allowed on property within a historic overlay zone. ³ See Chapter 19.08 EMC for limitations on two-unit dwellings in the R-1 and R-2 zones. ⁴ Allowed only through the unit lot process for subdividing, as provided by Chapter 19.27 EMC. ⁵ Allowed if meeting the minimum density requirements set forth in EMC 19.06.100 .
Dwelling, 3- to 4-unit				P				P	P	P ¹	P ¹	P ¹	A ⁶				See EMC 19.08.030 and 19.08.040 , townhouse and duplex standards in single-family zones, and Chapter 19.09 EMC for all other zones. ¹ TOD streets: Residential use on the ground floor cannot exceed twenty-five percent of the street frontage of the block. ⁶ Prohibited in the L12 zone and allowed in the L11 zone only within Metro Everett. If on a TOD street, residential use on the ground floor cannot exceed twenty-five percent of the street frontage of the block.
Dwelling, multiple family								P	P	P ¹	P ¹	P ¹	P ⁶				See Chapter 19.09 EMC for multifamily development standards. ¹ TOD streets: Residential use on the ground floor cannot exceed twenty-five percent of the street frontage of the block. ⁶ Prohibited in the L12 zone and allowed in the L11 zone only within Metro Everett. If on a TOD street, residential use on the ground floor cannot exceed twenty-five percent of the street frontage of the block.
Dwelling, micro-housing					P ⁶				P	A ¹	P ¹	P ¹	P ⁶				¹ TOD streets: Residential use on the ground floor cannot exceed twenty-five percent of the street frontage of the block. ⁶ Prohibited in the L12 zone and allowed in the L11 zone only within Metro Everett. If on a TOD street, residential use on the ground floor cannot exceed twenty-five percent of the street frontage of the block.
Dwelling, cottage housing								P		P							See EMC 19.08.070 , Cottage housing.

USE	R-S	R-1	R-2	R-2(A)	NR-C	NR	UR4 UR7	UR3	UR4	NB	B	MU4 MU7 MU15 MU25	H1 H2 L-MU	LI	HI	AG	SPECIAL REGULATIONS
RESIDENTIAL USES																	
Emergency housing ¹⁰	A ⁹	A ⁹	A ⁹	A ⁹	A ⁹	A ⁹	A	A	A	A	A	A	A	A	A ⁹	A ⁹	See EMC 19.08.200 <u>19.13.260</u> . ⁹ Use prohibited, except that pursuant to RCW 35.21.915, a religious organization may host the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings, subject to the conditions set forth in EMC 19.08.200 <u>19.13.260</u> and an administrative use permit. ¹⁰ Buildings which provide shelter for survivors of domestic violence are allowed as a permitted use in all zones.
Emergency shelter, indoor ¹⁰	A ⁹	A ⁹	A ⁹	A ⁹	A ⁹	A ⁹	A	A	A	A	A	A	A	A	A ⁹	A ⁹	See EMC 19.08.200 <u>19.13.260</u> . ⁹ Use prohibited, except that pursuant to RCW 35.21.915, a religious organization may host the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings, subject to the conditions set forth in EMC 19.08.200 and an administrative use permit. ¹⁰ Buildings which provide shelter for survivors of domestic violence are allowed as a permitted use in all zones.
Emergency shelter, outdoor ¹⁰	A ⁹	A ⁹	A ⁹	A ⁹	A ⁹	A ⁹	A	A ⁹	A	A	A	A	A	A	A ⁹	A ⁹	See EMC 19.08.200 <u>19.13.260</u> . ⁹ Use prohibited, except that pursuant to RCW 35.21.915, a religious organization may host the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings, subject to the conditions set forth in EMC 19.08.200 and an administrative use permit. ¹⁰ Buildings which provide shelter for survivors of domestic violence are allowed as a permitted use in all zones.
Temporary extreme weather shelter	A ⁹	A ⁹	A ⁹	A ⁹	A ⁹	A ⁹	A	A	A	P	P	P	P	P	A ⁹	A ⁹	See EMC <u>19.13.190</u> . ⁹ Use prohibited, except that pursuant to RCW 35.21.915, a religious organization may host the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings, subject to the conditions set forth in EMC 19.08.200 and an administrative use permit.
Family home (day care or adult)	P	P	P	P	P	P	P	P	P	P ⁺	P ⁺	P ⁺	P ⁷			P	⁴TOD streets: Residential use on the ground floor cannot exceed twenty-five percent of the street frontage of the block. ⁷ Permitted only within an existing dwelling unit.

USE	R-S	R-1	R-2	R-2(A)	NR-C	NR	UR4 UR7	UR3	UR4	NB	B	MU4 MU7 MU15 MU25	L1 L2 L-MU	LI	HI	AG	SPECIAL REGULATIONS
RESIDENTIAL USES																	
Group housing, residential care facility	P¹¹	P¹¹	P¹¹	P¹¹		P¹¹	P	P	P	P¹	P¹	P¹	P⁷				¹ TOD streets: Residential use on the ground floor cannot exceed twenty-five percent of the street frontage of the block. ⁷ Permitted only within an existing dwelling unit. ¹¹ A conditional use permit is required for group housing residential care facilities serving more than six individuals.
Group housing, extended care facility							A⁸	A	P	A⁸	P⁸	P⁸	A⁸				⁸ TOD or pedestrian streets: prohibited use on the ground floor.
Live/work unit							P¹²			P	P	P	P	P	P	A	See EMC 19.08.125-19.13.225 for live/work unit requirements. See “Uses, accessory to permitted principal uses including home occupations” for residential zones. ¹² Permitted when meeting the requirements of EMC 19.05.045
Manufactured/mobile/RV park or tiny home community																	The entry of manufactured homes, park models, recreational vehicles or tiny homes in an approved manufactured housing community is allowed. See EMC 19.08.210-19.13.270 .
Secure community transition facility													C	C	C		
Short-term rentals	P	P	P	P	P	P	P	P	P	P	P	P				P	See EMC 19.08.150-19.13.250 for short-term rental requirements.

¹ ~~TOD streets: Residential use on the ground floor cannot exceed twenty-five percent of the street frontage of the block.~~ RESERVED

² ~~Allowed on property within a historic overlay zone.~~ RESERVED

³ ~~See Chapter 19.08 EMC for limitations on two-unit dwellings in the R-1 and R-2 zones.~~

⁴ ~~Allowed only through the unit lot process for subdividing, as provided by Chapter 19.27 EMC.~~ RESERVED

⁵ Allowed if meeting the minimum density requirements set forth in EMC 19.06.100.

⁶ ~~Prohibited in the LI2 zone and allowed in the LI1 zone.~~ Allowed only within Metro Everett. ~~If on a TOD street, residential use on the ground floor cannot exceed twenty-five percent of the street frontage of the block.~~

⁷ Permitted only within an existing dwelling unit.

⁸ TOD or pedestrian streets: prohibited use on the ground floor.

⁹ Use prohibited, except that pursuant to RCW 35.21.915, a religious organization may host the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings, subject to the conditions set forth in EMC ~~19.08.200-19.13.260~~ and an administrative use permit.

¹⁰ Buildings which provide shelter for survivors of domestic violence are allowed as a permitted use in all zones.

¹¹ A conditional use permit is required for group housing residential care facilities serving more than six individuals.

¹² Permitted when meeting the requirements of EMC 19.05.045

19.05.090 TABLE 5-2 (COMMERCIAL USE TABLE)

USE	R-S	R-1	R-2	R-2(A)	NR-C	NR	UR4 UR7	UR3	UR4	NB	B	MU4 MU7 MU15 MU25	L1 L2 L-MU	LI	HI	AG	SPECIAL REGULATIONS
COMMERCIAL USES																	(See EMC 19.39.060, Performance regulations—General, regarding requirements to prevent nuisance impacts.)
Alcohol production, micro—e.g., microbrewery, microdistillery, microwinery									A ¹	A	P	P	P ²		P ²	P	See EMC 19.13.070 . 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.
Automobile drive-through facility											P ²	P ³	P ²				See EMC 19.13.095 for regulations concerning drive-through facilities. ³ In Metro Everett, permitted only in the areas indicated on Map 13-2 Drive through facilities restricted in mixed-use centers. See EMC 19.13.095 for automobile drive through facility requirements.
Auto fuel sales											P ⁴	A ⁴	P ⁴	<u>P</u>	P		⁴ TOD or pedestrian streets: prohibited use Prohibited in mixed-use centers.
Automobile, light truck or RV sales or rental											P ⁵	<u>P⁴</u>	P ⁷				⁴ Prohibited in mixed-use centers. 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. 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.
Equipment sales and rental											P	A	P	<u>P</u>	P		
Heavy truck and equipment sales													P	<u>P</u>	P		
Automobile and truck service, light; body repair and painting											P ⁴	P ⁴	P ⁴		P ⁸		See EMC 19.13.140 for light automobile and truck service, body repair and painting. ⁴ TOD or pedestrian streets: prohibited use. ⁸ In HI zone, light vehicle servicing is permitted only in multiple-tenant building or development.
Automobile and truck service, heavy															P		

USE	R-S	R-1	R-2	R-2(A)	NR-C	NR	UR4 UR7	UR3	UR4	NB	B	MU4 MU7 MU15 MU25	L1 L2 L-MU	LI	HI	AG	SPECIAL REGULATIONS
Automobile dismantling/recycling													p ⁹	<u>P</u>	p ⁹		⁹ Permitted only in the LI1 and HI zones when completely contained within an enclosed building.
Impound, storage yard, tow yard													p ¹⁰	<u>p¹⁰</u>	p ¹⁰		¹⁰ Impound, storage and tow yards shall comply with landscaping and screening requirements of Chapter 19.39 EMC.
Casino, mini											p¹¹	<u>p¹¹</u>	p ¹¹				See EMC 19.13.170. ¹¹ Mini-casinos are also not permitted within the area defined in Map 13-1. See EMC 19.13.170 for Mini-casino regulations, including Map 13-1 indicating where Mini-Casinos are prohibited.
Convention center											P	P	P				
Clinics						<u>p¹</u>	<u>p¹</u>		A¹	p¹⁶	P	p ¹⁷	A ¹⁷				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. Permitted only when meeting the requirements of EMC 19.05.045. 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 are a prohibited use on the ground floor; provided, however, that the following are not considered clinics for the purpose of this restriction: 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.
Day care center, commercial	E	E	E	E		<u>p¹</u>	<u>p¹</u>	A	P	P	P	P	P	<u>P</u>	P		
Entertainment and recreation— enclosed in building (e.g., theater, fitness facility)						<u>p¹</u>	<u>p¹</u>		A¹	P	P	p ¹²	p ¹²	<u>p¹²</u>			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. Permitted when meeting the requirements of EMC 19.05.045. ¹² In Metro Everett on TOD or pedestrian streets: Private clubs are a prohibited use on the ground floor.
Entertainment and recreation— not enclosed (e.g., amusement, outdoor arena)											P	C	A	<u>A</u>	P	C	

USE	R-S	R-1	R-2	R-2(A)	NR-C	NR	UR4 UR7	UR3	UR4	NB	B	MU4 MU7 MU15 MU25	H1 H2 LH-MU	LI	HI	AG	SPECIAL REGULATIONS
Food or beverage establishment						<u>p^{1, 13}</u>	<u>p^{1, 13}</u>		<u>A¹</u> <u>13</u>	<u>p¹⁴</u>	<u>p¹⁴</u>	<u>p¹⁴</u>	<u>p^{14, 15}</u>	<u>p^{14, 15}</u>			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. Permitted only when meeting the requirements of EMC 19.05.045. 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.
Lodging—hotels, motels											<u>P</u>	<u>P</u>	<u>P</u>				
Offices						<u>p¹</u>	<u>p¹</u>		<u>A¹</u>	<u>p</u>	<u>p</u>	<u>p</u>	<u>p¹⁵</u>	<u>p¹⁵</u>	<u>p¹⁵</u>		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. Permitted only when meeting the requirements of EMC 19.05.045. ¹⁵ Allowed as an accessory use only.
Parking, commercial—applicable if principal use											<u>p</u>	<u>p¹⁸</u>	<u>p¹⁸</u>		<u>p</u>		¹⁸ In Metro Everett, surface parking lots prohibited as a principal use.
Retail sales and service						<u>p¹</u>	<u>p¹</u>		<u>A¹</u> <u>19</u>	<u>p¹⁹</u>	<u>p¹⁹</u>	<u>p¹⁹</u>	<u>p¹⁹</u>	<u>p²⁰</u>	<u>p²⁰</u>		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. Permitted only when meeting the requirements of EMC 19.05.045. 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 and related products; up to but no more than seventy-five percent of goods sold may be produced off site and by other producers.
Storage, commercial—enclosed in building (e.g., mini-storage)											<u>p</u>	<u>A^{21, 24}</u>	<u>p^{21, 24}</u>	<u>p²⁴</u>	<u>p</u>		²¹ TOD or pedestrian streets: prohibited use on the ground floor. ²⁴ Minimum floor area ratio: 2.0
Storage, commercial—not enclosed in building (e.g., boat or RV storage)											<u>p⁴</u>		<u>p⁴</u>		<u>p</u>		⁴ TOD or pedestrian streets: prohibited use
Veterinary clinic or animal day care—limited to small animal						<u>p¹</u>	<u>p¹</u>			<u>p²³</u>	<u>p</u>	<u>p²²</u>	<u>p²²</u>				Outside runs or other outside facilities for animals are not permitted. Buildings shall be constructed so noise from this use is not audible on residentially zoned lots. ²² In Metro Everett only on TOD or pedestrian streets: prohibited use on the ground floor. ²³ Limited to not more than 20 animals in the neighborhood business zone.

USE	R-S	R-1	R-2	R-2(A)	NR-C	NR	UR4 UR7	UR3	UR4	NB	B	MU4 MU7 MU15 MU25	L1 L2 L-MU	LI	HI	AG	SPECIAL REGULATIONS
Veterinary clinic or commercial kennels—large animal or commercial kennels											A		A ²² P ⁴	P		A	Buildings and outside runs shall be placed and constructed so noise from this use is not audible on residentially zoned lots. ⁴ Prohibited in mixed-use centers. ²² In Metro Everett only on TOD or pedestrian streets: prohibited use on the ground floor.

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. Permitted only when meeting the requirements of EMC 19.05.045.~~

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. Drive through facilities restricted in mixed-use centers. See EMC 19.13.095 for automobile drive through facility requirements.~~

⁴ ~~TOD or pedestrian streets: prohibited use. Prohibited in mixed-use centers.~~

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. Reserved.~~

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. Reserved.~~

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. See EMC 19.13.170 for Mini-casino regulations, including Map 13-1 indicating where Mini-Casinos are prohibited.~~

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. Reserved.~~

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. Reserved.~~

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

²⁰ Permitted as an accessory use for those products produced on premises and related products; ~~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. Reserved.~~

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

²⁴ Minimum floor area ratio: 2.0.

19.05.100 TABLE 5-3 (INDUSTRIAL USE TABLE)

USE	R-S	R-1	R-2	R-2(A)	NR-C	NR	UR4 UR7	UR3	UR4	NB	B	MU4 MU7 MU15 MU25	L1 L2 LMU	LI	HI	AG	SPECIAL REGULATIONS
INDUSTRIAL USEs																	(See EMC 19.39.060, Performance regulations—General, regarding requirements to prevent nuisance impacts. See EMC 19.12.200 19.09.300 and 19.12.210 19.09.310 for building and additional standards applicable to the LI2 and HI zones.)
<u>Composting and recycling facilities</u>															<u>P</u> ⁴		⁴ <u>Any composting and recycling facilities over one acre in size is subject to a conditional use permit.</u>
Freight terminal													P ¹	<u>P</u>	P		
Heavy industrial, manufacturing, processing, fabrication or assembly															P ²		² The following facilities are subject to a conditional use permit: (a) batch plant; (b) blast furnace; (c) drop forge; and (d) power generation plant.
Heliport												C	C	<u>C</u>	A		
Light industrial, manufacturing, or assembly												C ³ <u>A</u> ³	P ³	<u>P</u>	P		Alcohol production and coffee roasters: see EMC 19.13.070. ³ TOD or pedestrian streets: prohibited use on the ground floor <u>In mixed-use centers: limited to five thousand square feet gross floor area.</u>
Marine terminal															P		
Railyard													C	<u>C</u>	A		
Storage yard													A ¹ ₄	<u>P</u>	P ⁴		¹ TOD or pedestrian streets: prohibited use. ⁴Any composting and recycling facilities over one acre in size is subject to a conditional use permit.
Warehouse or distribution centers												A ³	P ³	<u>P</u>	P		³ TOD or pedestrian streets: prohibited use on the ground floor <u>In mixed-use centers: limited to five thousand square feet gross floor area.</u>

¹ TOD or pedestrian streets: prohibited use.

² The following facilities are subject to a conditional use permit: a) batch plant; b) blast furnace; c) drop forge; and d) power generation plant.

³ ~~TOD or pedestrian streets: prohibited use on the ground floor~~ In mixed-use centers: limited to five thousand square feet gross floor area.

⁴ Any composting and recycling facilities over one acre in size is subject to a conditional use permit.

19.05.110 TABLE 5-4 (PUBLIC, INSTITUTIONAL, QUASI-PUBLIC USE TABLE)

USE	R-S	R-1	R-2	R-2(A)	NR-C	NR	UR4 UR7	UR3	UR4	NB	B	MU4 MU7 MU15 MU25	LH1 LH2 U-MU	LI	HI	AG	SPECIAL REGULATIONS
PUBLIC, INSTITUTIONAL AND QUASI-PUBLIC USES																	
Cemetery	€	€	€	€	C	C	C	€			A	C				C	
Community garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Food bank							p ¹¹			A	P	A ¹	p ¹		P		¹ In Metro Everett on TOD or pedestrian streets: prohibited use on the ground floor. ¹¹ Permitted only when meeting the requirements of EMC 19.05.045.
Government—limited public service (e.g., public works yards, vehicle storage, etc.)							C ²	€ ²	€ ²		P ²	C ²	P	P	P		² TOD or pedestrian streets: public works yards or vehicle storage prohibited use.
Government, administrative and service							p ¹¹	€	€	P	P	P	A	P	A		
Government, correctional facility												C					See EMC 19.13.130 for jails and correctional facilities.
Hospitals	€	€	€	€		C	C	€	€	€	P	A	€A				See EMC 19.13.120 for hospitals.
Light rail station											P ³	p ³	p ³	P ³	P ³		³ Permitted only by development agreement with approval by city council.
<u>Park and ride</u>						p ¹¹	p ¹¹					p ¹¹	p ¹¹	p ¹¹			¹¹ Prohibited in mixed-use centers, except as an accessory use or by development agreement with approval by city council.
Parks, fire stations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Permitted use if park master plan or capital facility plan approved by Everett city council, otherwise an administrative use.
Religious facility and places of worship	€	€	€	€	C	C	C	€	€ ⁴	A ⁴	P ⁴	p ¹	C ¹				See EMC 19.13.080 for churches, religious facilities and places of worship. ¹ In Metro Everett on TOD or pedestrian streets: prohibited use on the ground floor. ⁴ TOD or pedestrian streets: prohibited use on the ground floor.
Schools (public and private)—elementary, middle and high schools	€	€	A	A	C	A	A	A	A	P	P	P	A				See EMC 19.13.180, Schools
Schools (public and private)—institutions of higher education			€	€		C	C	€	€	P	P	P	A				See EMC 19.13.180, Schools
Social services	P ⁸	P ⁸	P ⁸	P ⁸	P ⁸	P ⁸	P ⁸	P ⁸	A ⁷	P ⁹	P	p ¹⁰	A ¹⁰	A			⁷ 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.

USE	R-S	R-1	R-2	R-2(A)	NR-C	NR	UR4 UR7	UR3	UR4	NB	B	MU4 MU7 MU15 MU25	H1 H2 U-MU	LI	HI	AG	SPECIAL REGULATIONS
																	⁸ Permitted only as an accessory use in permanent supportive housing facilities, transitional housing facilities, and shelters hosted by a religious organization pursuant to RCW 35.21.915. Services provided on site shall be limited to residents of the shelter or housing. ⁹ May occupy a maximum of fifty percent of the gross floor area. ¹⁰ In Metro Everett on TOD or pedestrian streets: prohibited on the ground floor except as an accessory use to emergency housing, indoor emergency shelters, and outdoor emergency shelters.
Solid waste transfer station													C ⁵	<u>C</u>	C		⁵ TOD or pedestrian streets: prohibited use.
Solid waste—hazardous waste treatment and storage													A ⁵ ₆	<u>A⁶</u>	A ⁶		⁵ TOD or pedestrian streets: prohibited use. ⁶ Any hazardous waste treatment and storage facility over one acre in size is subject to a conditional use permit.
Transit and bicycle facilities—single bus stop with or without shelter —bike rack/repair station	P	P	P	P				P	P	P	P	P	P		P	P	
Transit station— <u>off-street facility</u> where routes converge for transfers with more than one shelter								<u>C</u>	<u>A</u>	<u>A</u>	<u>P</u>	A	A	<u>A</u>	A		
Transportation facilities of statewide significance	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>A</u>	<u>A</u>	A	A	<u>A</u>	A	A	
Utilities—minor aboveground facilities	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	P	P	<u>P</u>	P	P	See EMC 19.13.020, Aboveground utility and communications facilities.
Utilities—major aboveground facilities	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>P</u>	P	P	<u>P</u>	P	P	See EMC 19.13.020, Aboveground utility and communications facilities.

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

2 TOD or pedestrian streets: Public works yards or vehicle storage prohibited use.

3 Permitted by development agreement with approval by city council.

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

5 TOD or pedestrian streets: prohibited use.

6 Any hazardous waste treatment and storage facility over one acre in size is subject to a conditional use permit.

7 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.

8 Social services permitted as an accessory use in permanent supportive housing facilities, transitional housing facilities, and shelters hosted by a religious organization pursuant to RCW 35.21.915. Services provided on site shall be limited to residents of the shelter or housing.

9 May occupy a maximum of fifty percent of the gross floor area.

10 In Metro Everett on TOD or pedestrian streets: prohibited on the ground floor except as an accessory use to emergency housing, indoor emergency shelters, and outdoor emergency shelters.

11 Prohibited in mixed-use centers, except as an accessory use or by development agreement with approval by city council.

19.05.120, TABLE 5-5 (MISCELLANEOUS USE TABLE).

USE	R-S	R-1	R-2	R-2(A)	NR-C	NR	UR4 UR7	UR3	UR4	NB	B	MU4³ MU7³ MU15³ MU25³	L1 L2 L-MU	LI	HI	AG	SPECIAL REGULATIONS
MISCELLANEOUS USEs																	
Adaptive reuse of nonresidential buildings	A	A	A	A				P	P	P	P	P	P		P		See EMC 19.13.030.
Adult retail											P	<u>P²</u>	P	<u>P</u>	P		See EMC 19.13.040, Adult retail business. ² Prohibited in mixed-use centers.
Adult use business											P	<u>P²</u>	P	<u>P</u>	P		See EMC 19.13.050, Adult use business. ² Prohibited in mixed-use centers.
Agriculture, industrial													A ¹		A	A	⁴TOD streets: prohibited use on the ground floor.
Agriculture, farming or farm use																P	
Agriculture, greenhouse or nursery										A	P	<u>P²</u>	P ²		P	P	²TOD or pedestrian streets: prohibited use Prohibited in mixed-use centers.
Assembly, community center	A	A	A	A	<u>A</u>	<u>A</u>	<u>A</u>	P	P	P	P	P	P		A	P	
Clubs or lodges (private), or similar uses				<u>C</u>				<u>C</u>	A	P	P	P	A			P	³ TOD or pedestrian streets: Private clubs are a prohibited use on the ground floor.
Marijuana—producer or processor													A	<u>A</u>	A		See 19.13.160, Marijuana.
Marijuana—retail											P	P	P	<u>P</u>			See 19.13.160, Marijuana.
Marina											P	P	P	<u>P</u>	P		

¹ TOD streets: prohibited use on the ground floor.

~~²TOD or pedestrian streets: prohibited use~~ Prohibited in mixed-use centers.

³ TOD or pedestrian streets: Private clubs are a prohibited use on the ground floor.

19.05.200, WATERSHED RESOURCE MANAGEMENT ZONE.

A. *Permitted Uses.* The following land uses and uses customarily incidental thereto are permitted within the WRM zone:

1. Public water supply management and conservation, including storage, treatment, pumping, and residual solids management;
2. Hydroelectric power generation;
3. Forestry management;
4. Biosolids application;
5. Public recreation, where allowed;
6. Wildlife habitat management;
7. Uses incidental to the above listed uses.

B. *Review Process.* All permitted uses are allowed as permitted use subject to Review Process I as set forth in Chapter 15.02 EMC.

C. *Development Standards.* All uses within the WRM zone shall be subject to the policies and requirements of applicable management plans adopted by the Everett city council, the policies and regulations of the shoreline master program, if applicable, and the Everett comprehensive plan. The standards applicable to any structures or improvements to be built or installed on the property shall be as needed to accomplish the purpose of such structures or improvements; provided, that said improvements are compatible with city council adopted land use and management plans for the property, and with other adjoining properties. All uses shall comply with requirements for protection of critical areas set forth in Chapter 19.37 EMC, where applicable.

19.05.210, PARK AND OPEN SPACE ZONE.

A. *Permitted Uses.*

1. Public park development uses include any park and recreational activity, including active and passive outdoor recreational activities, trails, open space, cultural activities, park buildings and structures, concessionaires, general park operations and maintenance activities, ranger's or caretaker's quarters, other compatible public uses and structures, and uses customarily incidental thereto, and are permitted in accordance with the provisions of EMC Title 15, Local Project Review Procedures.
2. Transportation facilities of statewide significance through a Review Process II land use decision, except that a Review Process I land use decision is required for projects that are categorically exempt under SEPA and a Review Process III land use decision is required for projects in shoreline jurisdiction with a project area greater than one acre.

B. *Development Standards.*

1. Park and open space development shall comply with the standards of Chapter 19.37 EMC and the Everett shoreline master program, where applicable.

2. Development standards for city-owned park uses shall be determined on a case-by-case basis by the parks department and approved by the park commission through the review processes described herein.

3. Development standards for non-city-owned park and open space is subject to Review Process II set forth in EMC Title 15, Local Project Review Procedures. A master site plan can be approved pursuant to this process.

C. Other Review Processes. Park development on property not zoned “park and open space” is subject to the review process and development standards in Tables 5-1 through 5-5 of this chapter.

CHAPTER 19.06 – LOTS, SETBACKS AND RESIDENTIAL DENSITIES

19.06.010, MINIMUM LOT AREA, WIDTH, DEPTH, FRONTAGE.

Minimum requirements for lot area, width, depth, frontage and maximum lot coverage by building standards are shown in Table 6-1 below. Note there may be additional requirements for individual zones based on specific land use types. Exceptions to these standards may be granted for lots created through a binding site plan or unit lot land division as allowed in EMC 19.06.080.

Table 6-1: Minimum Lot Area, Width, Depth, Frontage, Lot Coverage by Building

ZONE	R-S <u>NR-C</u>	R-1 <u>NR</u>	R-2 <u>UR4</u>	R-2(A) <u>UR7</u>	UR3 <u>MU4</u>	UR4 <u>MU7</u>	NB <u>MU15</u>	B <u>MU25</u>	MU	L1 <u>LI-MU</u>	L2 <u>LI</u>	HI <u>HI</u>	AG
STANDARDS ⁽¹⁾ :													
Min. Lot Area	9,000 sf ⁽²⁾	6,000 <u>5,000</u> sf ⁽²⁾	5,000 sf ⁽²⁾⁽³⁾	5,000 sf ⁽²⁾	5,000 sf	5,000 sf	5,000 sf	5,000 sf	5,000 sf	5,000 sf	2.5 acres	1 acre	5 acres
Lot Width, Min.	60' <u>50'</u>	50'	50'	50'	50'	50'	50'	50'	50'	50'	150'	100'	N/A
Lot Depth, Min.	80'	80'	80'	80'	80'	80'	80'	80'	80'	80'	150'	100'	N/A
Lot Frontage Min.	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'
Maximum Lot Coverage by Building	35%	35% <u>50%</u> ⁽²⁾	40% <u>N/A</u>	40% <u>N/A</u>	N/A	N/A	N/A	N/A	N/A	N/A	50% <u>N/A</u>	N/A	N/A

Footnotes for Table 6-1:

(1) See EMC 19.06.070 and 19.06.080 for exceptions to minimum lot requirements.

(2) Lots with two dwelling units allow additional 5% lot coverage by building; lots with three or more dwelling units allow additional 10% lot coverage by building.

This standard applies to lots used for single-family detached dwellings. See EMC 19.08.030 for additional lot requirements applicable to other housing types. Not more than one single-family detached dwelling may be permitted unless meeting the minimum lot area required in the R-S, R-1 and R-2 zones unless otherwise allowed by this title.

~~(3) In the R-2 zone, minimum lot area for single-family dwellings with alley access shall be four thousand five hundred square feet. Any lot under five thousand square feet in area shall be subject to the small lot single-family provisions in EMC 19.08.020.~~

19.06.020, BUILDING SETBACKS/BUILDING PLACEMENT STANDARDS.

A. Minimum Building Setbacks for Principal Structures. The standards set forth in Table 6-2 below apply to all new development. Also refer to Chapter 19.22 EMC, Building and Structure Heights.

Table 6-2: Minimum Building Setbacks for Principal Structures

ZONE	R-S <u>NR-C</u>	R-1 <u>NR</u>	R-2 <u>UR4</u>	R-2(A) <u>UR7</u>	UR3 <u>MU4</u>	UR4 <u>MU7</u>	NB <u>MU15</u>	B <u>MU25</u>	MU	LI1 <u>LI-MU</u>	LI2 <u>LI</u>	HI	AG
Minimum Setback:													
Front	20'	20' <u>10'</u>	20' <u>None</u>	20' <u>None</u>	20' <u>None</u>	10' <u>None</u>	None	None	None	None	20'	None	25'
Rear (with alley)	20' ⁽⁵⁾	20' <u>None</u>	20' <u>None</u>	20' <u>None</u>	20' <u>None</u>	None	None	None	None	None	None ⁽¹⁾	10' ⁽¹⁾	25'
Rear (no alley)	20'	20' <u>10' 5'</u>	20' <u>10' 5'</u>	20' <u>None⁽²⁾</u>	20' <u>None⁽²⁾</u>	10'⁽⁴⁾ <u>None⁽²⁾</u>	10' <u>None⁽²⁾</u>	None⁽²⁾	None⁽²⁾	None⁽²⁾	15' ⁽¹⁾	10' ⁽¹⁾	<u>25'</u>
Side, Street	10'	10' <u>5'</u>	10' <u>5'</u>	10' <u>None</u>	10' <u>None</u>	10' <u>None</u>	10' <u>None</u>	<u>None</u>	None	None	20'	None	10'
Side, Interior	5' ⁽⁵⁾	5'⁽⁵⁾	5' <u>5'⁽³⁾</u>	5' <u>None⁽³⁾</u>	5' <u>None⁽²⁾</u>	5'⁽⁴⁾ <u>None⁽²⁾</u>	5' <u>None⁽²⁾</u>	None⁽²⁾	<u>None</u>	None⁽²⁾	15' ⁽¹⁾	None ⁽¹⁾	10'

Footnotes:

(1) Twenty-five feet when abutting lots located in residential zones.

(2) Ten feet when abutting lots located in residential zones, except within Centers.

~~(3) Ten feet when abutting lots located in the NR zone. Twenty feet when abutting lots located in the R-S, R-1 and R-2 zones.~~

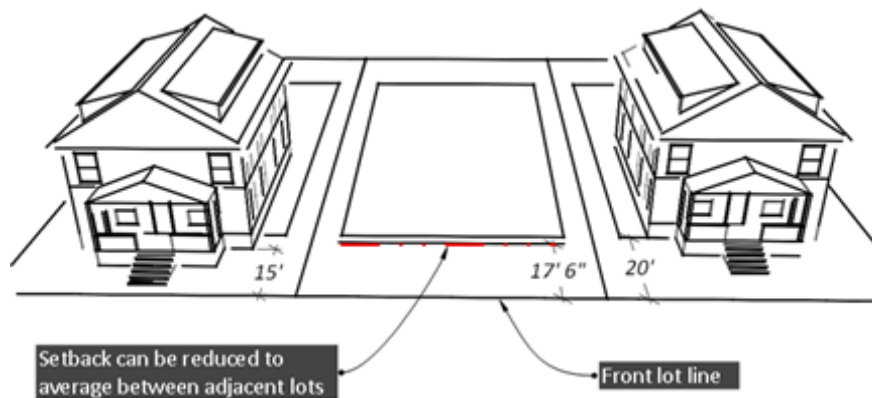
(4) No side, interior setback is required within ~~Metro Everett Centers~~

(5) No side, interior setback required when the side lot line abuts an alley

B. Average Front Setback—Residential Structures in Residential Zones. In certain instances, existing residential dwellings do not meet the current front setback standard for the applicable zone district. In

such cases, the applicant may use the average of the existing front facade setback of the two nearest and adjacent existing residential buildings on the same side of the street as the minimum required front setback for the lot. For corner lots, the applicant may use the same setback as the adjacent building on the same side of the street. This provision shall apply to principal dwellings only. The resulting setback shall not be less than fifty percent of the required setback standard.

Figure 6-1: Building Placement



C. Additional Building Placement Requirements (Applicable Within Metro Everett Only). Front or side street (corner) setbacks ten feet or more. Any principal building set back ten feet or more from the minimum front or side street (corner) setback line shall include design features, such as a plaza or forecourt (see EMC [19.12.140](#)[19.09.260](#)(C)), along the front or side street (corner) lot line in order to provide an impression of a continuous facade line at the front setback.

D. [Reduced setback for Neighborhood Commercial uses under EMC 19.05.045.](#)

[a. Minimum front and side street setback: 2'](#)

[b. Maximum front setback 20', upper stories may be set back for residential uses.](#)

~~Building Setbacks for Lots Fronting on and Taking Access from a Private Access Drive. For lots that are accessed from a private access drive, the minimum setback shall be five feet from the edge of the easement. Where vehicle parking is provided between the access drive and the dwelling or garage, the minimum setback shall be twenty feet from the edge of pavement or curb face.~~

E. Building Setbacks for Residential Accessory [Buildings and Accessory Structures](#) in Residential Zones. The following setback requirements apply to all buildings [and structures](#) which are accessory to residential uses in all residential zones:

Table 6-3: Setbacks for Accessory Buildings [and Accessory Structures](#) (Attached and Detached) in Residential Zones

MINIMUM SETBACK:	STANDARD:
Front and side, street	a) Accessory buildings and accessory structures shall not be located in front setback areas or street side setback areas for corner lots, except as provided by b) below.

MINIMUM SETBACK:	STANDARD:
	b) Accessory buildings <u>and accessory structures</u> on a corner lot with doors or openings for vehicles facing and accessing the side street shall be set back a minimum of 10 feet from the side street lot line or a minimum of 20 feet from the public sidewalk, whichever is greater. If there is no public sidewalk, the planning director, with input from the city engineer shall determine if there shall be a setback greater than 10 feet from the side street lot line. This determination shall be based on future planned improvements within the right-of-way.
Side, interior	a) See Table 6-2. b) Accessory buildings <u>and accessory structures</u> shall not be located within the interior side setback area, unless the side lot line abuts an alley, in which case there shall be no required side setback from the alley.
Rear	a) Alley Lots. No minimum rear setback. b) Nonalley lots: 5 feet. c) The city engineer and planning director shall determine the rear setback for accessory buildings <u>and accessory structures</u> on double fronting lots (lots with street frontages along the front and rear property lines).

F. Building Setbacks for Accessory Dwelling Units (ADU) are the same as for principal buildings. -The following table is a summary of the standards required for ADUs:

Table 6-4: Minimum ADU Building Setbacks

Subject	Standard
Front and Side Setbacks	See Table 6-2: Minimum Building and Side Setbacks for Principal Structures
Rear Setbacks:	a) Alley Lots. No minimum rear setback. b) Nonalley Lots. 5-foot rear setback.

19.06.030, EXCEPTIONS TO BUILDING OR STRUCTURE PLACEMENT REQUIREMENTS.

A. Lot Setback Exceptions. The exceptions to building or structure placement apply as outlined in Table 6-5 below, or as otherwise authorized by this title.

Table 6-5: Exception to Setback Standards

Exception	Front	Rear	Side	Side (Street)	Standard
1) Chimneys with or without foundations, ; bay windows,	p	p	p	p	• Chimneys may encroach up to 18 inches; <u>other listed elements may encroach up to 24 inches.</u> The

Exception	Front	Rear	Side	Side (Street)	Standard
eaves, greenhouse windows and other elements of a structure that customarily extend beyond the exterior walls of a structure and do not require a foundation; dish antennas under 36-inch diameter					total horizontal dimension of the elements that extend into a required setback, excluding eaves, may not exceed 25 percent of the length of the facade upon which the architectural element is located. • Setback standards for cell towers and other antennas: see Chapter 19.13 EMC.
2) Fences	P	P	P	P	Subject to the fence regulations contained within Chapter 19.40 EMC.
3) Flagpoles	P	P	P	P	Must not exceed 35 feet in height.
4) Garages/carports on slopes	P				• If the topography of a lot is such that the front building setback line is 8 feet or more above or below street grade, and there is no reasonable way to construct a driveway up to the dwelling level, a garage/carport is allowed within the front setback, provided it is set back at least 5 feet from the front lot line and complies with the street intersection sight-obstruction requirements of the city engineer.
5) Heat pumps, air conditioning, swimming pool pumps, and other similar mechanical equipment, and propane tanks	P	P	P	P	• May be located in any required setback provided that any such equipment shall not be located within 3 feet of any side lot line or rear lot line where there is no alley; provided, further that any location in a front or side street (corner) setback may be allowed through a modification of development standards process. • Any such equipment shall be visually screened from surrounding properties and streets. • Any such equipment may not exceed the maximum permissible noise levels set forth in Chapter 20.08 EMC, Noise Control.
6) Rockeries and retaining walls	P	P	P	P	• Any structure retaining fill material, which is less than 4 feet in height above finished grade, may be located in any required setback. • Any structure retaining fill material, which is 4 feet or greater, but less than 6 feet in height above

Exception	Front	Rear	Side	Side (Street)	Standard
					finished grade, may be located in any required setback but, if visible from a public right-of-way or residentially zoned property, shall be constructed of or faced with brick, stone, split-face or fluted concrete block, textured poured-in-place concrete, or other materials with texture to reduce the apparent mass of the wall. • Any structure retaining fill material that is greater than 6 feet in height above finished grade shall comply with accessory building setback requirements, unless otherwise approved by the planning director as a REV II process.
7) Shoreline use and access areas, associated improvements	P	P	P	P	May be located in any required setback area. The landward end of a pier may be located in the required setback area.
8) Signs, marquees and awning signs	P	P	P	P	Subject to the requirements of Chapter 19.36 EMC or other specific regulations of this title.
9) Transit shelters	P	P	P	P	Transit stops, transit shelters and bicycle facilities serving the public may be placed within required setbacks
10) Setback reductions (including zero lot lines) approved as part of a formal unit lot land division application	P	P	P	P	Buildings may encroach into what would otherwise be considered a required setback area for internal lot lines.
<u>11) Required pathways</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Must meet minimum dimension of four feet for emergency response.</u>
<u>12) Subterranean Garages</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Fully-subterranean garages are exempt from the required parking setbacks.</u>

1 Legend: "P" means permitted

2 B. ~~Porches~~, Decks and Steps.

3 1. Rear or Side Setback.

4 a. No setback from rear or side lot lines if no higher than forty-two inches above the
5 existing grade.

~~b. Setback in rear may be reduced fifty percent, or six feet, whichever is more permissive, if no higher than ten feet above existing grade and if uncovered (i.e., no roof).~~

2. Front and Side Street Setback.

a. Setback in front or side (street) may be reduced ~~fifty percent, or by~~ six feet, ~~whichever is more permissive,~~ if the finished floor is no higher than forty ~~two eight~~ inches above existing grade.

b. Steps and accessibility ramps may encroach into setback if no higher than forty-~~two eight~~ inches above existing grade in the area of encroachment.

c. See Chapter 19.08 EMC for front porch design standards.

C. Front Porch and Entrances as indicated in EMC 19.08.050

D. Encroachment into Public Right-of-Way. The following may be authorized by the city engineer within the public right-of-way:

1. Signs, marquees and awning signs may project into (over) the public right-of-way.
2. Street furniture and landscaping may be placed in the public right-of-way when consistent with the sidewalk standards set forth in EMC 19.33.030.
3. Transit stops, transit shelters and bicycle facilities may be placed in the public right-of-way when consistent with the sidewalk standards set forth in EMC 19.33.030.
4. Any other encroachment.

~~D.E.~~ West Marine View Drive at 23rd and 24th. No buildings shall be constructed on property located within the westerly extension of the right-of-way lines for 23rd Street and 24th Street in Blocks 483, 486 and 556, immediately east of West Marine View Drive (see Map 6-1). All buildings to be constructed north or south of these extended right-of-way lines shall meet the setbacks that would be required if the property lines coincided with the extension of the right-of-way lines.

~~E.F.~~ See EMC 19.06.090(A) for building setback modifications for single-family and two-family (duplex) uses on lots without frontage on a public street.

1 **Map 6-1: 23rd and 24th Street Setback Required**



3 **19.06.040, CALCULATION OF LOT AREA.**

4 All of the following are deleted from the net square footage of a lot for the purpose of determining
5 minimum lot area:

- 6 A. The driving surface, including curbs and gutters, of all private roads serving more than one principal
- 7 dwelling unit and private primary access easement drives. The area of any other type of easement is not
- 8 subtracted from the net square footage of a lot;
- 9 B. The panhandle portion of panhandle lots;
- 10 C. Drainage tracts;
- 11 D. Common recreation facilities;
- 12 E. Public right-of-way, except dedications of additional right-of-way required as part of a land division
- 13 approval for street improvements or widening;
- 14 F. Critical areas and their buffers, except geologically hazardous slopes not associated with another
- 15 critical area.

16 **19.06.050, ~~FRONT LOT LINE ON CORNER SITES.~~ Lot Type and lot line identification**

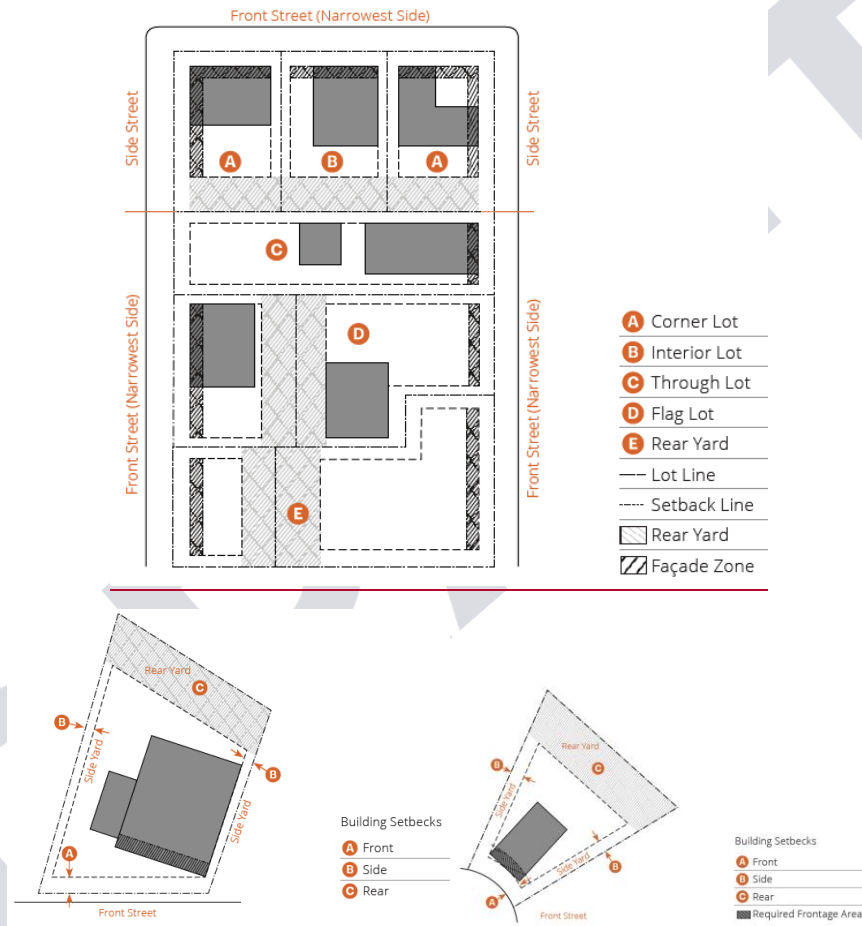
17 ~~A. When a development site is comprised of more than one platted lot or parcel of land, the planning~~
18 ~~director shall determine which lot line is to be the front lot line.~~

19 ~~B. In making the determination of front lot line the planning director shall use the following criteria:~~

- 20 ~~1. The orientation of the originally created lot or parcel lines;~~
- 21 ~~2. The relationship of the proposed development to existing topography, buildings, alleys and~~
- 22 ~~development patterns in the immediate vicinity;~~
- 23 ~~3. The classification of the affected streets (arterial, collector, local, etc.) and how the~~
- 24 ~~application of "front lot line" would affect vehicular traffic flow and pedestrian safety;~~
- 25 ~~4. Comprehensive plan policy language which may designate a particular street as a "gateway" street.~~

Using the definitions in this Title, lot types and lot lines are to be identified as depicted in Figure 6-2 (Lot Type and Lot Line Identification).

Figure 6-2 (Lot Type and Lot Line Identification)



19.06.060, LOT REQUIREMENTS FOR LOTS CREATED OR MODIFIED THROUGH LAND DIVISION, ASSEMBLAGE, OR OTHER DEVELOPMENT PROCESSES.

A. Minimum Lot Dimensions. Except as provided in this title, every lot shall be of a shape such that two lines, one equal to the required width and one equal to the required depth for the land use district, may be placed at right angles to each other entirely within the lot boundaries. The panhandle portion of a panhandle lot may not be used for purposes of meeting this requirement. For lots with vehicular access from a private access drive, the access drive and associated easement are excluded from the calculation of lot width.

B. Lot Shape. Irregularly shaped lots shall be prohibited unless approved by the director or through a unit lot land division. In general, all lots shall be composed of straight lines which provide adequate building site and private rear-yard area, except as permitted in unit lot land divisions and binding site plans through review and approval of a site plan.

C. Other Lot Requirements.

1. Lot arrangement and design shall take into consideration, to the maximum extent possible, the natural features of the site such as critical areas, parks, open space, and views. Each lot shall provide a suitable building site and driveway access from existing or proposed streets.

2. Double frontage lots shall be avoided whenever possible.

3. Lots shall not, in general, access from arterial streets. Where driveway access from a street may be necessary for several adjoining lots, the city may require that such lots be served by combined access points and driveways designed or arranged so as to avoid requiring vehicles to back into traffic.

4. Through the unit lot land division or binding site plan process, the director may modify the Everett Unified Development Code requirements for individual lots for width, depth, area, frontage, setbacks and minimum building site; provided, that Everett Unified Development Code density standards are met for the total site.

5. Individual lots that take access from a cul-de-sac may be allowed a reduced frontage, but not less than a minimum of twenty feet if the front setback is increased to thirty feet.

6. Minimum Building Site Requirements. All new lots shall contain suitable area for a building footprint, setbacks, access and off-street parking in accordance with the standards in this section. Additional open space and design requirements may apply under Chapter 19.08 EMC depending on housing type.

a. Minimum Building Footprint Area. One thousand two hundred square feet, with a minimum dimension of twenty-five feet.

b. Setbacks. Per underlying zone and Table 6-2.

c. Access and Parking. Driveways and off-street parking shall be provided in accordance with Chapter 19.34 EMC.

D. Block Length. Blocks within a land division greater than four hundred feet shall be avoided wherever possible, nor shall lots be combined, assembled, or developed to create functional block lengths greater than four hundred fifty feet. Pedestrian and/or other active mobility pathways shall be provided through developments; such pathways connecting public or semi-public rights-of-way shall be provided no farther than 250 feet from the nearest alternative route of travel.

E. Panhandle Lots. The planning director and city engineer shall have the authority to allow panhandle lots and may require an easement rather than a panhandle configuration based on the maximum development potential of a site. In subdivisions, panhandle shaped lots are restricted to sites that contain natural constraints such as topography greater than fifteen percent or critical areas. In short subdivisions, panhandle shaped lots are permitted without the above restrictions, provided all panhandle lots meet the following standards:

1. No panhandle shaped lot shall be permitted in short subdivisions where the ownership is common with a contiguous property;

2. Side-by-side panhandle access drives in subdivisions or short subdivisions are not permitted;
3. Panhandle lot access drives are required to comply with the same standards applied to easement access short subdivisions, including, but not limited to, road width and landscaping standards.

19.06.070, MINIMUM LOT AREA—AVERAGING IN LAND DIVISIONS.

In any formal subdivision within the ~~R-S, R1 and R-2~~NR and NR-C zones and in short subdivisions the individual lots shall be considered legal lots if the average of the areas of all lots meets the minimum requirement for the district in which the land division is located, and further provided:

- A. That no lot shall be less than four thousand square feet with a minimum of fifty feet of width and eighty feet of depth unless in ~~a R-2~~the NR zone where the lot abuts and takes vehicular access from a public alley;
- B. On lots with alley access, no individual lot therein shall have an area less than three thousand square feet, be less than thirty feet in width, or less than eighty feet in lot depth. On such lots, the minimum lot frontage requirement shall be not less than thirty feet, and the lot frontage requirements listed elsewhere in this chapter shall not apply;
- C. That lot area averaging may not be used to create lots for duplexes or multiple-family dwellings with less lot area than otherwise required by this title for the zone in which the property is located;
- D. Not more than a thirty-five percent increase over the required minimum lot area for any single lot shall be credited in computing average lot area;
- E. The small lot single-family development standards of EMC 19.08.020 shall apply to single-family dwellings on lots with less than five thousand square feet created using the lot area averaging process;
- F. Critical areas and buffers may not be used as credit for lots utilizing lot size averaging.

19.06.080, LAND DIVISIONS—EXCEPTIONS TO MINIMUM LOT AREA, WIDTH, DEPTH, FRONTAGE AND LOT COVERAGE.

Using the land division process in this title (Chapters 19.24 through 19.27 EMC), certain types of applications may be granted an exception to the lot standards in this chapter. The criteria for an exception depend on the type of land division proposed, as follows:

- A. Binding Site Plans Involving Nonresidential Uses (or in Commercial or Industrial Zones). Lots created through a binding site plan are not required to comply with minimum requirements for lot area, width, depth or frontage. Other zoning standards for open space and building perimeter landscaping, when required, shall not be reduced under this exception and shall be based on the size of the originating parcel.
- B. Unit Lot Developments Involving a Division of Land—~~Applicable to Single Family Detached Uses.~~
 1. Lots created through a unit lot land division process, including short subdivision, subdivision, or cottage housing, may be granted an exception from the following requirements of this chapter:

- 1 a. Lot area; provided the overall density of the project complies with the underlying
- 2 zoning requirements (this chapter) and Chapter 19.08 EMC.
- 3 b. Lot width;
- 4 c. Lot depth;
- 5 d. Interior side building setbacks, including zero lot line; provided, that building
- 6 construction shall comply with all building and fire code requirements. Setback
- 7 reductions along the exterior boundary of the parent lot may not be granted;
- 8 e. Lot frontage;
- 9 f. Lot coverage; and
- 10 g. Minimum building site standards in this chapter.
- 11 2. Evaluation Criteria for Modification of Development Standards.
- 12 a. The director determines through review of a site plan the proposed project design
- 13 will provide adequate building sites, open space, parking and building setbacks;
- 14 b. The proposed unit design complies with the requirements of EMC 19.08.020, small
- 15 lot single-family development.
- 16 C. Subdivisions and Short Subdivisions—Lot Depth. Subdivisions and short subdivisions may request
- 17 (REV II) a reduction in lot depth. Such a reduction shall be limited to the following:
- 18 1. When the originating parcel meets the lot frontage and lot width standards of this chapter;
- 19 2. Exceptions that would allow any lot to be less than seventy feet shall not be granted;
- 20 3. The lot or lots shall meet all other requirements of this chapter and shall provide a suitable
- 21 building site, setbacks and off-street parking.
- 22 D. Division of Land with More Than One Existing Single-Family Dwelling on One Lot. An exception to the
- 23 lot area, lot width, lot depth and setback standards may be granted (REV II) subject to the following
- 24 minimum standards:
- 25 1. The existing structures shall be single-family dwellings in a single-family zone;
- 26 2. All lots and existing structures shall meet minimum fire safety and public utility standards,
- 27 and minimum maintenance standards as defined by the city;
- 28 3. All lots and existing structures shall provide for adequate off-street parking. When existing
- 29 parking is nonconforming, the division of land shall not result in off-street parking becoming
- 30 more nonconforming; and
- 31 4. All lots must have full frontage on a public street. The use of easement access, panhandle lot
- 32 or alley frontage is not permitted.
- 33 E. Dedication of Public Right-of-Way. If a proposed land division requires a dedication of right-of-way for
- 34 an existing public street, one hundred percent of the dedicated area may be credited toward meeting
- 35 the minimum lot area of the proposed project. The applicant may be required to distribute the credit

evenly among all of the lots, rather than to apply all credit toward one lot. The planning director shall have the authority to modify lot area, dimensional requirements and setbacks in applying this requirement through the land division process. For single-family lots, no individual lot shall contain less than four thousand five hundred square feet after the dedication, excluding access easements.

F. Transfer of Development Rights (TDR). Reductions in minimum lot size, lot width and lot depth may be granted as part of a TDR in accordance with Chapter 19.37 EMC.

19.06.090, OTHER ADMINISTRATIVE MODIFICATIONS OF DEVELOPMENT STANDARDS.

A. Building Setback Modifications ~~for Single-Family and Two-Family (Duplex) Uses~~ on Lots Without Frontage on a Public Street.

1. An applicant may propose and the planning director, using the Review Process II described in EMC Title 15, may allow an applicant to deviate from the building setback standards in Table 6-2 in EMC 19.06.020, provided the proposal satisfies the evaluation criteria in Chapter ~~15.03~~ 15.02 EMC.

2. In evaluating such a proposal, the planning director, using the criteria, shall determine if the alternative design or plan provides equivalent or superior results to that which would be required by compliance with the development building setback requirements of this chapter.

B. Front and street (side) setback reduction on lots with excess right of way.

1. An applicant may propose and the planning director may allow, using the review process in Title 15 EMC, a reduced front or street (side) setback on lots determined by the city engineer to have excess right of way.

C. Minimum residential development

~~BD.~~ Development Standards That Cannot Be Modified. Any standard that is not specifically listed in this section for modification requests, or in EMC 19.06.080, cannot be modified except as permitted in EMC 19.41.010 for variances.

19.06.100, RESIDENTIAL DENSITIES—~~MULTIPLE FAMILY USES.~~

~~A.—Overview. “Density” means a ratio of dwelling units to lot area. Some residential developments are subject to minimum or maximum density requirements, depending on location or housing type. Other development requirements, such as maximum floor-to-area requirements, height and building coverage limits, building setbacks, and off-street parking requirements, may affect density that can be achieved as well.~~

~~B.—Minimum Density. In order to ensure efficient use of land within areas designated for multifamily residential development, a minimum number of residential units is required as set forth in Table 6-6 below. These minimum residential development requirements do not apply to lots within Everett’s historic overlay zones.~~

Minimum Residential Development. Except within historic overlay zones, residential development in the UR7, MU7, MU15, or LI-MU zones must result in at least three attached dwelling units.

~~C. Maximum Density. The maximum density for multifamily residential development is set forth in Table 6-6 below.~~

Table 6-6: Residential Density

Standard	UR3	UR4	NB	B	MU	L1-L2	HI	AG
Minimum Number of Residential Units	2	3	None	3 (applicable only where residential occupies more than 50% of gross floor area)			n/a	None
Maximum Residential Density	None (see exception in subsection (D) of this section)	None	1 unit per 500 s.f. of lot area	None			n/a	

~~D. Density Limits in an Historic Overlay Zone. Residential development within a UR3-UR4 zone with an historic overlay (see Chapter 19.28 EMC) shall not exceed one dwelling unit per one thousand five hundred square feet of lot area (up to twenty-nine dwelling units per acre).~~

19.06.110, DENSITY AND LOT SIZE—~~ATTACHED HOUSING IN SINGLE-FAMILY ZONES~~ NEIGHBORHOOD RESIDENTIAL-CONSTRAINED ZONE.

~~A. Overview and Applicability. Single-family, attached (townhouse) and duplex housing Attached dwellings may be allowed in the NR-C zones single-family (R-S, R-1, R-2 and R-2(A)) zones, subject to specific review processes set forth in Chapter 19.05 EMC, review criteria in Chapter 15.03 EMC, specific performance and design development standards found in Chapter 19.08 EMC, and this section.~~

~~B. The maximum density for dwellings in the NR-C zone is 1 dwelling unit per 6,000 9,000 sq. ft. of lot area, except as provided in EMC 19.06.110(C). No lot shall have an area less than 4,000 square feet except that lots with alley access may have 3,000-square-foot lots.~~

~~C. Each lot in the NR-C zone is permitted up to two accessory dwelling units; such accessory dwelling units are exempt from the maximum density in EMC 19.06.110(B).~~

~~Density and Lot Size Requirements for Attached Housing in Single-Family Zones.~~

~~1. Except for an attached accessory dwelling unit, which is subject to the requirements of EMC 19.08.100, any attached housing is subject to the lot and density limits of this section.~~

~~2. See Table 6-7 below for maximum density and minimum lot size requirements in single-family zones. See Chapter 19.05 EMC for permitted housing types, Chapter 19.08 EMC for design and other standards for attached housing.~~

Table 6-7: Maximum Density and Minimum Lot Size for Attached Housing in Single-Family Zones

Zone	Maximum Density	Minimum Lot Size
R-S	1 unit per 9,000 sq. ft. of lot area	No lot shall have an area less than 4,000 square feet except that lots with alley access can have 3,000-square-foot lots.

Zone	Maximum Density	Minimum Lot Size
R-1	1 unit per 6,000 sq. ft. of lot area	Each lot may be less than 6,000 square feet; provided, that 12,000 square feet is provided for both dwelling units.
R-2	1 unit per 3,750 sq. ft. of lot area	The minimum lot area for a two-unit dwelling is 7,500 square feet; there is no minimum lot area for individual lots within the development.
R-2(A)	1 unit per 2,900 sq. ft. of lot area	The minimum lot area for the development is 9,000 square feet; there is no minimum lot area for individual lots within the development.

CHAPTER 19.08 – NEIGHBORHOOD RESIDENTIAL USES AND DEVELOPMENT STANDARDS

19.08.010 INTENT, APPLICABILITY, AND GENERAL OVERVIEW.

This chapter addresses:

A. Development standards for:

1. Development in the Neighborhood Residential or Neighborhood Residential-Constrained zones, and

2. In other zones, development of detached one- and two-family-unit dwellings and any number of townhouses up to three stories in height, along with their accessory structures.

small lot development;

B. Development standards for multi-unit residential uses within the R-S, R-1, R-2 and R-2(A) zones;

C. Front porch and entrance requirements for: (1) residential dwellings provided front or side street setback exceptions; (2) small lot single-family development; (3) two- to four-unit dwellings in the R-S, R-1, R-2 and R-2(A) zones; (4) cottage housing; or (5) any dwelling within an historic overlay zone; and

D. Development standards for cottage housing, accessory dwelling units, residential accessory buildings, home occupations, boarding and rooming, bed and breakfast houses, short term rentals, group housing and temporary shelters, secure community transition facilities, manufactured home and RV parks, and reasonable accommodation.

E. For residential development standards in the UR3 or UR4 zone, or multifamily in commercial or industrial zoning districts, please see Chapter 19.09 EMC.

B. This Chapter provides standards to ensure that new development accomplishes the following:

1. Makes a positive contribution to the development pattern of the area;

2. New or altered structures are compatible with the design and use of existing structures on neighboring properties;

3. Does not impact in a substantial negative manner the habitability of neighboring properties;

4. Design sites to have both an external orientation to the streetscape and an internal orientation to the residential environment with unifying open space and pedestrian pathways; and
5. Design emphasis should be given to the pedestrian, rather than the auto environment, through placement of parking in a less prominent location.

19.08.015 DEFINITIONS

The following definitions are used within this chapter. For additional definitions, please refer to Chapter 19.04 EMC.

“Duplex” contains two dwelling units (see Chapter 19.05 EMC, “Dwelling, 2-unit”), but unlike a townhouse, a duplex could be two units on separate floors (upper unit and lower unit) or two units joined at the side.

“Floor area ratio,” or “FAR,” means a measure of development intensity which is the gross floor area (square footage of the total floor area except parking areas) divided by the lot area. For purposes of this chapter, gross floor area excludes (1) any basement that is more than seventy-five percent below natural grade and (2) up to two hundred forty square feet of unenclosed porches.

“Street-facing dwelling unit facade” means a ground or first floor of a dwelling unit facade facing, and within thirty feet of, a front or side-street lot line on a public street.

“Townhouses,” also called “single-family, attached,” are buildings joined at the side by a common wall. Each dwelling has up to two or three stories and no dwellings are placed over another. Each dwelling has individual and direct pedestrian access to the street and typically contains some private open space in the front and back. A development of townhouses could include two units attached (see Chapter 19.05 EMC, “Dwelling, 2-unit”) or multiple units attached. This chapter places limits on how many may be attached in the R-S, R-1, R-2 and R-2(A) zones.

19.08.020 ~~SMALL LOT SINGLE-FAMILY~~ NEIGHBORHOOD RESIDENTIAL GENERAL STANDARDS.

Single-family dwellings to be built on lots having less than five thousand square feet in any zone shall meet the development standards contained herein. It is the intent of these development standards that single-family dwellings on small lots be compatible with neighboring properties, friendly to the streetscape, and in scale with the lots upon which they are to be constructed. The planning director is authorized to promulgate guidelines, graphic representations, and examples of housing designs and methods of construction that do or do not satisfy the intent of these standards.

A. ~~Floor to Area Ratio (FAR).~~ Gross floor area of the dwelling, excluding the garage, shall not exceed fifty percent (0.50 FAR) of the lot area. An additional 0.15 FAR is allowed for detached accessory structures on lots.

B. ~~A dwelling shall meet the front porch and entrance requirements set forth in EMC 19.08.050.~~

C. ~~Any garage shall meet the garage requirements set forth in EMC 19.08.060.~~

A. Standards shall be applied to irregularly-shaped lots in compliance with EMC 19.06.050

B. Front porch or entrance types are provided in EMC 19.08.050. These are not included in the calculation of maximum lot coverage by building, and are allowed to encroach into required front and side street setbacks by up to five feet, provided minimum clearance is maintained. For other encroachments, see EMC 19.06.030.

C. Where flat roofs are provided, a decorative parapet is required to conceal all roof areas/equipment from view of a public street or space. The parapet shall match the materials and finishes used on the building walls.

19.08.030 ~~TOWNHOUSE AND DUPLEXES~~ NEIGHBORHOOD RESIDENTIAL SITE DESIGN

~~A. Intent, Applicability and Authority.~~

~~1. Intent. The intent of the standards in this section is to ensure compatibility of townhouse or duplex units into neighborhoods with predominantly detached single-family homes.~~

~~2. Applicability. The standards in this section address townhouse or duplex units when proposed in single-family zones (R-S, R-1, R-2 and R-2(A)). For this housing type in other zones, please refer to the multifamily development standards in Chapter 19.09 EMC.~~

~~3. Authority. The planning director or review authority is authorized to condition projects to ensure compatibility.~~

Figure 8-1: Example of Single-Family, Attached



~~B. Where Allowed, Density, FAR and Open Space Standards.~~

~~1. Townhouses and duplexes are allowed within the R-S, R-1, R-2 and R-2(A) zones as set forth in Table 8-1 below. Standards for ownership, density, floor area ratio (FAR), open space and heights are also included within the table. See subsection (C) of this section or design standards in EMC 19.08.040 for additional requirements.~~

Table 8-1: Townhouse or Duplex, Review Process in Single-Family Zones

Zone	2-Unit Townhouse or Duplex	3- to 4-Unit Townhouse
R-S	a) Review Process III.	Not permitted.

Zone	2-Unit Townhouse or Duplex	3- to 4-Unit Townhouse
	b) — Ownership opportunity must be created (e.g., condominium or unit lot subdivision). c) — Maximum density and minimum lot area: see Chapter 19.06 EMC. d) — FAR: maximum 0.5. e) — Open space: 250 sq. ft. per unit. f) — Height: see Chapter 19.22 EMC.	
R-1	a) — Review Process I. b) — Allowed only when each dwelling unit may be owner-occupied, as provided through zero lot line subdivision, condominium, or residential binding site plan. c) — Maximum density and minimum lot area: see Chapter 19.06 EMC.	Not permitted.
R-2	a) — Review Process I. b) — Maximum density and minimum lot area: see Chapter 19.06 EMC.	Not permitted.
R-2(A)	a) — Review Process I. b) — Maximum density and minimum lot area: see Chapter 19.06 EMC.	a) — Review Process I. b) — Ownership opportunity must be created (e.g., condominium or unit lot subdivision). c) — Density: 1 unit per 2,900 sq. ft. of lot area. d) — FAR: maximum 0.5. e) — Open space: 250 sq. ft. per unit. f) — Height: see Chapter 19.22 EMC.

1 2. This housing type is not allowed on easement or panhandle lots unless the city's fire marshal,
2 city engineer and planning director approve access, off-street parking and fire protection
3 requirements.

4 C. General Standards. Townhouses and duplexes within the R-S, R-1, R-2 and R-2(A) zones are required
5 to meet the following standards:

6 1. Alley access is required if available.

~~2. See EMC 19.08.040 for design standards and guidelines.~~

~~3. Front Porch and Main Entrance. Dwellings must meet the front porch and entrance requirements set forth in EMC 19.08.050.~~

~~4. See EMC 19.08.060 for garage requirements.~~

~~5. See Chapter 19.22 EMC for maximum height requirements.~~

~~6. See Chapter 19.06 EMC for building placement and setback requirements.~~

~~7. See Chapter 19.35 EMC for landscape requirements.~~

A. New dwelling units that include any façade within thirty feet of a public street must face the street, which means including a street-facing dwelling unit façade that includes one of the front porch or entrance types in EMC 19.08.050 facing the public street for each individual dwelling or shared building entry.

B. Building separation (clear space between buildings): per building code or as necessary for path.

C. Shared yards and private yards. New dwelling units permitted under this Chapter must have direct access to either a private yard or a shared yard. Direct access means available at all times for use by a resident of the associated dwelling unit and accessible by continuous pedestrian path without crossing a public right-of-way. Direct access may include passing a gate.

1. Private yard. A private yard is required for dwelling units without direct access to a shared yard.

a. Required private yards must have direct access from the associated dwelling unit.

b. A private yard shall be a minimum of eight feet in any direction, no less than eighty square feet in area.

c. Required private yards may be located in a required setback area or on top of a roof.

d. Private yards shall not include driveways, pathways, parking areas, buildings, or critical areas or their buffers.

2. Shared yard. A shared yard is required for dwelling units without direct access to a private yard.

a. Required shared yards must have direct access from the associated dwelling unit.

b. For shared yards with up to five associated dwelling units, the required shared yard must be a minimum of fifteen feet in any direction, no less than 300 square feet in area.

c. For shared yards with six or more associated dwelling units, the required shared yard(s) must be a minimum of twenty feet in any direction, no less than 10% of the lot in area.

c. Required shared yards may be located in a required setback area.

d. Shared yards shall not include driveways, pathways, parking areas, buildings, or critical areas or their buffers.

19.08.040 NEIGHBORHOOD RESIDENTIAL BUILDING DESIGN STANDARDS ~~FOR TOWNHOUSES AND DUPLEXES.~~

A. Applicability. The design standards in this section apply to ~~the two- to four-unit townhouse or duplex housing types in the R-S, R-1, R-2 and R-2(A) zones. front façades, side street façades, side interior façades, and rear façades. Fire walls, visible party walls, and side interior façades less than 5 feet from a shared lot line are exempt.~~

~~B. Site Design.~~

~~1. Design sites to have both an external orientation to the streetscape and an internal orientation to the residential environment with unifying open space and pedestrian pathways.~~

~~2. Design emphasis should be given to the pedestrian, rather than the auto environment, through placement of parking in a less prominent location.~~

~~3. Vehicular access and parking must be from an alley if one is available.~~

~~4. No more than one street access point for every two units is allowed, unless on a corner lot.~~

~~C. B. Facades, Ground Floor, Separation, Roofs, Exterior Stairs, and Transparency.~~

~~1. Facades.~~

~~a. New dwelling units permitted under this chapter must include a front porch or entrance pursuant to EMC 19.08.050; different dwelling units on a lot may have different front porch or entrances.~~

~~Facades of attached residences within the same project should be distinct and even different, but also should maintain unifying compositional elements such as a common window header or sill line, and/or aligned vertical centerlines of windows and doors between upper and lower floors. See Figure 8-2.~~

~~b. Facades for each dwelling unit must include at least two of the following architectural elements: (1) horizontal modulation (upper level step-backs of at least two feet), (2) bay, bow, or garden windows, (3) building ornamentation such as a frieze, or (4) other architectural element the planning director determines accomplishes the intent. See Figure 8-3.~~

~~c. Attached dwelling units need to employ one of the following methods of vertical modulation:~~

~~(1) Setback variation between dwelling units, with no more than two adjacent dwelling units having the same setback. The setback between units needs to be at least one foot. (See Figure 8-4.)~~

~~(2) Vertical modulation within each dwelling unit. (See Figure 8-5.)~~

**Figure 8-2: Facades of Units
Distinct**

**Figure 8-3: Facade Architectural
Elements**

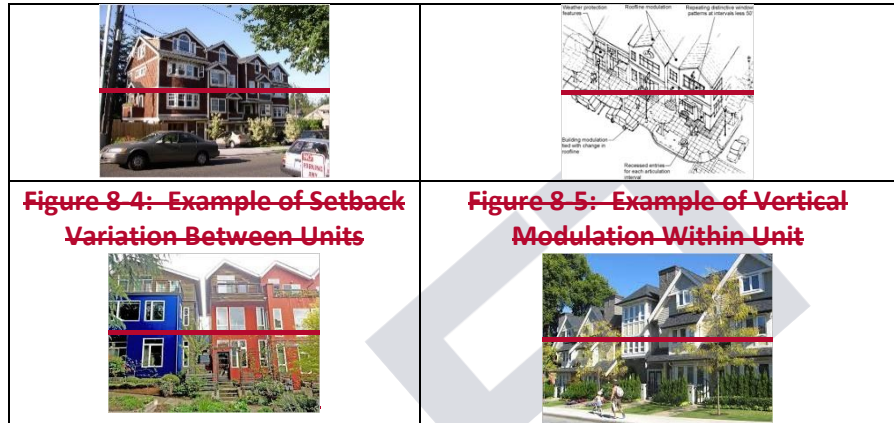
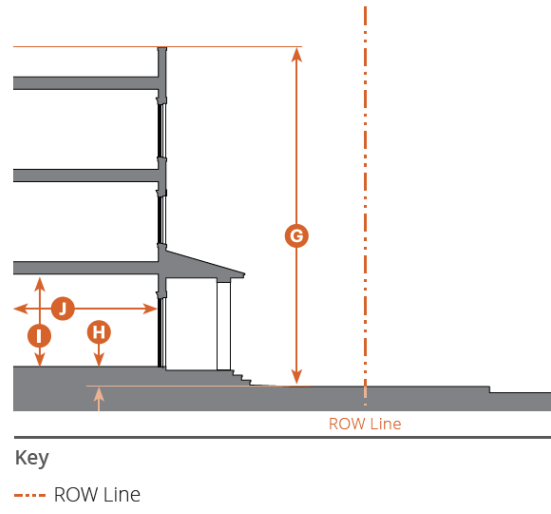


Figure 8-4: Example of Setback Variation Between Units

Figure 8-5: Example of Vertical Modulation Within Unit

Figure 8-1: Building Form



a. Ground floor finish level {H}: 6" minimum, except shared entries may be set at grade in compliance with local and federal accessibility standards.

b. Ground floor ceiling height {I}: 9' minimum.

c. Ground floor depth {J}: 12' minimum distance from the street-facing façade to the rear interior wall of the ground-floor habitable space in compliance with this Chapter.

2. Roofs.

a. Roof forms should complement neighboring properties. For example, if gables with pitches greater than 3:12 are the most prominent local roof form, then the proposed building should include a gable roof form with similar slope, unless there is a compelling reason (e.g., a green roof) to the contrary.

b. Roofs, excepting rooftop decks or flat roofs, must incorporate at least one of the following architectural elements in roof forms; such as vertical or horizontal changes in

rooflines; varied roof forms; dormers; deep roof overhangs (more than twenty-four inches); rafter tails, brackets, corbels, or other decorative supports; and/or prominent cornice, soffit, or fascia details.

~~c. For two-unit buildings, the predominant roof pitch must be the same, with roof eaves projecting the same distance from the building wall for each dwelling unit.~~

~~3. Building Separation. Where the density of the zone allows more than one building to be developed on a lot, a minimum separation of ten feet, not including eaves or other building appurtenances, is required between buildings.~~

~~4.3. Exterior Stairs. Fire escapes and exterior stairs providing access to an upper floor are not allowed on any facade that faces a street unless another building is between the façade and the public street.~~

~~5.4. Transparency. At least fifteen percent of the area of each street-facing facade must be windows or main entrance doors. Windows used to meet this standard must allow views from the building to the street. Glass block does not meet this standard. Windows in garage doors do not count toward meeting this standard.~~

C. Exterior Materials

1. Durability

a. Exterior timber shall be protected from decay by at least one of the following:

(1) Staining and sealing;

(2) Painting; and/or

(3) Material properties. Pressure treated lumber is not allowed as a façade finish material. The following types of unpainted wood are allowed:

(A) Teak or Iroko

(B) Cedar

(C) Redwood

(D) White Oak{ or Garry Oak}

(E) Ipe/Brazilian Walnut

(F) Bald Cypress

(G) Black Locust

b. Exterior ferrous metals shall be protected from corrosion and leaching by at least one of the following:

(1) Painting or other impermeable coating; and/or

(2) Metallurgical properties. The following types of metal are allowed:

(A) Galvanized steel

(B) Stainless steel

(C) Weathering steel (e.g., COR-TEN)

2. Materials Defining Building Elements

a. Bays. Changes in wall finish material shall occur at the boundaries between bays rather than within a bay.

b. Parapet.

(1) Parapets shall terminate in a parapet cap of stone, brick, concrete, tile, metal, or molded stucco.

c. Materials Allowed for Building Details/Ornament

(1) Wood

(2) Metal (steel, copper, aluminum, tin)

(3) Glass fiber reinforced concrete (GFRC)/fiberglass

(4) Terra-cotta

(5) Tile

(6) Plaster

D. On-Site Open Space.

1. General Requirements.

a. The amount of open space required per unit is shown in Table 8-1 in EMC 19.08.030(B).

b. On-site open space may be private or common open space.

c. Required front and side street (corner) setbacks and driveways shall not be included in the open space calculation.

d. Common open space may include:

(1) Interior side setback areas which are contiguous with other on-site common open space areas;

(2) Rear setback areas which are contiguous with other on-site common open space areas and which are not part of a street side setback area on corner lots.

e. Required landscaping or critical area buffers without common access links such as pedestrian trails, do not count toward required open space.

f. Open space areas shall not be used for or occupied by driveways, parking, service areas, or any other vehicular use.

g. Plans for open space shall be approved by the city.

2. ~~Minimum Size Standards.~~

~~a. Private open space shall be a minimum of ten feet in any direction, no less than one hundred square feet in area. A rear or side yard, which is part of a required setback area, may be counted toward this requirement if it meets the minimum dimensions.~~

~~b. Common open space shall be a minimum of twenty feet in any direction, no less than four hundred square feet in area.~~

3. ~~Where Located.~~

~~a. Private open space on the ground shall be located to the rear of the unit.~~

~~b. Each unit should have direct access to on-site open space without travel through parking areas or other open space areas of other units.~~

~~c. A private deck, porch, balcony, patio, or roof garden may be counted towards the open space requirement provided it has a minimum dimension of six feet in any direction.~~

4. ~~Design Standards.~~

~~a. Open space areas shall be developed with lawn, landscaping, usable active or passive recreation areas, courtyards, seating and walkways.~~

~~b. Bark or gravel covering of required common open space areas shall not exceed ten percent.~~

~~c. Pavement covering of open space areas shall be limited to active recreation surfaces, walkways, and courtyard areas.~~

E.D. Landscaping/Screening.

1. See Chapter 19.35 EMC for landscaping and street tree requirements.

2. Screening of waste containers from view of neighboring properties is required.

19.08.050 FRONT PORCH AND ENTRANCE REQUIREMENTS.

~~A. Where Applicable. The standards in this section apply to any dwelling within thirty feet of a front or side street lot line along a public street and as required in Table 8-2 below:~~

~~Table 8-2: Front Facade and Entrance Applicability~~

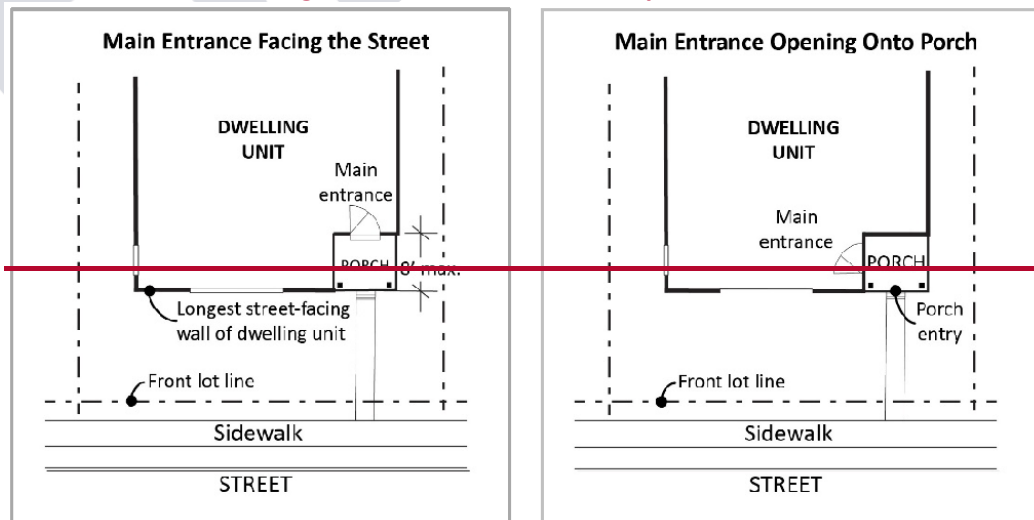
Use	Single-Family Zones (R-S, R-1, R-2, R-2(A))	UR3	UR4
Any residential dwelling provided a front or side-street setback exception (see EMC 19.06.030)	X	X	X
Small lot (4,500 sq. ft. or less) single-family dwelling	X	n/a	n/a

Use	Single-Family Zones (R-S, R-1, R-2, R-2(A))	UR3	UR4
Two-family dwelling unit	X	n/a	n/a
Three- or four-family dwelling	X	n/a	n/a
Cottage housing	n/a	X	n/a
Any dwelling within an historic overlay zone	X	X	X

B. Main Entrance.

1. At least one main entrance must be located within eight feet of the street-facing facade. (See Figure 8-6.)
2. The entrance must open onto an unenclosed porch that is at least thirty-six square feet in area.
3. The main entrance to each dwelling unit shall be on the ground floor.
4. For two-family units allowed on corner lots in the R-S, R-1 or R-2 zones, each entrance must be oriented towards a separate street frontage and have its own address.
5. For two- to four-family units, one main entrance with internal access to units is allowed.
6. Fire escapes and exterior stairs providing access to an upper level are not allowed on any street-facing facade.

Figure 8-6: Main Entrance Requirements



C. Porch Requirements. Porches, where required by this chapter or title, shall meet the following requirements:

1. A weather-protective roof is required above the main entrance and required porch.

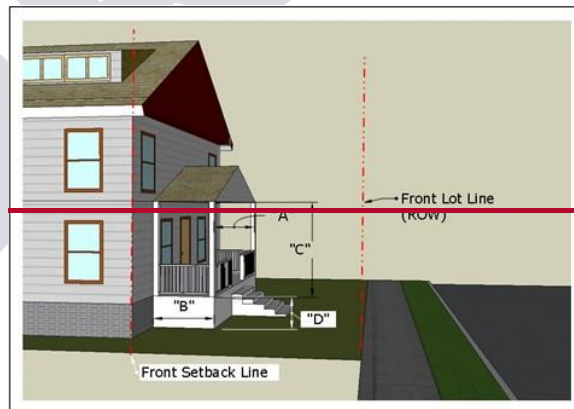
2. Porches must meet the setback requirements unless otherwise excepted pursuant to EMC 19.06.030.

3. Porches shall meet the standards set forth in Table 8-3 below and illustrated in Figure 8-7.

Table 8-3: Front Porch Requirements

Standard	Figure	Porch
Width, minimum	A	6 feet
Width, maximum		None
Depth, minimum	B	6 feet
Depth, maximum	B	None
Height, minimum	C	8 feet
Height, maximum		1 floor
Finish level above average grade	D	18 inches, minimum 42 inches, maximum

Figure 8-7: Front Porch Requirements



A. Purpose. This section provides the standards for residential front porches and entrances. Residential front porches and entrances are the components of a building that provide the transition and interface between the building and the sidewalk or path leading to the sidewalk.

B. General Standards.

1. The names of the front porches and entrances indicate their particular configuration or function and are not intended to limit uses within the associated building.

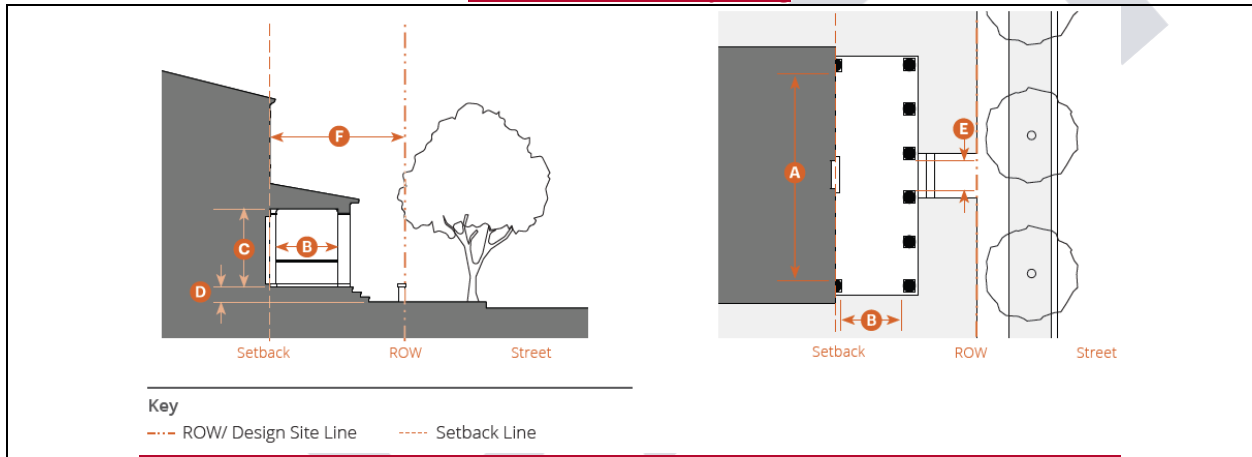
- 1
 - 2
 - 3
2. The ground floor, for a minimum depth as identified in 19.08.040(B)(1), is required to be habitable/occupiable space in compliance with this Chapter. Accessibility is provided through the front porch or entrances.

DRAFT

C. Porch Projecting.

1. Description. The main façade of the building is set back from the front or side street lot line with a covered structure (the porch) encroaching into the front setback. The resulting setback area may be defined by a fence or hedge to spatially maintain the edge of the street. The Porch may be one or two stories, is open on three sides, with all habitable space located behind the building setback line.

Table 8-1: Porch Projecting



Size

<u>Width, Clear</u>	<u>15' 8' min.[±] {A}</u>
<u>Depth, Clear</u>	<u>8' 6' min. {B}</u>
<u>Height, Clear</u>	<u>8' min. {C}</u>
<u>Stories</u>	<u>2 stories max.</u>
<u>Finish Level above grade</u>	<u>12" min.²¹ {D}</u>
<u>Pedestrian Access</u>	<u>3' wide min. {E}</u>

Notes:

~~± Reduce to 8' min. and maximum 1 story when applied to Cottage Housing building type.~~

²¹ Shared entries may be set at grade per local and federal accessibility standards.

Porch shall be open on three sides. Clear glass may be installed between the porch columns.

The porch is not required to be covered.

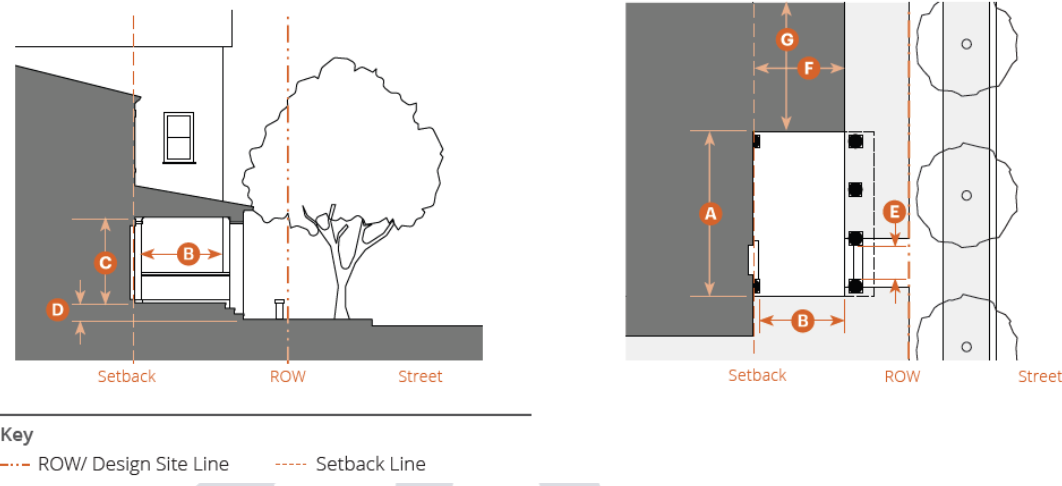
The Porch is allowed to encroach into the front and side street setbacks in compliance with this Chapter.

Ramps are required to be integrated along the side of the building to connect with the Projecting Porch.

D. Porch, Engaged

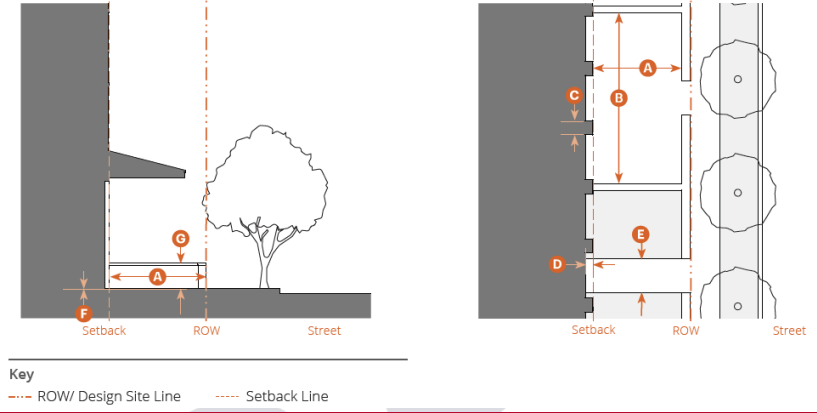
Engaged Porch may project into the front or street side setback. The resulting setback may be defined by a fence or hedge to spatially maintain the edge of the street. The Engaged Porch may be one or two stories and has two adjacent sides that are engaged to the building, while the other two sides are open.

Table 8-2: Porch Engaged

 <p>Key ---- ROW/ Design Site Line ---- Setback Line</p>	
<u>Size</u>	
<u>Width, Clear</u>	8' min. {A}
<u>Depth, Clear</u>	6' min. {B}
<u>Height, Clear</u>	8' min. {C}
<u>Stories</u>	2 stories max.
<u>Finish Level above Grade</u>	12" min. ¹ {D}
<u>Pedestrian Access</u>	3' wide min. {E}
<u>Encroachment Area of Building Facade</u>	
<u>Depth</u>	6' max. {F}
<u>Width</u>	1/3 min. of overall building façade {G}
<u>Notes:</u> ¹ Shared entries may be set at grade per local and federal accessibility standards. Porch shall be open on two sides. Clear glass may be installed between the porch columns. The Porch is allowed to encroach into the front and side street setbacks Ramps are required to be integrated along the side of the building to connect with the Engaged Porch.	


C. Dooryard. The main façade of the building is set back from the front or side street lot line, which is defined by a low wall or hedge, creating a small private area between the sidewalk and the façade. Each Dooryard is separated from adjacent Dooryards. The Dooryard may be raised or at grade.

Table 8-3: Dooryard

	
<u>Size</u>	
<u>Depth, Clear</u>	6' min. {A}
<u>Length</u>	8' min. {B}
<u>Distance between Glazing</u>	4' max. {C}
<u>Pedestrian Access</u>	3' wide min. {E}
<u>Finish Level above grade</u>	24" max. ¹ {F}
<u>Height of Dooryard Fence/Wall above Finish Level</u>	36" max. {G}
<u>Notes:</u> ¹ Shared entries may be set at grade per local and federal accessibility standards. Each Dooryard shall provide access to only one ground floor entry. The Dooryard is allowed to encroach into the front and side street setbacks Ramps are required to be integrated along the side of the building to connect with the Dooryard.	

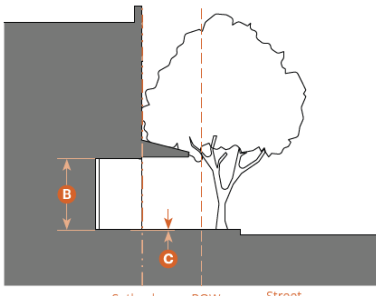
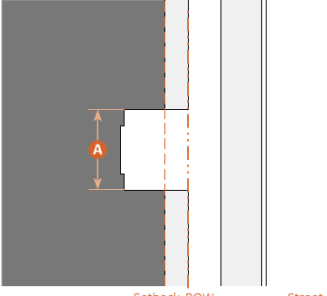
D. Stoop. The main façade of the building is near the front or side street lot line with steps to an elevated entry. The Stoop is elevated above the sidewalk to provide privacy along the sidewalk-facing rooms. Stairs or ramps from the Stoop may lead directly to the sidewalk or may be parallel to the sidewalk.

Table 8-4: Stoop

 <p>Key --- ROW/ Design Site Line --- Setback Line</p>	
<u>Size</u>	
<u>Width, Clear</u>	4' min. {A}
<u>Depth, Clear</u>	3' min. {B}
<u>Height, Clear</u>	8' min. {C}
<u>Stories</u>	1 story max. {C}
<u>Finish Level above grade or sidewalk</u>	12" min. {D}
<u>Distance between façade and Lot Line</u>	Required setback {E}
<u>Notes:</u> <u>Stairs may be perpendicular or parallel to the building façade.</u> <u>Entry doors shall be covered or recessed to provide shelter from the elements.</u> <u>Doors shall face the street.</u> <u>The Stoop is allowed to encroach into the front and side street setbacks.</u> <u>Ramps are required to be integrated along the side of the building to connect with the Stoop.</u>	

E. Common Entry. The main façade of the building is near or set back from the front or side street lot line, with a covered entry within the main façade, providing a transition between the sidewalk and the interior. The entryway leads to a lobby or foyer that provides interior access to units.

Table 8-5: Common Entry

  <p>Setback ROW Street</p> <p>Setback ROW Street</p> <p>Key --- ROW/ Design Site Line --- Setback Line</p>	
<u>Size</u>	
<u>Width, Clear</u>	6' min. {A}
<u>Height to Canopy/Ceiling, Clear</u>	2.5 x Clear Width max.; min 9' {B}
<u>Finish Level above grade</u>	0" min.; 36" max. {C}
<u>Notes:</u> <u>Entry doors shall be covered and/or recessed to provide shelter from the elements.</u> <u>Gates are not allowed.</u> <u>Entry doors shall face the street.</u> <u>Canopy, where provided, shall be at least as wide as the opening.</u>	

19.08.060 GARAGE REQUIREMENTS

A. ~~Where Applicable.~~ The standards in this section apply as set forth in Table 8-4 below:

Table 8-4: ~~Garage Requirements, Where Applicable~~

Use	Single-Family Zones (R-S, R-1, R-2, R-2(A))	Multifamily Zones (UR3 and UR4)
Any residential dwelling provided a front or side-street setback exception (see EMC 19.06.030)	X	X
Small lot (4,500 sq. ft. or less) single-family dwelling	X	n/a

Use	Single-Family Zones (R-S, R-1, R-2, R-2(A))	Multifamily Zones (UR3 and UR4)
Two-family dwelling unit	X	n/a
Three- or four-family dwelling	X	n/a
Any dwelling within an historic overlay zone	X	X

BA. Garage Setbacks and Lengths. The purpose of these standards is to encourage residential character and lessen the visual prominence of garages along public street frontages where applicable.

1. See Chapter 19.34 EMC for access and driveway requirements, including the requirement to obtain access from an alley if available.

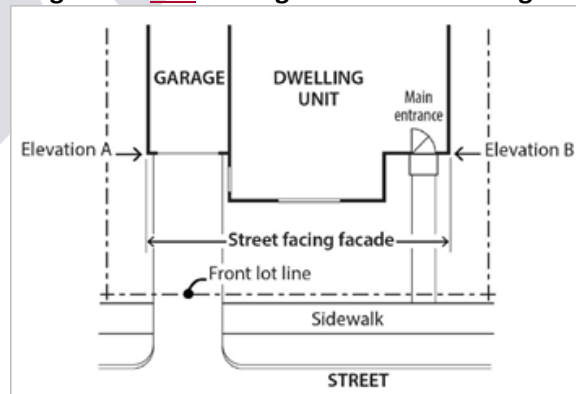
2. Except along alleys, all garage wall facades facing the street shall be set back a minimum of five feet behind the front wall of the primary building mass.

3. The length of the garage wall facade facing ~~the a public~~ street may be up to fifty percent of the length of the street-facing dwelling unit facade, except that a garage wall facade set back a minimum of twenty feet behind the front facade of the dwelling unit is allowed a two-car-wide garage facade of up to twenty feet. (See Figure 8-8 8-2 below.)

4. Where the public street-facing facade of the dwelling unit is less than twenty-two feet in length, an attached garage is prohibited as part of that facade.

5. Semi-subterranean garages are allowed to project above the adjacent finished grade by up to 4 feet.

Figure 8-8 8-2: Garage Setbacks and Lengths



~~19.08.070 COTTAGE HOUSING.~~

~~Cottage housing is a cluster of small detached dwelling units around a common open space.~~

~~A. Intent.~~

~~1. To provide an opportunity for small detached housing types clustered around an open space.~~

2. To provide centrally located and functional common open space that fosters a sense of community.
3. To provide semi-private areas around the individual dwellings to enable diversity in landscape design and foster a sense of ownership.
4. To ensure minimal visual impact from vehicular use and storage areas for residents of the cottage housing development as well as adjacent properties, and to maintain a single-family character along public streets.

Figure 8-9: Example Cottage Housing with Parking Off the Alley



B. Standards and Guidelines.

1. The standards for cottage housing are pursuant to Table 8-5 below:

Table 8-5: Cottage Housing Standards

Standard	Requirement
1) Density:	1 unit per 1,500 square feet
2) Maximum Gross Floor Area (dwelling):	1,500 square feet per dwelling
3) Maximum Gross Floor Area for Ground or Main Floor:	800 square feet per dwelling
4) Minimum Common Open Space:	250 square feet per dwelling (see subsection (B)(2) of this section)
5) Minimum Private Open Space:	200 square feet per dwelling (see subsection (B)(3) of this section)
6) Maximum Height:	25 feet subject to all parts of the roof above 18 feet shall be pitched
7) Setbacks (to exterior property lines):	Same as other residential uses in the respective zoning district
8) Minimum Distance Separating Structures (including accessory structures):	10 feet
9) Minimum Off-Street Parking Spaces:	See Chapter 19.34 EMC

Standard	Requirement
10) Clustering Groups:	Developments shall contain a minimum of 4 and a maximum of 12 dwellings located in a cluster group to encourage a sense of community among the residents. A development site may contain more than one cluster.

~~2. Common Open Space Requirements.~~

- ~~a. Shall abut at least fifty percent of the cottages in a cottage housing development.~~
- ~~b. Shall have cottages abutting on at least two sides of the common open space.~~
- ~~c. Cottages shall be oriented around and have an entry facing the common open space.~~
- ~~d. Cottages shall be within sixty feet walking distance of the common open space.~~

~~3. Required private open space shall be adjacent to each dwelling unit and for the exclusive use of the cottage resident(s). The private space shall be:~~

- ~~a. Usable (not on a steep slope).~~
- ~~b. Oriented toward the common open space as much as possible.~~
- ~~c. No dimension less than ten feet.~~

~~4. Cottage facades facing the common open space or common pathway shall feature a roofed porch at least eighty square feet in size with a minimum dimension of six feet on any side.~~

~~5. Parking shall be:~~

- ~~a. Located on the same property as the cottage development.~~
- ~~b. Screened from public streets and adjacent residential uses by landscaping or architectural screening.~~
- ~~c. Located in clusters of not more than five adjoining spaces (except where parking areas are adjacent to an alley).~~
- ~~d. Prohibited in front and interior yard setback areas.~~

~~6. A cottage housing development shall be designed to be visually and aesthetically compatible with the neighborhood. Consideration shall be given to review of proposed building materials, roof pitches, building forms, landscaping and open space in the approval process. The city may condition the project to address compatibility with adjoining neighborhood.~~

~~19.08.100 ACCESSORY DWELLING UNITS~~

~~A. The following table provides standards required for accessory dwelling units (ADUs). In the event there is a conflict between the provisions of this section or any other provision of the EMC, the provisions of this section shall control:~~

1

Table 8-6: ADU Standards

Subject	Standard
1) Lot Requirements:	No minimum lot size required.
2) Number of Units	Up to two ADUs per one principal dwelling unit. <u>Lot</u>
3) ADU Size:	An ADU shall not exceed a gross floor area of 1,000 square feet, except no maximum size for an ADU located within one floor of a principal dwelling unit.
4) Lot Coverage:	a) See applicable zone (Chapter 19.06 EMC). b) An additional 5% of the lot's ground area may be used for up to two accessory dwelling unit(s).
5) Maximum Height:	See Chapter 19.22 EMC.
6) Setbacks:	See Chapter 19.06 EMC.
7) Parking and Vehicle Access:	See city standards in EMC Title 13 and Chapter 19.34 EMC.
8) Historic Overlay:	Any ADU located within an historic overlay zone, and not located entirely within an existing principal dwelling unit, must also comply with the design requirements of the historic overlay and be reviewed by the city's historical commission with a recommendation to the planning director.

2 **19.08.110 RESIDENTIAL ACCESSORY BUILDINGS.**

3 The following requirements apply to all buildings which are accessory to residential uses in the ~~R-S, R-1,~~
4 ~~R-2, or R-2(A) NR or NR-C~~ zones:

5 A. Accessory buildings or uses may not be established until the principal dwelling or dwellings are
6 constructed on the lot.

7 B. Use of Accessory Buildings.

8 1. Detached accessory buildings are limited to accessory uses.

9 2. The following spaces are allowed within a detached accessory building: bathrooms, hobby
10 rooms, home occupations, home offices, recreation rooms, or laundry rooms. The following
11 rooms are not allowed in accessory buildings: bedrooms, ~~dining rooms,~~ or kitchens. ~~(See EMC~~
12 ~~19.08.100 regarding accessory dwelling units.)~~

13 C. General Standards. The following table is a summary of the standards required for residential
14 accessory buildings:

Table 8-76: Residential Accessory Building Standards

Subject	Standard
1) Maximum Size:	a) The footprint shall not exceed the lesser of 1) 15% of the total lot area; 2) 3,000 square feet; or 3) the dwelling's building footprint. I. Exceptions for Attached Garage. An attached garage constructed as an integral part of the dwelling is not included in this limitation. "Integral" means

Subject	Standard
	<p>that at least two sides, or a side and ceiling, of the garage abuts habitable space of the dwelling.</p> <p>II. Porches. Any porch, including any covered decks or patios which are an integral part of the porch are not considered an accessory building and subject to these provisions. See Chapter 19.06 EMC for lot coverage requirements.</p> <p>III. Exceptions for Other Structures. Up to 200 square feet of the following accessory buildings or structures are not included in the size calculations above: child's playhouse or treehouse, play structure, gazebo, doghouses, patio or garden trellis. This exception does not include sheds or other storage buildings.</p> <p>b) A detached accessory building(s) shall be compatible with the dwelling including roof pitch and building materials.</p> <p>c) If the city finds that the impacts of accessory buildings which are larger than 1,000 square feet will create noise, vibrations or impact privacy to adjoining properties in excess of what a smaller accessory building would create, the city shall have the authority to impose greater setback requirements, landscape buffers, or other requirements as necessary to mitigate the impacts.</p> <p>d) If the principal use is a housing type with maximum floor-to-area ratios (FAR), please see FAR limits that may affect the size of residential accessory buildings.</p>
2) Setbacks, Front and Side Street:	<p>a) Any accessory residential structure located within the rear setback area required for a principal dwelling shall have a minimum separation from the principal dwelling of 10 feet, not including eaves or other building appurtenances.</p> <p>b) See Chapter 19.06 EMC.</p>
3) Maximum Height:	See Chapter 19.22 EMC.
4) Design Standards:	<p>a) Metal siding or corrugated metal roofing material shall be prohibited on all accessory buildings with a gross floor area larger than two hundred square feet, unless materials similar in appearance are used in the majority of the principal building or if approved by the planning director.</p> <p>b) The planning director, using the review process described in EMC Title 15, Local Project Review Procedures, may allow accessory buildings with metal siding or corrugated metal roofing.</p>
5) Temporary Covers:	<p>Structures that are covered or partially covered with tarps, fabric, metal, plastic or any other similar type of materials shall:</p> <p>a) Be prohibited between any portion of the principal building and abutting streets. This prohibition shall apply to any area of the lot that is located between the street and a line that is parallel to the street and extended from any facade of the principal building that faces the street to the side lot line(s), or to the rear lot line on the street side of a corner lot; and</p> <p>b) Be immediately removed or repaired in the event of disrepair or in the event of damage caused by weather, fire, collision, accident or other forms of damage.</p>

Subject	Standard
6) Shipping Containers	Shipping containers or other similar storage units do not qualify as accessory buildings under this section and shall be prohibited in residential zones.

19.08.120 HOME OCCUPATIONS

~~A. Home occupations may be permitted in any residential zone provided such home occupations comply with the requirements of the zone in which the property is located and the following requirements:~~

~~1. Home occupations shall not occupy more than twenty-five percent of the total floor area of the residence, or six hundred square feet, whichever is less. Home occupations carried on within a dwelling shall be provided access to the work space through the dwelling only, with no direct access to the outside;~~

~~2. The occupation shall be carried on entirely within a residence or accessory building by the occupant thereof;~~

~~3. The home occupation may be located in the principal dwelling or in the accessory structure. If located in an accessory structure, the following regulations shall apply:~~

~~a. The area devoted to the occupation, as described in subsection (A)(1) of this section, shall be based upon the floor area of the dwelling only; and~~

~~b. Access to the work space may be directly from the outside;~~

~~4. No noise, dust, smoke, light, glare or odor shall be emitted other than is commonly associated with a residential use;~~

~~5. The occupation shall be conducted in such a manner as to give no outward appearance of a business nor manifest any characteristics of a business;~~

~~6. Occupations which shall be prohibited as home occupations include, but are not limited to:~~

~~a. Veterinarians;~~

~~b. Clinics;~~

~~c. Auto repair;~~

~~d. Auto sale;~~

~~e. Barber/beauty shops;~~

~~f. Real estate offices;~~

~~g. Offices with client visits;~~

~~h. Retail sales, on premises;~~

~~i. Any use of a nature which is similar to those listed in this chapter or which creates impacts on surrounding properties which are similar to those created by the uses listed herein;~~

~~7. There shall be no person other than a resident of the dwelling employed on the premises;~~

~~8. If the occupation is the type in which classes are held or instruction is given, there shall be not more than five students allowed in any one class or instruction period. Classes shall not exceed a total of twenty hours in any week;~~

~~9. No stock in trade shall be sold or displayed on the premises, and no equipment or materials shall be stored on any outdoor portion of the premises;~~

~~10. Parking of student, client or employee vehicles shall not create any hazard or congestion;~~

~~11. No receipt or delivery of products shall be permitted except as is commonly anticipated in residential areas. Commercial vehicle deliveries shall not exceed two per week. The gross vehicle weight of delivery vehicles shall not exceed eighteen thousand pounds;~~

~~12. No signs shall be allowed for home occupations; and~~

~~13. Home occupations shall comply with all other local, state and federal regulations pertinent to the activity pursued, and the requirements of or permission granted by this section shall not be construed as an exemption from such regulations.~~

~~B. Any person engaging in a home occupation shall register as a business with the city treasurer's office and shall be subject to the city business and occupations tax.~~

~~C. Garage sales shall not be considered to be a home occupation.~~

~~19.08.125 LIVE/WORK UNITS~~

~~A. Live/work units are built spaces that function as both work spaces and residences.~~

~~B. The multiple-family design guidelines do not apply to live/work units.~~

~~C. No portion of a live/work unit may be rented or sold as a commercial space for a person or persons not living on the premises, or as a residential space for a person or persons not working on the premises.~~

~~D. At least one resident in each live/work unit shall maintain at all times a valid city business license for a business on the premises.~~

~~19.08.130 BOARDING AND ROOMING~~

~~Repealed by Ord. 3896-22.~~

~~19.08.135 REASONABLE ACCOMMODATION.~~

~~A. Overview. This section establishes the application and review procedures by which the city will fulfill its obligations under the federal Fair Housing Act (FHA) and other federal or state laws.~~

~~1. The federal Fair Housing Act (FHA) requires local governments to make reasonable accommodations in the application of zoning regulations when such accommodations are necessary to afford a disabled individual an equal opportunity to use and enjoy a dwelling. The city is required to consider requests for reasonable accommodation. In addition, other state and federal laws prohibiting housing discrimination may apply under certain circumstances.~~

2. ~~In the event that a waiver or modification of zoning regulations in a given situation is required by a law other than the FHA, such waiver or modification shall be requested and reviewed using the procedures established in this section.~~

B. ~~Application Requirements.~~

1. ~~Requests for reasonable accommodation shall be submitted to the planning director, along with any applications fees required pursuant to Chapter 16.72 EMC, if any.~~

2. ~~The request shall include information as determined necessary by planning director to make a determination whether reasonable accommodation should be approved. Unless waived by the planning director, the applicant shall submit the following information:~~

a. ~~Name of property owner(s).~~

b. ~~The specific modification(s) of the Unified Development Code requirements requested in order to allow the reasonable accommodation.~~

c. ~~The nature of the disability or disabilities of the individual(s) for whom the accommodation is requested, and an explanation why the specific accommodation is necessary based on the disability.~~

d. ~~Such other information as may be determined by the planning director following either a preapplication meeting or review of a request for reasonable accommodation.~~

C. ~~Planning Director Approval.~~

1. ~~The following shall be taken into consideration in whether to approve a request for reasonable accommodation:~~

a. ~~Whether any adverse impacts would happen if the request for reasonable accommodation is approved based on the size of the dwelling and lot, traffic and parking conditions on the lot and in the surrounding area including streets, anticipated vehicle usage by residents and visitors, and any other circumstances the planning director determines relevant to determine adverse impacts.~~

b. ~~The applicant's need for accommodation in light of the anticipated land use impacts.~~

2. ~~If handicap eligibility and need for accommodation are demonstrated, the planning director shall approve an accommodation, unless the requested accommodation would make a dwelling available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.~~

3. ~~Any decision to grant reasonable accommodation applies specifically to the property identified in the decision, and may not be transferred to any other property.~~

D. ~~Other Provisions.~~

1. ~~Approval of reasonable accommodation permits a dwelling to be inhabited only according to the terms and conditions of the applicant's proposal and the director's decision.~~

2. If the planning director determines that the accommodation has become unreasonable because circumstances have changed or adverse land use impacts have occurred that were not anticipated, the planning director shall rescind or modify the decision to grant reasonable accommodation.

3. Eligibility for a reasonable accommodation under the Fair Housing Act does not relieve the owner, applicant and residents from the obligation to comply with all building, fire, land use and all other standards and regulations applicable under local, state and federal laws.

4. Any decision on a request for accommodation is unique to the specific circumstances related to the individual request and location. A decision issued for a specific property shall not establish a precedent that would be applicable to any other request for accommodation.

~~19.08.140 BED AND BREAKFAST HOUSE.~~

~~Repealed by Ord. 3896-22.~~

~~19.08.150 SHORT TERM RENTALS.~~

Short-term rentals shall comply with the following provisions:

A. License Required. A city business license is required to operate a short-term rental. No more than two short-term rental sites may be operated by any individual, marital group, a group of people, or a corporate entity such as an LLC, within the city.

B. Location. A short-term rental use may be located in a dwelling unit or an accessory dwelling unit. See EMC 19.08.100 for applicable accessory dwelling unit requirements, including owner occupancy if applicable.

C. Number of Guests. The total number of guests occupying a dwelling unit may not exceed eight on a site, including any site with an accessory dwelling unit.

D. Signs. No signs identifying the use as a short-term rental are permitted.

~~19.08.200 HOMELESS SHELTER AND HOUSING~~

A. Applicability.

1. This section applies to the following uses:

a. Emergency housing.

b. Indoor emergency shelter.

c. Outdoor emergency shelter.

2. This section shall not apply to:

a. Emergency or disaster situations as defined by RCW 38.52.010(9); provided, however, that the inability of a sponsor or managing agency to locate a site shall not be deemed to constitute an emergency or disaster.

~~b.—Placement of a tiny house or a tiny house with wheels used as a primary residence in a manufactured/mobile home community; provided, that each tiny house contains at least one internal toilet and at least one internal shower or the manufactured/mobile home community provides for the toilets and showers.~~

~~B.—General Provisions.~~

~~1.—Applications for facilities which provide shelter for survivors of domestic violence do not require notice to adjacent property owners.~~

~~2.—A religious organization may host individuals or families experiencing homelessness pursuant to RCW 35.21.915, including extreme weather shelters, on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings, subject to the conditions set forth in this section.~~

~~3.—The city may require an organization to enter into a memorandum of understanding for fire safety that includes inspections, an outline for appropriate emergency procedures, a determination of the most viable means to evacuate occupants from inside a site with appropriate illuminated exit signage, panic bar exit doors, and a completed fire water agreement indicating: (a) posted safe means of egress; (b) operable smoke detectors, carbon monoxide detectors as necessary, and fire extinguishers; and (c) a plan for monitors who spend the night awake and are familiar with emergency protocols, who have suitable communication devices, and who know how to contact the fire department.~~

~~4.—Management Responsibility Plan. Prior to or upon filing a land use application, the managing agency and sponsor shall prepare an emergency shelter management responsibility plan, which shall be included with their permit application. The management responsibility plan shall, at a minimum, address the details of the facility operations and responsibilities identified in subsections (B)(5) through (7) of this section. If children under eighteen are allowed in the facility, such as for family shelters, specific provisions must be identified in the management responsibility plan to ensure safety, security, and well-being of minors.~~

~~5.—Managing Agency Responsibilities.~~

~~a.—The managing agency and residents of the facility shall ensure compliance with state law and the Everett Municipal Code concerning, but not limited to, drinking water connections, solid waste disposal, human waste, electrical systems, and fire-resistant materials.~~

~~b.—The managing agency shall identify a person or persons as a point of contact for the Everett police department that is available at all times.~~

~~c.—The managing agency shall maintain an admission process that adequately provides for the safety and welfare of residents of the facility and the community, with particular attention to the safety of children and other vulnerable residents, and may include consideration of the applicant's sex offender status; the number and nature of the applicant's criminal convictions; the number and nature of the applicant's pending criminal cases; or active warrants issued for the applicant's arrest.~~

d. ~~The managing agency shall immediately contact the Everett police department if, in the opinion of staff or security, a person is a potential threat to the safety of residents of the facility or the community.~~

e. ~~The managing agency shall permit inspections of the facility by the city's code compliance officers, building inspector, permit services manager, fire marshal or their designee without prior notice. The managing agency shall implement all directives resulting from such inspections within the given compliance schedule.~~

f. ~~The managing agency shall submit an updated management plan to the appropriate city department within thirty days of any changes in operations that are covered in the plan.~~

6. ~~Transportation Plan.~~

a. ~~A transportation plan is required.~~

b. ~~The facility shall be located within one-half mile of transit service.~~

7. ~~Code of Conduct.~~ ~~The managing agency shall develop a shelter resident code of conduct agreement that addresses expected acceptable conduct during the resident's stay and shall submit the code in the management plan. The code of conduct shall, at a minimum, contain rules that limit adverse impacts within the shelter and the surrounding neighborhood. All residents of an emergency shelter are required to sign the code of conduct agreement, which shall be enforced by the managing agency.~~

8. ~~Additional Requirements for Applications Requesting Modification of Standards.~~ ~~The applicant may request in their application for standards that differ from those in this section only where the applicant submits a description of the standard to be modified and demonstrates how the modification would result in a safe facility under the specific circumstances of the application in accordance with EMC 15.02.140(D).~~

9. ~~Social services provided as part of an indoor emergency shelter, outdoor emergency shelter, or emergency housing facility are assumed to be provided only for residents of the facility. If social services will be provided on-site to nonresidents, the use must be reviewed and separately permitted under the appropriate approval process defined in Chapter 19.05 EMC.~~

C. ~~Standards for Outdoor Emergency Shelters.~~

1. ~~Duration.~~ ~~Outdoor emergency shelters may be approved for a period not to exceed one year. The permit shall specify a date by which the use shall be terminated, and the site returned to pre-shelter conditions. The planning director may grant extensions for up to one year each; provided, that all conditions have been complied with and circumstances associated with the use have not changed. A request for an extension should be submitted in writing no less than sixty days prior to the end of the expiration date of the permit to ensure continued operations.~~

2. ~~Maximum Size.~~

a. ~~Outdoor emergency shelters are limited to forty units per site.~~

~~b. The maximum number of residents within an outdoor emergency shelter is one hundred.~~

~~3. Setbacks.~~

~~a. Outdoor emergency shelters shall be located a minimum of forty feet from the property line of abutting properties. A lesser setback may be approved if the planning director determines there is sufficient vegetation, topographic variation, or other site conditions that obscure the site from abutting properties.~~

~~b. Outdoor emergency shelter units shall meet all setbacks required by the International Fire Code.~~

~~4. Fencing. Sight-obscuring fencing is required around the perimeter of the outdoor emergency shelter unless the planning director determines that there is sufficient vegetation, topographic variation, or other site conditions such that fencing would not be effective.~~

~~5. Lighting. Exterior lighting must be directed downward and contained within the outdoor emergency shelter.~~

~~6. Inspections.~~

~~a. The managing agency shall permit inspections of the outdoor emergency shelter by the Snohomish health district without prior notice and implement all directives of the health district within the time period specified by the health district.~~

~~b. The managing agency shall permit access by the Everett police department and Snohomish County sheriff, without prior notice, to the outdoor emergency shelter site at all times.~~

~~7. Other.~~

~~a. Units are limited to one hundred twenty square feet and must be spaced at least six feet apart;~~

~~b. Electricity and heat, if provided, must be inspected and approved by the city's building official;~~

~~c. Space heaters, if provided, must be approved by the city fire marshal;~~

~~d. Each unit must have a fire extinguisher;~~

~~e. Adequate restrooms must be provided, including restrooms solely for families if present, along with hand washing and potable running water to be available if not provided within the individual units, including accommodating black water.~~

~~**19.08.210 MANUFACTURED HOMES, MOBILE HOMES, TINY HOMES AND RECREATIONAL VEHICLES.**~~

~~A. Definitions.~~

1 ~~1. The definition of “manufactured home,” “mobile home,” “mobile home park subdivision,”~~
2 ~~“manufactured housing subdivision,” “mobile home park,” “manufactured housing community”~~
3 ~~or “manufactured/mobile home community” shall have the same meaning as set forth in RCW~~
4 ~~59.20.030.~~

5 ~~2. The definition of “designated manufactured home” or “new manufactured home” has the~~
6 ~~same meaning as set forth in RCW 35.63.160.~~

7 ~~3. “Recreational vehicle” means a vehicle which is (a) built on a single chassis; (b) four hundred~~
8 ~~square feet or less when measured at the largest horizontal projection; (c) designed to be self-~~
9 ~~propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as~~
10 ~~a permanent dwelling but as temporary living quarters for recreational, camping, travel, or~~
11 ~~seasonal use.~~

12 ~~4. “Tiny home,” “tiny house” or “tiny house with wheels” has the same meaning as set forth in~~
13 ~~RCW 35.21.686, which is a dwelling to be used as permanent housing with permanent provisions~~
14 ~~for living, sleeping, eating, cooking, and sanitation built in accordance with the state building~~
15 ~~code.~~

16 ~~5. “Tiny house communities” has the same meaning as set forth in RCW 35.21.686, which is~~
17 ~~real property rented or held out for rent to others for the placement of tiny houses with wheels~~
18 ~~or tiny houses utilizing the binding site plan process in RCW 58.17.035.~~

19 **~~B. Where Allowed:~~**

20 ~~1. Manufactured Homes, New or Designated. A new or designated manufactured home may be~~
21 ~~placed on any lot within the city in the same manner and meeting the same design and~~
22 ~~development standards as site built homes, factory built homes, or homes built to any other~~
23 ~~state construction or local design standards, subject to the following:~~

24 ~~a. The manufactured home must be set upon a permanent foundation, as specified by~~
25 ~~the manufacturer, and the space from the bottom of the home to the ground must be~~
26 ~~enclosed by concrete or a concrete product approved by the planning director which can~~
27 ~~be either load bearing or decorative;~~

28 ~~b. The manufactured home is thermally equivalent to the state energy code; and~~

29 ~~c. The manufactured home meets all other requirements for a designated~~
30 ~~manufactured home as defined in RCW 35.63.160.~~

31 ~~2. Manufactured Homes or Mobile Homes. A manufactured home or mobile home may be~~
32 ~~placed in a mobile home park subdivision, manufactured housing subdivision, mobile home~~
33 ~~park, manufactured housing community or manufactured/mobile home community that was~~
34 ~~legally in existence before June 12, 2008, as set forth in RCW 35.21.684.~~

35 ~~3. Recreational Vehicles or Tiny Houses:~~

36 ~~a. A recreational vehicle or tiny house may be used as a primary residence in a~~
37 ~~manufactured/mobile home community which was legally in existence before June 12,~~

2008, as set forth in RCW 35.21.684 if the recreational vehicle or the tiny house meets the following requirements:

(1) The recreational vehicle or tiny house meets fire, safety and other requirements of the city building official and fire marshal;

(2) The recreational vehicle or tiny house contains at least one internal toilet and at least one internal shower, or the manufactured/mobile home community provides toilets and showers for use of the recreational vehicle or tiny house's occupants.

b. A recreational vehicle or tiny house may be used as temporary where allowed pursuant to Chapter 19.05 EMC.

c. A recreational vehicle or tiny house may not be used as a primary residence within the city except as otherwise allowed above.

4. Tiny House Communities. See Chapter 19.05 EMC to see where tiny house communities are permitted.

19.08.220 SECURE COMMUNITY TREATMENT FACILITIES.

A. Essential Public Facilities. A secure community transition facility ("SCTF") is an essential public facility. In addition to complying with the city's requirements for a conditional use permit, the applicant for a SCTF shall comply with the city's siting process for essential public facilities.

B. Maximum Number of Residents. No SCTF shall house more than twelve persons, excluding resident staff.

C. Siting Criteria.

1. No SCTFs shall be allowed in or within the line of sight of the following specified uses, whether such uses are located within or outside the city limits. In or within the line of sight of any "risk potential activity" as defined in RCW 71.09.020, as amended, include, but are not limited to:

a. Public and private schools;

b. School bus stops;

c. Licensed day care and licensed preschool facilities;

d. Public parks, publicly dedicated trails, sports fields and playgrounds;

e. Recreational and community centers;

f. Churches, synagogues, temples and mosques;

g. Public libraries; and

h. Other risk potential activities identified by the Department of Social and Health Services.

~~2. The distance provided for line of sight shall be measured by following a straight line from the nearest point of the property parcel upon which the secure community transition facility is to be located, to the nearest point of the parcel of property or land use district boundary line from which the proposed land use is to be separated.~~

~~3. In order to assist in providing equitable distribution, there shall be a separation of one mile between an SCTF and any existing SCTF, jail, correctional facility, mental health facility, work release, pre-release or similar facility. (A "similar facility" includes, but is not limited to, Madison House, Everett Gospel Mission Men Shelter, Everett Gospel Mission Women and Children Shelter, Green House, Evergreen Manor and establishments providing similar services.)~~

~~D. Review Process III (Special Property Use/Conditional Use Permit). A conditional use permit Review Process III application for SCTF shall comply with all the permitting and procedural requirements pertaining to a conditional use permit Review Process III including those found under EMC Title 15.~~

~~E. Existing SCTFs. In the event a SCTF is legally sited in accordance with the provisions of this title, this does not preclude any subsequent siting of any risk potential activity described in subsection (C)(1) of this section within the line of sight.~~

~~F. When evaluating an application for a SCTF consideration shall also be given to those siting provisions provided in RCW 71.09.250(8).~~

19.08.300 ADMINISTRATIVE MODIFICATION OF DEVELOPMENT STANDARDS.

A. General. An applicant may propose and the planning director, using the review process described in EMC Title 15, Local Project Review Procedures, may allow an applicant to deviate from the development standards, provided the proposal satisfies the evaluation criteria of this subsection. In evaluating such a proposal, the planning director, using the criteria in subsection (C) of this section, shall determine if the alternative design or plan provides superior results to that which would be required by compliance with the development standards of this chapter.

B. Development Standards That Can Be Modified.

1. The following development standards in this chapter can be modified:

a. Any design or development standard regarding facade, window, door, roof, entrance or siding requirements.

~~b. Lot width requirements (REV II).~~

~~c. Landscape requirements.~~

~~d. Minimum size, location and design standards for on-site open space shared or private yards (REV II).~~

~~2. The following development standards cannot be modified:~~

~~a. Minimum lot size requirements.~~

~~b. Maximum density requirements.~~

~~c. Lot coverage requirements.~~

- d. ~~Floor area ratio (FAR) requirements.~~
- e. ~~Setback requirements.~~
- f. ~~Land division or owner occupancy requirements.~~
- g. ~~Home occupations prohibited.~~

C. Evaluation Criteria for Modification. See Chapter 15.03 EMC.

CHAPTER 19.09 – ~~MULTIFAMILY-URBAN~~ DEVELOPMENT STANDARDS

19.09.010 PURPOSE AND APPLICABILITY.

A. Purpose. The purpose of the requirements contained in this chapter is to:

1. ~~promote~~Promote a broad range of housing and commercial opportunities in the city ~~improve the livability of multiple-family housing, encourage development of single-family attached and multiple-family housing in Everett that enhances safety and creates an attractive environment for residents and which reinforces and enhances the desirable qualities of the city's neighborhoods.~~

2. Encourage building design that combines appropriate, compatible architectural scale with streetscape design and pedestrian amenities;

3. ~~To protect~~Protect less intensive zones and uses from impacts that could result from excessive mass and vertical scale of larger buildings. This objective can be accomplished by applying the standards in this chapter in conjunction with the building placement and height regulations in Chapters 19.06 and 19.22 EMC; and

4. Recognize that a flexible design approach providing a menu of options will result in buildings that are attractive, durable, and contribute to Everett's vitality as a communityimage.

B. Applicability.

1. The standards in this chapter apply to residential development within the UR4, UR7, MU4, MU7, MU15, MU25, and LI-MU zones~~multifamily zones (UR3 or UR4), commercial zones (NB, B, MU) and where allowed in industrial zones (LI1).~~

2. Exceptions. The following are excepted from the requirements of this chapter:

a. For development standards for detached one- and two-unit dwellings and any number of townhouses up to three stories in height, along with their accessory structures, refer instead to Chapter 19.08 EMC.

b. Minor exterior alterations, provided, however, the alteration shall meet the following:

i. The alterations to the exterior shall meet the applicable standards of this chapter;

ii. The alterations do not create a greater nonconformance unless otherwise allowed through modification of standards; and

iii. The alterations are not as a result in a change of use or occupancy (see subsection (B)(2)(c) of this section).

c. Interior alterations which do not change the exterior appearance of the building and/or site.

d. Change of use or occupancy which is either a minor exterior alteration or interior alterations; provided, however, that if the change in use or occupancy creates additional off-street parking or uses outdoor areas to conduct business or store materials, the development shall provide the following:

i. The development shall meet the parking requirements of this title, Chapter 19.34 EMC (Parking, Loading and Access Requirements) and, as required, Chapter 19.35 EMC (Landscaping) and Chapter 19.33 EMC (Streets, Sidewalks and Pedestrian Circulation); and

ii. Any building alteration includes weather protection as required by this chapter.

2. Conflicts. In the event of a conflict between these requirements and the standards of other sections of the Unified Development Code, these requirements shall control; provided, however, the requirements established as part of the creation of any historic overlay zone shall take precedence over any conflicting requirements in this chapter.

3. ~~Mixed Use Developments. When multifamily development is to be part of a mixed-use commercial development, the requirements contained herein shall apply to the multifamily development but may be modified by the planning director as needed to provide for the~~ For mixed developments refer to the following sections as applicable, provided that the Planning Director is authorized to interpret applicability to provide for reasonable accommodation of mixed-use and commercial development encouraged by the comprehensive plan-:

a. For development standards for detached one- and two-unit dwellings and any number of townhouses up to three stories in height, along with their accessory structures, refer to Chapter 19.08 EMC; and

b. For development standards for residential development other than detached one- and two-family dwellings and townhouses up to three stories in height, along with their accessory structures, refer to this Chapter 19.09 EMC; and

c. For development standards for nonresidential development, refer to EMC 19.09.200 through EMC 19.09.260

4. Future Phases. When ~~multifamily residential~~ development is proposed to be added as a later phase to an existing ~~multifamily~~ development which does not meet the requirements contained herein, the requirements contained herein shall apply, but may be modified by the planning

director as needed to provide for continuity between the existing and proposed phases of development.

5. UR4, UR7, MU4, MU7, MU15, MU25, and LI1 Zones. See EMC 19.09.200 through 19.09.260 for applicable development standards.

C. LI2 and HI Zones. See EMC 19.09.300 and 19.09.310 for applicable development standards.

D. The standards in this chapter apply primarily to building design. Refer to the following chapters in this title for additional regulations applicable to new development:

1. Chapter 19.06 EMC, Lots, Setbacks and Residential Densities.

2. Chapter 19.22 EMC, Building and Structure Heights.

3. Chapter 19.33 EMC, Streets, Sidewalks and Pedestrian Circulation.

4. Chapter 19.34 EMC, Parking, Loading and Access Requirements.

5. Chapter 19.35 EMC, Landscaping.

6. Chapter 19.36 EMC, Signs.

19.09.020 BUILDING FORM AND DESIGN STANDARDS.

~~A. Building Modulation.~~

~~1. See EMC 19.12.030 for standards that address finish floor levels and building modulation.~~

~~2. In addition to the requirements set forth in EMC 19.12.030, multifamily development outside of Metro Everett is required to have an additional five foot interior side setback for each ten feet or fraction thereof by which the building exceeds thirty five feet in height for only those portions of the building which exceed thirty five feet in height.~~

Figure 9-1: Multifamily Upper Floor Modulation Outside Metro Everett



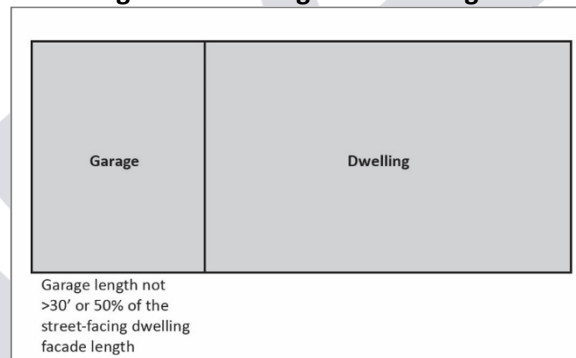
B. Facades.

1. See EMC ~~19.12.040~~ 19.09.210 for standards that address facade design, including vertical and horizontal articulation, facades longer than one hundred feet, blank walls, exposed fire walls, exterior building materials and street corner buildings.

2. ~~In addition to the requirements set forth in EMC 19.12.03040, residential development is required to have street-facing facades of residential buildings designed to look as a series of buildings no wider than fifty feet each.~~

3. ~~Garage Facades. The length of the garage wall facade facing the street may be up to fifty percent of the length of the street-facing dwelling unit facade, except the maximum length allowed is thirty feet if the garage wall facade is within twenty feet of the front or side-street lot line. Garage doors in facades facing streets may be up to 30' wide if garage door is within 20' of the lot line, otherwise 50% of facade width.~~ These standards do not apply to structured parking (see EMC ~~19.12.110~~ 19.09.230).

Figure 9-2: Garage Facade Length



4. ~~Side Facades Abutting Residential Zones. Balustrades of balconies and decks, not on the ground level, that are parallel to and within fifteen feet of an interior side setback shall be at least seventy-five percent opaque for properties in or abutting any residential zone.~~

C. Weather Protection. See EMC ~~19.09.240~~ 12.120 and ~~Table 12-4~~ for weather protection requirements.

D. Transparency. See EMC ~~19.09.250~~ 12.130 and ~~Table 12-4~~ for transparency requirements.

E. Structured Parking. If the residential development includes structured parking, see EMC ~~19.12.110~~ 19.09.230 for structured parking requirements.

19.09.030 BUILDING ENTRANCE REQUIREMENTS.

A. Pedestrian Access to Building Entrances.

1. Developments with exterior pedestrian circulation systems shall connect building entrances to the public sidewalk, off-street parking areas, common open space areas and other amenities, and alley where applicable.

2. The exterior pedestrian circulation system shall be a minimum of three feet wide for residential development with twenty or fewer units and five feet wide for more than twenty

units. The pedestrian system shall be designed to meet federal, state and local accessibility standards, and where adjacent to driveways and parking areas they shall be separated by landscaping, raised curbs at least six inches high, bollards, or other treatments as approved.

3. For multifamily developments with sixteen or fewer parking spaces, the pedestrian circulation system may be located within an auto travel lane.

4. Lighting and Landscaping Entrances. Entrances shall include walkways with lighting ~~and~~ landscaping, and wayfinding so that occupants and guests do not need to search for a location. Lighting shall be sufficient to identify faces from a reasonable distance and allow the pedestrians the opportunity to choose another route. See Chapter 19.35 EMC for landscaping requirements.

5. Ground level entrances within twenty feet of a public sidewalk shall provide landscaping or other measures (e.g., courtyard, patio or grade change) to create a transition between the living areas of the dwelling and the street.

B. Location.

1. All nonservice, exterior entrances must be visible from windows on other residential buildings within the development and/or public areas, such as common courtyards, parking areas, or public sidewalks.

Figure 9-3: Example of Building Without Main Entrance on Street-Facing Wall

Figure 9-3: Example of building without main entrance on street-facing wall

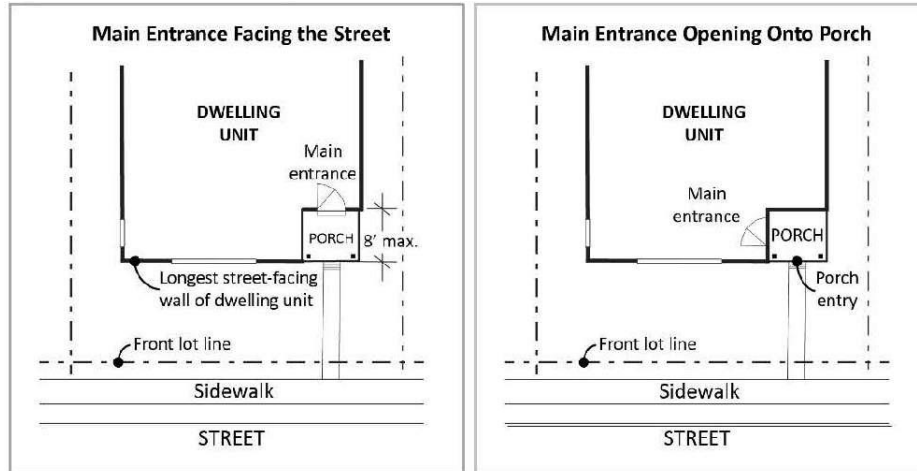


2. For buildings over five stories, a prominent entryway and lobby shall be provided.

3. At least one main entrance for each structure must:

- a. Be within eight feet of the longest street-facing wall of the structure; and
- b. Either: (1) face the street; (2) be at an angle of up to forty-five degrees from the street; or (3) open onto a porch that is at least sixty-four square feet in area, has at least one porch entrance facing the street, and has a roof that is no more than twelve feet above the floor of the porch.

Figure 9-4: Main Entrance Requirements



4. As an alternative to subsection (B)(3) of this section, an entrance to a multi-dwelling structure may face a courtyard if the courtyard-facing entrance is located within sixty feet of a street and the courtyard is at least fifteen feet in width, abuts a street and is landscaped or hard-surfaced for use by pedestrians.

C. Distance from Grade. The main entrance required by subsection (B)(3) of this section must be within four feet of average grade, measured at the outermost corners of the street-facing facade.

Figure 9-5: The Main Entrance Is More Than Four Feet Above Average Grade



1

2

3

4

5

6

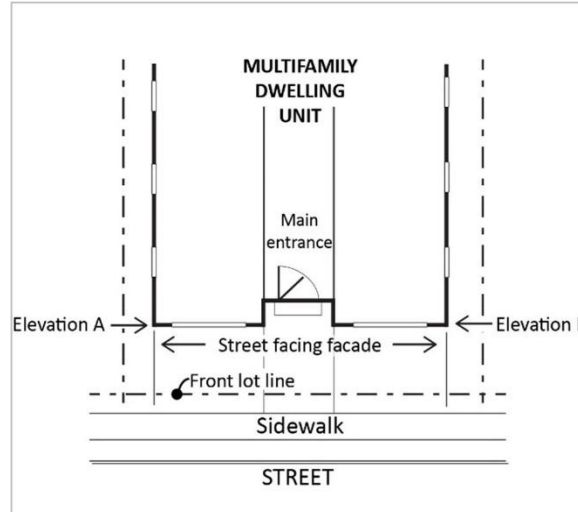
7

8

9

10

Figure 9-6: How to Measure Average Grade for Entrance Elevation



D. Exterior Stairs. Fire escapes and exterior stairs providing access to an upper level are not allowed on any facade that faces a street.

19.09.040 FRONT PORCHES.

~~Required Front porches, which are either required or allowed as an exception to setback requirements (see EMC 19.06.030)~~ are subject to the design standards outlined in EMC 19.08.050.

19.09.050 REQUIRED AMENITY SPACE, INCLUDING OUTDOOR AND COMMON AREAS.

A. Purpose and Intent. The required outdoor and common area standards for residential development ensure opportunities for healthy outdoor relaxation, recreation, ~~or~~ community gathering, and social interaction places. The standards ensure that some of the land not covered by buildings is of adequate size, shape, and location to be usable for outdoor recreation or relaxation. ~~Required Both indoor and outdoor areas are an important aspect in addressing for~~ the livability of a residential property. ~~The standards also allow for common area requirements to be met by indoor community facilities because they also provide opportunities for recreation and gathering.~~

B. Outdoor and Common Area Requirements.

1. Definitions or terms used in this section:

a. "Outdoor area" may be provided as private open space, such as a patio or balcony, or may be provided as common open space, such as outdoor courtyards and outdoor play area.

b. "Common area" may include outdoor common open space, or indoor common open space such as recreational facilities, indoor community rooms, or other community gathering places.

c. "Common open space" has the same meaning as set forth in EMC 19.04.030: "private open space provided within a development which is provided for, and which is permanently accessible to, all residents/tenants of the development."

d. "Open space" has the same meaning as set forth in EMC 19.04.030: "land area not covered by buildings, roads, driveway and parking areas, or outdoor storage areas, including, but not limited to, landscape areas, gardens, woodlands, walkways, courtyards or lawns, and outdoor recreation areas. Except as otherwise provided by this title, open space includes setback areas that meet the requirements defined in this title."

e. "Private open space" has the same meaning as set forth in EMC 19.04.030: "a small parcel of land or outside area (deck, lanai, patio) immediately adjacent to an individual dwelling unit maintained by and for its residents and reserved exclusively for their use."

f. "Amenity space" includes private open space, in addition to outdoor open space or indoor common area.

2. ~~Outdoor and common area~~Amenity Space is required in the amounts stated below. ~~Outdoor and common area requirements, as set forth below, are~~ based on unit size:

Table 9-1: ~~Outdoor and Common~~Amenity Space Area Requirements

Unit Size	Area Required:
Studio, or 1-bedroom, or sleeping unit	75 square feet per unit
2+ bedrooms	100 square feet per unit

3. Required Common Area.

For ~~multifamily~~ residential development with fifty or more units, at least twenty-five percent of the required amenity space area in subsection (B)(2) of this section shall be common area as further set forth below:

a. At least fifty percent of the required common area must be outdoor open space. Outdoor ~~areas~~open space may be passive or active, such as:

(1) Passive areas, such as outdoor courtyards, seating areas, tree groves, trails, or family picnic area with amenities such as landscaping, lighting, weather protection and other features that encourage use year-round;

(2) Active areas, such as tot-children's play area, hard surface game court, or outdoor swimming pool.

b. Up to fifty percent of the required common area may be indoor common area, such as indoor recreation facilities or indoor community rooms.

c. Common areas shall be centrally located so as to be near a majority of the dwelling units and constructed so as to be accessible to residents and visible from dwellings on the site. Active areas shall be separated from Evergreen Way or any freeway, including interchanges, by building mass and distance.

4. Minimum Size Standards.

a. Private open space shall be a minimum of ~~six~~four feet in any direction, no less than thirty~~six~~two square feet in area.

b. Common open space shall ~~be include area~~ a minimum of twenty feet in any direction, and total no less than four hundred square feet in area. ~~The c~~Common open space must be located to provide convenient and accessible access from the residential units.

5. Top floors and/or roof top decks may be used for up to one hundred percent of required outdoor area provided:

a. Amenities such as seating areas, landscaping, lighting, weather protection and other features that encourage use year-round, as approved by the planning director, are incorporated.

b. The space must have hard durable surfacing for all trafficked areas.

6. Off-street parking and loading areas shall not be considered as outdoor or common areas, nor as other amenity space as required by this section.

7. Expansion of Residential Development. Where an increase in the number of dwelling units for a residential development is proposed, common area shall be provided in accordance with the requirements of this chapter, minus the amount of common area by which the previous residential development was deficient.

8. When setback areas can be included in calculations:

a. Private open space located at ground level may extend into the required setback areas, subject to minimum size standards in subsection (B)(4) of this section, but when located within a required street setback, the outdoor area must either be at least two feet above the grade of the closest adjoining sidewalk or separated from the street lot line by a minimum three-foot setback landscaped to create privacy.

Figure 9-7: Example of Private Open Space in Front Setback



b. Common open space may include:

- (1) Interior side setback areas which are contiguous with other on-site common open space areas;

(2) Rear setback areas which are contiguous with other on-site common open space areas and which are not part of a street side setback area on corner lots.

9. Plans for amenity space, including outdoor and common areas, shall be submitted for review and approval of the planning director prior to issuance of building permits.

10. A payment in lieu of providing the common or private open space may be approved by the planning director.

a. The fee may be in lieu of up to fifty percent of the required on-site common or private open space; provided, that the fee may be in lieu of up to one hundred percent of the required on-site common or private open space where the subject property is within a half mile of an existing or planned public park or trail consistent with the Everett parks, recreation, and open space plan in effect at the time of application.

b. The fee per square foot of common or private open space not provided shall be equal to the average capital cost per square foot of neighborhood parks as identified in the capital facilities element of the comprehensive plan.

c. The payment shall be held in a reserve account by the city and may only be expended to fund a capital improvement for parks and recreation facility identified in the Everett parks, recreation, and open space plan in effect at the time of application.

d. The payment shall be expended in all cases within five years of collection; provided, that any payment not so expended shall be refunded with interest to be calculated from the original date the deposit was received by the city and at the same rate applied to tax refunds pursuant to RCW 84.69.100; however, if the payment is not expended within five years due to delay attributable to the developer, the payment shall be refunded without interest.

Table 9-2: Multifamily Open-Amenity Space Calculation (Example)

Large Project (50+ Units)			
Unit Size	# of Units	Area per Unit (sq. ft.)	Area Required (sq. ft.)
Studio	15	75	1,125
1-bed	15	75	1,125
2-bed	10	100	1,000
3+ beds	10	100	1,000
TOTALS	50		4,250
Common Area Required (25% <u>of total</u>)			1,063
Outdoor Area (<u>at least</u> 50%)			531
Indoor Area (<u>up to</u> 50%)			531
<u>Remaining amenity space to provide</u> (Private or Common Open Space)			3,188

Small Project (<50 Units)			
Unit Size	# of Units	Area per Unit (sq. ft.)	Area Required (sq. ft.)
Studio	10	75	750
1-bed	15	75	1,125
2-bed	10	100	1,000
3+ beds	10	100	1,000
TOTALS	45		3,875
<u>Common Area Required (25% of total)</u>			0
<u>Outdoor Area (at least 50%)</u>			0
<u>Indoor Area (up to 50%)</u>			0
<u>Remaining Amenity Space to Provide (Private or Common Open Space)</u>			3,875

19.09.060 OTHER REQUIREMENTS

The following requirements of this title also pertain to multifamily residential development:

A. Density. See Chapter 19.06 EMC for minimum and maximum density requirements for residential development.

B. Lot and Building Placement Requirements. See Chapter 19.06 EMC for building setbacks and exceptions, and minimum lot requirements if applicable.

C. Building Height. See Chapter 19.22 EMC for minimum and maximum building heights.

D. Landscaping and Trees. See Chapter 19.35 EMC for landscaping and tree requirements.

E. Off-Street Parking. See Chapter 19.34 EMC for off-street parking requirements.

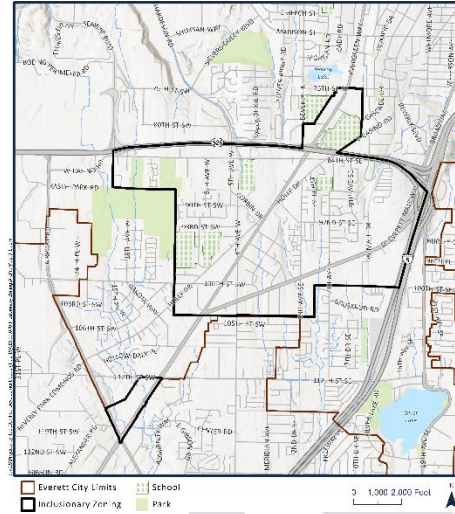
F. Streets, Sidewalks and Pedestrian Access Circulation. See Chapter 19.33 EMC for street, sidewalk and additional pedestrian access requirements.

19.09.070 Inclusionary zoning

A. Purpose. The purpose of this section is to address the need for affordable housing and to provide opportunities for low-income households to live near transit and employment.

B. Applicability. Inclusionary housing requirements shall apply to new residential development under this chapter within the area indicated in Map 9-1.

Map 9-1



C. Exemptions and reductions.

1. Inclusionary zoning requirements under this section are waived for:

- a. Projects resulting in fewer than six dwelling units.**
- b. Projects subject to a development agreement.**

2. Inclusionary zoning requirements under this section, including the alternative compliance fee in lieu, shall be reduced by half for projects resulting in at least six but no more than fifteen dwelling units.

D. Requirements.

1. At least twenty percent of the dwelling units must affordable to households whose income is at or below eighty percent of the median household income for Snohomish County, adjusted for household size;

2. Of the affordable dwelling units required under subsection (D)(1), at least one half must be affordable to households whose income is at or below sixty percent of the median household income for Snohomish County, adjusted for household size;

3. Dwelling units intended exclusively for owner occupancy: twenty percent of the units affordable to households whose income is at or below eighty percent of the median household income for Snohomish County, adjusted for household size;

4. Affordable housing units that are provided under this section shall remain as affordable housing for a minimum of 50 years, as provided in a recorded covenant running with the land. The covenant shall be approved by the Planning Director and filed for recording with the county auditor prior to the issuance of a certificate of occupancy for any applicable structure.

E. Review process. Prior to the issuance of any permit(s), the department shall review and approve the location and unit mix of the affordable housing units consistent with the following standards:

1 1. The location of the affordable housing units shall be intermingled with all other dwelling units
2 within the development, with no more than three affordable units next to each other.

3 2. The tenure (ownership or rental) of the affordable housing units shall be the same as the
4 tenure for the rest of the housing units in the development.

5 3. The bedroom mix of affordable housing units in any project shall be in the same ratio as the
6 bedroom mix of the market rate units of the project;

7 4. The floor area of the affordable housing units shall not be less than 90 percent of the average
8 gross floor area of the market rate units within the project with the same number of bedrooms;
9 and

10 5. The exterior materials, interior materials, and design of the affordable housing units must be
11 comparable with the other dwelling units in the development, with similarity in building finishes,
12 rooflines, and landscaping.

13 6. Construction of the affordable housing units shall be concurrent with the construction of
14 market-rate dwelling units

15 F. Alternative compliance. The Planning Director may approve a request for satisfying all or part of the
16 affordable housing requirements with a fee in lieu equal to fifteen dollars per square foot of gross floor
17 area subject to this section. A fee in lieu under this subsection may be deferred under subsection EMC
18 19.09.070(G).

19 G. Deferred fee in lieu. A fee in lieu under subsection EMC 19.09.070(F) may be deferred until six months
20 after a certificate of occupancy is issued for a dwelling unit subject to this section.

21 1. An applicant seeking a deferral under this subsection (G) may be required to grant and record
22 a deferred fee lien against the property in favor of the city in the amount of the deferred fee.
23 The deferred fee lien, which must include the legal description, tax account number, and address
24 of the property, must also be:

25 a. In a form approved by the city;

26 b. Signed by all owners of the property, with all signatures acknowledged as required for
27 a deed, and recorded in Snohomish County;

28 c. Binding on all successors in title after the recordation; and

29 d. Junior and subordinate to one mortgage for the purpose of construction upon the
30 same real property granted by the person who applied for the deferral of impact fees.

31 2. Upon receipt of final payment of all deferred fees for a property, the county, city, or town
32 must execute a release of deferred impact fee lien for the property. The property owner at the
33 time of the release, at the property owner's expense, is responsible for recording the lien
34 release.

35 3. The extinguishment of a deferred impact fee lien by the foreclosure of a lien having priority
36 does not affect the obligation to pay the impact fees as a condition of final inspection, certificate
37 of occupancy, or equivalent certification, or at the time of closing of the first sale.

H. Eligibility for multifamily tax exemption. Dwelling units satisfying the affordability requirements of this section may also satisfy the affordable housing requirements of Chapter 3.78 EMC.

19.09.100, MODIFICATION OF DEVELOPMENT STANDARDS.

~~An applicant may propose and the planning director, using the review process described in EMC Title 15, Local Project Review Procedures, may allow an applicant to deviate from certain development standards of this chapter, as provided herein, provided the proposal satisfies the evaluation criteria of this section. In evaluating such a proposal, the planning director shall determine if the alternative design provides equivalent or superior results to that which would be required by compliance with the development standards of this chapter.~~

~~A.—What Can Be Modified. The following standards can be modified:~~

- ~~1.—Building modulation.~~
- ~~2.—Facades (dwelling and garage).~~
- ~~3.—Building entrance requirements.~~
- ~~4.—Required outdoor and common area.~~

~~B.—Evaluation Criteria for Modification. See Chapter 15.03 EMC.~~

~~C.—Appeal of Planning Director's Decision. An appeal of the planning director's decision using this process shall be reviewed by the hearing examiner in accordance with EMC Title 15, Local Project Review Procedures. Substantial weight shall be given to the decision of the planning director in considering any appeal.~~

19.09.120, DESIGN REVIEW.

~~The planning director may engage the services of a licensed architect, or other licensed design professional when the director deems it appropriate and in the public interest, to provide recommendations in connection with the review of any project that:~~

- ~~A.—Is subject to any design standard or guideline established in this chapter; or~~
- ~~B.—Involves discretionary design-related decisions, such as a modification of design standards, authorized in this chapter; or~~
- ~~C.—Involves design-related decisions to implement building form and design standards set forth in EMC 19.09.020.~~

~~Recommendations of the architect or design professional shall be advisory only and shall not otherwise limit the director's authority to require changes in any project design to meet the design requirements of this title or the director's discretion to approve or deny requested modifications or apply discretionary design criteria.~~

19.09.140, AUTHORITY OF PLANNING DIRECTOR.

The planning director shall have the authority to disapprove, approve with conditions, or require the applicant to make design changes if he/she determines the design does not meet the design standards, guidelines or evaluation criteria of this title.

CHAPTER 19.12 – BUILDING FORM AND DESIGN STANDARDS

19.12.010, PURPOSE

The purpose of this chapter is to:

A. Encourage building design that combines appropriate, compatible architectural scale with streetscape design and pedestrian amenities;

B. To protect less intensive zones and uses from impacts that could result from excessive mass and vertical scale of larger buildings. This objective can be accomplished by applying the standards in this chapter in conjunction with the building placement and height regulations in Chapters 19.06 and 19.22 EMC; and

C. Recognize that a flexible design approach providing a menu of options will result in buildings that are attractive, durable and contribute to Everett's image.

19.12.020, APPLICABILITY AND USER GUIDE

A. General.

1. Unless otherwise indicated below, the development standards of this chapter apply to nonresidential development on properties in the following zones: UR3, UR4, NB, B, MU, LI1, LI2, HI.

2. For all mixed-use and multiple-family residential development in the above zones, the reader should first review Chapter 19.09 EMC, which will direct the reader back to this chapter for some development standards.

B. UR3, UR4, NB, B, MU and LI1 Zones. See EMC 19.12.030 through 19.12.140 for applicable development standards.

C. LI2 and HI Zones. See EMC 19.12.200 through 19.12.210 for applicable development standards.

D. The standards in this chapter apply primarily to building design. Refer to the following chapters in this title for additional regulations applicable to new development:

1. Chapter 19.06 EMC, Lots, Setbacks and Residential Densities.

2. Chapter 19.22 EMC, Building and Structure Heights.

3. Chapter 19.33 EMC, Streets, Sidewalks and Pedestrian Circulation.

4. Chapter 19.34 EMC, Parking, Loading and Access Requirements.

5. Chapter 19.35 EMC, Landscaping.

~~6. Chapter 19.36 EMC, Signs.~~

~~E. This chapter does not apply to properties with a zone designation of R-S, R-1, R-2, R-2(A), WRM or AG.~~

~~F. Exceptions. The following are excepted from the requirements of this chapter:~~

~~1. Minor exterior alterations, provided, however, the alteration shall meet the following:~~

~~a. The alterations to the exterior shall meet the applicable standards of this chapter;~~

~~b. The alterations do not create a greater nonconformance unless otherwise allowed through modification of standards; and~~

~~c. The alterations are not as a result in a change of use or occupancy (see subsection (F)(3) of this section).~~

~~2. Interior alterations which do not change the exterior appearance of the building and/or site.~~

~~3. Change of use or occupancy which is either a minor exterior alteration or interior alterations; provided, however, that if the change in use or occupancy creates additional off-street parking or uses outdoor areas to conduct business or store materials, the development shall provide the following:~~

~~a. The development shall meet the parking requirements of this title, Chapter 19.34 EMC (Parking, Loading and Access Requirements) and, as required, Chapter 19.35 EMC (Landscaping) and Chapter 19.33 EMC (Streets, Sidewalks and Pedestrian Access/Circulation); and~~

~~b. Any building alteration includes weather protection as required by this chapter.~~

~~G. Conflict with Other Provisions. In the event of a conflict between these standards and other sections of the Unified Development Code, these requirements shall control; provided:~~

~~1. The requirements for mixed-use and multifamily development established in Chapter 19.09 EMC shall control; and~~

~~2. The requirements established as part of any historic or design overlay zone shall take precedence over any conflicting requirements in this chapter.~~

19.09.20012.030 BUILDING FORM STANDARDS

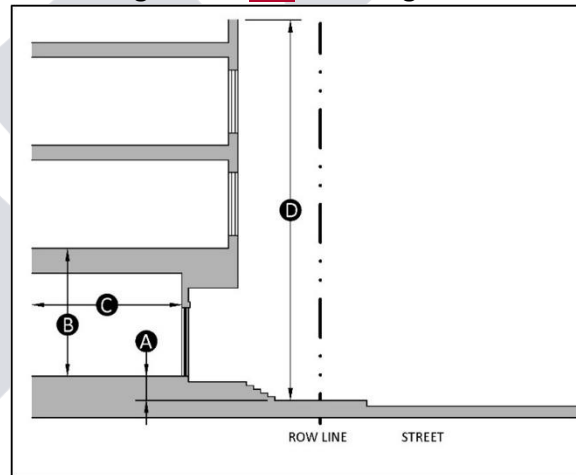
A. Finish Floor Levels and Building Depth. The requirements set forth in Table ~~12-1~~ 9-3 apply to the form of buildings in the city. These requirements include the ground floor finish level above sidewalk, height of ground floor ceilings, and depth of ground floor space.

Table ~~12-1~~ 9-3: Building Form Standards

Building Form	Illustration	UR3 <u>UR-4</u>	NB	B <u>UR-7</u>	MU Zones	LI-MU1
Finish Floor Level (ground floor)	A					
Residential					None <u>n/a</u>	

Building Form	Illustration	UR3 UR-4	NB	B UR-7	MU Zones	LI-MU1
Nonresidential		None n/a			6 inches maximum in Metro Everett only	
Ground Floor <u>Minimum</u> Ceiling Height (finish floor to finish floor)	B					
Residential		n/a	n/a	n/a <u>12 feet</u>	12 feet <u>minimum</u>	12 feet <u>minimum</u>
Nonresidential		n/a	n/a	n/a <u>15 feet</u>	15 feet <u>minimum</u>	12 feet <u>minimum</u>
<u>Minimum</u> Building Depth (ground floor)	C					
Depth		n/a <u>20 feet</u>	n/a	n/a <u>40 feet</u>	<u>50 feet</u> <u>40 feet</u> <u>minimum</u>	30 feet <u>minimum</u>
Height	D					
See Chapter 19.22 EMC						

Figure 12-1 9-8: Building Form



B. Building Modulation and Upper Floorplate Limits. The requirements set forth in Table 12-2 apply to upper floor modulation and upper floorplate area for buildings. Upper floor modulation is measured from the ground floor facade as placed on the property. The upper floorplate is the top floor of the building.

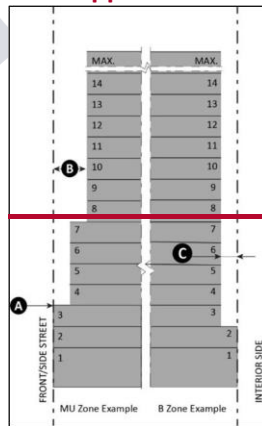
Table 12-2: Building Modulation and Upper Floorplate Limits

Modulation, Floorplate	Illustration	UR3 UR4	NB	B	MU	LI1
Upper Floor Modulation	12-2					
Front and Side Street						

Modulation, Floorplate	Illustration	UR3 UR4	NB	B	MU	LI1
Floors 4—5	A	n/a	10-foot minimum	10-foot minimum	10-foot minimum	10-foot minimum
Floors 6—7	A	10-foot minimum	n/a	n/a	n/a	n/a
Floors 8—11	B	n/a			10 feet from floors 4—5	n/a
Floors 12+	n/a				n/a	
Interior Side						
Floors 3—7	D	5-foot minimum	5-foot minimum	10-foot minimum	No minimum	n/a
Floors 8—11	n/a	n/a	n/a	n/a	No minimum(1)	
Floors 12+	n/a	n/a	n/a	n/a	No minimum(1)	
Upper Floorplate Area						
Floors 12+		n/a	n/a	n/a	12,000 sq. ft. maximum	n/a

(1) No minimum modulation requirement, but subject to Review Process II and compliance with vertical and horizontal modulation/articulation requirements.

Figure 12-2: Upper Floor Modulation



19.09.210 12-040 FACADE DESIGN (ARTICULATION, BLANK AND EXPOSED FIRE WALLS, EXTERIOR BUILDING AND FENCING MATERIALS).

Applicability of standards in this section is shown in Table 12-3 9-4. The standards in this section do not apply to the LI2 and HI zones.

Table 12-3 9-4: Facades—Development Standards Applicability

Standard	UR3 UR4	NB	B	MU UR	LI-MU1
Facades:					
A. Vertical articulation	X	X		X	
B. Horizontal articulation	X	X		X	
C. Facades longer than 100'	X	X	X	X	X
D. Blank wall standards	X	X		X	X
E. Exposed fire wall standard	X	X		X	X
F. Exterior building materials	X	X		X	X
G. Street corner buildings		X		X	

"X" indicates which standards are applicable in the respective zone

A. Vertical Articulation. Vertical articulation is required to distinguish the building's top, middle, and ground story of front and side street (corner) facades. Examples of vertical articulation include stone or masonry bases, belt courses, cornice lines, parapets, lintel beams, entablatures, friezes, awnings or canopies, changes in materials or window patterns, recessed entries, or other architectural treatments.

1. Buildings that are between three and eight stories shall meet the following design requirements:

a. Have a form that includes a ground floor/podium, and middle/upper stories. The architectural forms and finishes should reflect the different sections of the building.

Figure 9-9: Form for buildings between three and eight floors



2. Buildings that are nine floors or more shall have a form that includes a ground floor/podium stories, middle stories, and upper stories. Stories can be distinguished through different architectural materials and cladding, façade articulations and modulations, and window sizes and types.

Figure 12-3 9-10: Example of Vertical Articulation Form for buildings nine stories and higher



3. Buildings that are nine floors or more shall include at least three distinctive forms including horizontal and vertically articulated components that shall be provided on all sides of the building such as:

- a. layered building forms;
- b. wall plane offsets;
- c. facade articulations;
- d. material changes; and
- e. window fenestration pattern changes.

B. Horizontal Articulation. Horizontal articulation is required to visually break up the massing of the ground floor of the front and side street (corner) facades into segments no greater than twenty-five feet in width. Examples of horizontal articulation include bays, mullions, columns, piers, pilasters, recessed entries, awnings, or other architectural treatments.

C. Facades Longer Than One Hundred Feet. Building facades longer than one hundred feet in width must utilize a combination of vertical and horizontal articulation with a change in building materials, finishes, and/or fenestration technique. See Chapter 19.09 EMC for additional standards applicable to **multifamily** residential buildings.

D. Blank Walls. Blank walls at the ground floor are prohibited and shall be designed with windows, doors, architectural elements, murals, landscaping or other treatments as approved by the planning director.

E. Exposed Fire Walls. Exposed fire walls visible from a street or open space shall have material, color, and/or textural changes, as approved by the department, which adds visual interest to the wall.

F. Exterior Building Materials.

1. Exterior insulating finishing systems (EIFS) are prohibited on the ground floor of front and side street (corner) facades.

2. EIFS, where employed, shall be trimmed in wood, masonry, or other approved materials, and shall be sheltered from weather by roof overhangs or other methods.

3. Exposed standard and/or fluted concrete masonry units (CMUs) are prohibited above the basement level on front and side street (corner) facades.

4. Exposed CMUs employed at the ground level or higher on front and corner side facades shall be split, rock- or ground-faced.

5. Metal siding shall have visible corner moldings and trim, and shall incorporate masonry or other similar durable materials at the ground level.

6. Prohibited Materials. The following materials may not be used on any exterior surface which is visible from any area beyond the subject property:

a. Mirrored glass and other highly reflective materials.

b. Corrugated fiberglass.

c. Chain link fencing, except for temporary purposes, such as during construction.

d. Textured or scored plywood, including T-111 or similar plywood, and sheet pressboard.

7. Exterior metal surfaces shall be protected from corrosion and leaching by at least one of the following:

(1) Painting or other impermeable coating; and/or

(2) Metallurgical properties.

G. Street Corner Buildings. ~~Corner sites, in addition to other design elements required by this code, shall employ corner building articulations such as rounded or chamfered corners, prominent corner facing building entrances, public plazas, or other distinctive corner treatments as approved by the planning director. Buildings on corner lots with at least two elevations facing public rights-of-way a should emphasize their facades through the inclusion of prominent and visually engaging design features.~~

1. Buildings located on corner lots shall incorporate two or more of the following features:

a. Cropped building corner with a special entry feature such as a covered porch or overhang; entrances should be oriented at a 45 degree angle to encourage pedestrian access from both the principal street and secondary street.

b. Distinctive facade articulations such as cantilevers, overhangs, and turrets;

- c. Window features such as bay windows or bow windows;
- d. Decorative use of building materials such as stone, tile, or stucco at the corner;
- e. Features such as murals, and public art;
- f. Decorative building-mounted lighting features;
- g. Corner plazas, patios, outdoor seating areas, and landscape features; and
- h. Other decorative elements at the discretion of the Planning Director.

19.09.220 ~~12.100~~ DESIGN STANDARDS AND STREET DESIGNATIONS

Some building and site design standards are based on the designation of adjacent streets. Table ~~12-4~~ 9-5 lists the design standards that are different based on the applicable street designation. To determine the street designation for an individual property, see Map 33-1 in Chapter 19.33 EMC. The table applies in conjunction with the detailed standards in the following sections, in addition to other standards in this title as follows:

19.12.110 19.09.230 —	Structured Parking Frontage and Setback Standards
19.12.120 19.09.240 —	Weather Protection
19.12.130 19.09.250 —	Transparency
19.22.020 —	Minimum Building Heights
19.33.030 —	Public Sidewalk Standards
19.33.040 —	Public Sidewalk Treatments

Table ~~12-4~~ 9-5: Structured Parking, Weather Protection, Transparency, Sidewalk Requirements and Building Height by Street Designation

Standard:	STREET TYPE DESIGNATION (see Map 33-1)				
	TOD	PEDESTRIAN	CONNECTOR	RESIDENTIAL MIXED USE	UNDESIGNATED
Structured Parking Frontage Standards	See EMC 19.12.110 19.09.230 . Standards below are maximum distance a parking structure at the ground floor may occupy on various street designations.				
Structured parking integrated with other building (accessory use)	10% of front <u>street-facing</u> building facade	25% of front <u>street-facing</u> building facade	50% of front <u>street-facing</u> building facade	50% of front <u>street-facing</u> building facade	50% of front <u>street-facing</u> building facade ⁽³⁾
Standalone parking structure (principal use)	25'	25'	50'	75'	100' ⁽³⁾
Structured Parking Setback Standards	See EMC 19.12.110 19.09.230 .				

Standard:	STREET TYPE DESIGNATION (see Map 33-1)				
	TOD	PEDESTRIAN	CONNECTOR	RESIDENTIAL MIXED USE	UNDESIGNATED
Front, side and rear(1)	See underlying zone setback requirements and limits on frontage set forth above				
Below grade	0'				
Weather Protection	See EMC 19.12.120 19.09.240				
Length, minimum	90% of front building facade	75% of front building facade	45% of front building facade		Same width as entrance
Depth, minimum	8' from front building facade	6' from front building facade			3' from front building facade
Height above sidewalk	8' minimum 15' maximum				
Transparency	See EMC 19.12.130 19.09.240				
Percent comprised of windows and/or doors with clear glass (2'— 10' 8')	90%	60%	45%	45%	See blank walls (EMC 19.12.040 19.09.210)
Sidewalk Standards	See EMC 19.33.030				
Frontage zone width	2' minimum 6' desirable	2' minimum 6' desirable	None	None	None
Ped clear zone width	8' minimum 10' desirable	8' minimum	6' minimum	per city engineer	per city engineer
Landscape/furniture zone width	6' minimum 8' desirable	6' minimum	6' minimum	4' minimum	per city engineer
Total minimum width	16' minimum	16' minimum	12' minimum	10' minimum	per city engineer
Sidewalk Treatments	See EMC 19.33.040				
At least 2 treatments:	Required	Required	Required	N/A	N/A
Minimum Building Height	See EMC 19.22.020(B)(2)				
Principal building	2—4 floors	N/A	N/A	N/A	N/A
Accessory building	No minimum	N/A	N/A	N/A	N/A

- 1 (1) Structured parking garages accessed from the rear with no internal turnaround shall be set back at
- 2 least twenty-five feet from the far side of the alley, except as otherwise approved by city engineer.
- 3 (2) Refer to Chapter 19.22 EMC for additional building height standards.
- 4 (3) Applicable only within ~~Metro Everett~~ Mixed-Use Centers.

19.09.230 ~~12.110~~ STRUCTURED PARKING

The following requirements apply to any structure that includes parking of vehicles. For access and surface parking requirements, please see Chapter 19.34 EMC. Modification of these standards is subject to Review Process II outlined in Chapter 15.02 EMC, and evaluation criteria in Chapter 15.03 EMC.

A. Setback and Street Frontage Standards. The setback and street frontage standards set forth in Table ~~12-4~~ 9-5 apply to all structured parking. The frontage standards apply to the ground floor of that portion of a structured parking facility twenty feet in depth measured perpendicular to ~~the front~~ and side (street) lot lines. The frontage standards include any access driveways, if allowed.

Figure ~~12-4~~ 9-11: Structured Parking Standards



B. Structured Parking Design.

~~1. Structured parking must be designed to obscure the view of parked cars. Where structured parking is provided on the ground level adjacent to the sidewalk to accomplish this, features such as planters, decorative grilles, or works of art shall be provided as approved by the city.~~

~~2. Where the structured parking wall is built to the sidewalk edge, the facade shall use a combination of artwork, grillwork, special building material treatment/design, and/or other treatments as approved by the city that enhance the pedestrian environment. In order to meet transparency requirements, structured parking can incorporate openings with grillwork or other treatments to resemble windows.~~

~~3. Structured parking levels above the ground floor shall use articulation treatments that break up the massing of the garage and add visual interest.~~

Structured parking is prohibited between buildings and streets. Parking shall be situated behind, beneath, above, or beside buildings.

a. Above ground parking structures shall have an exterior facade that complements the primary structure. This can be done through facade articulation, architectural elements, color, and elements that break up the massing of the parking structure.

b. At least two of the following features shall be used to screen above grade parking structures from the street or adjacent properties:

(i) Louvers.

(ii) Expanded metal panels.

(iii) Decorative metal grills.

(iv) Spandrel (opaque) glass.

(v) Significant landscaping which uses a combination of trees and evergreen shrubs.

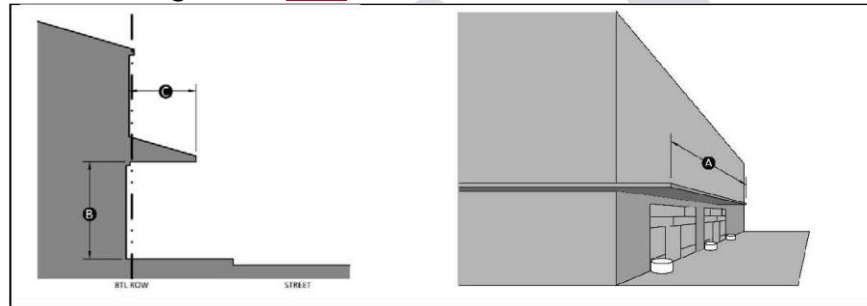
(vi) Public art or decorative installations.

(vii) Other methods may be proposed that meet the intent of this guideline.

19.09.240 ~~12.120~~ WEATHER PROTECTION

A. General Requirements. Weather protection, such as an awning, shall be required on any building facade fronting a public street as set forth in Table ~~12-4~~ 9-5.

Figure ~~12-5~~ 9-12: Weather Protection Standards



B. Design Requirements.

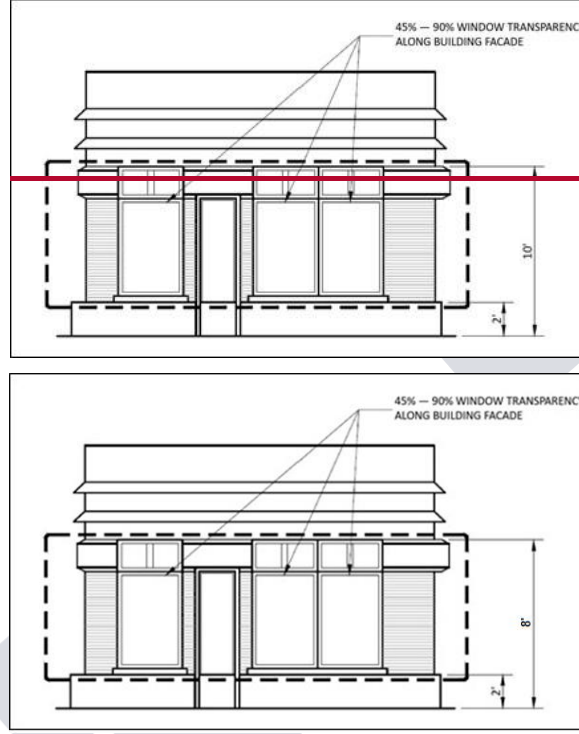
1. Weather protection shall be supported by the building if projected over public sidewalks.
2. All frames and supports must be made of metal or similar rigid material. Frames and supports made of wood are allowed within the ~~UR3 and UR4~~ zones. Other materials are prohibited unless approved by the planning director.
3. The entire width of the main entrance to a building shall incorporate weather protection.

C. Recessed entries with weather protection may count towards meeting the standards in Table ~~12-4~~ 9-5 above.

19.09.250 ~~12.130~~ BUILDING TRANSPARENCY

Transparent windows or doors, on the ground floor and facing the street, are required as set forth in Table ~~12-4~~ 9-5 below; provided, however, that these standards do not apply to structured parking. Transparency measurements are done on the ground floor of the street facade, between two and ten feet above grade. See Figure ~~12-6~~ 9-13 for how this is measured.

Figure 12-6 9-13: Transparency Requirements



19.09.260 12-140 SPECIAL DESIGN STANDARDS

The following site and design requirements apply to development that includes one or more of the design features in subsection (A), (B) or (C) of this section, or where development abuts a residential zone along a rear property line, as required under subsection (D) of this section.

A. Building Entrances. Applies to Metro Everett ~~and NB zones~~ only. The main entrance to each structure must face the street, courtyard, or plaza. The entire width of main entrances shall incorporate weather protection as outlined in Table 12-4 9-5 and EMC 19.12.120 19.09.240.

B. Recessed Entries. Applies to Metro Everett ~~and NB zones~~ only.

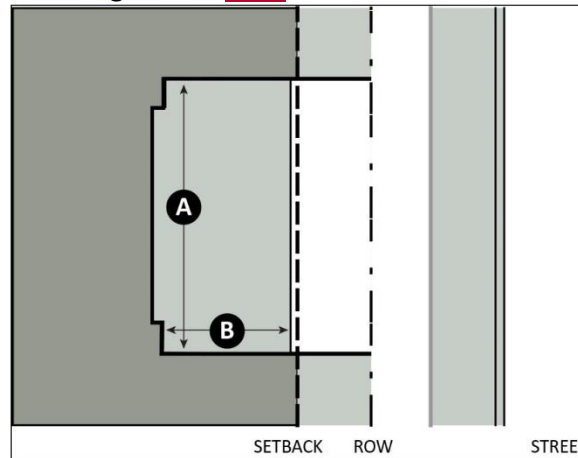
1. Any entrance that is set back more than three feet from the front building facade shall comply with the standards set forth in Table 12-5 9-6 below.

Table 12-5 9-6: Recessed Entries

Standard	Illustration	Measurement
Width of Recessed Entry	A	3 feet minimum. Where depth exceeds 4 feet, width shall be 2x depth.
Depth of Recessed Entry	B	3 feet minimum

Standard	Illustration	Measurement
Height Clearance		8 feet minimum

Figure 12-7 9-14: Recessed Entries



2. Metro Everett. For buildings within Metro Everett that are constructed to the edge of a public sidewalk, the entry shall be recessed in accordance with the requirements of this section.

C. Plazas and Forecourts. The standards in this subsection apply only to the MU zone within Metro Everett.

Description: A forecourt or plaza is where all or a portion of the front facade of a building is set back ten feet or more from the front setback line, creating a space without buildings of at least one hundred forty-four square feet along the lot frontage. For the purpose of these design standards, plaza and forecourt are further defined below.

1. Plaza. A plaza is a public space that is designed for intensive public use. A plaza is more than nine hundred square feet in area.

2. Forecourt. A forecourt is a small court space which could be used as an entry court or shared garden space for apartment buildings, or as an additional shopping or restaurant seating area within commercial zones. A forecourt is less than nine hundred square feet in area but more than one hundred forty-four square feet.

3. Any plaza or forecourt meeting the description in subsection (C)(1) of this section shall meet the standards in Table 12-6 9-7 and subsection (C)(4) of this section.

Table 12-6 9-7: Plaza and Forecourt Standards

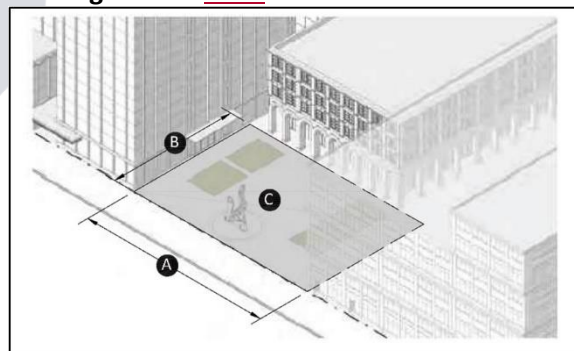
Standard	Illustration	Forecourt	Plaza
Width, minimum	A	12 feet	30 feet
Depth, minimum	B	12 feet	30 feet
Size, area (minimum)	C	144 square feet	900 square feet

Standard	Illustration	Forecourt	Plaza
Size, area (maximum)	C	900 square feet	25% of lot area

4. Plaza and Forecourt Design Standards.

- a. A plaza or forecourt shall include architectural or other site design features along the front setback line. Examples include landscape planters, distinctive change in pavement color or type, sitting walls, etc. These features shall generally be no higher than thirty-six inches above the adjacent sidewalk.
- b. A plaza or forecourt shall be surfaced with high quality, durable impervious or semi-pervious materials, such as concrete, brick, or stone pavers, covering no less than seventy-five percent of the surface area. Any nonpaved area of the plaza must be landscaped.
- c. A plaza or forecourt shall feature paths, landscaping, seating, lighting, public art and/or other pedestrian amenities to make the area more functional and enjoyable.
- d. A plaza of two thousand square feet or more in area must be designed to include one or more central markers, such as a fountain or sculpture.
- e. Circulation within the plaza or forecourt shall connect pedestrians to public streets on which the plaza abuts and major design features of the plaza, such as seating areas or open air cafes.
- f. A plaza or forecourt may not contain driveways, parking spaces, passenger drop-offs, garage entrances, loading berths, exhaust vents, mechanical equipment, or refuse and recycling storage.

Figure 12-8 9-15: Plaza and Forecourt



D. Design Standards for Development Abutting Residential Zone Along Rear Property Line. Any new development exceeding fifteen thousand square feet of gross floor area in the ~~NB, B, MU zones~~, or the LI-MU zone which abuts a residential zone shall provide plans to demonstrate visual compatibility with the adjacent residential zone. Development subject to this requirement shall provide plans and demonstrate the following:

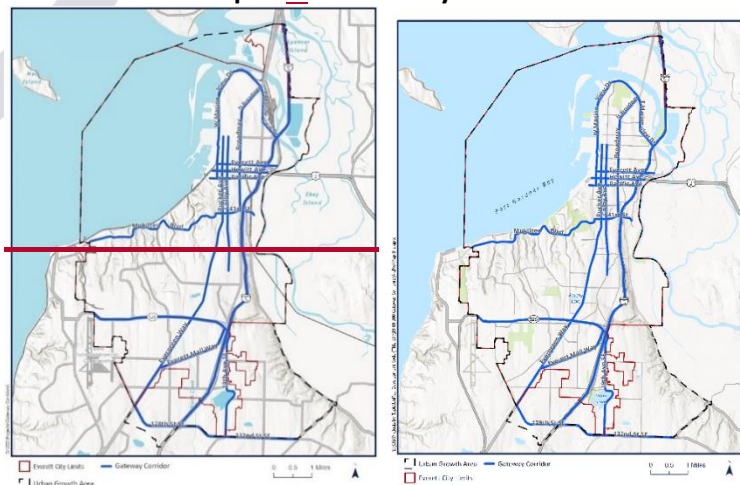
1. The rear side of the building visible from the adjacent residentially zoned property shall be given architectural treatment using two or more of the following:
 - a. Visible rooflines;
 - b. Windows;
 - c. Secondary entrances;
 - d. Balconies;
 - e. Use of brick and/or stone on at least ten percent of the building facade that faces the alley; or
 - f. Awnings.

19.09.300 ~~12.200~~ BUILDING DESIGN STANDARDS APPLICABLE TO THE LI~~2~~ AND HI ZONES.

A. Applicability. The following standards apply to development of properties located within the LI~~2~~ and HI zones. For properties located within the airport/port/navy compatibility overlay zone, see Chapter 19.17 EMC for additional use and development standards. For properties located within shoreline jurisdiction, see the city's shoreline master program for additional permitting requirements. The design standards in this section apply when any of the following criteria are met. These standards are applicable only to the facade or portion(s) of the building meeting any of the following criteria:

1. The proposed building(s) faces, abuts and is visible from a designated gateway corridor street and is located within four hundred feet of a gateway corridor street. See Map ~~12~~ 9-1;
2. The proposed building(s) faces, or abuts and is visible from a residentially zoned property; or
3. The proposed building(s) abuts a shoreline public access trail, or is visible from publicly accessible navigable waters (e.g., Port Gardner Bay, Snohomish River).

Map ~~12~~ 9-1: Gateway Corridors



B. Building Design.

1. Building Materials. Prefabricated metal buildings and buildings with corrugated metal siding shall be prohibited. Exterior building materials shall be selected so as not to project or reflect natural or artificial lighting or glare into residential areas. Building exterior materials shall be factory finished, stained, integrally colored, or otherwise suitably treated. Materials may include:

- a. Split face or fluted concrete masonry units (CMU).
- b. Factory glazed concrete masonry units (CMU).
- c. Face brick.
- d. Stone veneer.
- e. Insulated glazing and framing systems.
- f. Architectural pre-cast concrete.
- g. Painted or stained site-cast concrete.
- h. Architectural concrete.
- i. Factory finished, standing seam metal roofing (for application to pitched roof systems only).
- j. EIFS.
- k. Architectural metal. Do not use glossy metal.

2. Building Articulation Standards. Buildings with exterior walls greater than sixty feet in length in the LI2 zone and one hundred feet in length in the HI zone shall be required to provide architectural modulation, in accordance with the following standards:

- a. Vertical Articulation. Vertical articulation is required to distinguish the building's upper and lower levels of front and side street (corner) facades. Examples of vertical articulation include cornice lines, awnings or canopies, changes in materials or window patterns, recessed entries, reveals, or other architectural treatments.
- b. Horizontal Articulation. Horizontal articulation is required to visually break up the massing of the ground floor of the front and side street (corner) facades into segments no greater than sixty feet in width for the LI2 zone and one hundred feet in width for the HI zone. Examples of horizontal articulation include bays, mullions, columns, piers, pilasters, recessed entries, awnings, or other architectural treatments.
- c. The planning director may allow use of other methods to achieve the intent of the vertical/horizontal articulation standards. This includes use of landscaping which breaks up flat expanses of building walls, or a combination of techniques providing the desired effect.

3. Building Entrance and Window Design.

- a. Building Entrances. Primary building entrances should be easily identifiable and relate to human scale.

(1) Locate main entrances to be clearly identifiable from primary driveways and drop-offs. For example:

(A) Design building entrances to contrast with the surrounding wall plane.

(B) Consider tinted glass, painted doors, or recessed features that will create a shaded effect.

(C) Create a frame around doorways by changing materials from the primary facade material.

(2) All building entrances shall be well lit. Consider using building entranceways as a transition from the building to the ground. Incorporate walls, terraces, grading and plant materials to accomplish this transition.

b. Ground Floor Windows. A minimum of thirty percent of the portion of the facade abutting office and commercial uses that are contained within the industrial use shall be comprised of windows with clear, "vision" glass.

19.09.310 ~~12.210~~ ADDITIONAL STANDARDS APPLICABLE TO THE LI2 AND HI ZONES.

~~A. On-Site Open Space. On-site open space is required for all developments within the LI2 zone on lots five acres or greater in area. On-site open space is not required in the HI zone. For lots less than five acres that were created through a binding site plan, the open space requirement applies if the originating or parent parcel was at least five acres in area prior to the binding site plan. On-site open space shall be provided in accordance with the following standards:~~

~~1. There shall be provided on each lot a minimum open space area or areas, containing at least twenty percent of the lot area, in accordance with the following:~~

~~a. All of the required open space shall be landscaped, as required by this chapter, provided in natural open areas, or improved with passive or active recreational facilities.~~

~~b. The required building setback areas and the building landscaping required by Chapter 19.35 EMC may be included in the calculation of required open space.~~

~~c. Driveways, loading areas, outdoor storage, parking lots and the interior landscaping required in parking lots shall not be considered as satisfying the open space requirements.~~

~~d. Exception: Critical areas and their buffers may be used to satisfy up to fifty percent of the required open space.~~

~~B.~~ Site Design.

1. Buildings, walls, and landscaping should be arranged to screen less visually aesthetic components necessary for industrial development, including loading and service bays, outdoor bulk storage areas, trash enclosures, mechanical equipment, and noise and odor producing facilities. Service areas and bulk storage should be screened from view of public right-of-way and screened with compatible architectural features and walls, and/or dense landscaping.

2. Trash enclosures should not be visually prominent from the public view of the site.

C. Performance Standards. All permitted uses must address the generation of nuisance irritants such as noise, smoke, dust, odor, glare, visual blight or other undesirable impacts during the review process for establishing, expanding or modifying the use. The city shall have the authority to impose conditions necessary to ensure mitigation of potential nuisance impacts, including redesign of the project, when located in proximity to residential uses.

D. Lighting and Glare in Central Waterfront Planning Area. Development within the Central Waterfront Planning Area (see Map ~~12~~ 9-2) is required to meet the site lighting standards in this subsection.

1. Intent. The intent of this provision is to encourage the use of lighting as an integral design component to enhance buildings, landscaping, or other site features; increase night sky visibility and to reduce the general illumination of the sky; reduce horizontal light glare and vertical light trespass from a development onto adjacent parcels and natural features; and use lighting in conjunction with other security methods to increase site safety.

2. Standards.

a. All site lighting shall meet dark-sky standards.

b. Site Lighting Levels. All publicly accessible areas shall be lighted with average minimum and maximum levels as follows:

(1) Minimum of one-half foot-candle;

(2) Maximum (for high volume pedestrian areas and building entries) of four foot-candles.

c. Lighting shall be provided at consistent levels, with gradual transitions between maximum and minimum levels of lighting and between lit areas and unlit areas. Highly contrasting pools of light and dark areas shall be avoided.

d. Parking area lighting fixtures shall be full cut-off (zero percent candlepower at ninety degrees horizontal and ten percent maximum candlepower at eighty degrees from vertical), dark-sky rated, and mounted no more than thirty feet above the ground, with lower fixtures preferable so as to maintain a human scale.

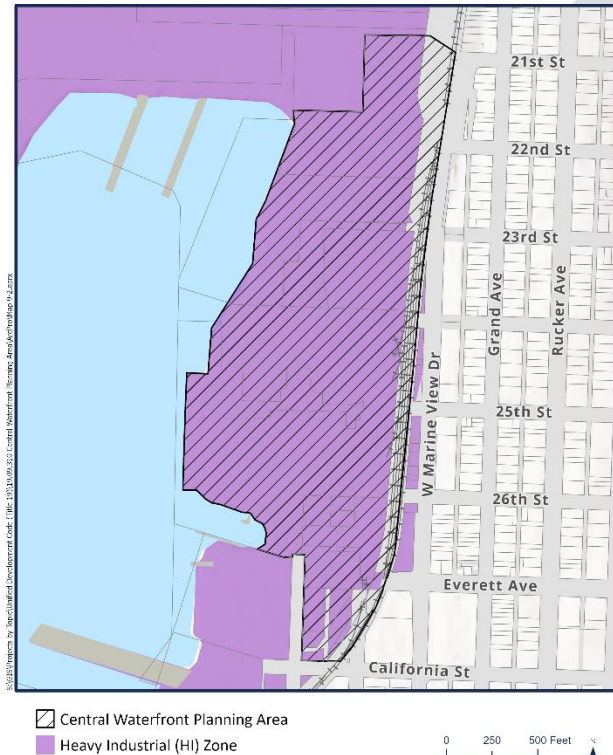
e. Lighting for parking areas within three hundred feet of areas designated for residential uses shall be on light standards not exceeding twenty feet or the height of any building situated between the parking area and the area designated for residential use, whichever is taller.

f. Pedestrian-scaled lighting (light fixtures no taller than fifteen feet) is encouraged in areas of pedestrian activity.

g. Lighting must not trespass onto adjacent private parcels, nor shall a light source (luminaire) be visible at the property line. All building lights shall be directed onto the building itself and/or the ground immediately adjacent to it. The light emissions shall not be visible above the roofline of the building.

- h. Building wall mounted parking lot lighting is prohibited.
3. A lighting plan demonstrating compliance with these standards shall be submitted for review and approval at time of submittal for any permit that includes site lighting.

Map 12.9-2: Central Waterfront Planning Area



19.09.400 ~~12.300~~ MODIFICATION OF DEVELOPMENT STANDARDS.

A. General. An applicant may propose and the planning director, using the review process described in Chapter 15.02 EMC, may allow an applicant to deviate from the development standards of this chapter, provided the proposal satisfies the general evaluation criteria in Chapter 15.03 EMC.

B. Standards That May Be Modified. The following standards in this chapter may be modified:

1. Building form standards;
 2. Structured parking;
 3. Weather protection;
 4. Building transparency; and
 5. Special design standards.
6. Building modulation.
7. Facades (dwelling and garage).

8. Building entrance requirements.

9. Required outdoor and common area.

19.09.410 ~~12.310~~ DESIGN REVIEW

A. The planning director may engage the services of a licensed architect, or other licensed design professional when the director deems it appropriate and in the public interest, to provide recommendations in connection with the review of any project that:

1. Is subject to any design standard or guideline established in this chapter; or
2. Involves discretionary design-related decisions, such as a modification of design standards, authorized in this chapter; or
3. Involves design-related decisions to implement building facade requirements set forth in EMC 19.09.020 or 19.09.210 ~~19.12.040~~.

B. Recommendations of the architect or design professional shall be advisory only, and shall not otherwise limit the director's authority to require changes in any project design to meet the design requirements of this title or the director's discretion to approve or deny requested modifications or apply discretionary design criteria.

19.09.420 ~~12.320~~ AUTHORITY OF PLANNING DIRECTOR

The planning director shall have the authority to disapprove, approve with conditions, or require the applicant to make design changes if he/she determines the design does not meet the design standards, guidelines or evaluation criteria of this title.

CHAPTER 19.13 – SPECIFIC USE STANDARDS

19.13.005, PURPOSE

This chapter addresses specific ~~nonresidential~~ uses which are included in the use tables of Chapter 19.05 EMC. For the specific uses identified in this chapter, there are additional or specific regulations for the specific use.

19.13.010, MODIFICATION OF USE STANDARDS.

An applicant may propose, and the review authority may approve, an applicant to deviate from the specific use standards in this chapter. The modification request will use Review Process II described in Chapter 15.02 EMC, Local Project Review Procedures, unless the specific land use requires a higher-level review (e.g., Review Process III), in which case, the modification request will be considered concurrent with the underlying land use decision.

19.13.020, ABOVEGROUND UTILITY AND COMMUNICATION FACILITIES

A. Major utility and communications facilities shall be designed, landscaped or otherwise screened to ensure compatibility with surrounding properties. Aboveground utility and communications structures and antennas shall be designed, constructed, painted and screened so as to blend with surrounding uses

1 and buildings. The review authority may impose additional restrictions on the location, setbacks, height,
2 design, landscaping and screening of aboveground utility and communications facilities if necessary to
3 minimize visual impacts and promote greater compatibility with existing or planned uses on surrounding
4 properties. Amateur radio tower antennas shall be regulated by EMC 19.22.090 and are not subject to
5 review under this section.

6 B. Antennas associated with aboveground utility or communications facilities shall be located on
7 existing or replacement towers or structures to the maximum extent technically feasible to discourage
8 the proliferation of tower structures. Installation or collocation of antennas on existing or replacement
9 towers or structures shall be preferred unless the proponent can demonstrate that a new structure is
10 necessary to adequately serve the needs of the public. When proposed to be installed on an existing or
11 replacement tower or structure located in a nonresidential zone located at least three hundred feet from
12 residential zones, facilities which are subject to Review Process II shall be reviewed using Review Process
13 I, subject to meeting all requirements of this section. When proposed to be located on an existing or
14 replacement utility or communications structure or other nonresidential structure in a residential zone,
15 Review Process II shall be required.

16 C. Tower structures for aboveground utility and/or communications facilities shall not be located in or
17 within three hundred feet of residentially zoned areas, in or within two hundred feet of gateway
18 corridors (see Map ~~12.9~~-1 in Chapter ~~19.12~~ 19.09 EMC) as designated by the Everett comprehensive
19 plan, or in or within two hundred feet of areas under the jurisdiction of the shoreline master program,
20 unless the applicant provides an analysis of alternative sites and existing facilities which are technically
21 feasible where the structure could be located or collocated, which demonstrates that the proposed
22 facility cannot adequately serve the needs of the public for the proposed utility or communications
23 service in an alternative location. When location in or within two hundred feet of a gateway corridor, or
24 in or within two hundred feet of areas under the jurisdiction of the shoreline master program, is
25 necessary to serve the public need for utility or communications services, use of existing or replacement
26 utility and communications facilities is encouraged. When existing facilities are used or replaced,
27 addition to or replacement of existing structures may exceed the height of the existing facility by not
28 more than twenty feet.

29 D. When tower structures for aboveground utility and/or communications facilities are proposed to be
30 located within three hundred feet of residentially zoned areas, in or within two hundred feet of gateway
31 corridors as designated by the Everett comprehensive plan, or in or within two hundred feet of areas
32 under the jurisdiction of the shoreline master program, zones which otherwise require Review Process II
33 shall use Review Process III.

34 E. All utility and communication facilities shall be installed underground or within structures to the
35 greatest extent practical in order to maximize safety and minimize visual and noise impacts upon
36 surrounding properties. When it is not practical to install underground or within structures, all utility and
37 communications facilities shall be architecturally designed and screened so as to minimize visual impacts
38 on and promote compatibility with surrounding properties.

39 F. Aboveground utility and communications facilities shall be designed so as to be the lowest height
40 possible to adequately serve the needs of the public for the proposed utility or communications service.
41 The review authority, in considering the proposed utility or communications facility, may allow antenna

or tower height to exceed the height permitted in the underlying zone without having to satisfy the variance approval criteria of Chapter 15.03 EMC. Approval may only be granted if it can be demonstrated that such height is necessary to adequately serve the needs of the public for the proposed utility or communications service. The applicant shall provide an evaluation of alternative designs and locations which could result in a lower tower or antenna height.

G. Towers associated with aboveground utility and communication facilities and all ancillary structures shall comply with the setback standards of the zone in which the property is located; provided, that when allowed to be located in or within two hundred feet of residential zones, the height of any tower shall not exceed the horizontal distance between the base of the tower and the nearest residential property line. The review authority, in considering the proposed utility or communications facility, may allow a lesser setback without having to satisfy the variance approval criteria of EMC 15.03.140, if it can be demonstrated that a lesser setback is necessary to adequately serve the needs of the public for the proposed utility or communications service, or that a lesser setback will result in better screening than in a location which meets the setbacks required herein.

H. The aboveground utility or communications facility shall be removed from the site should the use for such purposes be discontinued for one hundred twenty days or more. The planning director shall have the discretion, upon the request of the owner of the facility, to allow an extension of this time period to allow for the use of the site by another utility or communications service provider.

I. Maintenance, repair, or replacement of existing utility or communications facilities or appurtenant structures and the installation of minor aboveground utility and communications facilities are exempt from this section. This exemption includes replacement or increased heights of not more than twenty feet to accommodate wireless telecommunications antennas. Utility and communications service providers are encouraged to locate such facilities of a minor nature and small scale on existing or replacement structures, where technically feasible, in preference to erecting new towers or structures for such purposes.

J. To the extent provided by law, the city may require utility or communications service provider to allow up to two additional service providers to be located on shared facilities to discourage the proliferation of tower structures, consistent with technological feasibility. The review authority may allow an additional twenty feet in tower height per additional provider to accommodate collocation.

K. Utility or communications facilities which require towers for which safety lights are required by the FAA shall not be permitted unless the applicant demonstrates that such a facility in the proposed location and at such a height is necessary to adequately serve the needs of the public for the proposed utility or communications service.

L. The planning director may require review by an expert third party who is approved by the city and the applicant, to be paid for by the applicant, when needed for review of site-specific data submitted by the applicant concerning technical aspects related to specific facilities and locations.

~~19.13.030, ADAPTIVE REUSE OF NONRESIDENTIAL BUILDINGS~~

~~A. Purpose. The purpose of this section is to allow for adaptive reuse of nonresidential buildings in residential zones that are functionally obsolete in order to improve the economic feasibility of a property~~

1 ~~by considering uses that are not otherwise permitted, but which, if properly designed and managed,~~
2 ~~would not create unacceptable impacts on surrounding properties or the immediate vicinity in general.~~
3 ~~This process differs from the unlisted use process listed in EMC 19.05.070(B) in that uses that are not~~
4 ~~specifically authorized in the underlying residential zone may be considered using the process described~~
5 ~~herein.~~

6 ~~B. *Procedures.* Any request for adaptive reuse of nonresidential buildings shall be reviewed as~~
7 ~~set forth in Table 5-5 in EMC 19.05.120. If the property is outside a historic overlay zone but~~
8 ~~listed on a historic register or as a contributing structure in a historic register district, the~~
9 ~~historical commission shall review the proposal and make a recommendation to the review~~
10 ~~authority.~~

11 ~~C. *Circumstances.* The city may allow a use in a residential zone that is not specifically allowed~~
12 ~~in that zone if it is necessary to encourage adaptive reuse of a building under the following~~
13 ~~circumstances:~~

14 ~~1. It is unlikely that the primary building on the subject property could be preserved if~~
15 ~~only uses permitted in the underlying zone were allowed.~~

16 ~~2. Allowing a different use would enhance the character of the building and immediate~~
17 ~~vicinity.~~

18 ~~3. The use would not have a detrimental effect upon surrounding properties or the~~
19 ~~immediate vicinity.~~

20 ~~D. *Uses.* The following uses may be considered for adaptive reuse of an existing building in a~~
21 ~~residential zone:~~

22 ~~1. Dwelling units. Density based on underlying zoning plus one additional dwelling unit;~~

23 ~~2. Assisted living facilities;~~

24 ~~3. Libraries;~~

25 ~~4. Museums and art galleries;~~

26 ~~5. Social services;~~

27 ~~6. Public services;~~

28 ~~7. Business incubators;~~

29 ~~8. Artist studios;~~

30 ~~9. Music venues;~~

31 ~~10. Cafes and bistros;~~

32 ~~11. Live/work units;~~

33 ~~12. Bed and breakfasts;~~

~~13.— Other uses not listed above if determined through the review process to be compatible with surrounding properties and the immediate vicinity.~~

~~E.— *Review Criteria.* The following criteria shall be used as the basis for determining compatibility with surrounding uses and approving, denying, or conditionally approving a request to allow the adaptive reuse of a nonresidential building in a residential zone:~~

~~1.— Evaluation criteria set forth in EMC 15.03.100.~~

~~2.— The adaptive reuse would promote or aid in the preservation or rehabilitation of the primary building.~~

~~3.— No significant adverse impacts to public safety.~~

~~4.— Compliance with building and fire codes.~~

~~5.— Hours of the day of proposed use or activity.~~

~~6.— Proposed management and operational procedures to minimize and mitigate potential impacts.~~

~~7.— Expansions to the primary building shall not exceed ten percent of the existing footprint or five hundred square feet, whichever is greater, and will not detrimentally affect the outside character of the building.~~

~~8.— Other factors not specified herein that would create adverse impacts to the immediate vicinity.~~

~~9.— Any proposal that would adversely affect properties in the immediate vicinity shall be denied. The city shall retain the right to revoke a permit issued under this section that fails to comply with any conditions of approval of said permit, or which operates in a manner inconsistent with representations made in the application, pursuant to Chapter 1.20 EMC.~~

Reserved. [moved to EMC 19.05.035]

19.13.040, ADULT RETAIL BUSINESS REQUIREMENTS

A. An adult retail business shall not be located or maintained within two hundred fifty feet, measured from the nearest property line of the adult retail use establishment to the nearest property line of any of the following uses or zones located inside or outside of the city of Everett:

1. Public library;

2. Public playground or park;

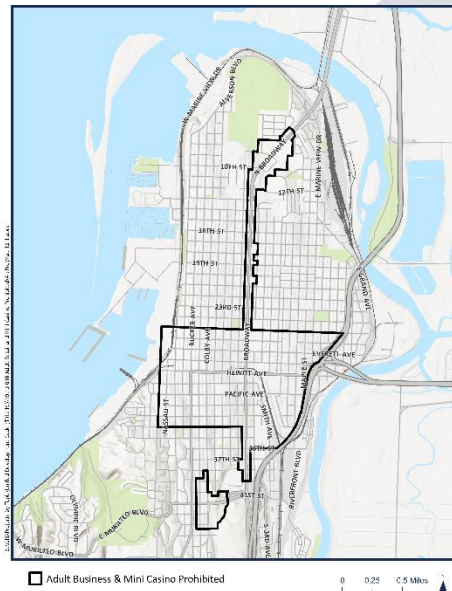
3. Public or private school and its grounds, from kindergarten to twelfth grade;

4. Nursery school or day care center;

5. Church, temple, mosque, synagogue, or other place of religious worship;

- 1 6. Lots located in residential zones.
- 2 B. An adult retail business shall not be located or maintained within the area designated by the
- 3 map set forth in Map 13-1.
- 4 C. An adult retail business shall not be located within one thousand feet of any other adult
- 5 retail use establishment or any adult use business.

Map 13-1: Adult Retail Stores Prohibited



19.13.050, ADULT USE BUSINESS REQUIREMENTS

An “adult use business” as defined by this title shall be permitted within the city limits only if it meets all of the locational requirements set forth in this section.

A. Adult use businesses shall be prohibited within one thousand feet of:

1. Any area of the city zoned for residential purposes; residential zones shall include the ~~R-S, R-1, R-2, R-2(A), UR3 and UR4 zones~~ NR-C, NR, UR4, UR7, and any other residential zone hereafter adopted by the city.
2. Any religious facility or place of worship. For purposes of this section, land uses for which the principal use is not a religious facility or place of worship but which include such a use as an accessory or incidental use to the principal use, such as a chapel within a hospital, a social service use which provides religious services such as the Everett Gospel Mission, or other similar arrangement, shall not be deemed to be a religious facility or place of worship.
3. Any public or private school offering general education for students between the years kindergarten through twelfth grade. For purposes of this section, athletic training

facilities such as gymnastics, judo, karate, and dance and similar uses shall not be deemed to be a school.

4. Any public park or playground operated by the city; for purposes of this section, bike paths, trails, waterways and boat launches shall not be deemed to be a public park.

5. Any designated community development block grant neighborhood.

B. Adult use businesses shall be prohibited from locating within five hundred feet of:

1. Any other adult use business.

2. Any existing establishment selling alcoholic beverages for consumption on premises.

C. Distances provided for herein shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the proposed adult use business is or is to be located, to the nearest point of the parcel of property or the zoning district boundary line from which the proposed adult use business is or is to be separated.

D. Nothing within locational requirements set forth in this chapter shall preclude an adult use business from conducting more than one adult use activity within a single structure; provided, the adult use business shall comply with provisions of this title and all other city ordinances.

E. In the event an adult use business is legally established in accordance with the requirements of this title and does not constitute a nonconforming use as defined in subsection (B) of this section, and a sensitive land use described in subsections (A)(2) through (A)(3) of this section locates within the required separation distance, the zoning conformity of the legally established adult use shall not be affected.

F. Adult use businesses, panoram premises and public places of adult entertainment shall not be permitted within the area defined in Map 13-1.

19.13.060, AIRFIELDS, FLOAT PLANE FACILITIES, LANDING FACILITIES AND SPECIAL AVIATION USES

A. *General Provisions.*

1. All such facilities which are proposed shall be reviewed using Review Process IIIA.

2. Public or private airfields, airports and float plane facilities shall be developed in accordance with Federal Aviation Administration requirements.

3. Public or private airfields, airports and seaplane facilities shall be designed and constructed in a manner which has the least noise impact on surrounding properties, especially areas developed with or designated for residential use.

4. Public or private airfields, airports and float plane facilities shall be located so as to avoid safety hazards and minimize noise impacts, particularly on residential land uses.

B. *Special Aviation Uses.* Special aviation uses shall consist of helipads, including the establishment or modification of the use and any supporting landing or communications facilities. Modification of a special aviation use shall include more flights or increased environmental impact than was identified in the city's decision (or, if not specified in the decision, then the SEPA environmental document that served as a basis for the city's decision).

1. Special aviation uses shall be reviewed under Review Process V, except for emergency airlift landing facilities for existing hospitals which are subject to Review Process IIIA.

2. Facilities shall be located so as to avoid safety hazards and minimize noise impacts, particularly on residential land uses.

3. Facilities shall be designed, constructed and operated in a manner that has the least noise impact on surrounding properties, especially areas developed with or designated for residential use.

4. Facilities shall be developed in accordance with Federal Aviation Administration requirements.

19.13.070, ALCOHOL PRODUCTION AND COFFEE ROASTERS

Where permitted, the production of alcohol or roasting of coffee shall be designed and operated so as not to create odor impacts to surrounding uses and shall comply with the odor regulations of the Puget Sound Clean Air Agency and EMC 14.28 Surface and Storm Drainage.

19.13.080, CHURCHES, RELIGIOUS FACILITIES OR PLACES OF WORSHIP

A. New church structures, religious facilities or places of worship shall be located a minimum of fifteen feet from adjacent residentially zoned properties.

B. Church buildings, religious facilities or places of worship shall comply with the height requirements of the zone in which it is located.

C. Where churches, religious facilities or places of worship are located adjacent to local residential streets, the parking lot entrances/exits shall be oriented toward the nearest collector or arterial street.

19.13.090, COMMUNITY CENTER

A. A community center shall be located adjacent to or within four hundred feet of collector or arterial streets.

B. A community center shall be located within one-quarter mile of transit routes.

C. Where a community center is located adjacent to local residential streets, the parking lot entrances/exits shall be oriented toward the nearest collector or arterial street. The review

1 authority may allow other means of access through the review process to provide for safe
2 circulation and emergency vehicle access.

3 D. Structures shall be located a minimum of twenty-five feet from adjacent residentially zoned
4 properties.

5 E. Community center buildings shall comply with the height requirements of the zone in which
6 it is located; however, the review authority may consider allowing a greater height, provided the
7 additional height is necessary to accommodate the functional needs of the facility and that the
8 facility is designed to be the lowest height that will accommodate the functional needs.

9 F. All freestanding signs shall be monument signs with a maximum height of eight feet and
10 shall include low plantings around the base of the sign to make it a part of the landscape.

11 **19.13.095, DRIVE-THROUGH FACILITIES**

12 A. *Standards for Service Windows, Order Placing Stations and Holding Lanes.* All businesses with
13 drive-up service windows shall meet the following standards:

14 1. Drive-through facilities, where permitted, including vehicle holding lanes, shall not be
15 located closer to the public street than the building located closest to the street, unless
16 located one hundred fifty feet or more from the street right-of-way (see Figure 1.)

17 2. Holding lanes shall be designed and located so as to not obstruct off-street parking
18 areas, loading areas or pedestrian movement on the lot or adjoining lots.

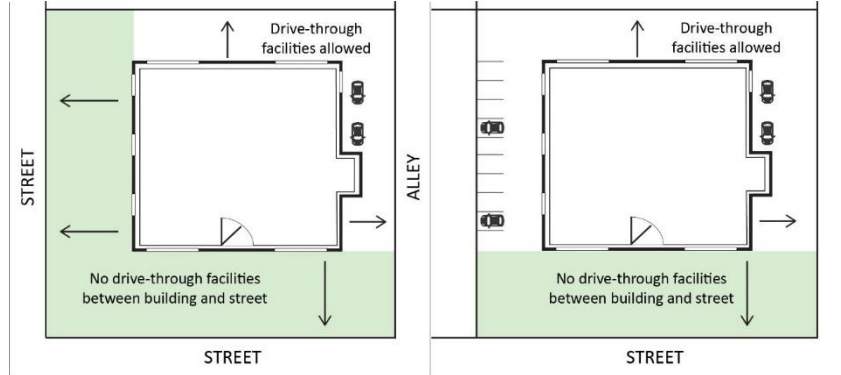
19 3. Drive aisles, holding lanes, order stations and drive-up windows shall not be located
20 within a required setback or landscape area.

21 4. Drive-up service windows shall be located fifty feet or more from lots located in
22 residential zones.

23 5. Drive-up order placing stations shall be located one hundred feet or more from lots
24 located in residential zones.

25 ~~6. For restaurants, there shall be one outdoor waste receptacle provided for each eight~~
26 ~~parking spaces. When drive-through service is proposed for new construction or~~
27 ~~proposed via change of use of an existing building, provisions for walk-up service shall~~
28 ~~be included and available for the same hours as the drive-through facilities.~~

Figure 13-2 1: Drive-Up Facilities



B. *Vehicle Holding and Stacking.* Vehicle holding and stacking for all drive-up service lanes shall be provided in accordance with the city design standards.

C. Prohibited in mixed-use centers provided that an existing legally-established drive-through may be removed and replaced as part of a new development on the site that meets the minimum height standard of EMC 19.22.020.

~~*Restricted Locations for Drive-Through Facilities—Metro Everett.*~~

~~1. Drive-through facilities are not allowed in the following areas of Metro Everett:~~

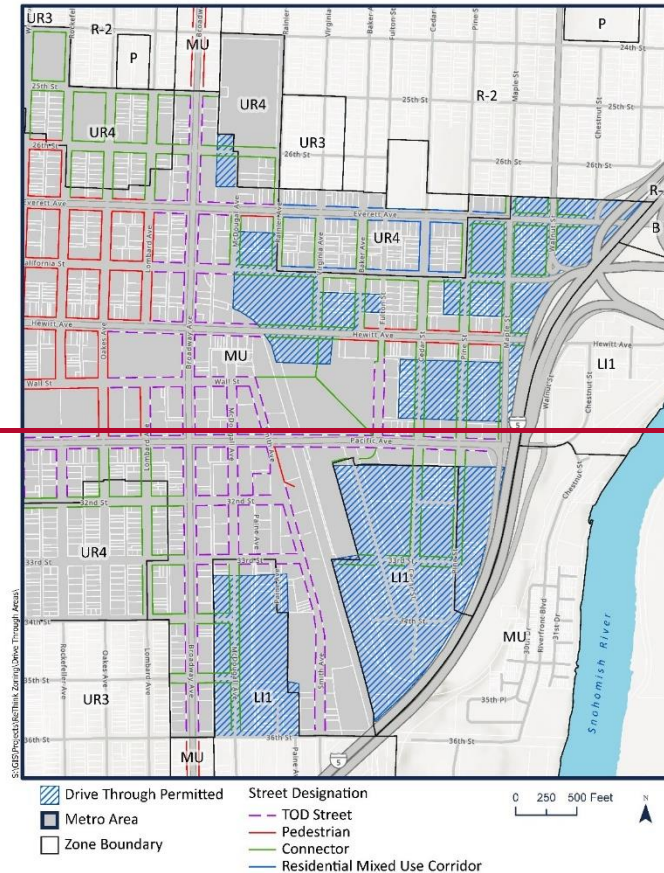
~~a. Streets designated as transit-oriented development (TOD) or pedestrian; or~~

~~b. Residential zones (UR3 and UR4).~~

~~2. Where drive-through facilities are permitted in Metro Everett is shown in Map 13-2.~~

1

Map 13-2: Permitted Drive-Through Areas



2

19.13.110, HAZARDOUS WASTE TREATMENT AND STORAGE FACILITIES

Hazardous waste treatment and storage facilities shall be permitted in accordance with the following requirements:

A. *Commercial Zones, Institutional Uses in Residential Zones.* In the ~~NB, B,~~ MU zones, and for institutional uses in residential zones, on-site hazardous waste treatment and storage facilities shall be permitted as an accessory use to any activity generating hazardous waste which is lawfully permitted within such zones; provided, that such facilities meet the state siting criteria adopted pursuant to the requirements of RCW 70.105.210.

B. *Industrial Zones.* In the LI-~~MU4,~~ LI2, and HI ~~use-~~ zones, on-site and off-site hazardous waste treatment and storage facilities shall be permitted; provided, that such facilities meet the state siting criteria adopted pursuant to the requirements of RCW 70.105.210.

19.13.120, HOSPITALS

- A. Vehicle, pedestrian and ambulance traffic shall be directed toward the nearest collector or arterial street and away from local residential streets.
- B. Hospitals and hospital-related structures shall be set back a minimum of fifty feet from adjacent residentially zoned lots.
- C. Hospitals and hospital-related uses shall be screened from adjacent residentially zoned lots by the landscaping requirements of landscape category B.

19.13.130, JAILS AND CORRECTIONAL FACILITIES

A. Permitted Use—Proportionality to Everett's Population.

1. In order for jails and correctional facilities to be classified as a permitted use, the applicant must demonstrate the existence of proportionality of their distribution throughout the county and its cities. The applicant must make application to the city demonstrating that in relation to Everett, Snohomish County and cities within Snohomish County have accepted their proportional share of jails and correctional facilities. This shall be determined using the following formula:

A = "Everett's current population"
divided by "Snohomish County's
current population"

B = "Current number of jails and
correctional facilities' beds in
Everett" divided by "Current
number of jails and correctional
facilities' beds in Snohomish
County"

2. Jails and correctional facilities shall be a permitted use subject to the location criteria set forth herein unless A is less than B, in which case they are not a permitted use.

3. The population figures used shall be the current population figures issued by the state of Washington Office of Financial Management. The city shall supply the figures for the current number of beds for jails and correctional facilities both within the city and countywide. If the applicant disagrees with the figures supplied by the city to make the calculation, the applicant can supply his/her own figures along with supporting documentation. This will be considered by the planning department in rendering its written decision.

4. If it is determined that Snohomish County and cities within Snohomish County have accepted their proportional share of jails and correctional facilities in relation to Everett, then the proposed use will be considered a permitted use within those locations defined in subsection (B) of this section and subject to the appropriate review process. Within twenty-one days of receipt of a completed application, the planning department, using the review process described in Chapter 15.02 EMC, Land Use and Project Review Procedures, shall render a written decision on whether the applicant has demonstrated that in relation to Everett the county and other cities within the county have accepted their proportional share of jails and correctional facilities.

B. Locational Criteria. Subject to the provisions of this chapter, jails and correctional facilities shall be a permitted use in the MU zone within the four-block area bounded by Wall on the north, Pacific on the south, Colby on the west and Lombard on the east subject to the review process described in Chapter 15.02 EMC, Land Use and Project Review Procedures. Jails and correctional facilities are not permitted uses in any other portion of the MU zone, nor in any other zone.

C. Expansions. Notwithstanding any provisions to the contrary, the proportionality requirement set forth in subsection (A) of this section does not apply to the expansion of existing governmental facilities within the four-block area described in subsection (B) of this section for the purpose of adding jails and correctional facilities.

19.13.140, LIGHT AUTOMOBILE AND TRUCK SERVICE, BODY REPAIR AND PAINTING

Vehicle service and repair businesses shall comply with the following requirements:

A. All vehicle maintenance work shall be performed in an enclosed building when located within one hundred fifty feet of lots located in residential zones. The garage doors of the building may not face toward the residentially zoned properties.

B. Vehicle washing facilities are not permitted within fifty feet of residentially zoned lots.

C. Vehicles being serviced shall not be parked on public right-of-way.

D. Inoperable vehicles, used or discarded tires and vehicle parts shall be screened from view by a solid sight-obscuring fence and landscaping as required by Chapter 19.35 EMC.

E. All vehicle maintenance shall comply with EMC 14.28 Surface and Storm Drainage.

19.13.160, MARIJUANA

A. *Definitions.* The terms “marijuana,” “marijuana processor,” “marijuana producer,” and “marijuana retailer” shall have the meanings set forth in RCW 69.50.101. “City” means the city of Everett.

B. *Producers and Processors.* Marijuana producers and marijuana processors may operate in the city of Everett, provided there is full compliance with all of the following provisions:

1. Marijuana producers and marijuana processors must comply with all requirements of state law, the Washington State Liquor and Cannabis Board, and the city;

2. Marijuana producers and marijuana processors may locate only within the ~~L1~~LI-MU, ~~LI2~~, and HI zones;

3. Marijuana producers and marijuana processors may not locate within one thousand feet of any parcel zoned as residential (~~R-S, R-1, R-2, R-2(A), UR3 or NR-C, NR,~~ UR4, UR7 zones);

4. Marijuana producers and marijuana processors may not locate within one thousand feet of any parcel containing an elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or any game arcade to which admission is not restricted to persons aged twenty-one years or older;

5. Tier 2 and Tier 3 marijuana producers and/or processors may not operate or locate in the city; and

6. There shall be a minimum separation of one thousand feet between production and/or processing uses, measured as the shortest distance between the boundaries of the lot upon which each use is located.

C. *Retailers.* Marijuana retailers may operate in the city pursuant to the following restrictions:

1. Marijuana retailers must comply with all requirements of state law, Washington State Liquor and Cannabis Board and the city;

2. Marijuana retailers may locate only within the ~~B,~~ MU, ~~L1~~LI-MU, ~~LI2~~ and HI zones;

~~3. Marijuana retailers may not locate in neighborhood business (NB) zones;~~

4. Marijuana retailers may not locate in a building in which nonconforming retail uses have been established in residential zones (~~R-S, R-1, R-2, R-2(A), UR3 or NR-C, NR,~~ UR4, or UR7 zones);

5. Marijuana retailers may not locate within one thousand feet of any parcel containing an elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older;

6. Marijuana retailers may not locate within two thousand five hundred feet of any other legally established marijuana retailer;

7. Customer parking for marijuana retailers must be on the public street side of the structure in which the marijuana retailer is located and may not be off of or adjacent to an alley. However, staff parking and business deliveries may occur on the alley side of the structure;

8. Vehicular access to the parking lot for a marijuana retailer shall be from the public street frontage and may not be from an alley. Any property located on a street from which vehicular access to the site from the street is prohibited by the city engineer shall not be allowed for use as a marijuana retailer;

9. Marijuana retailers shall not be allowed on any parcel containing a residential use;

10. Marijuana retailers shall not be allowed on any parcel that is contiguous to a parcel containing residential use, unless the planning director, using Review Process II as described in Chapter 15.02 EMC, finds the following:

- a. There is a physical separation between the two uses, such as another commercial building, or a substantial change in topography;
- b. The retail use is located in a shopping center as one of multiple tenants with adequate parking for all uses and access as stated above;
- c. The building in which the retail use is located faces the commercial street and the residential use faces a residential street in the opposite direction, without a shared alley between the two;
- d. The residential use is located at least one hundred feet from the common lot line between the two uses;

11. In reviewing a proposed marijuana retailer under this section, the planning director shall have the authority to require improvements including, but not limited to, fencing or landscaping to screen the retail use from the residential use;

12. The front facade of retail stores shall consist of storefront window(s), doors, and durable, quality building materials consistent with the design standards of the zone in which the property is located. Transparency requirements for windows shall apply unless in conflict with Washington State Liquor and Cannabis Board regulations. If located in a zone without design standards, at least three of the following shall be provided:

- a. Special treatment of windows and doors, other than standard metal molding/framing details, around all ground floor windows and doors, decorative glazing, or door designs.
- b. Decorative light fixtures with a diffuse visible light source or unusual fixture.
- c. Decorative building materials, such as decorative masonry, shingle, brick, or stone.
- d. Individualized patterns or continuous wood details, decorative moldings, brackets, trim or lattice work, ceramic tile, stone, glass block, or similar materials.

e. Use of a landscaping treatment as part of the building's design, such as planters or wall trellises.

f. Decorative or special railings, grill work, or landscape guards.

g. Landscaped trellises, canopies, or weather protection.

h. Sculptural or hand-crafted signs.

i. Special building elements, such as pilasters, entablatures, wainscots, canopies, or marquees that exhibit nonstandard designs.

13. The maximum number of retail marijuana stores allowed in the city of Everett shall not exceed eight. Any retail marijuana store hereafter established shall be certified as a medical marijuana provider by the Washington State Liquor and Cannabis Board.

D. *Measurements.* Distances provided under this section shall be measured as the shortest distance between the perimeters of the parcels at issue.

E. *Compliance.* Marijuana producers, marijuana processors, and marijuana retailers are required to acquire all necessary business licenses and are required to comply with municipal tax regulations and all other applicable city ordinances and regulations.

F. *Establishment.* For purposes of the two-thousand-five-hundred-foot setback between marijuana retailers, marijuana retailers shall be considered to be legally established in the order in which they are issued a city of Everett business license. The city will not accept a business license application for a recreational marijuana business prior to the applicant providing the city a copy of a letter from the Washington State Liquor and Cannabis Board indicating that the applicant has been approved for a recreational marijuana license. The city will process business license applications for recreational marijuana businesses in the order in which they are accepted.

G. *Enforcement.* Any violation of this section is subject to enforcement under the provisions of Chapter 1.20 EMC or through action of the city attorney seeking injunctive or other civil relief in any court of competent jurisdiction. The violator will be responsible for costs, including reasonable attorney fees.

19.13.170, MINI-CASINOS

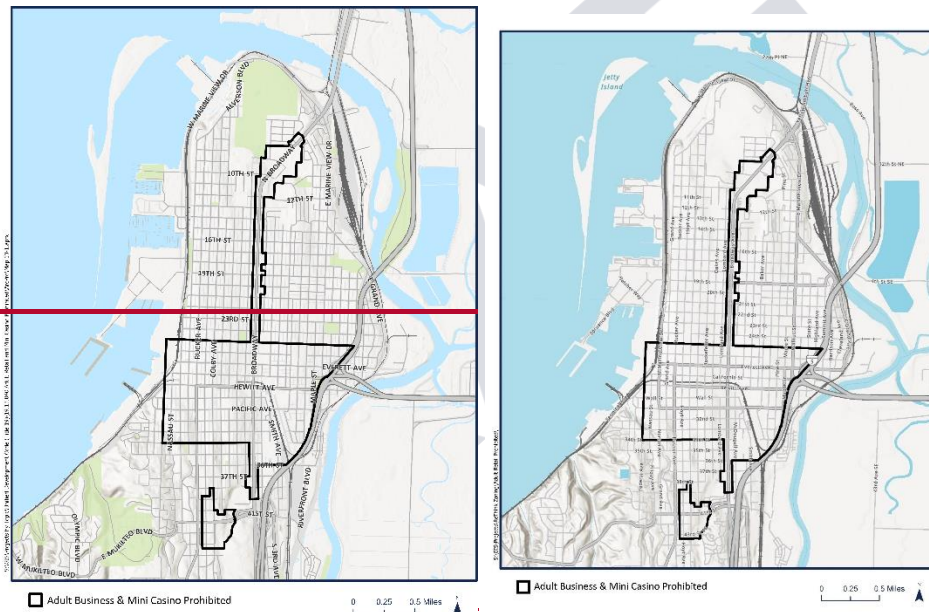
The following regulations shall apply to mini-casinos:

A. The space devoted to gambling and gaming activity and support services (i.e., security) shall not be more than eight thousand square feet. Other incidental uses such as restaurant or nightclub uses shall not be restricted by the eight thousand square feet limitation if no gambling or gaming activity occurs within such space.

B. Mini-casinos shall be located in:

1. A freestanding building; or
 2. A unit in a larger development; provided, that the mini-casino is separated from all other uses by a lobby or similar open space or common area from adjacent units in the development, and that there are no other mini-casinos located within six hundred feet of the exterior walls of the building in which the mini-casino is located.
- C. Mini-casinos shall not be permitted in the area shown on Map 13-43.

Map 13-3: Mini-Casinos Prohibited



19.13.180, SCHOOLS

This section applies to public and private elementary and secondary schools, colleges, universities and public vocational education centers; it does not apply to private training schools such as beauty schools, business colleges or technical training facilities, which shall be treated as commercial uses by this title.

- A. Elementary and middle schools may be located on local or arterial streets. High schools shall be located adjacent to or within four hundred feet of collector or arterial streets.
- B. Structures shall be located a minimum of twenty-five feet from residentially zoned properties.
- C. Schools may exceed the maximum building height in Chapter 19.22 EMC when considered under an administrative use permit or conditional use permit.
- D. Temporary classrooms of any size and accessory structures smaller than one thousand square feet shall be reviewed using Review Process I.

19.13.190, TEMPORARY EXTREME WEATHER SHELTERS

Temporary extreme weather shelters are limited to temporary use for the duration of a dangerous weather or environmental event, such as extreme cold, heat, or smoke. The shelter provider shall notify the city forty-eight hours prior to beginning shelter operations. Shelter registration may be required to facilitate communication to the community and ensure fire safety conditions are provided in the facility.

19.13.220 HOME OCCUPATIONS

A. Home occupations may be permitted in any residential zone provided such home occupations comply with the requirements of the zone in which the property is located and the following requirements:

1. Home occupations shall not occupy more than twenty-five percent of the total floor area of the residence, or six hundred square feet, whichever is less. Home occupations carried on within a dwelling shall be provided access to the work space through the dwelling only, with no direct access to the outside;

2. The occupation shall be carried on entirely within a residence or accessory building by the occupant thereof;

3. The home occupation may be located in the principal dwelling or in the accessory structure. If located in an accessory structure, the following regulations shall apply:

a. The area devoted to the occupation, as described in subsection (A)(1) of this section, shall be based upon the floor area of the dwelling only; and

b. Access to the work space may be directly from the outside;

4. No noise, dust, smoke, light, glare or odor shall be emitted other than is commonly associated with a residential use;

5. The occupation shall be conducted in such a manner as to give no outward appearance of a business nor manifest any characteristics of a business;

6. Occupations which shall be prohibited as home occupations include, but are not limited to:

a. Veterinarians;

b. Clinics;

c. Auto repair;

d. Auto sale;

e. Barber/beauty shops;

f. Real estate offices;

g. Offices with client visits;

h. Retail sales, on premises;

i. Any use of a nature which is similar to those listed in this chapter or which creates impacts on surrounding properties which are similar to those created by the uses listed herein;

7. There shall be no person other than a resident of the dwelling employed on the premises;

8. If the occupation is the type in which classes are held or instruction is given, there shall be not more than five students allowed in any one class or instruction period. Classes shall not exceed a total of twenty hours in any week;

9. No stock in trade shall be sold or displayed on the premises, and no equipment or materials shall be stored on any outdoor portion of the premises;

10. Parking of student, client or employee vehicles shall not create any hazard or congestion;

11. No receipt or delivery of products shall be permitted except as is commonly anticipated in residential areas. Commercial vehicle deliveries shall not exceed two per week. The gross vehicle weight of delivery vehicles shall not exceed eighteen thousand pounds;

12. No signs shall be allowed for home occupations; and

13. Home occupations shall comply with all other local, state and federal regulations pertinent to the activity pursued, and the requirements of or permission granted by this section shall not be construed as an exemption from such regulations.

B. Any person engaging in a home occupation shall register as a business with the city treasurer's office and shall be subject to the city business and occupations tax.

C. Garage sales shall not be considered to be a home occupation.

19.13.225 LIVE/WORK UNITS

A. Live/work units are built spaces that function as both work spaces and residences.

B. The multiple-family design guidelines do not apply to live/work units.

C. No portion of a live/work unit may be rented or sold as a commercial space for a person or persons not living on the premises, or as a residential space for a person or persons not working on the premises.

D. At least one resident in each live/work unit shall maintain at all times a valid city business license for a business on the premises.

19.13.235 REASONABLE ACCOMMODATION.

A. Overview. This section establishes the application and review procedures by which the city will fulfill its obligations under the federal Fair Housing Act (FHA) and other federal or state laws.

1. The federal Fair Housing Act (FHA) requires local governments to make reasonable accommodations in the application of zoning regulations when such accommodations are necessary to afford a disabled individual an equal opportunity to use and enjoy a dwelling. The city is required to consider requests for reasonable accommodation. In addition, other state and federal laws prohibiting housing discrimination may apply under certain circumstances.

2. In the event that a waiver or modification of zoning regulations in a given situation is required by a law other than the FHA, such waiver or modification shall be requested and reviewed using the procedures established in this section.

B. Application Requirements.

1. Requests for reasonable accommodation shall be submitted to the planning director, along with any applications fees required pursuant to Chapter 16.72 EMC, if any.

2. The request shall include information as determined necessary by planning director to make a determination whether reasonable accommodation should be approved. Unless waived by the planning director, the applicant shall submit the following information:

a. Name of property owner(s).

b. The specific modification(s) of the Unified Development Code requirements requested in order to allow the reasonable accommodation.

c. The nature of the disability or disabilities of the individual(s) for whom the accommodation is requested, and an explanation why the specific accommodation is necessary based on the disability.

d. Such other information as may be determined by the planning director following either a preapplication meeting or review of a request for reasonable accommodation.

C. Planning Director Approval.

1. The following shall be taken into consideration in whether to approve a request for reasonable accommodation:

a. Whether any adverse impacts would happen if the request for reasonable accommodation is approved based on the size of the dwelling and lot, traffic and parking conditions on the lot and in the surrounding area including streets, anticipated vehicle usage by residents and visitors, and any other circumstances the planning director determines relevant to determine adverse impacts.

b. The applicant's need for accommodation in light of the anticipated land use impacts.

2. If handicap eligibility and need for accommodation are demonstrated, the planning director shall approve an accommodation, unless the requested accommodation would make a dwelling available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

3. Any decision to grant reasonable accommodation applies specifically to the property identified in the decision, and may not be transferred to any other property.

D. Other Provisions.

1. Approval of reasonable accommodation permits a dwelling to be inhabited only according to the terms and conditions of the applicant's proposal and the director's decision.

2. If the planning director determines that the accommodation has become unreasonable because circumstances have changed or adverse land use impacts have occurred that were not anticipated, the planning director shall rescind or modify the decision to grant reasonable accommodation.

3. Eligibility for a reasonable accommodation under the Fair Housing Act does not relieve the owner, applicant and residents from the obligation to comply with all building, fire, land use and all other standards and regulations applicable under local, state and federal laws.

4. Any decision on a request for accommodation is unique to the specific circumstances related to the individual request and location. A decision issued for a specific property shall not establish a precedent that would be applicable to any other request for accommodation.

19.08.140 BED AND BREAKFAST HOUSE.

Repealed by Ord. 3896-22.

19.13.250 SHORT TERM RENTALS.

Short-term rentals shall comply with the following provisions:

A. License Required. A city business license is required to operate a short-term rental. No more than two short-term rental sites may be operated by any individual, marital group, a group of people, or a corporate entity such as an LLC, within the city.

B. Location. A short-term rental use may be located in a dwelling unit or an accessory dwelling unit. See EMC 19.08.100 for applicable accessory dwelling unit requirements, including owner occupancy if applicable.

C. Number of Guests. The total number of guests occupying a dwelling unit may not exceed eight on a site, including any site with an accessory dwelling unit.

D. Signs. No signs identifying the use as a short-term rental are permitted.

19.13.260 HOMELESS SHELTER AND HOUSING

A. Applicability.

1. This section applies to the following uses:

a. Emergency housing.

b. Indoor emergency shelter.

c. Outdoor emergency shelter.

2. This section shall not apply to:

a. Emergency or disaster situations as defined by RCW 38.52.010(9); provided, however, that the inability of a sponsor or managing agency to locate a site shall not be deemed to constitute an emergency or disaster.

b. Placement of a tiny house or a tiny house with wheels used as a primary residence in a manufactured/mobile home community; provided, that each tiny house contains at least one internal toilet and at least one internal shower or the manufactured/mobile home community provides for the toilets and showers.

B. General Provisions.

1. Applications for facilities which provide shelter for survivors of domestic violence do not require notice to adjacent property owners.

2. A religious organization may host individuals or families experiencing homelessness pursuant to RCW 35.21.915, including extreme weather shelters, on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings, subject to the conditions set forth in this section.

3. The city may require an organization to enter into a memorandum of understanding for fire safety that includes inspections, an outline for appropriate emergency procedures, a determination of the most viable means to evacuate occupants from inside a site with appropriate illuminated exit signage, panic bar exit doors, and a completed fire water agreement indicating: (a) posted safe means of egress; (b) operable smoke detectors, carbon monoxide detectors as necessary, and fire extinguishers; and (c) a plan for monitors who spend the night awake and are familiar with emergency protocols, who have suitable communication devices, and who know how to contact the fire department.

4. Management Responsibility Plan. Prior to or upon filing a land use application, the managing agency and sponsor shall prepare an emergency shelter management responsibility plan, which shall be included with their permit application. The management responsibility plan shall, at a minimum, address the details of the facility operations and responsibilities identified in subsections (B)(5) through (7) of this section. If children under eighteen are allowed in the facility, such as for family shelters, specific provisions must be identified in the management responsibility plan to ensure safety, security, and well-being of minors.

5. Managing Agency Responsibilities.

a. The managing agency and residents of the facility shall ensure compliance with state law and the Everett Municipal Code concerning, but not limited to, drinking water connections, solid waste disposal, human waste, electrical systems, and fire-resistant materials.

b. The managing agency shall identify a person or persons as a point of contact for the Everett police department that is available at all times.

c. The managing agency shall maintain an admission process that adequately provides for the safety and welfare of residents of the facility and the community, with particular attention to the safety of children and other vulnerable residents, and may include consideration of the applicant's sex offender status; the number and nature of the applicant's criminal convictions; the number and nature of the applicant's pending criminal cases; or active warrants issued for the applicant's arrest.

d. The managing agency shall immediately contact the Everett police department if, in the opinion of staff or security, a person is a potential threat to the safety of residents of the facility or the community.

e. The managing agency shall permit inspections of the facility by the city's code compliance officers, building inspector, permit services manager, fire marshal or their designee without prior notice. The managing agency shall implement all directives resulting from such inspections within the given compliance schedule.

f. The managing agency shall submit an updated management plan to the appropriate city department within thirty days of any changes in operations that are covered in the plan.

6. Transportation Plan.

a. A transportation plan is required.

b. The facility shall be located within one-half mile of transit service.

7. Code of Conduct. The managing agency shall develop a shelter resident code of conduct agreement that addresses expected acceptable conduct during the resident's stay and shall submit the code in the management plan. The code of conduct shall, at a minimum, contain rules that limit adverse impacts within the shelter and the surrounding neighborhood. All residents of an emergency shelter are required to sign the code of conduct agreement, which shall be enforced by the managing agency.

8. Additional Requirements for Applications Requesting Modification of Standards. The applicant may request in their application for standards that differ from those in this section only where the applicant submits a description of the standard to be modified and demonstrates how the modification would result in a safe facility under the specific circumstances of the application in accordance with EMC 15.02.140(D).

9. Social services provided as part of an indoor emergency shelter, outdoor emergency shelter, or emergency housing facility are assumed to be provided only for residents of the facility. If social services will be provided on site to nonresidents, the use must be reviewed and separately permitted under the appropriate approval process defined in Chapter 19.05 EMC.

C. Standards for Outdoor Emergency Shelters.

1. Duration. Outdoor emergency shelters may be approved for a period not to exceed one year. The permit shall specify a date by which the use shall be terminated, and the site returned to pre-shelter conditions. The planning director may grant extensions for up to one year each; provided, that all conditions have been complied with and circumstances associated with the use have not changed. A request for an extension should be submitted in writing no less than sixty days prior to the end of the expiration date of the permit to ensure continued operations.

2. Maximum Size.

a. Outdoor emergency shelters are limited to forty units per site.

b. The maximum number of residents within an outdoor emergency shelter is one hundred.

3. Setbacks.

a. Outdoor emergency shelters shall be located a minimum of forty feet from the property line of abutting properties. A lesser setback may be approved if the planning director determines there is sufficient vegetation, topographic variation, or other site conditions that obscure the site from abutting properties.

b. Outdoor emergency shelter units shall meet all setbacks required by the International Fire Code.

4. Fencing. Sight-obscuring fencing is required around the perimeter of the outdoor emergency shelter unless the planning director determines that there is sufficient vegetation, topographic variation, or other site conditions such that fencing would not be effective.

5. Lighting. Exterior lighting must be directed downward and contained within the outdoor emergency shelter.

6. Inspections.

a. The managing agency shall permit inspections of the outdoor emergency shelter by the Snohomish health district without prior notice and implement all directives of the health district within the time period specified by the health district.

b. The managing agency shall permit access by the Everett police department and Snohomish County sheriff, without prior notice, to the outdoor emergency shelter site at all times.

7. Other.

a. Units are limited to one hundred twenty square feet and must be spaced at least six feet apart;

b. Electricity and heat, if provided, must be inspected and approved by the city's building official;

c. Space heaters, if provided, must be approved by the city fire marshal;

d. Each unit must have a fire extinguisher;

e. Adequate restrooms must be provided, including restrooms solely for families if present, along with hand-washing and potable running water to be available if not provided within the individual units, including accommodating black water.

19.13.270 MANUFACTURED HOMES, MOBILE HOMES, TINY HOMES AND RECREATIONAL VEHICLES.

Establishment of new manufactured home, mobile home, RV park, or tiny home communities is prohibited. The placement of manufactured homes, park models, recreational vehicles or tiny homes in an approved manufactured housing community is allowed.

A. Definitions.

1. The definition of “manufactured home,” “mobile home,” “mobile home park subdivision,” “manufactured housing subdivision,” “mobile home park,” “manufactured housing community” or “manufactured/mobile home community” shall have the same meaning as set forth in RCW 59.20.030.

2. The definition of “designated manufactured home” or “new manufactured home” has the same meaning as set forth in RCW 35.63.160.

3. “Recreational vehicle” means a vehicle which is (a) built on a single chassis; (b) four hundred square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

4. “Tiny home,” “tiny house” or “tiny house with wheels” has the same meaning as set forth in RCW 35.21.686, which is a dwelling to be used as permanent housing with permanent provisions for living, sleeping, eating, cooking, and sanitation built in accordance with the state building code.

5. “Tiny house communities” has the same meaning as set forth in RCW 35.21.686, which is real property rented or held out for rent to others for the placement of tiny houses with wheels or tiny houses utilizing the binding site plan process in RCW 58.17.035.

B. Where Allowed.

1. Manufactured Homes, New or Designated. A new or designated manufactured home may be placed on any lot within the city in the same manner and meeting the same design and development standards as site built homes, factory built homes, or homes built to any other state construction or local design standards, subject to the following:

a. The manufactured home must be set upon a permanent foundation, as specified by the manufacturer, and the space from the bottom of the home to the ground must be enclosed by concrete or a concrete product approved by the planning director which can be either load bearing or decorative;

b. The manufactured home is thermally equivalent to the state energy code; and

c. The manufactured home meets all other requirements for a designated manufactured home as defined in RCW 35.63.160.

2. Manufactured Homes or Mobile Homes. A manufactured home or mobile home may be placed in a mobile home park subdivision, manufactured housing subdivision, mobile home park, manufactured housing community or manufactured/mobile home community that was legally in existence before June 12, 2008, as set forth in RCW 35.21.684.

3. Recreational Vehicles or Tiny Houses.

a. A recreational vehicle or tiny house may be used as a primary residence in a manufactured/mobile home community which was legally in existence before June 12, 2008, as set forth in RCW 35.21.684 if the recreational vehicle or the tiny house meets the following requirements:

(1) The recreational vehicle or tiny house meets fire, safety and other requirements of the city building official and fire marshal;

(2) The recreational vehicle or tiny house contains at least one internal toilet and at least one internal shower, or the manufactured/mobile home community provides toilets and showers for use of the recreational vehicle or tiny house's occupants.

b. A recreational vehicle or tiny house may be used as temporary where allowed pursuant to Chapter 19.05 EMC.

c. A recreational vehicle or tiny house may not be used as a primary residence within the city except as otherwise allowed above.

4. Tiny House Communities. See Chapter 19.05 EMC to see where tiny house communities are permitted.

19.13.280 SECURE COMMUNITY TREATMENT FACILITIES.

A. Essential Public Facilities. A secure community transition facility ("SCTF") is an essential public facility. In addition to complying with the city's requirements for a conditional use permit, the applicant for a SCTF shall comply with the city's siting process for essential public facilities.

B. Maximum Number of Residents. No SCTF shall house more than twelve persons, excluding resident staff.

C. Siting Criteria.

1. No SCTFs shall be allowed in or within the line of sight of the following specified uses, whether such uses are located within or outside the city limits. In or within the line of sight of any "risk potential activity" as defined in RCW 71.09.020, as amended, include, but are not limited to:

a. Public and private schools;

b. School bus stops;

c. Licensed day care and licensed preschool facilities;

d. Public parks, publicly dedicated trails, sports fields and playgrounds;

e. Recreational and community centers;

f. Churches, synagogues, temples and mosques;

g. Public libraries; and

h. Other risk potential activities identified by the Department of Social and Health Services.

2. The distance provided for line of sight shall be measured by following a straight line from the nearest point of the property parcel upon which the secure community transition facility is to be located, to the nearest point of the parcel of property or land use district boundary line from which the proposed land use is to be separated.

3. In order to assist in providing equitable distribution, there shall be a separation of one mile between an SCTF and any existing SCTF, jail, correctional facility, mental health facility, work release, pre-release or similar facility. (A "similar facility" includes, but is not limited to, Madison House, Everett Gospel Mission Men Shelter, Everett Gospel Mission Women and Children Shelter, Green House, Evergreen Manor and establishments providing similar services.)

D. Review Process III (Special Property Use/Conditional Use Permit). A conditional use permit Review Process III application for SCTF shall comply with all the permitting and procedural requirements pertaining to a conditional use permit Review Process III including those found under EMC Title 15.

E. Existing SCTFs. In the event a SCTF is legally sited in accordance with the provisions of this title, this does not preclude any subsequent siting of any risk potential activity described in subsection (C)(1) of this section within the line of sight.

F. When evaluating an application for a SCTF consideration shall also be given to those siting provisions provided in RCW 71.09.250(8).

CHAPTER 19.17 – AIRPORT/PORT/NAVY COMPATIBILITY

19.17.005 USER GUIDE.

This chapter establishes a mechanism for review of certain project proposals and permits within areas close in proximity to Paine Field, the Port of Everett, and/or Naval Station Everett. These areas are-may be characterized by heavy industrial use and higher levels of noise, light, and glare than otherwise found in other areas of the city.

19.17.010 PURPOSE.

The purpose of this chapter is to provide for uses allowed in the underlying zones while protecting Paine Field, the Port of Everett, and/or Naval Station Everett from nearby incompatible land uses and development by:

A. Identifying areas where incompatible uses should be discouraged;

B. Notifying property owners if their property is of property located adjacent to Paine Field, the Port of Everett marine terminal, or Naval Station Everett, within the Paine Field airport influence area overlay that they may experience impacts from operations and may be subject to certain limitations;

C. Notifying applicants for certain development activities or uses within the port compatibility area that they may experience impacts from operations and may be subject to certain limitations.

D. Notifying applicants for certain development activities or uses within the Navy compatibility area that they may experience impacts from operations and may be subject to certain limitations.

~~C E~~. Recognizing and supporting Paine Field, Port of Everett and Naval Station Everett as essential public and military facilities and significant economic resource; and

~~D F~~. Promoting land use compatibility between properties located near Paine Field, the Port of Everett marine terminal, and Naval Station Everett and operations at each of these major facilities.

19.17.020 APPLICABILITY—AIRPORT COMPATIBILITY.

A. Airport compatibility requirements of this chapter applies to:

1. Development activities and uses within the airport influence area (AIA), as defined in subsection (B) of this section and the table below.

2. Development activities and uses within the airport compatibility area (ACA), as defined in subsection (B) of this section and the table below.

B. Airport Name: Snohomish County Airport/Paine Field.

FAA Identifier: KPAE.

Airport Elevation: 609 feet.

Table 17-1: Paine Field AIA-ACA

Runways	Runway Alignment	Runway Length	ACA Distance	AIA Distance
16R/34L	N/S, West	9,010 feet	10,200 feet	14,000 feet
16L/34R	N/S, East	3,004 feet	7,200 feet	9,000 feet
12/30	NW/SE	2,000 feet	5,700 feet	9,000 feet

19.17.030 EXEMPTIONS.

A. Airport Compatibility. The following development activities and uses are exempt from the airport compatibility requirements of this chapter, provided the development activity or use will not interfere with airport operations:

1. Any air navigation use or facility, airport visual approach or airport arresting device, meteorological device, or a type of approach device approved by the Federal Aviation Administration, the location and height of which is fixed by its functional purpose.

2. Aeronautical activity, including but not limited to:

a. Aerospace industry and aerospace manufacturing;

b. Fixed base operations, and other necessary airport support facilities, as approved by the airport, if located outside of airport property;

c. Aerospace and aviation educational facilities, including technical schools and flight training schools.

3. Development activities regulated by the city's construction codes, EMC Title 16, which are determined by the planning director to be minor or incidental in nature and consistent with the purpose of this chapter.

B. Personal wireless telecommunications services facilities that are subject to the requirements of EMC 19.13.020 shall comply with the requirements of EMC 19.17.080 and 19.17.090 but are exempt from other provisions of this chapter.

C. Minor exterior alterations which are incidental in nature and consistent with the purpose of this chapter.

19.17.040 PREEXISTING USES.

A. Uses and structures lawfully established as of effective date of the ordinance codified in this chapter are exempt from the requirements of EMC 19.17.070.

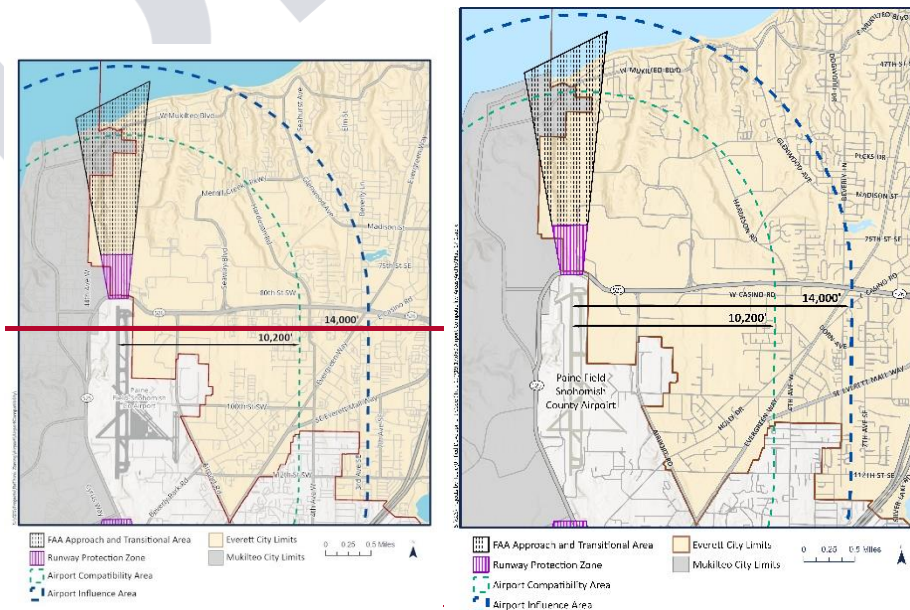
B. Expansion of any use or structure identified in EMC 19.17.070(A) shall be exempt from the provisions of EMC 19.17.070 when the use of the structure lawfully existed at the effective date of the ordinance codified in this chapter.

C. A preexisting use may be changed to any use allowed by the underlying use zone.

19.17.050 AIRPORT COMPATIBILITY AREA MAP.

The boundaries of the airport influence area, runway protection zone, and airport compatibility area from Table 17-1 above, are illustrated in the airport compatibility overlay map shown in Map 17-1.

Map 17-1: Airport Compatibility Area



19.17.060 FEDERAL AVIATION ADMINISTRATION REVIEW.

Repealed by Ord. 3774-20.

19.17.070 USES AND DEVELOPMENT APPROVALS WITHIN THE AIRPORT COMPATIBILITY AREA.

A. Permitted Uses and Development Activities. All properties located within the airport compatibility area (ACA) shall be permitted to have the same uses as permitted in the underlying zoning district subject to the requirements of the underlying use zone and the requirements of this chapter.

B. Approvals of all uses and development activities within an ACA shall be subject to the following requirements:

1. Runway Protection Zone. The proposal will not locate the storage of explosives, hazardous waste, fuel, gas or petroleum, or other hazardous materials within the runway protection zone set forth in Map 17-1 and the Paine Field Airport Master Plan.

2. Structure Height Limitations.

a. No structure, including any rooftop appurtenance and construction-related equipment (e.g., cranes), shall be erected, altered, or maintained that will penetrate or interfere in any way with the airport's airspace plan as set forth in the Paine Field Airport Master Plan or that allowed in accordance with the adopted 14 CFR Part 77, Federal Aviation Administration (FAA) Regulations. Penetration of any airport surface as defined in 14 CFR Part 77 may only be allowed if explicitly authorized by the FAA.

b. An applicant for a permit or approval is responsible for researching 14 CFR Part 77 to determine whether notification is required, regardless of whether the property that is the subject of the application is within or outside of the airport compatibility area (ACA). Nothing in this chapter shall diminish the responsibility of the project proponents to submit FAA Form 7460-1, "Notice of Proposed Construction or Alteration" to the FAA if required by 14 CFR Part 77.

3. Permit applications for uses proposed within an ACA shall provide information showing proximity to airport runways, approach areas, and transitional areas. Application materials should be of sufficient detail to determine that the proposal is compatible with airport operations and consistent with all requirements of this chapter.

4. In addition to any notice requirements for the proposed use or underlying use zone, the city shall provide notice of new development activities with ten thousand square feet of gross floor area or greater, or any development with a building or structure that is taller than thirty feet within the airport compatibility area, to the Paine Field airport manager and shall allow the airport manager to submit comments to the department regarding the proposal, including those related to potential adverse impacts on airport operations and FAA standards.

C. The city may deny, approve, or approve with conditions an application for a development permit or approval within an ACA. The application shall be approved only if the proposal will not require a change in airport operations or flight patterns, including but not limited to adverse impacts due to

1 concentrations of people, height hazards, noise abatement procedures, visual hazards such as lighting
2 and reflective building materials, emissions such as smoke, steam, dust, gas or thermal plumes,
3 transmissions that may cause electrical interference, or wildlife attractants.

4 **19.17.080 NOTICE AND DISCLOSURE REQUIRED WITHIN AN AIRPORT INFLUENCE AREA.**

5 A. When notice of application is required in EMC Title 15, the city shall provide notice of applications
6 for development activities or uses within an ACA to the airport manager of Paine Field.

7 B. Applicants for development within an ACA are encouraged to work cooperatively with the airport
8 manager and refer to FAA and Washington State Department of Transportation guidance related to
9 airport and land use compatibility.

10 C. Development approvals and building permits for development activity and uses subject to EMC
11 19.17.070(B)(4) shall not be issued until the owner of the property with the proposed development
12 activity or use signs and records with the county auditor a disclosure notice that:

- 13 1. Is in a form provided by the department;
- 14 2. Contains a legal description of the property;
- 15 3. Bears a notarized signature of the owner; and
- 16 4. Contains the disclosure text set forth in EMC 19.17.090.

17 This subsection does not apply when the disclosure text already has been recorded against the property.

18 D. In no case shall liability attach to the city for any actions, error, or omissions of any person subject to
19 the requirements of this section.

20 **19.17.090 DISCLOSURE TEXT FOR AIRPORT INFLUENCE AREA.**

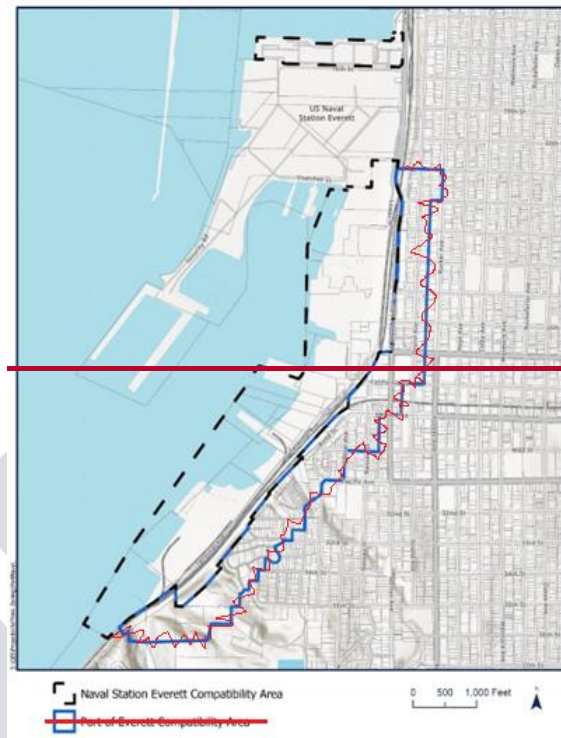
21 The following shall constitute the airport influence area disclosure required by EMC 19.17.080:

22 Your real property is located within the Airport Influence Area of Paine Field. Occupants of properties
23 within the Airport Influence Area may be subject to inconveniences or discomforts arising from aviation
24 activities, including but not limited to noise, odors, fumes, dust, smoke, hours of operation, low
25 overhead flights and other aeronautical activities. Everett Municipal Code (EMC) 19.17.080 requires that
26 you receive this disclosure notice in connection with permits you are or may be seeking. A provision of
27 EMC 20.08.100 provides that "Noise originating from aircraft in flight and sounds which originate at
28 airports and are directly related to flight operations" is exempt from noise control regulations. The City
29 of Everett has adopted airport compatibility regulations in Chapter 19.17 EMC which may affect you and
30 your land. You may obtain a copy of Chapter 19.17 EMC from the City of Everett. In addition, current and
31 future property owners are notified that the Federal Aviation Administration establishes standards and
32 notification requirements for potential height hazards that may be caused by structures, buildings, trees
33 and other objects affecting navigable air space through 14 Code of Federal Regulations Federal Aviation
34 Regulations Part 77. This disclosure may no longer be applicable if the subject property is removed from
35 the Airport Influence Area.

~~19.17.100 PORT AND NAVAL COMPATIBILITY AREA DESIGNATED.~~

~~A port and naval compatibility area ("PCA" or "NCA"), as set forth in Map 17-2, is established. Development within these areas is subject to the requirements set forth in EMC 19.17.110 and 19.17.120.~~

Map 17-2: Port and Naval Compatibility Area Map



19.17.110 PORT COMPATIBILITY AREA.

A port compatibility area overlay is established and defined as follows:

- A. All parcels within 800' of a Port of Everett marine terminal property except those parcels that are federally owned or controlled.
- B. All parcels adjacent to:
 - a. W Marine View Drive (WA 529) from Terminal Ave to N Broadway (WA 529), including on- and off-ramps; and
 - b. W Marine View Drive from Terminal Ave to Pacific Ave; and
 - c. Pacific Ave from W Marine View Drive to Rucker Ave; and
 - d. Rucker Ave from Pacific Ave to 41st Street; and
 - e. 41st Street from Rucker Ave to Interstate 5 (I-5), including on- and off-ramps.

The following applies to development activities and uses within the PCA as established herein.

1 ~~This section applies to development activities and uses within the port compatibility area (“PCA”), as set~~
2 ~~forth in Map 17-2.~~

3 A. Uses and Development Approvals Within the Port Compatibility Area ~~(PCA)~~. All properties located
4 within the ~~PCA Port Compatibility Area~~ shall be permitted to have the same uses as permitted in the
5 underlying zoning district subject to the requirements of the underlying use zone and the requirements
6 of this section.

7 1. The city shall provide a written notice ~~of permit applications~~ to the managers of the port for
8 ~~new developmental activities with more than development applications for new construction or~~
9 ~~building expansion resulting in of~~ ten thousand square feet of building gross floor area within
10 the PCA, and shall allow the manager(s) to submit comments to the department regarding the
11 proposal, including those related to potential adverse impacts on port operations, in addition to
12 any notice requirements for the proposed use or underlying use zone for Review Process II, III, or
13 V application. A preapplication meeting under EMC Title 15 may be required unless waived by
14 the city.

15 2. The city shall consider comments provided by the Port of Everett, ~~and where necessary,~~
16 ~~apply such conditions of approval to mitigate potential impacts to port operations or to identify~~
17 ~~measures the applicant may employ to mitigate potential or perceived impacts to their proposed~~
18 ~~project related to existing or future port operations.~~

19 B. Notice and Disclosure Within Port Compatibility Area. This subsection establishes notification and
20 disclosure requirements for ~~any development applications development activities or uses within a port~~
21 ~~compatibility area (PCA) subject to the requirements of identified in subsection EMC 19.17.110(A)(1) this~~
22 ~~section application for more than ten thousand square feet of building gross floor area within the PCA.~~

23 1. The city shall provide written notice to applicants that their project is within the PCA and
24 written disclosure of potential impacts to the property related to port operations. The text of the
25 written notice and disclosure shall be maintained by the Planning Director with input from the
26 managers of the port.

27 ~~That notice shall include the following language:~~

28 ~~Your real property is located within the Port Compatibility Area (PCA). Occupants of~~
29 ~~properties within the PCA may be subject to inconveniences or discomforts arising from~~
30 ~~maritime activities, including but not limited to noise, odors, glare, fumes, dust,~~
31 ~~construction activity, smoke, traffic, hours of operation, low overhead flights and other~~
32 ~~maritime activities. Everett Municipal Code (EMC) 19.17. requires that you receive this~~
33 ~~disclosure notice in connection with permits you are or may be seeking. Provisions of~~
34 ~~EMC 20.08 provide that noise exemptions apply to “created by watercraft ... in~~
35 ~~operation”, and “operation of equipment or facilities of surface carriers engaged in~~
36 ~~commerce by railroad”. The City of Everett has adopted PCA regulations in Chapter 19.17~~
37 ~~EMC which may affect you and your land.~~

38 2. Applicants for development identified in subsection EMC 19.17.110(A)(1) within the PCA are
39 encouraged, but not required, to work cooperatively with the Port of Everett in the design of

proposed buildings or land development proposals in order to address design elements that will promote compatibility with port operations and to mutually benefit both parties.

19.17.120 COMPATIBILITY WITH NAVAL STATION EVERETT.

A. Applicability. This section applies to development activities and uses within the Navy compatibility area ("NCA"), as set forth in Map 17-2.

Map 17-2: Naval Compatibility Area Map



B. Uses and Development Approvals Within the Navy Compatibility Area (NCA).

1. All properties located within the NCA shall be permitted to have the same uses as permitted in the underlying zoning district subject to the requirements of the underlying use zone and the requirements of this section.
2. The city shall provide notice of permit applications to Naval Station Everett for new development activities within the NCA, and shall allow Naval Station Everett to submit comments to the department regarding the proposal, including those related to potential adverse impacts on Navy operations,
3. The city shall consider comments provided by Naval Station Everett, and where necessary, apply such conditions of approval to mitigate potential impacts to Navy operations or to provide measures to mitigate impacts created by port operations and other activities within the NCA.
4. Applicants for development within the NCA are encouraged to work cooperatively with Naval Station Everett in the design of proposed buildings or land development proposals in order to

address design elements that will promote compatibility with Navy operations and to mutually benefit both parties.

C. Additional Standards for Development in the Navy Compatibility Area.

1. Security Setbacks. New facilities, including buildings, parking, storage areas and public access trails, are not permitted within fifty feet of Naval Station Everett. Roads and driving aisles are permitted within this fifty-foot setback.

2. Outdoor Storage of Bulk Materials. Bulk materials cannot be located in required security setbacks from Naval Station Everett set forth in subsection (C)(1) of this section.

3. Landscaping. Landscaping on property adjacent to Naval Station Everett shall be maintained between eighteen inches and six feet above grade to allow visibility of the required security setback areas set forth in subsection (C)(1) of this section.

4. Required Coordination. Any development that is on a lot within two hundred feet of Naval Station Everett or has frontage on the shoreline shall coordinate with Naval Station Everett on security and public safety issues. A comprehensive security and public safety plan must be submitted to the city at time of land use permit review. Naval Station Everett shall be provided at least fifteen days to review and comment on the plan. The planning director is authorized to establish conditions that address potential security impacts upon Naval Station Everett.

5. Electromagnetic Radiation. Any business within one-fourth mile (one thousand three hundred twenty feet) of Naval Station Everett that generates electromagnetic radiation (EMR) shall coordinate with Naval Station Everett. An EMR frequency spectrum plan must be submitted to the city at time of land use permit review. Naval Station Everett shall be provided at least fifteen days to review and comment on the plan. The planning director is authorized to establish conditions that address potential EMR impacts to Naval Station Everett.

6. Marine Traffic. Any development that generates marine traffic in the Everett Harbor must coordinate with Naval Station Everett. A port operations plan must be submitted to the city at time of land use permit review. Naval Station Everett shall be provided at least fifteen days to review and comment on the plan. The planning director is authorized to establish conditions that address potential impacts from marine traffic on Naval Station Everett.

7. Windows. All windows on north facing facades within one hundred feet of Naval Station Everett shall be translucent (does not allow views to Naval Station Everett).

CHAPTER 19.22 – BUILDING AND STRUCTURE HEIGHTS

19.22.010, Overview

The standards in this chapter establish the maximum, and if applicable, minimum building and structure heights for development within the city. The purpose of these standards includes:

A. To promote a reasonable building scale and relationship between buildings within an area or zoning district;

B. To promote compatibility between areas with different height limits;

- 1 C. To promote greater separation between uses that might not be compatible;
- 2 D. To promote options for privacy for neighboring properties; and
- 3 E. To promote additional heights in exchange for public benefits.

4 **19.22.020, HEIGHTS FOR PRINCIPAL AND ACCESSORY BUILDINGS**

5 A. *Maximum Building Heights.*

- 6 1. *Principal Buildings.* Maximum building heights for principal buildings are set forth in ~~Map 22-~~
7 ~~1 and~~ in Table 22-1 below. Maximum building heights may be modified in certain areas using
8 overlays on the zoning map. A building must meet ~~both the~~ standards in Table 22-1 (~~maximum~~
9 ~~floors and~~ maximum feet) and any zoning overlay standard.

10 **Table 22-1: Maximum Building Heights**

Height Standard	Zone									
	Single-Family Zones (R-S, R-1, R-2, R-2(A))	UR3 ¹	UR4	NB	B	MU	LI1	LI2	HI	AG
Maximum Floors	n/a	4	See map	See map	See map	See map	See map	See map	See map	3
Maximum Feet	28'	50'	See map	See map	See map	See map	See map	See map	See map	35'

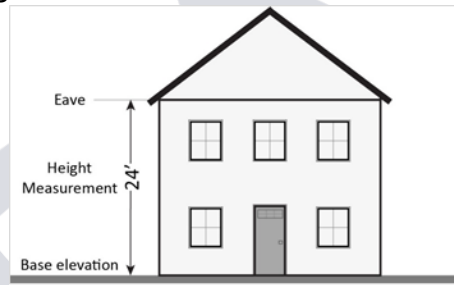
11

<u>Height standard</u>	<u>Zone</u>											
	<u>NR-C</u>	<u>NR</u>	<u>UR-4¹</u>	<u>UR-7</u>	<u>MU-4</u>	<u>MU-7</u>	<u>MU-15</u>	<u>MU-25</u>	<u>LI-MU</u>	<u>LI</u>	<u>HI</u>	<u>AG</u>
<u>Intended Number of Floors</u>	<u>3</u>	<u>3</u>	<u>4</u>	<u>7</u>	<u>4</u>	<u>7</u>	<u>15</u>	<u>25</u>	<u>7</u>	<u>10</u>	<u>10</u>	<u>3</u>
<u>Maximum Feet</u>	<u>35'</u>	<u>35'</u>	<u>45'</u>	<u>75'</u>	<u>50'</u>	<u>80'</u>	<u>160'</u>	<u>260'</u>	<u>80'</u>	<u>100'</u>	<u>100' ⁽²⁾</u>	<u>35'</u>

¹ If located within an historic overlay, the maximum height is limited to three floors or thirty-eight feet in maximum height, with the maximum height to the eaves at the side lot line twenty-four feet. (see Figure 22-1).

² See EMC 19.22.070

Figure 22-1: Where to Measure Eave Height



2. *Detached Accessory Residential Buildings.* Maximum building heights for detached accessory residential buildings are set forth in Table 22-2 below.

Table 22-2: Maximum Detached Accessory Residential Building Heights

Development Site	Zone		
	Single Family Zones (R-S, R-1, R-2, R-2(A)) <u>Neighborhood Residential</u>	<u>UR3</u> <u>UR-4</u>	<u>UR4</u> <u>UR-7</u>
Alley lots	1. 6:12 pitch roof or greater: 2 floors up to 24' 2. Less than 6:12 pitch roof: 1 1/2 floors up to 18'	2 floors, up to 28' maximum	The greater of 2 floors, up to 28' maximum, or the height of the existing/proposed principal building
Nonalley lots	1 1/2 floors up to 18' maximum	2 floors up to 24' maximum	2 floors up to 24' maximum

3. ~~*Accessory Dwelling Units.* The maximum building height for accessory dwelling units is twenty-eight feet for alley lots and twenty-four feet for non-alley lots, except that accessory dwelling units located within a principal dwelling unit may meet the height of the zone.~~

4.—See EMC 19.22.090 for height limits on other accessory uses and structures.

B. *Minimum Building Heights.* In order to encourage efficient use of property within ~~Everett~~ Metro ~~mixed-use centers~~, and along streets designated as transit-oriented development (see Map 33-1

in Chapter 19.33 EMC), minimum building heights are required for principal buildings as set forth below.
There is no minimum height requirement for accessory buildings.

Table 22-3: Minimum Building Heights

Building Type	Zone or Street Designation			
	UR3	UR4	MU	MU on TOD Street
Principal Building	2 floors	2 floors	2 floors	4 floors
Accessory Building	No minimum	No minimum	No minimum	No minimum

	<u>Neighborhood Nodes</u>	<u>Community Hubs</u>	<u>Metro Everett</u>	<u>TOD Streets</u>
<u>Minimum Building Height</u>	<u>2 floors</u>	<u>3 floors</u>	<u>3 floors</u>	<u>4 floors ⁽¹⁾</u>

⁽¹⁾ Except in a historic overlay

C. Development of affordable housing for low-income households on real property owned or controlled by a religious organization may exceed the underlying building height limit by 10'.

Incentive Height Maximums. Where Map 22-1 includes a range of maximum building heights (e.g., five to eight floors), the lower number is referred to as the “base height maximum” and the higher number is referred to as the “incentive height maximum.” A building may be built to the base height maximum without application of the development heights incentive program. See development height incentives program (EMC 19.22.080).

19.22.030, WHERE HEIGHT REDUCTIONS ARE REQUIRED.

A. ~~Intent.~~ The following requirements are intended to promote compatibility between areas with different permitted heights and different permitted uses. The following instances might require reduction in allowed building heights:

- ~~1. Where multifamily zones abut single family zones;~~
- ~~2. Where commercial zones abut single family zones;~~
- ~~3. Where industrial uses abut single or multifamily zones;~~
- ~~4. Where development is within the airport compatibility area.~~

B. ~~Height Reductions—Adjacency, Table.~~

~~1. Table 22-4 requires height reductions where a development site is in a zone identified in Column A and which abuts an adjacent zone shown in Column B. In these circumstances, the development must adhere to the height limits in the adjacent zone (from Column B) for the distance specified in Column C. If the proposed development abuts a residential zone that is not within the city limits, the height limits assumed will be twenty-eight feet.~~

~~2. The measurement of distance from the building to adjacent zone is from adjacent zone boundary, except where the adjacent zone boundary is along the centerline of a street or alley,~~

the measurement shall be made from the property line across an alley or street in the adjacent residential zone.

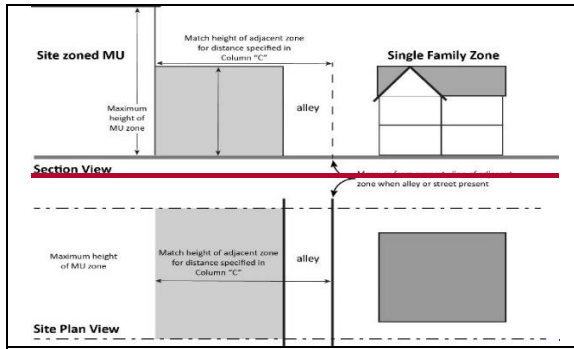
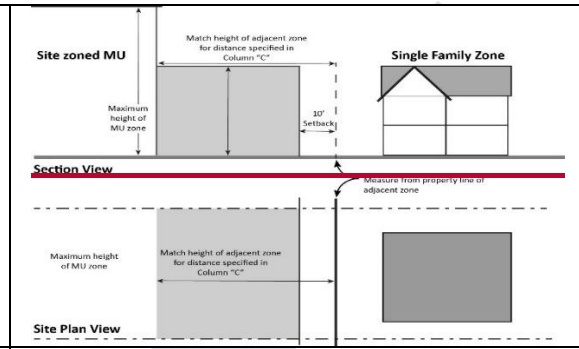
3. See Figure 22-2 for illustration of how these reductions are applied.

Table 22-4: Height Reductions

Column A	Column B	Column C*	Column E
Zone(s) (Development Site)	Adjacent Zone	Distance to Match Height to Adjacent Zone	Height Reduction
R-S, R-1, R-2 or R-2(A)	n/a	n/a	n/a
UR3 and UR4	RS, R-1, R-2 or R-2(A)	35'	Height limited to height allowed in adjacent zone within 35' (Column C), then height can meet height of the development zone (Column A).
NB	RS, R-1, R-2 or R-2(A)	35'	Height limited to height allowed in adjacent zone within 35' (Column C), then height can meet height of the development zone (Column A).
B and MU	RS, R-1, R-2, R-2(A), UR3, or UR4	50'	Height limited to height allowed in adjacent zone within 50' (Column C), then height can meet height of the development zone (Column A).
L1	RS, R-1, R-2, R-2(A), UR3, or UR4	75'	Height limited to height allowed in adjacent zone within 75' (Column C), then height can meet height of the development zone (Column A).
L2	RS, R-1, R-2, R-2(A), UR3, or UR4	100'	Height limited to height allowed in adjacent zone within 100' (Column C), then height can meet height of the development zone (Column A).
H1	RS, R-1, R-2, R-2(A), UR3, or UR4	150'	Height limited to height allowed in adjacent zone within 150' (Column C), then height can meet height of the development zone (Column A).

* See EMC 19.22.060 for how this measurement is determined.

Table 22-2: Building Height Reduction Illustration

 <p>Site zoned MU</p> <p>Match height of adjacent zone for distance specified in Column "C"</p> <p>Maximum height of MU zone</p> <p>alley</p> <p>Single Family Zone</p> <p>Section View</p> <p>Maximum height of MU zone</p> <p>Match height of adjacent zone for distance specified in Column "C"</p> <p>alley</p> <p>Site Plan View</p>	 <p>Site zoned MU</p> <p>Match height of adjacent zone for distance specified in Column "C"</p> <p>Maximum height of MU zone</p> <p>10' Setback</p> <p>Single Family Zone</p> <p>Section View</p> <p>Maximum height of MU zone</p> <p>Match height of adjacent zone for distance specified in Column "C"</p> <p>Measure from property line of adjacent zone</p> <p>Site Plan View</p>
<p>This illustration shows the point of measurement with an alley.</p>	<p>This illustration shows the point of measurement when the building abuts a single-family zone without an alley. EMC 19.06.020 requires the building to be set back ten feet from the single-family zone, as well.</p>

19.22.030, WHERE HEIGHT REDUCTIONS ARE REQUIRED.

A. Intent. The following requirements are intended to promote compatibility between areas with different permitted heights and different permitted uses. The following instances might require reduction in allowed building heights:

1. Where a zone that allows buildings over seventy feet tall abuts a neighborhood residential zone
2. Where industrial uses abut residential zones;
3. Where development is within the airport compatibility area.

B. Height Reductions—Adjacency, Table.

1. Table 22-4 requires height reductions where a development site is in a zone identified in Column A and which abuts an adjacent zone shown in Column B. In these circumstances, the development must adhere to the height limits in the adjacent zone (from Column B) for the distance specified in Column C. If the proposed development abuts a residential zone that is not within the city limits, the height limits assumed will be twenty-eight feet.
2. The measurement of distance from the building to adjacent zone is from adjacent zone boundary, except where the adjacent zone boundary is along the centerline of a street or alley, the measurement shall be made from the property line across an alley or street in the adjacent residential zone.
3. See Table 22-5 for illustration of how these reductions are applied.

1

Table 22-4: Height Reductions

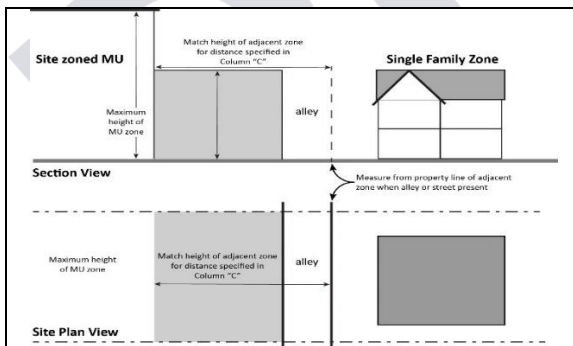
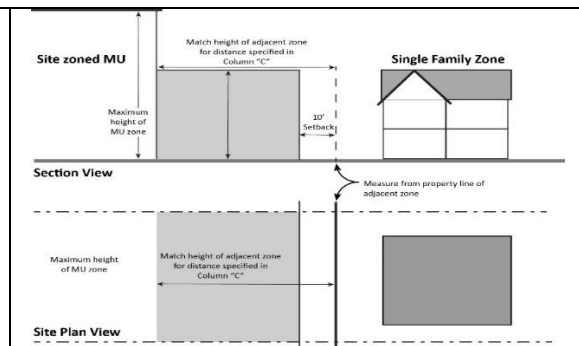
<u>Column A</u>	<u>Column B</u>	<u>Column C*</u>	<u>Column E</u>
<u>Zone(s)</u> <u>(Development Site)</u>	<u>Adjacent Zone</u>	<u>Distance to</u> <u>Match Height to</u> <u>Adjacent Zone</u>	<u>Height Reduction</u>
<u>UR-7, MU-7, MU-15, LI-MU, LI</u>	<u>NR</u>	<u>50'</u>	Height limited to height allowed in adjacent zone within 50' (Column C), then height can meet height of the development zone (Column A).
<u>LI-MU</u>	<u>NR or UR4</u>	<u>75'</u>	Height limited to height allowed in adjacent zone within 75' (Column C), then height can meet height of the development zone (Column A).
<u>LI</u>	<u>NR or UR4</u>	<u>100'</u>	Height limited to height allowed in adjacent zone within 100' (Column C), then height can meet height of the development zone (Column A).
<u>HI</u>	<u>NR or NR-C</u>	<u>150'</u>	Height limited to height allowed in adjacent zone within 150' (Column C), then height can meet height of the development zone (Column A).

2

* See EMC 19.22.060 for how this measurement is determined.

3

Table 22- 5: Building Height Reduction Illustration

	
<p><u>This illustration shows the point of measurement with an alley.</u></p>	<p><u>This illustration shows the point of measurement when the building abuts a neighborhood residential zone without an alley. See EMC 19.06 for building setback requirements.</u></p>

19.22.040, AIRPORT COMPATIBILITY AREA.

In order to protect the health, welfare, safety and quality of life of the general public, property owners and aircraft operators and to protect the long-term viability of Paine Field, new development within the airport compatibility area may be subject to height reductions. See Chapter 19.17 EMC.

19.22.060, HOW HEIGHTS ARE MEASURED.

A. *Overview.* Building heights may be measured by ~~the number of stories (floors) and/or by~~ total feet permitted. Where the height limits show both floors and feet, both standards must be met. Where maximum building heights are shown in floors only, how the height of floors is calculated is explained in subsection (D) of this section.

B. *Where Heights Are Measured From.* ~~The base elevation of a building. Where heights are measured from depends on the zone or location, and whether the site has alley access or is sloped and subject to subsection (B)(4) of this section.~~

~~1.—Commercial Zones.~~ The height of buildings shall be measured from the average sidewalk elevation at the front lot line or, where no sidewalk exists, the average of the record profile grade elevation of the street abutting the principal frontage of the building, as determined by the public works department.

~~2.—Industrial Zones.~~ The height of buildings shall be the number of floors from the base elevation of a building to the highest point of the roof, exclusive of building appurtenances.

~~3.—Residential Zones.~~ Building height measurements in residential zones depend on the zone and/or the overlay that might be applied.

~~a.—UR4 Zone.~~ The height of buildings shall be measured from the average sidewalk elevation at the front lot line or, where no sidewalk exists, the average of the record profile grade elevation of the street abutting the principal frontage of the building, as determined by the public works department.

~~b.—Historic Overlay Zones.~~ Where a residential zone includes an historic overlay, the height of buildings shall be measured from the average sidewalk elevation at the front lot line or, where no sidewalk exists, the average of the record profile grade elevation of the street abutting the principal frontage of the building, as determined by the public works department.

~~c.—Other Residential Zones.~~ The height of buildings shall be the number of floors and vertical distance from the base elevation of a building to the highest point of the roof, exclusive of building appurtenances.

4.1. *Exceptions for Height Measurements.* The following are exceptions to how heights are measured ~~outlined in subsections (B)(1) through (B)(3) of this section.~~

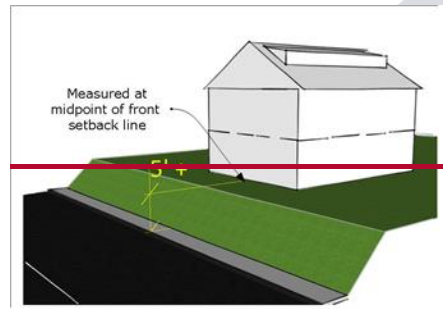
a. Historic Overlay Zones. Where a parcel is within, or within 50' of, an historic overlay, the height of buildings shall be measured from the average sidewalk elevation at the front lot line or, where no sidewalk exists, the average of the record profile grade

elevation of the street abutting the principal frontage of the building, as determined by the public works department.

~~a. *Alley Access Accessory Buildings.* Accessory residential buildings or detached accessory dwelling units which are accessed from an alley shall measure building heights from the average alley elevation at the rear lot line.~~

~~b. *Steeper Sites.* Any zone in which building heights are determined based on the sidewalk elevation at the front lot line and where a site for development has a difference in existing grade between the sidewalk and midpoint of the front setback line of five feet or more, the height shall be determined as the number of floors and vertical distance from the base elevation of a building to the highest point of the roof, exclusive of building appurtenances.~~

Figure 22-3: Height Measurement for Steeper Sites



5. *Where to Measure Height Reductions From.* Where height reductions are required for buildings due to being adjacent to residential zones (see EMC 19.22.030), the measurement of distance from the building to adjacent zone is from adjacent zone boundary, except where the adjacent zone boundary is along the centerline of a street or alley, the measurement shall be made from the property line across an alley or street in the adjacent residential zone. See **Figure Table 22-2 5**.

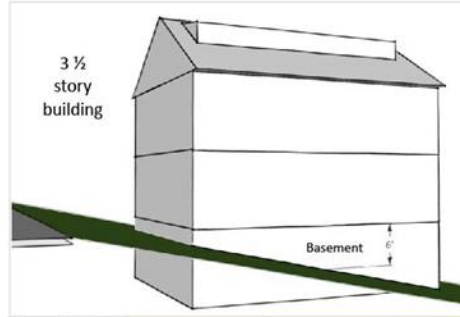
C. *Where Building Heights Are Measured To.* Building heights are the vertical distance from the point identified in subsection (B) of this section of a building to the highest point of the roof, exclusive of building appurtenances. "Building appurtenance" means elevator overtravel/mechanical equipment, deck railings, chimneys, steeples, television and radio antennas, ham radio antennas, television dish antennas, flagpoles, and vent pipes in any zone, and mechanical systems in zones other than ~~single-family zones~~ the neighborhood residential zone, and other similar features, excluding signs, which are customarily located on or above the roof of a building.

~~D. *What Floors Are Included in Height.*~~

~~1. *The number of floors or stories shall include all floors located above where heights are measured from (sidewalk or base elevation).*~~

~~2. **Basement.** A story located below a story which has its finished floor surface more than six feet above the point of height measurement (sidewalk or base elevation) for fifty percent or more of the total building perimeter, shall be considered a story.~~

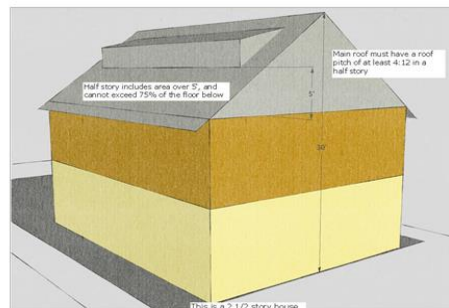
Figure 22-4 2: When Basements Are Included in Height



~~3. **Underground.** Any floors underground which are not counted as a story in subsection (D)(2) of this section are not included in the overall floor or story limits for building heights.~~

~~4. **Half Story.** A half story is a usable living space within a sloping roof (minimum pitch of 4:12), usually having dormer windows for lighting and where the calculated total gross floor area, not counting floor area with a net floor-to-ceiling distance less than five feet, is no greater than seventy-five percent of the floor below.~~

Figure 22-5 3: Half Story Illustration



~~**E. How High Is a Floor or Story.**~~

~~1. **Total Floor or Story Calculation.** The number of floors shall be calculated as follows:~~

~~a. **Commercial and Industrial Zones.**~~

~~(1) **First floor:** fifteen feet.~~

~~(2) **Upper floors:** ten feet.~~

~~b. **Residential Zones.** All floors calculated at ten feet.~~

~~2. **How to Calculate Floors with Different Heights.**~~

a. Any habitable floor with a height less than the numbers shown above shall be considered a floor. For example, a building in a commercial zone with a first floor height of twelve feet and four upper floors of nine feet is considered five floors.

b. Any floor with a height greater than shown above is allowed but shall be calculated as a fraction of the floor limits. For example, a building with five upper floors each measuring twelve feet would count as six floors ($5 \times 1.2 = 6$) for determining maximum floor height limits.

3. ~~Fractions.~~ Any fractions shall be rounded down to the next whole number, except that when this computation results in a fraction which equals 0.5 or larger, the number is rounded up to the next whole number. For example, a calculation of 6.4 floors is rounded down to six floors, while a calculation of 6.5 floors is rounded up to seven floors. A residential building with two floors at fourteen feet would be considered a three-floor building ($2 \times 1.4 = 2.8$, or three floors).

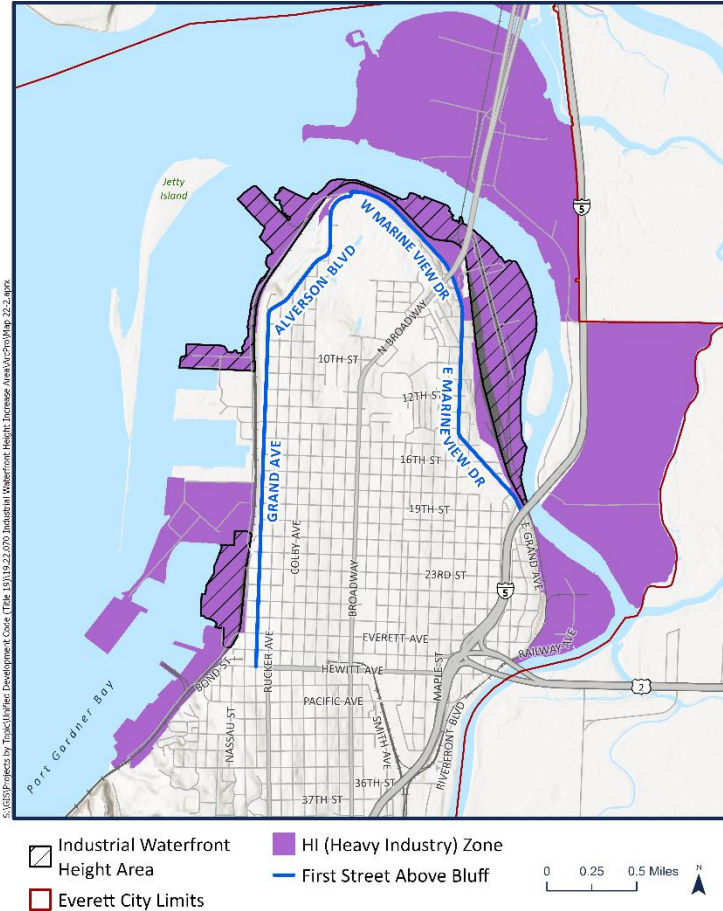
19.22.070, EXCEPTION FOR HEIGHTS IN INDUSTRIAL ZONES.

In those areas zoned for industrial use, ~~additional heights~~ different height limits are sometimes necessary to ~~accommodate~~ balance industrial activities with water views. ~~The following provisions allow for additional heights above what is shown in Map 22-2.~~

A. ~~Industrial Zones Along Waterfront~~ Height Area. For those areas zoned industrial and waterward of the BNSF rail tracks, with access to the marine shorelines or the Snohomish River shown as "Industrial Waterfront Height Area" in Map 22-2 below, the maximum building height shall be 55 feet.

1

Map 22-2: Industrial Waterfront Height Area



2

1. ~~an~~ Within the Industrial Waterfront Height Area, an additional two floors may be approved with Review Process III after review of a viewshed analysis that demonstrates the following:

1-a. The increased height is necessary to support water dependent industrial activities on the property;

2-b. The increased height will not obstruct the view of a substantial number of residences for those areas adjoining the shoreline; and

3-c. The increased height will not cause adverse impact on views from adjoining public parks or public open spaces.

B. Industrial Zones Near Paine Field. Aircraft manufacturing plants are permitted to have a building height of one hundred sixty feet within the Paine Field airport compatibility area.

19.22.080, DEVELOPMENT HEIGHT INCENTIVES PROGRAM.

A. Purpose. The intent of the development height incentives program established in this section is to allow additional building height in exchange for the developer's contribution to programs set forth in this section.

B. Overview. Maximum building heights for principal buildings are set forth in Map 22-1. Where Map 22-1 includes a range of maximum building heights (e.g., five to eight floors), the lower number is referred to as the "base height maximum" and the higher number is referred to as the "incentive height maximum." A building may build to the base height maximum without application of the development height incentives program. In order to achieve the incentive height maximum, a development must comply with this section.

C. How to Receive Additional Heights. The maximum building height of a principal building may be increased to the incentive height maximum indicated in Map 22-1 when development meets one or more of the program options and requirements set forth in Table 22-5. These options permit an increase in floor heights as indicated and may be combined with more than one public benefit for additional floor heights, not to exceed the incentive height maximum indicated in Map 22-1.

Table 22-5: Development Height Incentive Standards

Benefit Provided	Height Incentive Offered
Housing	
Affordable housing provided on or off site	5:1 Five square feet additional floor area for each one square foot of affordable housing
Fee in lieu of (affordable housing)	2:1 Two square feet additional floor area for each one square foot of affordable housing
Historic Building Preservation	
Transfer of development rights from place on city register of historic places	5:1 Five square feet for each one square foot of development rights transferred from historic place
Green Building	
Buildings certified by Green Building Council or equivalent	Gold — 50% of the incentive height maximum Platinum — 100% of the incentive height maximum
Public Parking	
Dedicated public parking (above ground floor in structured parking) (This incentive is only offered in Metro Everett)	4:1 Four square feet for each one square foot of public parking dedicated for public use (deed restricted)
Dedicated public parking (below ground) (This incentive is only offered in Metro Everett)	6:1 Six square feet for each one square foot of public parking dedicated for public use (deed restricted)
Public Art	

Benefit Provided	Height Incentive Offered
Contribution to city's public art fund or art provided and located as approved by Everett cultural arts commission	1:1 One square foot of additional floor area for each square foot of fees provided based on subsection (D)(9) of this section
Agricultural Land Preservation	
Transfer of development rights from agricultural resource lands	5,000 square feet of additional floor area for each certified development right transferred
Parks, Outdoor and Common Areas	
Public parks	1:2 One square foot for each two square feet of public park dedicated or improved
Additional outdoor and common areas	1:1 One square foot for each one square foot of public open space

D. Requirements for Height Incentive Program.

1. **General.** In order to receive the additional heights shown in Table 22-5 above, development must meet the following requirements for the applicable incentive.

2. **Affordable Housing.**

a. "Affordable housing" means residential housing for low- and moderate-income households as defined in Chapter 3.78 EMC regarding multifamily housing property tax exemption.

b. Affordable housing can be provided on site or off site, or a payment in lieu of providing affordable housing can meet this requirement.

c. **Rent/Sale and Income Restricted.** Any development which receives a height bonus by providing affordable housing shall be required to record a deed restriction which will restrict the rent or sale of the housing units to those households whose income qualifies for this program. The length of the deed restriction shall be no less than fifty years.

d. **Fee-in-Lieu-of Program.** A fee in lieu of, at a reduced ratio of two to one, may be approved by the planning director. See subsection (D)(9) of this section.

3. **Historic Building Preservation.**

a. A development project may provide for the preservation of historic resources through the city's transfer of development rights program.

b. The development rights must be obtained from a building on the city of Everett's register of historic places.

c. Any improvements to buildings from which development rights are transferred will be required to meet city requirements for historic buildings as set forth in a development agreement approved by the planning director.

4. **Green Building.**

a. ~~Additional building height is allowed for buildings certified by the U.S. Green Building Council, or equivalent standards.~~

b. ~~Any use of equivalent green building standards must be approved by the planning director.~~

c. ~~If certification has not been achieved at the time the first certificate of occupancy is issued for the building, the developer shall post a performance bond in a form acceptable to the city. The performance bond shall be based on the value of land per square foot of building in the area of the city in which the proposed development is located. The developer will forfeit the performance bond if green building certification is not achieved within one year of the city's issuance of the certificate of occupancy. The city reserves the right to use the funds for any purpose, including but not limited to green building improvements to publicly owned buildings.~~

~~5. Public Parking.~~

a. ~~Where Available.~~ This height incentive is only available in Metro Everett.

b. ~~Building Use and Public Parking.~~

~~(1) Residential Parking Spaces.~~ Parking spaces that serve residences during the evening must be made available to the public between seven-thirty a.m. and five-thirty p.m.

~~(2) Nonresidential Parking Spaces.~~ Parking spaces that are dedicated to nonresidential use during the day shall be made available to the public between the hours of five-thirty p.m. and one a.m.

c. ~~Fees.~~ Reasonable, market-rate fees may be charged for public parking. A fee schedule shall be submitted to the planning director annually for review and approval.

d. ~~Term.~~ The property owner will be required to record deed restrictions that show that the city will retain a permanent interest in the public parking as long as the building is occupied. The form and conditions of the deed restrictions must be approved by the city and will be required before a final certificate of occupancy.

~~6. Public Art.~~

a. ~~To receive an incentive height bonus for public art, a developer must contribute fees set forth in subsection (D)(9) of this section to the city of Everett municipal arts fund. In lieu of providing the financial contribution to the fund, the city's cultural arts commission may approve public art to be completed by the developer; provided, that the value of that art equals the fees set forth in subsection (D)(9) of this section.~~

b. ~~All public art shall include a maintenance plan to ensure the public art is properly funded and maintained.~~

~~7. Agricultural Land Preservation.~~

~~a. A development height incentive may be provided where a development severs the development rights from the fee interest of property that is designated as "agricultural lands of long-term commercial significance" by Snohomish County.~~

~~b. The development rights being acquired must be certified by Snohomish County.~~

~~c. Each agricultural development right which is acquired shall entitle the developer to five thousand square feet of additional floor area.~~

~~d. In order to implement this program cooperatively with Snohomish County, the city of Everett adopts Chapter 365-198 WAC, as now or hereafter amended, by reference.~~

~~8. Parks, Outdoor and Common Areas.~~

~~a. To receive an incentive height bonus for public parks, a developer must either:~~

~~(1) Dedicate land to the city as approved by the parks director, mayor and city council; or~~

~~(2) Improve an existing public park or open space, or provide funds in lieu of improvement, in an amount that is equivalent in value of a land dedication, and as approved by the parks director.~~

~~b. To receive an incentive height bonus for outdoor and common areas, the developer shall provide outdoor and common areas in addition to the minimum requirements set forth in EMC 19.09.050.~~

~~9. Fee in Lieu Of.~~

~~a. When Allowed. Where a fee in lieu of is allowed, the determination of the fee must follow the requirements set forth in subsection (D)(9)(b) of this section.~~

~~b. Fee Calculation.~~

~~(1) The in-lieu-of fee is based on the bonus provided. For example, if a developer wishes to pay an in-lieu-of fee to support two floors of affordable housing in return for four bonus floors, the fee is based on the two floors of affordable housing.~~

~~(2) The in-lieu-of fee, as of July 1, 2020, is based on the zoning designation and values set forth below. The fee will be adjusted annually based on the adjustment process set forth in EMC 16.72.020.~~

~~(A) Mixed urban zone: seven dollars and fifty cents per square foot.~~

~~(B) Light industrial zone(s): six dollars per square foot.~~

~~(C) Multifamily (UR3 and UR4) zones: five dollars per square foot.~~

~~Fee Calculation Example No. 1: A developer wishes to provide a fee in lieu of providing affordable housing in the urban mixed zone. The developer wishes to support two floors of affordable housing, which would provide a height bonus of four additional floors. The floorplates of the upper floors are seven thousand~~

five hundred square feet. The in-lieu-of fee would be one hundred twelve thousand five hundred dollars based on 2020 rates. ($2 \times 7,500 \times \$7.50 = \$112,500$.) In this example, the developer would have four additional floors, or thirty thousand square feet of gross floor area, in exchange for an affordable housing fee of one hundred twelve thousand five hundred dollars.

Fee Calculation Example No. 2: A developer wishes to build one additional floor and provide to the city's public art fund. The gross floor area of that incentive floor is seven thousand five hundred square feet. The in-lieu-of fee would be fifty-six thousand two hundred fifty dollars based on 2020 rates. ($7,500 \times \$7.50 = \$56,250$.)

~~c. **City Funds.** Any fees accepted by the city shall be deposited into city funds to be used for the purpose for which they were deposited. The city will annually account for the deposit and expenditure of the funds provided in lieu of the developer providing the required benefit.~~

19.22.090, OTHER ACCESSORY STRUCTURES AND APPURTENANCE HEIGHT LIMITS.

A. Antennas.

1. Except for amateur radio towers and antennas as set forth in subsection (A)(2) of this section, the height of any antenna shall not exceed five feet above the maximum permitted building height above the base elevation of the principal building and shall not exceed the horizontal distance between the base of the antenna and the nearest property line.

2. Amateur radio towers and antennas for use by a noncommercial, licensed amateur operator shall be allowed if they:

- a. Do not exceed the height of sixty-five feet above the base elevation of the principal building;
- b. Are located and constructed in a manner that will prevent it from falling onto adjoining properties;
- c. Do not interfere with nearby utility lines, etc.;
- d. Are not located within any required setback area.

3. An amateur radio tower or antenna may exceed sixty-five feet above the base elevation of the principal building if approved by the planning director using Review Process II described in EMC Title [15](#), Local Project Review Procedures. In order to approve an antenna or tower height which exceeds sixty-five feet above the base elevation of the principal building, the planning director shall approve the minimum height necessary to reasonably allow for transmission and reception of radio signals, and the antenna or tower shall:

- a. Be located and constructed in a manner that will prevent it from falling onto adjacent properties;
- b. Not interfere with nearby utility lines;
- c. Not be located within any required setback area.

B. Other Building Appurtenances.

1. Except as provided in subsection (A) or (B)(2) of this section, no building appurtenance shall exceed a height of five feet above the maximum height allowed in the zone for the principal building, unless the planning director determines that the appurtenance must be above such height for proper operation.

2. The planning director, using the review process described in EMC Title 15, Local Project Review Procedures, may allow an atrium appurtenance which does not increase the floor area of the building but which allows for passive solar energy usage to exceed the maximum building height allowed by the zone in which the subject property is located by not more than twenty percent of the maximum permitted building height. In reviewing such a proposal, the planning director shall not approve the proposed building appurtenance if it would significantly obstruct views from and solar access for surrounding properties.

C. Places of Worship and Steeples. Places of worship shall comply with the height requirements of this chapter. Steeples may exceed the maximum building height.

D. Flags. The maximum height of flagpoles shall be in accordance with the height standard on that property. (See EMC 19.36.030 for additional standards for size of flags.)

E. Signs. See EMC 19.36.040 for height of freestanding signs.

F. Towers for Aboveground Utility and Communication Facilities. Towers associated with aboveground utility and communication facilities and all ancillary structures, that when allowed to be located in or within two hundred feet of residential zones, the height of any tower shall not exceed the horizontal distance between the base of the tower and the nearest residential property line.

19.22.100, MODIFICATION OF BUILDING HEIGHTS.

A. General. An applicant may propose and the planning director, using the Review Process II described in EMC Title 15, Local Project Review Procedures, may allow an applicant to deviate from the building height standards, provided the proposal satisfies the evaluation criteria of this section. In evaluating such a proposal, the planning director, using the criteria in subsection (C) of this section, shall determine if the alternative design or plan provides superior results to that which would be required by compliance with the development standards of this chapter.

B. Building Height Standards That Can Be Modified.

1. The following development standards in this chapter can be modified:

- a. Minimum building heights;
- b. How heights are measured; provided, however, that a view analysis is required if visible from adjoining properties;

2. The following development standards cannot be modified:

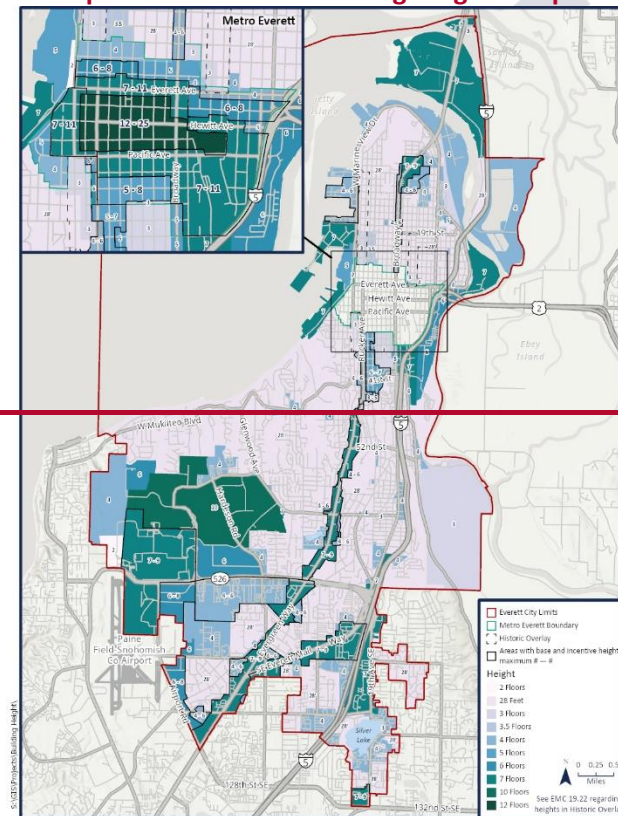
- a. Maximum building heights (Table 22-1);

- 1 b. Maximum accessory residential building ~~and accessory dwelling unit building~~ heights
2 (Table 22-2).

- 3 C. *Evaluation Criteria for Modification.* See EMC 15.03.060.

4 **19.22.150, BUILDING HEIGHTS MAPS.**

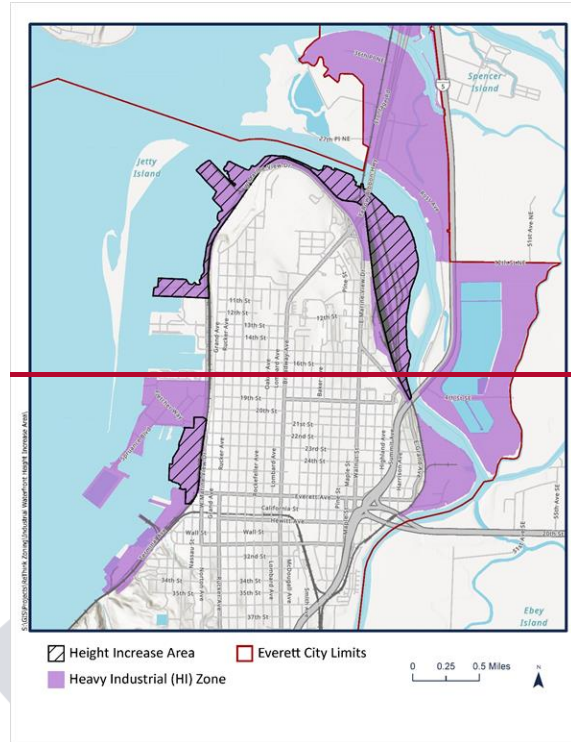
5 **Map 22-1: Maximum Building Heights Map***



* This building height map at a scale of 1:24,000 or higher can be viewed at the city planning office or in the map gallery of the city's website.

1

Map 22-2: Industrial Waterfront Height Increase Area



2
3

4

CHAPTER 19.25 LAND DIVISION GENERAL EVALUATION CRITERIA

19.25.040 Evaluation criteria—Subdivision, short subdivision, unit lot land division, alteration or vacation.

An application that complies with all of the following general evaluation criteria listed below, the requirements of Chapters 19.24 through 19.27 EMC and this title, and applicable city standards shall be approved. In any such approval, the city shall make written findings that the application has made appropriate provisions in accordance with the requirements of this section. An application that does not comply with these criteria shall be denied by the city.

A. *Public Use and Interest.* The proposed project and design shall promote the public use and interest in accordance with the standards established by the state, city, and Chapters 19.24 through 19.27 EMC and this title;

B. *Public Health, Safety, and General Welfare.* The proposed project and design shall promote the public health, safety and general welfare in accordance with the standards established by the state, city, and Chapters 19.24 through 19.27 EMC and this title;

C. *Comprehensive Plan.* The proposed project and design shall conform to the general purposes of the comprehensive plan;

D. *Unified Development Code.* The proposed project and design shall meet the requirements of this title, including but not limited to the following:

1. Chapter 19.06 EMC, Lots, Setbacks and Residential Densities;
2. Chapter 19.26 EMC, Land Division Development Standards or Chapter 19.27 EMC, Unit Lot Land Divisions;
3. Chapter 19.30 EMC, Flood Damage Prevention;
4. Chapter 19.33 EMC, Streets, Sidewalks and Pedestrian Circulation;
5. Chapter 19.34 EMC, Parking, Loading and Access Requirements;
6. Chapter 19.35 EMC, Landscaping;

E. *Natural Environment.* The proposed project and design shall meet the requirements of environmentally sensitive area regulations of this title and Chapter 19.43 EMC, Environmental Policy, and the State Environmental Policy Act, Chapter 197-11 WAC, if applicable;

F. *Drainage.* The proposed project and design shall meet the requirements of the city's drainage regulations in EMC 14.28 the stormwater management program (SWMP) and design and construction standards and specifications;

G. *Open Space and On-Site Recreation.* The proposed project and design shall meet the requirements for open space and on-site recreation as defined in Chapter 19.09 EMC ~~and EMC 19.12.210~~. These requirements are based on the type of use proposed and zoning designation of the property;

H. *Public Facilities*. The proposed project shall be consistent with all regulations and requirements in EMC Titles 14 and 16, the design and construction standards and specifications, and other adopted plans and policies, including the following:

1. Adequate water supply to city standards;
2. Adequate sewage disposal to city standards;
3. Appropriate surface water management to city standards;
4. Adequate fire protection and hydrants to city standards;
5. Appropriate vehicular and nonmotorized access designed to meet city standards for anticipated uses within the project;
6. Provisions for all appropriate deeds, dedications, and all other easements;
7. Provisions made for access to and maintenance of all common facilities; and
8. Transportation systems for both motorized and nonmotorized travel modes, including: streets, alleys, sidewalks, transit stops, bike lanes, and safe pedestrian routes to schools and schoolgrounds. This includes connections to existing and planned facilities;

I. *Existing Public Services*. The proposed project shall be designed to not adversely impact the following public services:

1. Police;
2. Fire;
3. Parks; and
4. Schools;

J. *Floodplain*. The proposed project and design shall meet the requirements of this title and flood damage prevention requirements in Chapter 19.30 EMC;

K. *Landscaping Standards*. The proposed project and design shall meet the landscaping standards as established in Chapter 19.35 EMC.

CHAPTER 19.26 LAND DIVISION DEVELOPMENT STANDARDS

19.26.010 APPLICABILITY.

Unless otherwise indicated in each section below, these standards apply to all divisions of land in the city, including subdivision, short subdivision, unit lot subdivision and alteration or vacation. Also refer to Chapter 19.06 EMC, Lots, Setbacks and Residential Densities, and Chapter 19.08 EMC, Neighborhood Residential ~~Uses and~~ Development Standards.

CHAPTER 19.29 PLANNED DEVELOPMENT OVERLAY

19.29.030 MINIMUM LOT AREA.

The minimum lot area required for property proposed for a PDO shall be:

- A. MU zones—one acre;
- B. LI~~2~~ zone—twenty acres;
- C. HI zone—five acres;
- D. Residential zones—one acre;
- E. All other ~~commercial or industrial~~ zones—two acres.

CHAPTER 19.33 – STREETS, SIDEWALKS AND PEDESTRIAN CIRCULATION

19.33.010, APPLICABILITY AND USER GUIDE

This chapter contains regulations concerning public sidewalks, pedestrian connections to public sidewalks, and internal pedestrian circulation within private property. It is intended to supplement the standards in EMC Title 13, Streets and Sidewalks, and the city's design and construction standards and specifications (DCSS). Detailed specifications and standard drawings for public streets and private access drives may be found in the DCSS. Where there is a conflict, the most restrictive regulations shall prevail.

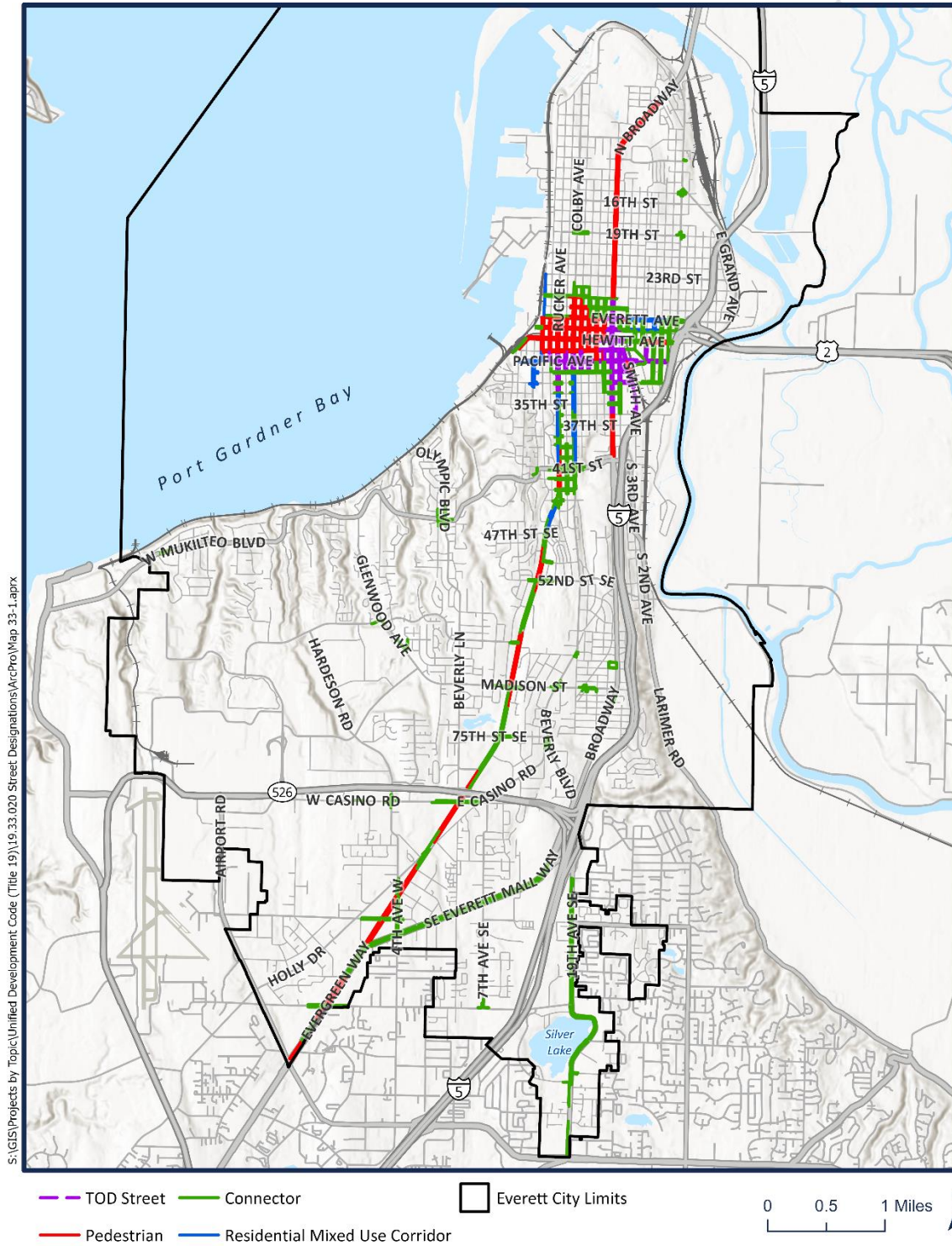
19.33.020, STREET DESIGNATIONS

The designations established herein serve as a basis for application of development standards in the land use code. They are not to be confused with the functional street classification system used by the city, state and federal government for transportation planning.

- A. Street Type Designations Map. Streets within Everett may have one of four street types designated: transit oriented development street (TOD), pedestrian street, connector street and residential mixed-use corridor. All other streets are considered undesignated. These street types function as a design and use overlay. For example, some uses may be prohibited outright along TOD or pedestrian streets, or the use may be prohibited on the ground floor of a building. Sidewalk, window transparency and other design standards may also be different based on the street designation. Use restrictions by street type are included in Chapter 19.05 EMC. Please refer to Chapter ~~19.12~~19.09 EMC for additional development standards for these street types.

1

Map 33-1: Street Designations Map



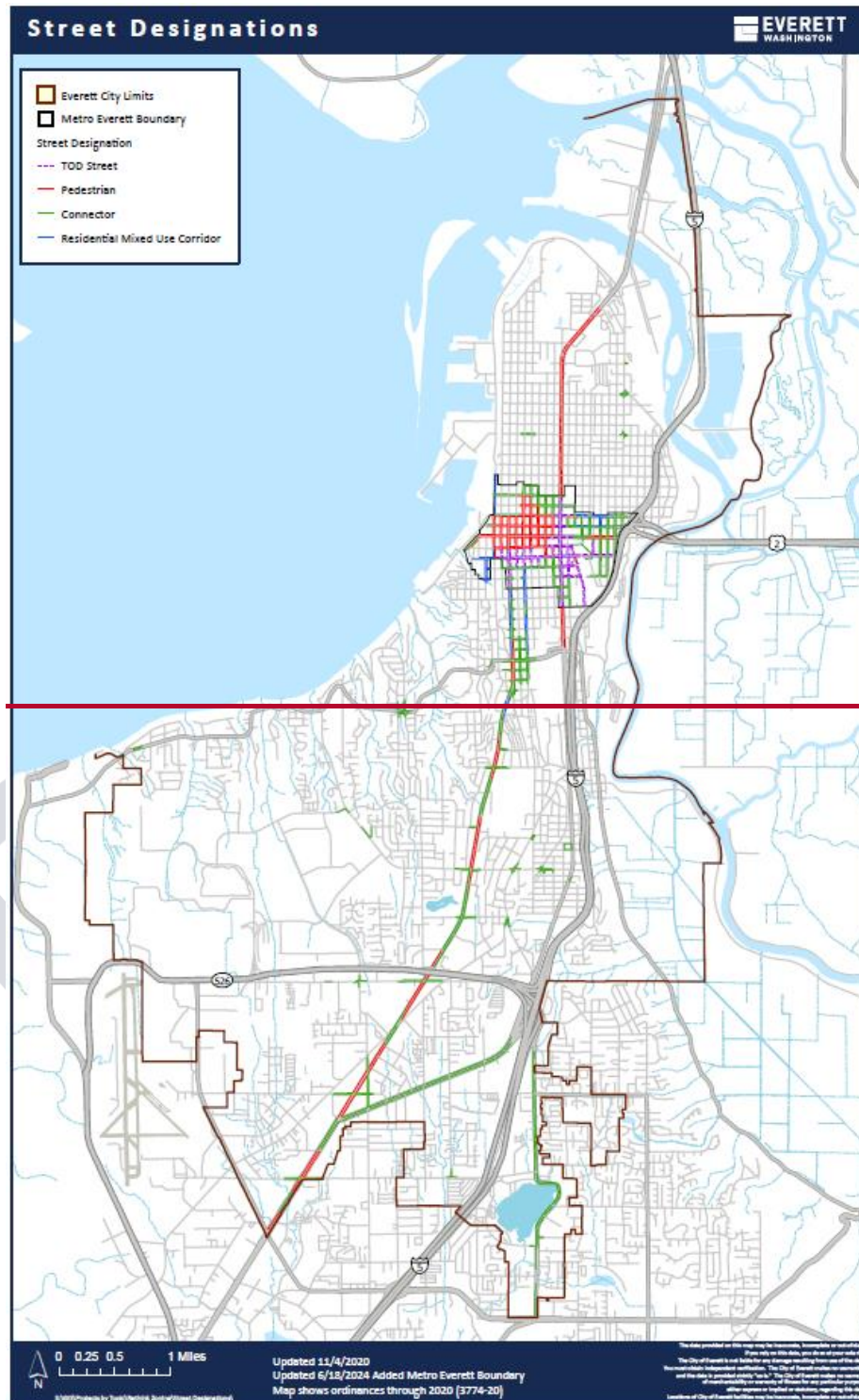
2





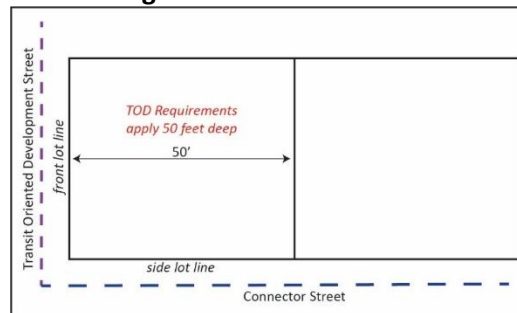
Everett 2044
Planning our future together

EVERETT 2044 DEVELOPMENT REGULATIONS



B. Corner Lots. For corner lots with more than one street type designation, the most restrictive street type designation applies to that portion of the lot measured fifty feet in depth from the lot line adjoining the designation. See Figure 33-1 for how to apply this requirement.

Figure 33-1: Corner Lots



C. How development standards are applied to specific properties based on street designations. When a lot or lots have frontage on a public street with one of the street designations shown on Map 33-1, certain development standards will be different than if the property fronted on a street without a street designation. The following standards are affected by street designations, as shown in Table 33-1:

1. Uses (Chapter 19.05 EMC, Tables 5-1 through 5-5);
2. Structured parking (EMC [19.12.110](#)[19.09.230](#));
3. Weather protection (EMC [19.12.120](#)[19.09.240](#));
4. Building transparency (EMC [19.12.130](#)[19.09.250](#));
5. Public sidewalk requirements (EMC 19.33.030);
6. Heights for principal and accessory buildings (EMC 19.22.020).

Table 33-1: Structured Parking, Weather Protection, Transparency, Sidewalk Requirements and Building Height by Street Type

Standard:	STREET TYPE DESIGNATION (see Map 33-1)				
	TOD	PEDESTRIAN	CONNECTOR	RESIDENTIAL MIXED-USE	UNDESIGNATED
Structured Parking Frontage Standards	See 19.12.110. Standards below are maximum distance a parking structure at the ground floor may occupy on various street designations.				
Structured parking integrated with other building (accessory use)	10% of front building facade	25% of front building facade	50% of front building facade	50% of front building facade	50% of front building facade(3)
Stand-alone parking structure (principal use)	25 feet	25 feet	50 feet	75 feet	100 feet(3)
Structured Parking Setback Standards	See EMC 19.12.110.				
Front, side and rear(1)	See underlying zone setback requirements and limits on frontage set forth above.				

Standard:	STREET TYPE DESIGNATION (see Map 33-1)				
	TOD	PEDESTRIAN	CONNECTOR	RESIDENTIAL MIXED-USE	UNDESIGNATED
Below grade	0 feet				
Weather Protection	See EMC 19.12.120.				
Length, minimum	90% of front building facade	75% of front building facade	45% of front building facade		Same width as entrance
Depth, minimum	8 feet from front building facade	6 feet from front building facade			3 feet from front building facade
Height above sidewalk	8 feet, minimum 15 feet, maximum				
Transparency	See EMC 19.12.130.				
Percent comprised of windows and/or doors with clear glass (2'-10')	90%	60%	45%	45%	See blank walls (Chapter 21.040 EMC)
Sidewalk Standards	See EMC 19.33.030.				
Frontage Zone Width	2' min 6' desirable	2' minimum 6' desirable	None	None	None
Ped Clear Zone Width	8' minimum 10' desirable	8' minimum	6' min.	per city engineer	per city engineer
Landscape/Furniture Zone Width	6' minimum 8' desirable	6' minimum	6' min.	4' min.	per city engineer
Total Min. Width	16' min.	16' min.	12' min.	10' min.	6' min.
Sidewalk Treatments	See EMC 19.33.040.				
At least 2 treatments:	Required	Required	Required	N/A	N/A
Minimum Building Height	See EMC 19.22.020(B)(2).				
Principal Building	2-4 floors	N/A	N/A	N/A	N/A
Accessory Building	No minimum	N/A	N/A	N/A	N/A

1 **Table 33-1 Footnotes:**

2 (1) Structured parking garages accessed from the rear with no internal turnaround shall be set back at
3 least twenty five feet from the far side of the alley, except as otherwise approved by city engineer.

4 (2) Refer to Chapter 19.22 EMC for additional building height standards.

5 (3) Applicable only within Metro Everett.

6 **19.33.030, PUBLIC SIDEWALK REQUIREMENTS**

7 A. These standards apply to properties that front on a public street with a designation of TOD,
8 pedestrian, connector or residential mixed-use as shown in Map 33-1. The standards apply when a
9 development is required to install street and alley improvements in accordance with EMC 13.68.020, or
10 as amended. This includes both new development and expansions or alterations of an existing use.

1. Public Sidewalk Standards for Designated Streets.

a. Sidewalks shall be installed on all frontage on public right-of-way, except when authorized within an easement by the city engineer.


b. Sidewalk Width. Sidewalks shall provide frontage zone, pedestrian clear zone, landscape/furniture zone, and total minimum width consistent with Table 33-2.

c. Sidewalk pattern shall carry across the driveway.

2. Undesignated Streets. The standards in this subsection do not apply to streets shown as “undesignated.” Sidewalk improvement standards for undesignated streets are based on the requirements in EMC Title 13 and the city’s design and construction standards and specifications.

B. Historic Overlay Districts. Sidewalks in historic overlay districts shall include color and patterns similar to other sidewalks in the historic overlay as directed by the city’s public works standards.

Table 33-2: Public Sidewalk Widths by Street Designation



STREET TYPE	FRONTAGE ZONE MINIMUM WIDTH	PEDESTRIAN CLEAR ZONE MINIMUM WIDTH	LANDSCAPE/FURNITURE ZONE MINIMUM WIDTH	TOTAL MIN. WIDTH
TOD	2'–6'	8'–10'	6'–8' 8' desirable	16' min
Pedestrian	2'–6'	8' minimum	6' minimum	16' min
Connector	None	6' minimum	6' minimum	12' min
Residential Mixed-Use	None	Per city engineer	4' minimum	10' min
Undesignated	None	Per city engineer	Per city engineer	6' min Per city engineer

See public sidewalk treatment requirements below for specific street designations.

19.33.040, PUBLIC SIDEWALK TREATMENTS

On streets designated in Map 33-1 as TOD, ~~or~~ Pedestrian, or Connector, at least two sidewalk treatments are required from the following list:

A. Special surfacing treatment, such as unit pavers, special materials, and inlays, as approved by the city;

- 1 B. Artwork incorporated into or along the sidewalk which is approved by the city's cultural arts
- 2 commission;
- 3 C. Decorative tree grates;
- 4 D. Decorative clocks;
- 5 E. Informational kiosks;
- 6 F. Landscaping elements, not otherwise required by this title, incorporated into curb bulbs and/or
- 7 sidewalks; or
- 8 G. Other treatments as approved by planning director and city engineer.

9 **19.33.050, EXCEPTIONS TO PUBLIC SIDEWALK STANDARDS**

10 The following exceptions to public sidewalk standards are allowed:

- 11 A. Point Obstructions. Point obstructions, such as power poles, light poles and fire hydrants, may
- 12 encroach into the pedestrian clear zone, but the sidewalk must have clear width remaining to meet
- 13 accessibility requirements.
- 14 B. Steep Topography at Right-of-Way Line. Sidewalks may be located adjacent to the curb when there is
- 15 inadequate right-of-way or in steep topography areas where grading to a full street width would cause
- 16 too great of an impact.
- 17 C. Frontage and Landscape/Furniture Zone Shift. In areas where ground-level active uses are
- 18 anticipated within the building frontage zone, such as sidewalk cafes or merchandise display, frontage
- 19 zones should be designed to be wide enough to accommodate those uses. In no case can an active use
- 20 encroach on the pedestrian clear zone. In rare cases, the furniture zone may be reduced in width when
- 21 approved by the city engineer and planning director in order to maintain the minimum pedestrian clear
- 22 zone and allow for activation of uses in the frontage zone.
- 23 D. Other Considerations at the Direction of the City Engineer. The city engineer may allow a
- 24 modification or reduction of the public sidewalk standards in this chapter in the following circumstances:
- 25 1. The required sidewalk improvements would conflict with existing underground or
- 26 aboveground utilities, including sewer, water, stormwater, or power poles;
- 27 2. A modification of the required sidewalk improvement is necessary to provide a smooth
- 28 transition to an existing sidewalk on the adjacent property, or to an alley where the sidewalk
- 29 intersects the alley; or
- 30 3. The required sidewalk improvement would create a traffic or pedestrian safety hazard, such
- 31 as sight distance problems or conflicts with other ingress/egress locations.

32 **19.33.060, PEDESTRIAN ACCESS TO PUBLIC STREETS – INTERNAL PEDESTRIAN CONNECTIONS.**

- 33 A. This purpose of this section is to provide safe and efficient pedestrian access and emergency services
- 34 access from building entrances to the following: public sidewalks; transit stops; other buildings on the
- 35 same site; parking lots; and common open space areas.

B. Where Required. An exterior pedestrian circulation system shall be required if there are no internal building pedestrian access routes that connect buildings to a public street, parking areas, or other buildings on the site. All dwellings must have exterior pedestrian access routes connecting an entrance to a public street, parking lot, or driveway.

C. Design Requirements.

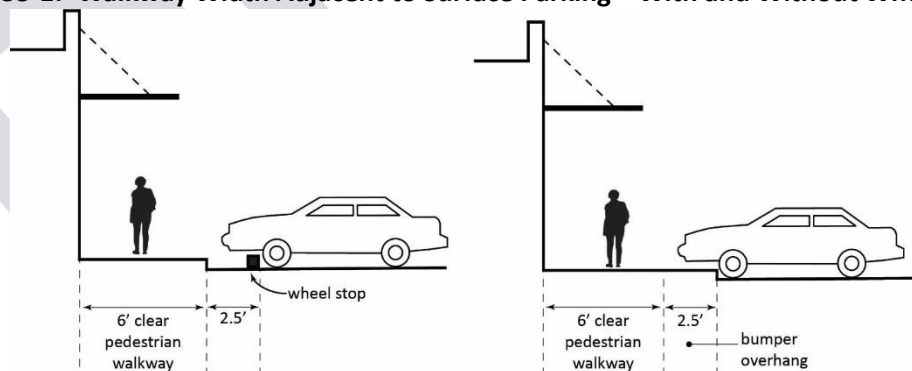
1. All developments with exterior pedestrian circulation systems shall provide connections between building entrances and the public sidewalk, transit stops, off-street parking areas, common open space areas and alleys where applicable. For developments with multiple buildings, provide for pedestrian circulation between all buildings.

2. The exterior pedestrian circulation system shall be a minimum of ~~four~~ three feet wide without obstructions, designed to meet federal, state and local accessibility standards, and where adjacent to driveways and parking areas they shall be separated by landscaping, raised curbs at least six inches high, bollards, or other treatments as approved. The walkway must be a hard surface acceptable per the city engineer.

3. For safety and access, landscaping shall not block visibility to and from a path, especially where it approaches a roadway or driveway.

4. In commercial settings where buildings face onto a parking area rather than the street, provide six-foot-wide walkways adjacent to the facades of retail and mixed-use buildings. This requirement applies where the adjacent parking stalls have wheel stops. When wheel stops are not incorporated, the walkway width shall be increased to a minimum of eight feet six inches.

Figure 33-1: Walkway Width Adjacent to Surface Parking—With and Without Wheel Stops



5. Nonresidential and Multifamily Development. For nonresidential and multifamily developments with ~~sixteen~~ eight or fewer parking spaces, the pedestrian circulation system may be located within an auto travel lane.

~~6. Single-Family Residential Detached, ADUs, and Duplexes. A driveway may be used to meet the pedestrian connection requirement between the building dwelling entrances and the public sidewalk street.~~

19.33.070, LAND DIVISION FOR RESIDENTIAL DEVELOPMENT – PEDESTRIAN ACCESS TO SCHOOLS

A. In all land divisions for residential development, the city may require pedestrian improvements to ensure safe walking conditions are provided between the development and existing schools or schoolgrounds.

B. Pedestrian improvements may be required off-site in order to mitigate a safety hazard created by the development as determined by the city engineer.

C. When a proposed division or redivision of land is on an established school bus route, the applicant may be required to provide a school bus shelter. The city engineer shall make this decision as it relates to the potential needs of the development.

19.33.080, EASEMENTS AND DEDICATIONS.

A. In order to facilitate pedestrian access from a project to proposed and existing streets and to provide access to schools, parks, playgrounds, trails, transit stops or other pedestrian facilities, the city may require perpetual unobstructed pedestrian access easements of at least ten feet in width to these facilities. For land divisions, pedestrian easements shall be shown on the face of the final division map.

B. Where insufficient right-of-way exists to accommodate the full width of the required sidewalk, the city engineer may require either of the following:

1. A public easement for the portion of the sidewalk located on private property; or
2. A dedication of land sufficient to allow the sidewalk to be located entirely within the public right-of-way.

CHAPTER 19.34 – PARKING

19.34.010, PURPOSE AND APPLICABILITY

This chapter establishes the standards for the amount, location, and development of off-street vehicle parking, standards for bicycle parking, standards for on-site loading areas and standards for access to parking from city streets and/or alleys.

A. Purpose. The purpose of this chapter is to ensure parking and loading facilities contribute to a quality and healthy urban environment, encourage the use of shared parking to maximize the efficient use of limited urban space, ~~to~~ reduce the number of vehicle miles traveled, ~~to~~ reduce hazards to public safety, and ~~to reduce impacts to manage~~ on-street parking to benefit of all users.

B. Where Off-Street Parking Requirements Apply. The standards of this chapter apply to all development within the city of Everett including any off-street parking required by the city or put in for the convenience of property owners or users.

C. City of Everett Design and Construction Standards and Specifications for Development. The City of Everett Design and Construction Standards and Specifications for Development, hereinafter referred to as “city design standards,” contain detailed standards for parking lot design, surfacing, and driveways. These standards are administered by the public works director, who has authority to develop,

disseminate, revise, and update design and construction standards and specifications for all work performed pursuant to construction-related permits issued by the city of Everett.

19.34.020, REQUIRED OFF-STREET VEHICLE PARKING SPACES.

The minimum number of required off-street vehicle parking spaces shall be determined in accordance with Table 34-1, unless otherwise set forth in this chapter.

Table 34-1: Off-Street Vehicle Parking Spaces Required

Land Use	Minimum <u>Vehicle</u> Parking Spaces Required*
RESIDENTIAL	Spaces per dwelling unit unless otherwise indicated
<u>Accessory dwelling unit</u>	1, plus required space(s) for principal dwelling; see EMC 19.34.050(C) for exceptions
<u>Dormitories</u>	1 per 3 bedrooms
Day care, family home or adult family home	2 1 per dwelling unit, plus 1 for each staff person on shift not living on premises
<u>Dwelling unit</u>	<u>1 per dwelling unit</u>
Dwelling, <u>micro-housing co-living housing and dormitories</u>	1 per 2 dwelling units <u>4 sleeping units</u>
<u>Dwelling, multifamily</u>	See multifamily (EMC 19.34.025)
<u>Dwelling, single-family (1-unit) detached</u>	2 per dwelling unit; where access is from a private drive: 3 per dwelling unit, except 2 per dwelling on a full-frontage lot that has on-street parking
<u>Dwelling, 2- to 4-unit attached; cottage housing</u>	
<u>Group housing, residential care facility</u>	1 per 4 bedrooms, plus 1 per every 2 employees on shift (2 spaces minimum)
<u>Group housing, residential care facility, senior housing, or, extended care facility, including independent living units in congregate care facility, convalescent or nursing homes</u>	Independent Living Units: 0.75 per dwelling unit or see exception in EMC 19.34.050(D) Congregate care, nursing home, etc. where people are assisted with daily activities: 1 for each 4 beds
Permanent supportive housing	As determined by planning director and city engineer, with no less than a minimum of 1 per 4 bedrooms, plus 1 per every 2 employees on shift (2 spaces minimum). When allowed to be less than required for multiple-family housing dwellings , must be located within 1,320 feet walking distance of public transit stop, with pedestrian access on sidewalk or safe walking path.
Live/work unit	1 per unit, plus 1 additional space for any unit with 1,500+ square feet of gross floor area
Senior housing	0.75 per dwelling unit <u>Staff and visitor parking as determined by the city engineer and planning director based on a parking analysis</u>

Short-term rentals	For rental of an entire dwelling unit: three off-street parking spaces for any site with on-street parking in front of the site, and no less than four off-street parking spaces for any site without on-street parking in front of the site. For rental of rooms within a dwelling unit: one off-street parking space per guest room.
--------------------	---

Spaces per square feet of gross floor area of building unless otherwise indicated

COMMERCIAL USES

Auto, small truck, boat, motorcycle, RV maintenance	1 per 750 square feet
Commercial storage (e.g., ministorage, self-storage)	1 per 6,000 square feet (not including office) - loading lanes may be included as required parking spaces if not left unattended
<u>Day care center, commercial adult care</u>	<u>2 for each 3 employees on shift</u>
<u>Day care center, commercial childcare</u>	<u>Whichever is greater:</u> <u>1 for each 10 children or</u> <u>2 for each 3 employees on shift;</u> <u>in addition,</u> <u>1 vehicle loading space for each 20 children in location as determined by planning director and city engineer</u>
Entertainment (e.g., theaters, clubs, and other completely enclosed amusement uses)	1 per 5 seats or 1 per 400 square feet, whichever is greater
Food or beverage establishment	1 per 200 square feet
Health club or athletic facility	1 per 300 square feet
Lodging (hotels/motels)	1 per guest room
Medical office and clinics, including: - medical and dental offices, clinics, alternative health care	1 per 300 square feet
Office use, including: - general office; laboratories; financial institutions	1 per 400 square feet
Outdoor recreation, commercial	As determined by planning director and city engineer based on parking analysis
Retail trade and services, bulky merchandise (appliance, furniture)	1 per 1,000 square feet
Retail trade and services, general trade	1 per 400 square feet

Retail trade and services, outdoor including: - auto, boat or trailer sales, retail nurseries, lumberyards, and similar bulk retail uses	1 per 1,000 square feet
---	-------------------------

**PUBLIC AND INSTITUTIONAL
USES**

Clubs, lodges, similar uses	1 per 3 persons allowed by building and/or fire codes in the main assembly room or auditorium, plus any parking necessary for eating, drinking establishment on premises
Community and regional parks and recreational facilities	As determined by planning director and city engineer based on parking analysis
Government - limited point of service (e.g., public works yards, fire station, vehicle storage, etc.)	As determined by planning director and city engineer based on parking analysis
Government - administrative and service	As determined by planning director and city engineer based on parking analysis
Hospitals	As determined by planning director and city engineer based on parking analysis
Neighborhood parks and recreational facilities	As determined by planning director and city engineer based on parking analysis
Places of worship or religious facility	1 per 5 seats in the main worship area
Schools (public and private) - elementary and middle, high schools, and institutions of higher education	As determined by planning director and city engineer based on parking and traffic analysis

INDUSTRIAL

Heavy industrial, manufacturing, or assembly	1 per 1,000 square feet, plus parking for office as required
Light industrial, manufacturing, or assembly	1 per 750 square feet, plus parking for office as required
Warehousing and distribution	1 per 2,000 square feet, plus parking for office as required

1 * See exceptions and reductions in EMC 19.34.050 or 19.34.060.

2 **~~19.34.025, MULTIFAMILY OFF-STREET PARKING REQUIREMENTS AND REDUCTIONS.~~**

3 ~~A. Multifamily Off-Street Parking Requirements. The following off-street parking requirements apply to~~
4 ~~multifamily residential development. See Map 34-1 for Metro Everett parking area designations.~~

1

Table 34-2: Multifamily Off-Street Parking Requirements

Off-street Parking by Unit (Bedroom) Size:	Metro Everett Parking Areas (See Map 34-1) Spaces per Dwelling Unit		Outside Metro Everett Spaces per Dwelling Unit
	Area A	Area B	
Studio	0.85	1.00	1.00
1-bedroom	1.00	1.00	1.00
2-bedroom	1.20	1.40	1.50
3-or more bedrooms	1.60	1.90	2.00

2

B. Multifamily Off-Street Parking Reduction Options. Multifamily residential development may reduce required off-street auto parking based on one of three options shown below. These options cannot be used in combination; only one option can be used. A transportation demand management (TDM) plan (EMC 19.34.080) is required for use of any option. For the purpose of this section, “additional reduction factor” is the total number of parking stalls required after a reduction credit is applied. For example, one hundred stalls required with a reduction factor of 0.75 means that seventy five stalls would be required with the reduction factor applied. The credit in this case would be twenty five parking stalls.

3

4

5

6

7

8

9

Table 34-3: Multifamily Auto Parking Reduction, Option A (Resident Characteristics)

Resident Characteristic:	Additional Reduction Factor
Extremely low-income (30% AMI or below)	0.50
Low-income (60% AMI* or below)	0.65

10

* AMI means “area median income” for Snohomish County. Use of this option requires the developer to record a covenant that prohibits use of the property for any purpose other than what was approved unless additional parking is provided.

11

12

13

Table 34-4: Multifamily Auto Parking Reduction, Option B (Transportation Characteristics)

Transportation Alternatives:	Additional Reduction Factor
Access to frequent transit service* (3-4 trips per hour**)	0.75

Transportation Alternatives:	Additional Reduction Factor
Transportation demand management plan approved by city	0.90

* “Access to frequent transit service” means the building entrance is within one-quarter mile walking distance of a transit stop, except senior housing which must be within five hundred feet walking distance of a transit stop, with the level of frequency noted.

** Frequency of service per hour is calculated between six a.m. and seven p.m. during the work week (Monday through Friday) and is based on scheduled service, not actual performance. Trip counts are one direction.

Table 34-5: Multifamily Parking Auto Reduction, Option C (Development Characteristics)

Transportation Alternatives:	Additional Reduction Factor
Shared parking in a mixed-use building where at least 50% of the gross floor area is nonresidential	0.50*

* This option may only be used where the nonresidential development provides off-street parking consistent with Table 34-1.

How to calculate multifamily off-street parking reductions:
Example 1:
A 20-unit apartment, all with 1 bedroom, in Metro Everett would require 20 auto parking spaces. If these spaces are restricted to very low income residents, then only 10 auto parking spaces would be required if Option A were chosen.
20 units @ 1 space per unit x 0.50 reduction factor = 10 spaces
Example 2:
The same 20-unit apartment is proposed, but without any income restrictions. However, the apartment is located on a Swift route with frequent transit service. In this scenario, 15 auto parking spaces would be required.

20 units @ 1 space per unit x 0.75 reduction factor = 15 spaces

~~19.34.030 BICYCLE ACCESS AND PARKING.~~

~~A. When Bicycle Parking Is Required.~~

~~1. Nonresidential Developments. Bicycle parking shall be provided in any development required to provide six or more off-street parking spaces. Determining if bicycle parking will be required based on off-street parking requirements shall be calculated prior to consideration of the exceptions or reductions to off-street parking allowed in EMC 19.34.050 or 19.34.060.~~

~~2. Multifamily Developments. Bicycle parking shall be provided in any multifamily development with four dwelling units or more.~~

~~B. Number of Bicycle Parking Spaces Required.~~

~~1. Nonresidential Developments. At least one bicycle parking space shall be provided for every twelve off-street parking spaces, up to a maximum of twenty bicycle spaces.~~

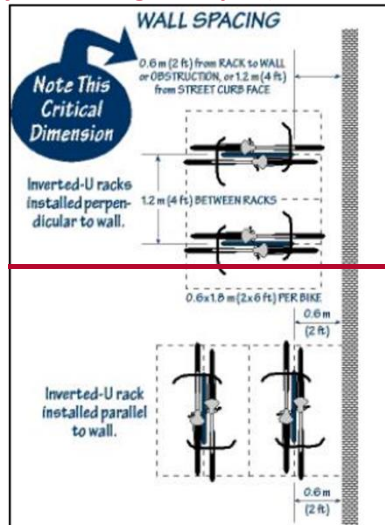
How to calculate bicycle parking requirements:

A 40,000 square foot office building in downtown would not be required to provide off-street parking. However, prior to the exception for off-street parking in Parking Area A of Metro Everett (see Map 34-1), the development would have required 100 off-street parking spaces. This project would require eight bicycle parking spaces.

40,000 square feet / 400 sq. ft. per parking space
= 100 off-street parking spaces
100 off-street parking spaces / 12 = 8.33 bicycle parking spaces (round down to 8)

~~2. Multifamily Developments. Four covered bicycle parking spaces shall be provided for every ten multifamily units, with the exception of senior housing, which shall be provided at the rate of one space for every four units. If individual garages are provided, the number of units requiring bicycle parking may be reduced correspondingly.~~

Figure 1: Bicycle Parking Example (Source: Bend, OR Code)



C. Bicycle Parking Space Location and Design.

1. Nonresidential Development. Bicycle facilities for nonresidential development shall include both short term and long term facilities.

a. Short-term facilities are intended for patrons parked less than four hours. Weather protection is not required for short-term facilities.

b. Long-term facilities are intended for employees and occupants of the nonresidential building. At least fifty percent of the required bicycle spaces shall be long-term facilities. These facilities shall be weather protected and conveniently located for the bicyclist in common areas. It is not necessary for all on-site bicycle spaces to be grouped in one central location.

2. Residential Development. Bicycle facilities for residential development shall be weather protected and conveniently located for the bicyclist in common areas. It is not necessary for all on-site bicycle spaces to be grouped in one central location.

3. All bicycle parking shall be located in locations that do not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.

4. All bicycle parking facilities shall be designed to allow a bicycle frame to be locked to a structure (e.g., bike rack) which is securely anchored to the ground, or within a lockable storage area.

5. The planning director or city engineer may promulgate rules for the design and location of bicycle facilities required for development.

19.34.040, OFF-STREET VEHICLE PARKING REQUIREMENTS, GENERAL PROVISIONS.

A. Off-Street Parking Calculations Where Uses Not Specified. If the proposed use is not shown in Table 34-1, the planning director, in consultation with the city engineer, may use one of the following options to determine requirements for off-street parking:

1. Where a use is similar in nature and off-street parking demand to the proposed use, the minimum parking spaces for that similar use may be used.
2. Where there is not any use that is similar in nature, the following minimum off-street parking requirements will be used:

a. Nonresidential uses: one parking space per five hundred square feet of gross floor area.

b. Residential uses: one parking space per one thousand square feet of gross floor area.

B. Off-Street Parking Calculations on Sites with Combination of Uses. The requirement for different uses on the same site, or a combination of uses within one building or tenant space, shall be the sum of all requirements for the individual uses reduced by any applicable joint or shared parking provisions. See EMC 19.34.060(B)070 for reductions for mixed-use projects.

~~C. What Can Be Considered as Off-Street Parking. Off-street parking spaces may include spaces in garages, carports, parking lots, and/or driveways if vehicles are not parked in a vehicle travel lane or a required front setback; provided, that for single-family detached dwellings, duplexes and accessory dwelling units (ADUs), off-street parking is allowed in the front setback on a driveway that meets the standards of this title. Off-street parking for electric vehicles may be included in parking required by this chapter. Refer to the International Building Code for requirements on electric vehicle charging infrastructure.~~

~~D. Off-Street Parking Must Be Maintained. Off-street parking spaces must be retained in the amount required at the time of development approval, except that existing off-street parking, which exceeds current requirements, may be removed. if the quantity of parking is not reduced below the current requirements for use on the site, or through shared parking agreements, if any.~~

~~E. How Fractions Are Addressed for Vehicle parking. If the formula for determining the number of off-street parking spaces results in a fraction, the number of off-street parking spaces shall be rounded to the nearest whole number with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down.~~

~~F. Use of Common Parking Areas. Required off-street parking spaces may be provided in an area owned and maintained in common by a homeowners' association or other entity. Parking spaces located in a common area shall be available to customers, guests, and invitees of residents, and shall not be reserved for any specific tenant or dwelling unit.~~

19.34.050, EXCEPTIONS TO OFF-STREET VEHICLE PARKING SPACE REQUIREMENTS.

To prioritize land for buildings and people and reduce dependence on single-occupant vehicles, the following are not required to provide off-street parking, provided that bicycle facilities shall be provided as set forth in EMC 19.34.160 and 19.34.170.

A. Development in Mixed-Use Centers.

B. Development under EMC 19.08 within one-half mile of a public transit stop served by bus rapid transit or rail.

C. Dwelling units with less than 1,200 square feet gross floor area.

D. Affordable housing as defined in RCW 36.70A.030.

E. Uses in structures and on sites that are individually listed on the Everett register of historic places.

F. Dwelling units that are specifically for seniors or people with disabilities; provided, however, off-street parking for staff and visitors may be required as determined by the city engineer and planning director based on a parking analysis.

G. Emergency Shelters. Emergency Shelters are not required to provide off-street parking; provided, however, that off-street parking for staff and visitors will be required as determined by city engineer and planning director based on a parking analysis. See EMC 19.34.050(B) for off-street parking calculations on sites with combination of uses.

~~A. Nonresidential Parking in Metro Everett. To reduce reliance on single-occupant vehicles in Metro Everett, two off-street auto parking areas are set forth in Map 34-1. Nonresidential developments within these areas have reduced off street requirements as follows (see EMC 19.34.025 for multifamily parking reductions):~~

~~1. Parking Area A.~~

~~a. Nonresidential uses are not required to provide off-street auto parking, with the exception of government offices, which shall either meet the requirement for off-street auto parking for government, or provide a parking management study and plan for approval of the planning director, and city engineer.~~

~~b. Any development not required to provide off-street auto parking may will be required to install bicycle facilities as set forth in EMC ~~19.34.030~~19.34.160.~~

~~c. Any nonresidential development with five thousand square feet of gross floor area or more, and which does not provide off-street auto parking based on the standards in Table 34-1, will be required to submit a transportation demand management plan for approval of the city engineer as set forth in EMC 19.34.080.~~

~~2. Parking Area B. At the discretion of the city engineer, required off-street auto parking for nonresidential uses may be reduced up to twenty-five percent from the requirements set forth in Table 34-1. The reduction may be granted upon approval of a transportation demand management plan (see EMC 19.34.080), together with a finding that the off-street auto parking~~

~~reduction will not cause a significant adverse impact on adjoining neighbors, residents, or businesses.~~

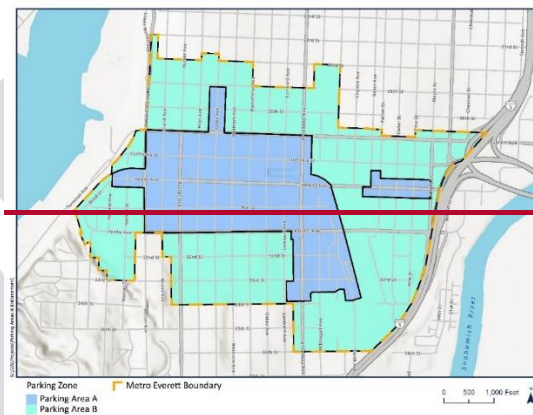
~~B. Historic Buildings and Sites. Structures and sites that are individually listed on the Everett register of historic places shall be exempt from all parking quantity requirements.~~

~~C. Accessory Dwelling Units. The minimum off-street parking requirement for an accessory dwelling is waived for lots within one-half mile walking distance of a transit stop or station with all day service (at least one trip per hour seven a.m. through eight p.m. weekdays).~~

~~D. Housing for Seniors or People with Disabilities. Any housing units that are specifically for seniors or people with disabilities, that are located within one-fourth mile of a transit stop that receives transit service at least four times per hour for twelve or more hours per day, are not required to provide off-street parking for the units; provided, however, that off-street parking for staff and visitors will be required as determined by city engineer and planning director based on a parking analysis.~~

~~E. Metro Everett Off-Street Parking Areas (Map).~~

Map 34-1: Metro Everett Off-Street Parking Area



19.34.060, REDUCTIONS TO OFF-STREET VEHICLE AUTO PARKING SPACE REQUIREMENTS.

A. Parking Study as Alternative to Reduce Parking. The planning director, in consultation with the city engineer, may approve a modification to the off-street parking set forth in Table 34-1 ~~or 34-2 using the review process described in EMC Title 15. A modification greater than twenty-five percent requires a Review Process II described in EMC Title 15, Local Project Review Procedures. Any reduction in off-street parking could impact future development if a change in use requires additional off-street parking.~~

1. A parking study for the proposed use(s) must be prepared by a professional with expertise in preparing traffic and parking analysis and -

2. ~~The parking study~~ must demonstrate to the satisfaction of the planning director that a lesser standard is adequate.

3. A transportation demand management (~~TDM~~) plan (see EMC 19.34.080) ~~may~~ shall be required as a condition of any approved modification.

B. Access to frequent transit service. Off-street parking requirements are reduced by 25% within any of the following areas:

1. Parcels within one-quarter mile walking distance of a public transit stop with that receives transit service at least four times per hour for twelve or more hours per day

2. Parcels within one-half mile walking distance of a public transit stop with service by rail or bus rapid transit.

~~B. Reduction of Off-Street Parking for Transportation Alternatives and Mixed-Use Projects. Off-street parking may be reduced for the following transportation alternatives and mixed-use projects. A parking study is not required for use of these alternatives.~~

~~1. Car Share Stalls. Car sharing is where cars are made available for rent to other individuals, thus encouraging less car ownership and reducing parking demand. A substitution in off-street car share parking spaces for other required off-street parking is allowed as follows:~~

~~a. For every one car sharing space that is provided, the off-street parking requirement is reduced by four spaces.~~

~~b. The car sharing parking spaces must be shown on development plans.~~

~~c. A copy of the car sharing agreement between the property owner and the car share company must be submitted with development permits.~~

~~d. This reduction may not be used in addition to other exceptions or reductions in auto parking requirements otherwise provided in this chapter.~~

~~e. This credit is limited to a maximum of ten percent of the required off-street parking spaces.~~

~~2. Motorcycle/Moped Parking.~~

~~a. For every four motorcycle/moped scooter parking spaces provided, the off-street parking requirement is reduced by one space.~~

~~b. This credit is limited to a maximum of five off-street auto parking spaces, or five percent of the standard off-street auto parking requirement for the development, whichever is less.~~

~~3. Bicycle and Micromobility Parking Facilities.~~

~~a. For every five nonrequired short term or four nonrequired long term bicycle parking spaces provided, the off-street parking requirement is reduced by one space.~~

~~b. For every development which provides shower facilities and clothing storage areas for bicycle and micromobility commuters per section 19.34.160, the off-street auto parking requirement is reduced by four spaces. The facilities shall be for the use of the employees and occupants of the building, and shall be located where they are easily accessible to bicycle parking facilities.~~

c. ~~Each bicycle parking space must meet the location and design requirements of EMC 19.34.030. [19.34.160]~~

d. ~~This credit is limited to a maximum of five off-street parking spaces, or five percent of the standard off-street auto parking requirement for the development, whichever is more.~~

BC. Residential Off-Street Parking Reduction Options. Residential development may reduce required off-street parking based on one of three options shown below. These options cannot be used in combination; only one option can be used. A transportation demand management plan (EMC 19.34.080) is required for use of any option. For the purpose of this section, "additional reduction factor" is the total number of parking stalls required after a reduction credit is applied. For example, one hundred stalls required with a reduction factor of 0.75 means that seventy-five stalls would be required with the reduction factor applied. The credit in this case would be twenty-five parking stalls.

Table 34-2: Residential Vehicle Auto Parking Reduction, Option A (Resident Characteristics)

<u>Resident Characteristic:</u>	<u>Additional Reduction Factor</u>
<u>Extremely low-income (30% AMI or below)</u>	<u>0.50</u>
<u>Low-income (60% AMI* or below)</u>	<u>0.65</u>

* AMI means "area median income" for Snohomish County. Use of this option requires the developer to record a covenant that prohibits use of the property for any purpose other than what was approved unless additional parking is provided.

Table 34-3: Residential Vehicle Auto Parking Reduction, Option B (Transportation Characteristics)

<u>Transportation Alternatives:</u>	<u>Additional Reduction Factor</u>
<u>Access to frequent transit service* (4 trips per hour**)</u>	<u>0.75</u>
<u>Transportation demand management plan approved by city</u>	<u>0.90</u>

* "Access to frequent transit service" means the building entrance is within one-quarter mile walking distance of a transit stop, except senior housing which must be within five hundred feet walking distance of a transit stop, with the level of frequency noted.

** Frequency of service per hour is calculated between six a.m. and seven p.m. during the work week (Monday through Friday) and is based on scheduled service, not actual performance. Trip counts are one direction.

Table 34-4: Residential Parking Vehicle Auto Reduction, Option C (Development Characteristics)

<u>Transportation Alternatives:</u>	<u>Additional Reduction Factor</u>
<u>Shared parking in a mixed-use building where at least 50% of the gross floor area is nonresidential</u>	<u>0.50*</u>

* This option may only be used where the nonresidential development provides off-street parking consistent with Table 34-1.

<u>How to calculate residential off-street parking reductions:</u>
<u>Example 1:</u> <u>A 20-unit apartment, all with 1 bedroom, in Metro Everett would require 20 vehicle auto parking spaces. If these spaces are restricted to very low-income residents, then only 10 vehicle auto parking spaces would be required if Option A were chosen.</u> <u>20 units @ 1 space per unit x 0.50 reduction factor = 10 spaces</u>
<u>Example 2:</u> <u>The same 20-unit apartment is proposed, but without any income restrictions. However, the apartment is located on a Swift route with frequent transit service. In this scenario, 15 auto vehicle parking spaces would be required.</u> <u>20 units @ 1 space per unit x 0.75 reduction factor = 15 spaces</u>

4. **Mixed-Use Projects.** Mixed-use buildings or developments, including developments such as a mini-mall, may have complementary parking utilization patterns, in which case sharing of the off-street parking can allow for a reduced number of stalls in a development.

a. **Projects with Residential Units.** For mixed-use buildings with residential units where fifty percent or more of the gross floor area is dedicated to nonresidential uses, it is reasonable to expect that there would be a substantial amount of parking left vacant during the hours when parking is needed by residents. The residential off-street parking requirement may be reduced by up to fifty percent with an approved transportation demand management (TDM) plan.

b. **Mixed-Use Projects, General.** If more than one type of land use (see Table 34-1) occupies a single structure or parcel of land, the total requirements for off-street parking may be reduced by five percent of the sum of the requirements for all uses.

c. **Mixed-Use Projects, Specific.** See EMC 19.34.070 for reduced off-street parking for specific shared parking options.

19.34.070, SHARED VEHICLE PARKING.

A. Purpose and Intent. Shared parking between more than one type of use can reduce the amount of off-street parking by enabling more efficient time utilization of parking resources. Through leveraging complementary peak time demands of different uses, or by leveraging single-trip, multiple-stop demands between multi-tenant sites or nearby properties, shared parking allows a reduction of physical off-street parking spaces without a reduction in effective supply.

B. When Shared Parking Is Allowed. The planning director, in consultation with the city engineer, may allow shared parking for two or more uses, either within the same site or on different sites.

C. How Shared Parking Is Approved. An application for shared parking shall be submitted to the city. Applications for shared parking shall include supporting data and analysis which demonstrate compliance with subsections (D) and (E) of this section:

D. Reducing-Calculating Off-Street Parking with Shared Parking. Each of the following, except subsection (D-)(3), require an approved transportation demand management plan.

1. Residential. Pursuant to EMC 19.34.060(B)(4), for mixed-use buildings with residential dwellings or sleeping units where fifty percent or more of the gross floor area is dedicated to daytime, weekday nonresidential uses, it is reasonable to expect that there would be a substantial amount of vehicle parking left vacant during the hours when parking-it is needed by residents. The residential off-street-vehicle parking requirement may be reduced by up to fifty percent with an approved transportation demand management (TDM) plan.

2. Daytime and Nighttime Commercial Uses. Up to fifty percent of the off-street parking required by this chapter for primarily nighttime uses such as theaters, bowling alleys, bars and restaurants may be supplied by parking serving primarily daytime uses such as banks, offices, retail stores, personal service shops, and manufacturing and wholesale uses; alternatively, up to fifty percent of the off-street parking required by this chapter for primarily daytime uses may be supplied by parking serving primarily nighttime uses.

3.—Daytime Uses. Up to fifty percent of the off-street parking required by this chapter for primarily daytime uses may be supplied by parking serving primarily nighttime uses.

3. Mixed-Use Projects, General. If more than one type of land use (see Table 34-1) occupies a single structure or parcel of land, the total requirements for off-street vehicle parking may be reduced by five percent of the sum of the requirements for all uses. This option can be used in lieu of specifically calculating daytime, nighttime, and/or residential uses per 1 and 2 above, and does not require a TDM transportation demand management plan.

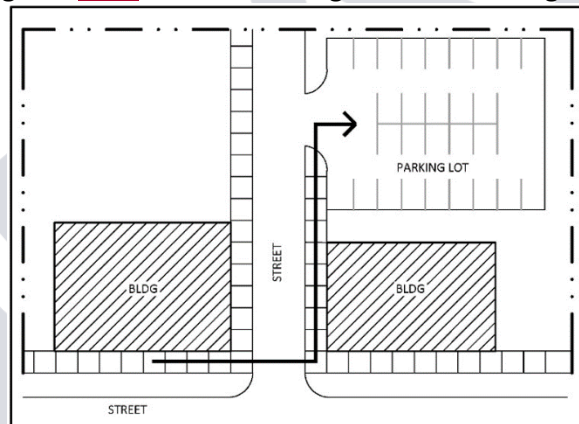
4. Churches and Schools. Up to one hundred percent of the off-street parking required by this chapter for a church or an auditorium incidental to a public or parochial school may be supplied by parking serving primarily nighttime uses, at the discretion of the planning director in consultation with the city engineer.

5. Other. A development may propose other shared vehicle-parking proposals for approval of the planning director and city engineer. These other proposals may include provision for other forms of transport and mobility.

E. Requirements for Shared Off-Street Parking.

1. No Conflict. No substantial conflict between the operating hours of the uses for which joint use of vehicle parking is proposed is allowed.
2. Assigned Stalls. Parking Vehicle parking stalls that have been assigned full time to individual tenants or occupants shall not be eligible for shared parking.
3. Distance.
 - a. Off-street vehicle parking facilities shall be located within five hundred feet of the use which they are to serve, measured along the access route with a safe walking path.
 - ~~b. Off-street vehicle parking facilities for nonresidential uses within Metro Everett shall be located within one thousand feet, measured along the access route with a safe walking path.~~

Figure 2 34-1: Shared Parking and Safe Walking Path



4. Joint Use Agreement. The planning director may require formal ~~The right of~~ joint use of shared off-street vehicle parking ~~must~~ be demonstrated through a binding agreement that is tied to the land or similar written instrument establishing the joint use. The binding agreement may restrict future changes to use of the property. All agreements are subject to review and approval of the city. ~~in order to have off-street parking reduced pursuant to this section.~~

19.34.080, TRANSPORTATION DEMAND MANAGEMENT.

A. When a Transportation Demand Management (TDM) Plan Is Required.

1. A ~~TDM~~ Transportation Demand Management plan must be prepared for the following development projects:
 - a. ~~A TDM plan is required for~~ new construction of a principal building in excess of fifty thousand square feet of gross floor area.
 - b. ~~A TDM plan is required for~~ substantial renovation of a principal building with a gross floor area of at least fifty thousand square feet and involving a change of use.

c. ~~A TDM plan is required for~~ any development with an ~~exception or~~ reduction of parking allowed pursuant to EMC ~~19.34.050 or~~ 19.34.060(A).

d. ~~A TDM plan is not required for single-, duplex- or triplex-dwelling units.~~

2. A ~~Transportation Demand Management TDM~~ plan must be reviewed and approved, approved with modifications, or disapproved by the city engineer or designee. A preliminary ~~Transportation Demand Management TDM~~ plan shall be submitted before a building permit is approved. ~~TDM~~ Transportation Demand Management Plans may be written in two steps:

a. Preliminary ~~TDM~~ Plan. When a ~~Transportation Demand Management TDM~~ plan is required, a preliminary plan must be submitted along with the development application. The ~~TDM~~ plan should include the requirements outlined in subsections B, C and D of this section. If a preliminary ~~TDM~~ plan is submitted and approved by the city engineer or designee, then a final ~~TDM~~ plan is not required until a certificate of occupancy is requested.

b. Final ~~TDM~~ Plan. A final ~~TDM~~ plan meeting the requirements outlined in subsections (B), (C) and (D) of this section is required before a certificate of occupancy may be granted. The ~~TDM~~ plan must be approved by the city engineer or designee.

3. A building permit or land use approval shall not be granted until a final Transportation Demand Management TDM plan meeting the requirements outlined in sections (B), (C) and (D) of this section is approved by the city engineer or designee, and a covenant approved by the planning director requiring compliance with the approved ~~TDM~~ plan is recorded by the applicant. The covenant shall include enforcement mechanism(s), which may include, but are not limited to, enforcement pursuant to Chapter 1.20 EMC, injunctive relief, monetary penalties, and loss of units available for rental.

B. What Is Required in a Transportation Demand Management TDM Plan.

1. A ~~Transportation Demand Management TDM~~ plan must be consistent with a Transportation Demand Management TDM guide established by the city engineer.

2. A ~~Transportation Demand Management TDM~~ plan must be prepared by a qualified professional with demonstrated experience in transportation planning, traffic engineering, or comparable field, unless otherwise allowed by the city engineer.

3. A Transportation Demand Management TDM plan must determine:

a. The anticipated travel demand for the project.

b. How the anticipated travel demand for the project will be met on site or off site, including:

(1) Number of on-street vehicle parking spaces, off-street vehicle parking spaces, or shared vehicle parking arrangements.

(2) Number of short-term and long-term bicycle ~~parking~~ spaces.

- 1 (3) Accommodations for pedestrians, cyclists, motorists, transit riders, and the
- 2 mobility-impaired.
- 3 c. The strategies that will be employed to reduce single-occupancy vehicle trips, reduce
- 4 vehicle miles traveled by site users, and promote transportation alternatives such as
- 5 walking, cycling, ridesharing, and transit.
- 6 d. The modal share objectives that will be sought from the implementation of TDM
- 7 strategies.
- 8 4. A Transportation Demand Management ~~TDM~~-plan must include ways to ensure ongoing
- 9 compliance and enforcement of approved ~~TDM~~-strategies.
- 10 5. Fees as required to review and approve the ~~TDM~~-plan, and annual fees to monitor the
- 11 implementation of the ~~TDM~~-plan, as required by the city.
- 12 C. Transportation Demand Management ~~TDM~~ Strategies. ~~TDM-s~~ Strategies may include, but are not
- 13 limited to, the following:
- 14 1. Walking, cycling, ridesharing, and transit promotion and education.
- 15 2. Parking cash-out programs or unbundled parking/market rate pricing.
- 16 3. Shared vehicle parking arrangements.
- 17 4. Enhanced bicycle parking facilities and services (above the minimum required).
- 18 5. Support for car share ~~and~~, bike share, and/or micromobility-services and facilities.
- 19 6. Carpooling or vanpooling programs or benefits.
- 20 7. Free or subsidized transit passes, transit-to-work shuttles, or enhanced transit facilities (such
- 21 as bus shelters).
- 22 8. Guaranteed ride home (~~GRH~~) programs.
- 23 9. Provision for alternative work schedules (i.e., flextime, compressed work week, staggered
- 24 shifts, telecommuting).
- 25 10. Promotion of “live near your work” programs.
- 26 11. Roadway improvements adjacent to the site that will help encourage transportation
- 27 alternatives.
- 28 12. Designation of an on-site employee and/or resident transportation coordinator.
- 29 13. Membership in a transportation management association ~~(TMA)~~.
- 30 D. Transportation Demand Management ~~TDM~~ Performance Standards. In making its decision, the city
- 31 engineer must make written findings of fact on the following matters:
- 32 1. The project includes performance objectives to minimize single-occupancy vehicle trips and
- 33 maximize the utilization of transportation alternatives to the extent practicable, taking into
- 34 account the opportunities and constraints of the site and the nature of the development.

2. The project must meet the anticipated transportation demand without placing an unreasonable burden on public infrastructure, such as transit and on-street parking facilities, and the surrounding neighborhood.
3. The Transportation Demand Management ~~TDM~~ plan includes ways to ensure ongoing compliance to reduce transportation impacts.

19.34.090, NONCONFORMING VEHICLE PARKING.

If a use which was lawfully established has less parking than required by the zoning code, it need not provide additional parking except under the following circumstances:

A. Expansion of Building. Any increase in the floor area of a building shall provide additional parking for the added floor area or other measure of vehicle parking requirement in accordance with the current vehicle parking requirements for such use, unless otherwise provided an exception under EMC 19.34.050. ~~or reduction under EMC 19.34.060. Parking quantities after reductions under EMC 19.34.060 or 19.34.070 must still be provided.~~

B. Change of Use.

~~1. In Metro Everett, nNo additional parking shall be required for changes in use for buildings in existence prior to January 1, 2007.~~

~~2. Outside of Metro Everett, no additional parking shall be required for changes in use for buildings in existence prior to December 2, 1956.~~

~~3. Except as otherwise allowed above, any change in use which requires more parking than the previous use shall provide parking in accordance with the current parking requirements for the changed use minus the number of parking spaces by which the previous use was deficient, unless otherwise provided an exception under EMC 19.34.050 or reduction under EMC 19.34.060.~~

C. Surfacing Materials. Where building or parking lot expansion is proposed, existing vehicle parking that does not meet current city requirements for surfacing shall be paved in accordance with city design standards if the value of the proposed expansion exceeds fifty percent of the value of existing buildings.

19.34.100, LOCATION OF OFF-STREET VEHICLE PARKING.

A. Vehicle Parking Location—General Requirements for Residential Uses.

~~1. Required off-street parking for residential uses shall be provided on the same lot as the dwelling it is required to serve. Off-street auto parking spaces may include spaces in garages, carports, parking lots, and/or driveways if vehicles are not parked in a vehicle travel lane or a required front setback. Off-street parking for electric vehicles may be included in auto parking required by this chapter. Refer to the International Building Code for requirements on electric vehicle charging infrastructure.~~

~~2. Parking may not be located within required setbacks, except as allowed under EMC 19.34.110(C) and this section, with the following exceptions:~~

~~a. Single-Family (One-Unit Dwelling) or Two-Unit Parking for Structures with One, Two, Three or Four Dwellings. Auto parking may be located within the front or street side setbacks on a driveway that meets city design standards or within the rear or interior side setbacks. This exception does not apply to:~~

~~(1) Easement access lots;~~

~~(2) Historic overlay zones, if applicable; or~~

~~(3) The front setback for alley access lots, except as allowed under EMC 19.34.110(B).~~

~~b. Multiple-Family. Parking may be located within setbacks in the following circumstances:~~

~~(1) Within the rear setback when access is from an alley;~~

~~(2) Within the rear setback when (A) meeting outdoor and common area requirements (Chapter 19.09 EMC); (B) when meeting landscaping and screening requirements (Chapter 19.35); and (C) when not abutting a single-family (R-S, R-1, R-2, R-2(A)) zone.~~

~~(3) When parking is located below grade, parking may be located within any required setback if situated completely below grade, and the required landscaping can be provided on top of the below-grade parking structure.~~

2. Vehicle parking is only allowed within required setbacks in:

a. Residential zones in driveways meeting the standards of EMC 19.34.110, except easement access lots or in historic overlay zones; or

b. Rear setbacks in residential zones when complying with landscaping standards of EMC 19.35; or

c. When vehicle parking is located completely below grade and required landscaping is provided on top of the parking structure.

3. Private Access Drives. Parking-Vehicle parking on any private access drive shall be prohibited except when authorized through a land division or other land use permit. Off-street vehicle parking may be located adjacent to an approved access drive outside of the minimum required dimensions of the access drive. Where applicable, the homeowners' association shall be responsible for enforcing this requirement.

~~4. Multiple-Family Standards. Off-street parking areas shall not be located closer to the public street than the building located closest to the street~~

5.4. Historic Overlay. Off-street parking in an historic overlay zone shall not be located closer to the public street than the building located closest to the street unless approved by the planning director due to street and site topography which precludes other placement.

~~6. Modification of Standards. Parking location standards may be modified with Review Process II described in EMC Title 15, Local Project Review Procedures.~~

B. Vehicle Parking Location—General Requirements for Nonresidential Uses.

1. Vehicle parking, except as otherwise allowed for automobile, light truck or RV sales or rental, shall not be located within a required building setback, required landscape area, or open space.

2. For nonresidential uses, required off-street vehicle parking shall be located on property within five hundred feet of the building or use which it is required to serve. This distance shall be measured along the access route. The property upon which the off-street parking is provided shall be located in the same zone as, or a zone which allows, the use for which the parking is required.

3. Separation of Surface Vehicle Parking Lots from Public Right-of-Way. ~~a. Surface parking lots shall not be located between buildings and Broadway or Evergreen Way. b. For all other streets, surface parking lots shall be set back either ten feet from the public sidewalk, or five feet from the property line, whichever is greater. The intent of this requirement is to provide a minimum ten-foot landscape separation between surface parking lots and public streets in accordance with Chapter 19.35 EMC. c. There shall be no setback required from a public alley.~~

4. Surface parking lots shall be set back from interior lot lines consistent to meet the landscaping and screening requirements of Chapter 19.35 EMC.

5. Marijuana retailers shall comply with the parking location requirements set forth in EMC 19.13.160.

~~6. Modification of Standards. Parking location standards may be modified with Review Process II described in EMC Title 15, Local Project Review Procedures.~~

C. Vehicle Parking Location Requirements, Metro-Everett Mixed-Use Centers.

1. Separation of Surface Parking from Public Right-of-Way. All surface parking lots within Metro Everett shall have a minimum front setback of forty feet. For corner lots, the minimum setback from a street side lot line shall be five feet. Exception: within the Light Industrial 1 LI-MU zone, the minimum front setback for surface parking shall be fifteen feet. Where surface parking is provided, it shall be separated from any public sidewalk by a minimum of five feet to allow screening/landscaping in accordance with Chapter 19.35 EMC.

2. There shall be no setbacks required for rear and side interior lot lines unless otherwise necessary to accommodate landscaping/screening in accordance with Chapter 19.35 EMC.

~~3. Nonresidential Uses. Auto parking for nonresidential uses in Metro-Everett shall be located within one thousand feet of the use for which it is required, measured along the access route.~~

~~4. Modification of Standards. Parking Vehicle parking location standards may be modified with Review Process II described in EMC Title 15, Local Project Review Procedures.~~

equipped with a plate or marker showing the manufacturer's gross vehicle weight rating, the weight of a vehicle shall be determined as follows:

1. Any motor vehicle having less than six wheels is the equivalent of a vehicle having a manufacturer's gross vehicle weight rating of less than sixteen thousand pounds.
2. Any motor vehicle having six wheels or more is the equivalent of a vehicle having a manufacturer's gross vehicle weight rating of sixteen thousand pounds or more.

19.34.110 VEHICULAR ACCESS TO OFF-STREET PARKING – ALLEYS AND DRIVEWAYS.

A. Alleys. Access to off-street parking areas shall be provided from the alley where available. The intent of this requirement is to:

1. Enhance the safety of parking areas;
2. Minimize potential conflicts between vehicles and pedestrians;
3. Efficiently manage traffic in off-street parking areas;
4. Reduce visual impacts on surrounding properties and improve streetscape appearance.

B. Alley Access Exception. Access from the public street where the lot abuts an alley will only be allowed as an exception to the alley access requirement. The city engineer, in consultation with the planning director, may allow access to required off-street parking from the street in lieu of, or in addition to, using the alley in the following circumstances:

1. The topography of the site and/or adjacent alley makes use of the alley infeasible; or
2. The requirement for access from the alley would create a traffic or pedestrian safety hazard, such as sight distance problems or conflicts with other ingress/egress locations; or
3. There is an existing improvement that prevents use of the alley for vehicular access and the improvement cannot reasonably be relocated or removed; or
4. For nonresidential or mixed uses, driveway access from the street is necessary to provide access for commercial customer traffic; this exception may not be used to justify a street access point that primarily provides access to employee or resident parking areas; or
5. Providing access from the street will reduce or minimize adverse impacts on adjacent properties; or
6. Street access for multiple levels of off-street parking within a structure when access from an alley to all parking levels is not feasible due to topography or lot geometry.

C. Driveways. The design of all driveways and internal vehicle circulation shall be in accordance with EMC Title 13 and the city design standards. Maximum driveway width within the public right-of-way shall be as provided in Chapter 13.16 EMC. For residential zones, the following additional requirements shall apply to the portion of the driveway located outside the right-of-way for :

1. For non-alley access lots, the maximum driveway width within the front or street side setback within twenty feet of the right-of-way abutting the front lot line shall not exceed thirty

feet, or fifty percent of the lot frontage width, whichever is less. However, ~~a minimum driveway width of ten feet will be allowed in all cases where a driveway is permitted, a minimum driveway width of ten feet will be allowed;~~

~~2. Sidewalk Design/Driveways. Where new driveways and/or sidewalks are installed within the public right-of-way, the sidewalk pattern shall carry across the driveway.~~

19.34.120, PARKING AREA DESIGN AND CONSTRUCTION.

A. Parking Design Specifications. The minimum requirements for parking stall and aisle dimensions, striping, pavement thickness, and subgrade shall be as set forth in the city design standards.

B. Surfacing.

1. All parking areas shall consist of durable surface materials approved by the planning director and city engineer. Depending upon site and soil conditions, low impact development (LID) stormwater management facilities are encouraged, and may be required by the city's stormwater management manual.

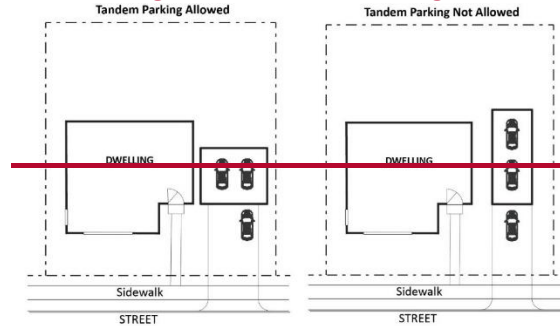
2. Residential Exception. For ~~single-family and duplex uses,~~ residential uses with six or fewer dwellings on a property, nonrequired vehicle parking that is located outside of the front and street side setbacks areas may use surface materials in accordance with city design standards including grass block pavers and reinforced grass paving systems; provided, however, that parking in the area between a street-facing facade and the street must be on a paved surface as allowed by EMC 19.34.110(C).

3. Dimensional exception. Existing, legally established vehicle parking spaces established prior to June 6, 2024 are not required to be resized or modified to meet current parking requirements, except for compliance with the Americans with Disabilities Act, per RCW 36.70A.

C. Landscaping and Screening. Landscaping and screening for parking lots shall be in accordance with the standards of Chapter 19.35. Parking of trucks or fleet vehicles is considered off-street parking for the purposes of calculating the parking lot interior landscaping required by Chapter 19.35 EMC.

D. Tandem and Lift Parking. ~~In residential zones (R-S, R-1, R-2, R-2(A), UR3 and UR4), no more than two required parking spaces serving the same dwelling unit may be parked in tandem. See Figure 3 for illustration. For all uses of parking systems that lift or stack individual vehicles, each vehicle accommodated by the stacker counts as an individual parking space. Tandem parking, which means parking spaces in a series without independent access, may be used for nonrequired parking. For required residential parking, each space must be no less than 20 feet in length and each dwelling unit's assigned vehicle parking space must have independent access. Neither tandem nor lift parking may be used for required ADA parking stalls.~~

Figure 3: Tandem Parking*



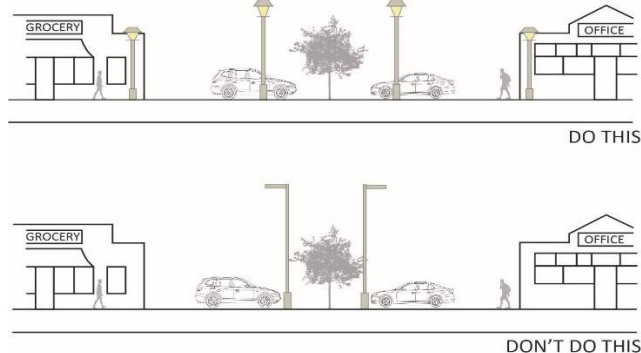
* The figure above illustrates a situation where a dwelling (e.g. dwelling with an ADU) has three off-street parking spaces required, of which only one can be in tandem. If only two off-street parking spaces are required, the figure on the right would be allowed because the third space would not be a required off-street parking space.

E. Accessible Parking. Accessible parking stalls shall meet the requirements of Washington State Regulations for Barrier Free Facilities (Chapter 51-50 WAC).

F. Parking Area Illumination. All surface parking areas for multiple-family residential uses with nine or more parking spaces and/or for any nonresidential uses shall provide illumination to improve site security and minimize light spill and glare impacts on adjacent properties. Parking area illumination shall meet the following standards:

1. Parking area lighting fixtures shall be full cut-off (zero percent candlepower at ninety degrees horizontal and ten percent maximum candlepower at eighty degrees from vertical), dark sky rated, and mounted no more than thirty feet above the ground, with lower fixtures preferable so as to maintain a human scale.
2. All fixtures over fifteen feet in height shall be fitted with a full cut-off luminaire.
3. Figure 4. Acceptable and unacceptable parking area lighting.

Figure 4 34-2: Parking Area Illumination



4. Except within industrial zones, pedestrian-scaled lighting (light fixtures no taller than fifteen feet) is encouraged in areas of pedestrian activity.

5. Lighting must not trespass onto adjacent private parcels. All building-mounted lights shall be directed onto the building itself and/or the ground immediately adjacent to it. The light emissions shall not be visible above the roof line of the building.

G. Maintenance.

1. All off-street parking spaces shall be maintained to the design standard as shown on approved permit documents. Such spaces shall not be used at any time or in any manner that precludes use for off-street parking of operable motor vehicles regularly used by occupants, employees, guests, or customers.

2. Where parking is owned in common (e.g. by a homeowners' association), the covenants shall clearly indicate which parties are responsible for parking facility maintenance.

19.34.130, DRIVE-THROUGH FACILITIES.

See EMC 19.13.095 for standards and restrictions for drive-through service windows, order placing stations and holding lanes.

19.34.140, PEDESTRIAN ACCESS.

Design of pedestrian facilities through parking areas shall be in accordance with Chapter 19.33 EMC and the city design standards.

19.34.150, OFF-STREET LOADING REQUIREMENTS.

A. Nonresidential Truck Loading and Unloading Berths. Every nonresidential building hereafter constructed or altered that is engaged in retail, manufacturing, wholesale, or storage activities, excluding self-service storage facilities, which requires delivery of merchandise or materials by trucks, shall provide truck loading and unloading berths according to city design standards, except in Metro-Everett Mixed-Use Centers. All loading areas shall be separated from required parking areas and shall be designated for truck loading space.

B. Hotel, Office, Restaurant, or Assembly Truck Loading and Unloading Berths. Every hotel, office building, restaurant, or assembly structure or similar use shall provide truck loading and unloading berths according to the following standards, except in Metro-Everett Mixed-Use Centers or when such use is being reviewed using a review process which involves either the hearing examiner or city council as set forth in EMC Title 15, Local Project Review Procedures.

C. Truck Loading and Unloading for Other Uses. The city engineer is authorized to require loading space as necessary to provide for the safe and efficient delivery of merchandise or materials to the following uses:

1. Uses with a smaller floor area than the minimum listed in the city design standards;
2. Uses in Metro-Everett Mixed-Use Centers; or
3. Uses being reviewed using the hearing examiner review process as set forth in EMC Title 15, Local Project Review Procedures.

1 The city engineer shall have the authority to require measures or improvements that will ensure that the
2 specific uses within the building are protected from unsafe conditions resulting from truck loading and
3 unloading and required off-street parking areas and public right-of-way.

4 D. Modification of Off-Street Loading Requirements. The requirements of subsections (A) and (B) of this
5 section may be modified by the city engineer. In order to grant a modification to the requirements of
6 subsections (A) or (B) of this section, the city engineer shall require the applicant to provide sufficient
7 information to demonstrate that the method of providing loading/unloading for a particular use,
8 building or site will be sufficient to assure that required off-street parking areas, public right-of-way and
9 surrounding properties are protected from unsafe conditions resulting from truck loading and/or
10 unloading. The city engineer is not authorized to allow the loading and/or unloading of trucks to occur
11 on public streets except on a nonrecurring basis as approved through the temporary street use permit
12 process. The use of alley right-of-way for the loading and/or unloading of trucks is allowed without
13 permit.

14 E. Truck Loading in Building Setback Areas. Truck loading areas shall not be located within required
15 building setbacks. Where loading berths are located within one hundred feet of areas zoned for
16 residential use, the applicant shall provide measures necessary to reduce noise and visual impacts from
17 the commercial area. Noise mitigation measures may include architectural or structural barriers, berms,
18 walls, or a restriction on the hours of operation, if necessary to meet the requirements of the city's noise
19 ordinance.

20 F. Truck Loading and Maneuvering in **Manufacturing-Industrial** Zones. Within industrial zones, truck
21 loading and maneuvering areas shall not be located within one hundred thirty feet of areas zoned for
22 residential use. Truck loading/unloading shall not be permitted on streets. Truck loading operations and
23 maneuvering areas shall not be permitted to occupy an area exceeding fifty percent of the total linear
24 dimensions of the building perimeter.

25 **19.34.160 – BICYCLE AND MICROMOBILITY FACILITIES**

26 **A. Purpose. Facilitate and encourage the use of bicycles and other micromobility to support affordable**
27 **transportation options, reduce vehicle miles travelled, and make physical activity safe and accessible to**
28 **Everett residents.**

29 **B. Applicability.**

30 **1. New construction. The number of bicycle spaces and other facilities required by Table 34-6**
31 **Bicycle Facilities, Required Counts shall be provided.**

32 **2. Expansion. Bicycle spaces and facilities shall be provided when increasing floor area or other**
33 **measure of bicycle facility requirements by addition or alteration; and**

34 **3. Change of Use. Any change of use which requires more bicycle facilities than the previous use**
35 **shall provide such bicycle facilities in accordance with the current requirements minus the**
36 **bicycle facilities by which the previous use was deficient, taking into account any exception or**
37 **reduction under this Chapter.**

4. How Fractions are Addressed for Bicycle Spaces. If the formula for determining the number of bicycle spaces results in a fraction, the number shall be rounded up to the nearest whole number.

C. Short-Term Spaces. Short-term bicycle spaces allow shoppers, customers, and other visitors to a site to use bicycles by providing a convenient and readily accessible place to securely store bicycles for up to several hours.

1. Bicycle rack dimensions shall be per Table 34-5: Minimum Dimensions for Bicycle Spaces and Figure 34-5: Bicycle Spaces, Dimensions

2. Bicycle racks designed to accommodate two bicycles, such as an inverted-u rack, are considered two bicycle spaces.

3. Short-term bicycle racks and spaces shall be placed on stable, firm, and slip-resistant surfaces consistent with ADA Standards for Accessible Design, and anchored with tamper-resistant hardware.

4. A bicycle rack must allow for the locking of both the bicycle frame and one wheel to the rack and shall support a bicycle in a stable position with a minimum of two points of contact to the bicycle frame and without damage to the wheels, frame, or components (see below for examples in Figure 34-3: Examples of Allowed and Not-Allowed Bike Racks that meet and do not meet this requirement).

5. Oversize bicycles.

a. At least 5% of short-term bicycle spaces must be dimensioned to accommodate oversize bicycles, except that within mixed-use centers 10% of short-term bicycle spaces must be dimensioned to accommodate oversize bicycles including the first short term space provided for each use.

b. Certain designated uses in Table 34-6 require additional oversize short-term bicycle spaces beyond the base rate in EMC 19.34.160(C)(5)(a).

6. Short term bicycle racks notably differing than those shown below as allowed may be proposed. The Planning Director will review using the following specifications:

a. Have a no-maintenance finish that won't rust, chip, or peel

b. Have a minimum height of thirty-two inches so it is not a tripping hazard

c. Allow a U-lock to secure both one of the wheels and the bicycle frame to the rack

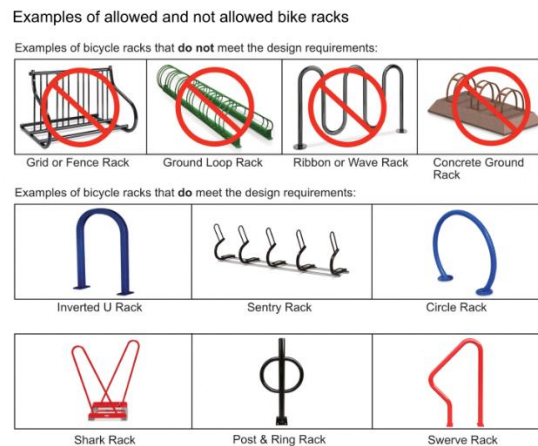
d. Be visually intuitive – recognizable as a bike rack and able to be used correctly without instructions

e. Does not bind a front wheel independently of the rest of the bicycle

f. Be adaptable for cargo, family, and other bicycles of different dimensions

g. Meet ADA Standards for Accessible Design Section 307 (protruding objects) when placed in a pedestrian circulation path

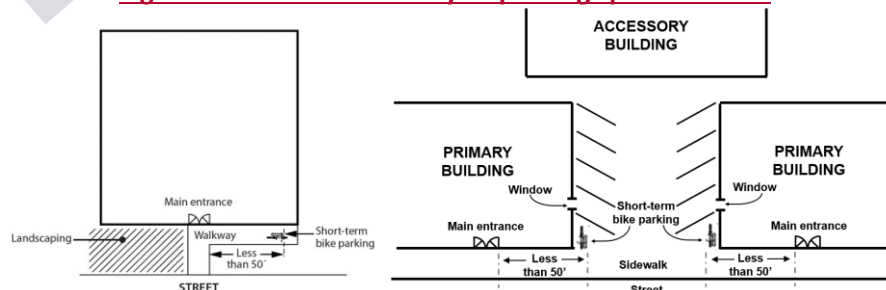
Figure 34-3: Examples of Allowed and Not-Allowed Bike Racks



7. Short-term bicycle spaces must be located:

- a. Within fifty feet of a building or site entrance and visible from within the building or site, provided that for sites or buildings with multiple entrances, spaces shall be distributed approximately in proportion to their anticipated use; and
- b. Along a natural path of travel from the public right-of-way to the building or site entrance(s), either on-site or within the adjacent public right-of-way; and
- i. If within the public right-of-way, bicycle racks must not be within the pedestrian clear zone of a sidewalk and must be at least 36 inches from outside face of street curb.
- c. Outside of a building or enclosure; and
- d. At the same grade as the sidewalk, or at a location that can be reached by an ADA accessible route from the sidewalk; and

Figure 34-4: Short-term bicycle parking-space location



- e. If short-term bicycle spaces are located within or adjacent to a vehicle parking area, short term bicycle racks and bicycle spaces shall be protected by physical barrier(s) or adequate protection from vehicle interference (minimum 36 inches separation from any parking space).

f. Property owners and businesses located on the same side of the street and on the same block may establish a grouped short term bicycle facility area where short-term bicycle facility solutions may be implemented.

i. These areas shall be located no further than 100 feet from the main entrance of each business or property they intend to serve.

ii. The bicycle racks shall be accessible by a route that meets ADA Standards for Accessible Design.

iii. Bicycle spaces shall meet all other relevant standards of this section.

g. An applicant may propose, and the Planning Director may approve, one or more of the following alternatives if compliance with subsections EMC 19.34.160(a) through (f) are not practical or if the alternative would better meet the purpose of this section:

i. Short-term bicycle spaces in the right-of-way adjacent to the use.

ii. On-site short-term bicycle spaces beyond fifty feet from a main entrance and/or at a secondary entrance when clearly visible from inside the building.

iii. Short term bicycle spaces located at the rear of the building when clearly visible from within the building, for example when the rear of the building is on a natural path of travel from off-site.

iv. Short term bicycle spaces located within the building and publicly accessible during operating hours.

v. Other solutions that meet the purpose of this section.

D. Long-term bicycle spaces. Long-term bicycle spaces provide employees, students, residents, commuters, and others who stay at a site for several hours with a secure and weather-protected space to park bicycles.

1. Long-term bicycle spaces must be located on site or, when being provided cooperatively with other development(s), within three hundred feet of the subject site measured by path of travel

2. Long-term bicycle spaces must be within a roofed structure or otherwise covered. The cover must be permanent, impervious, and must project out a minimum of two feet beyond the bicycle spaces, unless those spaces are also protected by an impervious wall. The shelter provided by bike lockers or bike hangers shall be considered sufficient cover.

3. For residential development, long-term bicycle spaces required under Table 34-6 Bicycle Facilities, Required Counts and Figure 34-5 Bicycle Spaces, Dimensions must be in one of the following configurations:

a. A lockable garage or shed dedicated exclusively to one or two residential dwelling units may fulfill the requirements for long-term bicycle space(s) for each of those one or two dwelling units. Plans shall indicate the location for standard and/or oversize bicycle spaces but need not provide a rack or fixture. These need not be oversize spaces (but

must be horizontal) and may take access from an alley if lot configuration makes street access infeasible.

b. For any building with four or fewer dwelling units or sleeping units, required bicycle space(s) may be provided within the dwellings, or in a secure attached storage location. These need not be oversize spaces if provided within the dwellings, and need not provide racks, but must be horizontal.

c. Long term bicycle spaces may be in any of the following: bike cage, bike room, bike locker, or bike hanger.

4. Long-term bicycle spaces for any use must be provided in racks (see EMC 19.34.160(F)) within a bike cage or bike room, or within bike hangers or bike lockers.

a. At least twenty-five percent of the total required long-term spaces, including the first space provided, shall not require lifting a bicycle off the ground or into a vertical position.

b. At least five percent of total required long-term spaces beyond the first two spaces shall be dimensioned to accommodate oversize (cargo, tandem, long-tailed, or similar) bicycles and must not require lifting a bicycle off the ground or into a vertical position.

c. Where 4 or fewer long-term bicycle spaces are required, a secure bike room need not provide racks.

5. Long-term bicycle spaces shall be placed on floor and/or ground surfaces that are stable, firm, and slip resistant consistent with ADA Standards for Accessible Design, and provide tamper-resistant qualities to the racks.

6. Long term bicycle spaces shall prevent unauthorized access in one of the configurations:

a. Within a locked room or secure enclosure with floor-to-ceiling clear height of 8 feet (or higher if needed for the racks installed). Such enclosure may be within structured parking, or in a purpose-built building providing full weather-protection; or

c. In a permanently anchored, enclosed, and secured bike locker or bike hanger. Such lockers or hangers may themselves be within locked rooms or other enclosures.

7. Property owners and businesses located on the same block may establish a grouped long term bicycle facility area where long-term bicycle spaces may be situated, provided that such facility area must be reached by ADA accessible route less than 300 feet long.

8. Residential long-term bicycle spaces located within individual dwelling units, except under EMC 19.34.160(D)(3)(b), do not count towards required long-term bicycle spaces for a site.

E. Bicycle Spaces, Basic Dimensions.

1. The standard bicycle space (horizontal or vertical) is 2 feet wide, 6 feet long, and 3 feet 4 inches tall. See Figure 34-5: Bicycle Spaces, Dimensions and Table 34-5: Minimum Dimensions for Bicycle Spaces. Bicycle spaces may exceed one or more dimensions.

2. The oversized bicycle space (horizontal only) is 3 feet wide, 10 feet long, and 3 feet 4 inches tall. Bicycle spaces may exceed one or more dimensions.

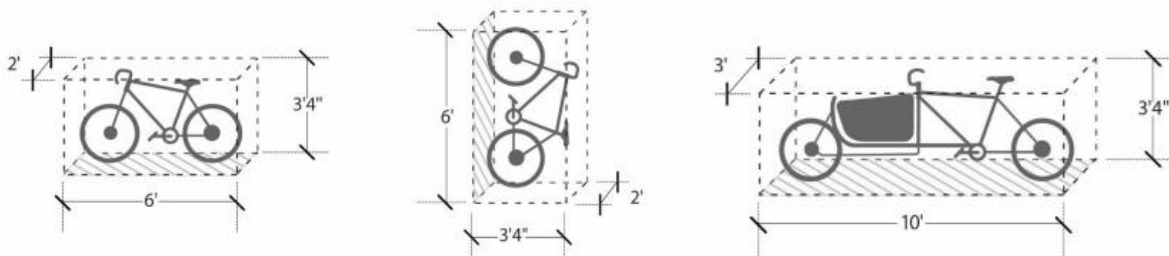
3. If other types of micromobility are proposed different from an oversized bicycle, (e.g. bicycle trailers, pedalcab, etc.), an applicant may propose, and the Planning Director may allow, dimensions other than an oversized bicycle.

4. Oversized spaces may always substitute for standard spaces; standard spaces may not substitute for oversized spaces.

Figure 34-5: Bicycle Spaces, Basic Dimensions

Standard Spacing Requirements

Large Bicycle Space



F. Bike Rack/Bike Room design standards. Where bicycle spaces are provided in racks, short-term or long-term, the racks must meet the following standards:

1. The rack must be designed so that the bicycle frame and one wheel can be locked to a rigid portion of the rack with a U-shaped shackle lock, when both wheels are left on the bicycle.

2. If the rack is a horizontal rack, it must support the bicycle at two points, including the frame; and

3. The rack must be securely anchored with tamper-resistant hardware.

4. Bicycle spaces, maneuvering areas, and clearance dimensions must meet the minimum standards contained in Table 34-6.

a. Where bicycle spaces are adjacent to a sidewalk, the maneuvering depth area may extend into the public right of way.

b. Stacked (2-tier) bicycle racks shall allow bicycles to be nearly horizontal when in the final stored position; stacked racks must include a mechanically-assisted lifting mechanism to mount the bicycle on the top tier.

c. Where stacked (2-tier) racks are used, clear space from floor to ceiling shall be no less than 9 feet.

1

Table 34-5: Minimum Dimensions for Bicycle Spaces, Detailed

		Bicycle Space Depth	Bicycle Space Width	Bicycle Space Height	Maneuvering Depth	Clearance to rack from walls
Standard Spacing						
	Standard Bicycle Spacing	6 ft.	2 ft.	3 ft. 4 in.	5 ft.	2 ft. 6 in.
Alternative Spacing						
	Horizontal: Side by Side	6 ft.	1 ft. 6 in.	3 ft. 4 in.	5 ft.	2 ft. 6 in.
	Horizontal: Wall Attached	6 ft.	2 ft.	3 ft. 4 in.	5 ft.	1 ft.
	Horizontal: Diagonal (45-60 degree)	6 ft.	1 ft. 6 in.	3 ft. 4 in.	5 ft.	3 ft.
	Vertical Spaces [2]	3ft. 4 in.	1 ft. 5 in.	6 ft.	5 ft.	--
	Stacked Spaces [3]	--	1 ft. 5 in.	--	8 ft.	--
	Larger Bicycle Space	10 ft.	3 ft.	3 ft. 4 in.	5 ft.	3 ft.

Notes:

[1] See Figure 34-6: Minimum Dimensions for Bicycle Spaces

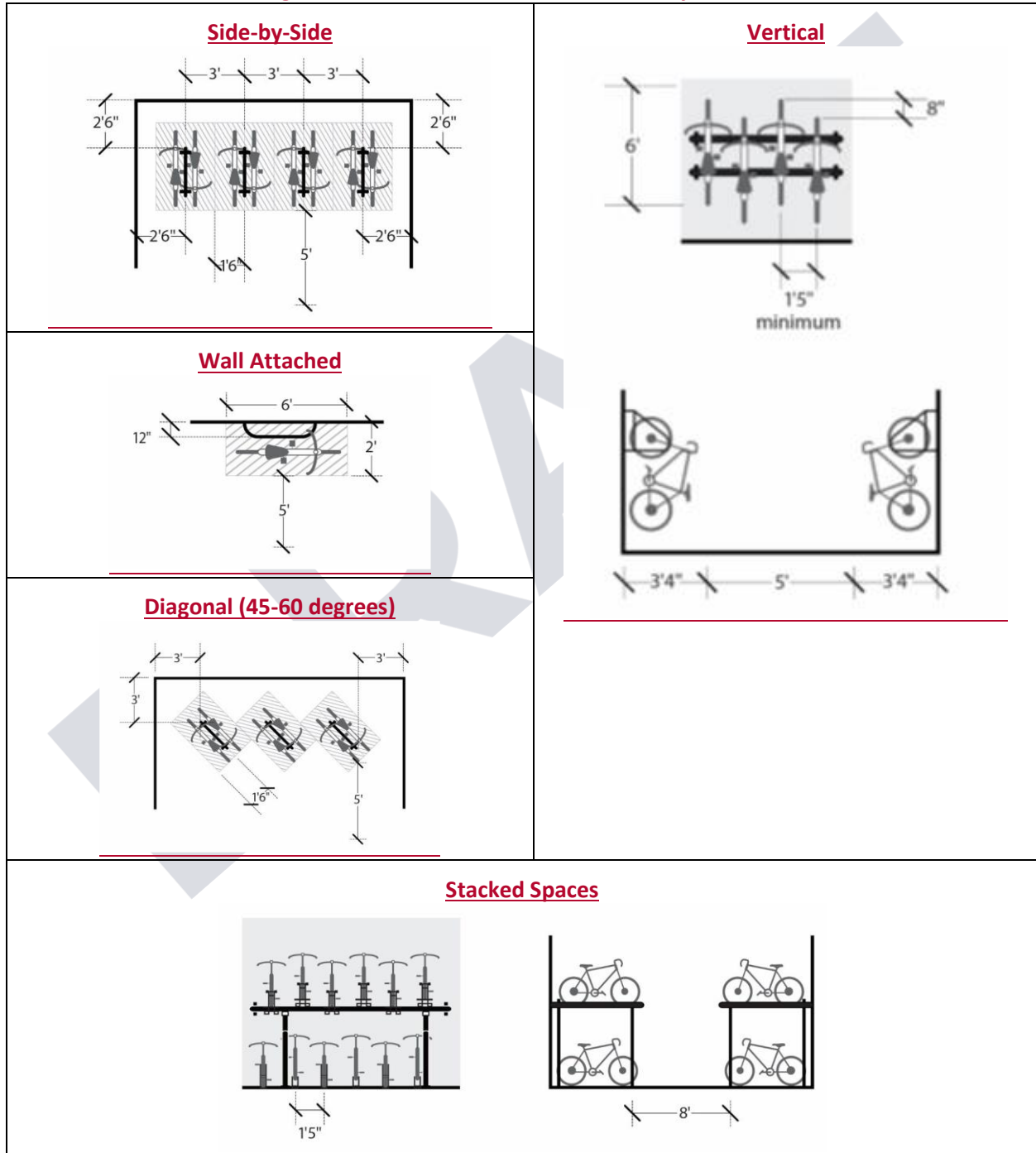
[2] The alternative spacing allowed for vertical bicycle parking spaces requires a minimum vertical stagger of 8 inches between each space.

[3] The alternative spacing allowed for stacked bicycle parking spaces requires a vertical stagger to be included in the manufacturer design.

2

1

Figure 34-6: Minimum Dimensions for Bicycle Racks



2

G. End of Trip Facilities. Showers, restrooms, personal lockers, and grooming facilities may be required

3

under a Transportation Demand Management Plan under EMC 19.34.080.

H. Location, Path of Travel, Signage, and Wayfinding. Long term bicycle spaces in bike rooms and bike cages, or in lockers and/or hangers, when located inside a building:

1. Must have direct access from the public right of way (street or public sidewalk). The beginning of the path of travel from the public right of way should be prominent and obvious. A bicycle access point from an alley to meet this subsection EMC 19.34.160(H)(1) may only be considered when located within 30 feet along a path of travel from a public street.

2. The path of travel from the public right of way to long term bicycle spaces may not extend more than 100 horizontal feet from the exterior of the building to the spaces and shall not require a rider to carry their bicycle.

3. If long term bicycle spaces are not readily visible from main building entrance(s) and/or the public street, signs must be prominently posted along the route (including at building entrances) indicating the location of the bicycle facilities.

4. Long term bicycle spaces may be located within structured parking, provided the following:

a. Spaces shall be located no lower or higher than the first complete parking level below or above the automobile entrance, and must be served by a bicycle path of travel free of obstructions that does not require bicycle users to carry their bicycles at any point; and

b. Any location where security features must be activated must have no more than a 1:20 (vertical:horizontal) slope; and

c. A location more than one level below grade may be permitted where an elevator per EMC 19.34.160(H)(5) be provided, and a path of travel to the elevator meeting the other requirements of this chapter.

5. If a long term bicycle facility is served by an elevator, the elevator shall be designed to accommodate the simultaneous loading and unloading of at least two bicycles.

I. Bike Corrals. At such time as public bicycle corrals may be installed in the public right of way, any site located within 500 feet may count such bicycle spaces towards their required short-term bicycle spaces as approved by the Planning Director.

J. Lighting and Security. Bike rooms, bike cages, and any roofed areas with bike racks, lockers, or hangers installed must be illumined to minimum 150 lux in the presence of people.

K. Plan Requirements. The following bicycle facility information must be included in plans as part of the master use and construction permit applications:

1. Calculation for quantity of bicycle spaces required and proposed

2. Bicycle space location, type, and dimensions

3. Type of rack or fixture (hardware) and mounting proposed

4. Vertical clearance dimensions

5. Dimensions for clearance from wall or other vertical obstruction

6. Dimensions for separation between racks

7. Note or verification of lighting

8. Dimensioned bicycle access route to spaces provided.

9. Manufacturer's installation specifications for mounting, and where applicable, clearance and aisle width (if proposing alternate standards to Director)

10. Where required, sign detail and sign location for wayfinding.

L. Rules. The planning director or city engineer may promulgate further rules for the design and location of bicycle facilities required for development.

M. Bicycle Sharing and other Micromobility Sharing. Bike share spaces cannot be counted towards a site's required amount of short-term or long-term bicycle spaces, but considering and providing publicly available space for shared bikes and other micromobility device is encouraged, and may be considered as part of an overall Transportation Demand Management plan.

19.34.170 – BICYCLE FACILITIES, REQUIRED COUNTS

Bicycle secure storage spaces are required for most uses to provide secure and convenient places to park bicycles and other forms of micromobility devices. These regulations ensure adequate short and long-term bicycle spaces based on the demand generated by different uses. Minimum bicycle facilities acknowledge the usage rates for different uses, and that this will vary by geography, being higher in mixed-use centers than in the rest of the city.

In the following table, the right column names the uses, while the second, third, and fourth columns provide formulas for how many long term (LT) and short term (ST) spaces must be provided in the city generally, or in mixed-use centers.

A. For uses not otherwise listed, required number of long and short term bicycle spaces are to be determined by the planning director and city engineer.

B. For all uses, a minimum of 2 long term and 2 short term bicycle spaces are required.

Table 34-6 Bicycle Facilities, Required Counts

<u>Land Use</u>	<u>Long Term</u>	<u>Short Term</u>	<u>Mixed-Use Centers</u>
<u>Residential</u>			
<u>Day care (family home), childcare</u>	<u>1.0 per dwelling</u>	<u>2.0 per site; both must be oversize spaces</u>	<u>2 LT / dwelling 4 ST (can substitute secure area on plan)</u>
<u>Day or overnight care (family home), caring for adults</u>	<u>1.0 per dwelling unit</u>	<u>1.0 per dwelling unit</u>	<u>2 LT / dwelling 2 ST / dwelling</u>
<u>Dwelling unit, unless otherwise noted here</u>	<u>1.00 per dwelling unit</u>	<u>0.20 per dwelling unit, except none required for five or fewer dwellings on a lot</u>	<u>1.25 LT / dwelling 0.30 ST / dwelling (only required for 3 or more dwellings on a lot)</u>

<u>Dwelling, Co-Living, Dormitory, Emergency Housing, Secure Community Transition</u>	<u>.75 per sleeping unit or bed</u>	<u>.25 per sleeping unit or bed</u>	<u>1.0 LT / sleeping unit or bed</u> <u>0.3 ST / sleeping unit or bed</u>
<u>Live-Work Units</u>	<u>1.00 per dwelling unit</u>	<u>0.50 per dwelling unit</u>	<u>1.50 LT / dwelling</u> <u>0.75 ST / dwelling</u>
<u>Group housing, residential care facility, senior housing, or extended care facility, including independent living units in congregate care facility, convalescent or nursing homes</u>	<u>0.50 per bed</u>	<u>0.20 per bed</u>	<u>0.75 LT / bed</u> <u>0.25 ST / bed</u>
<u>Permanent Supportive Housing</u>	<u>As determined by planning director and city engineer, with no fewer than 0.5 per bedroom and 1 for every 2 employees on shift (2 minimum)</u>	<u>As determined by planning director and city engineer, with no fewer than 0.1 per bedroom (2 minimum)</u>	<u>As determined by planning director and city engineer, with no less than 0.75 LT and 0.2 ST (3 each, minimum)</u>
<u>Short term rentals; hotels, motels</u>	<u>0.05 per rentable room</u> <u>0.05 ST / rentable room,</u> <u>PLUS 0.20 ST / 1,000 sf for conference/meeting rooms</u>	<u>0.05 per rentable room and</u> <u>0.20 per 1,000 square feet of conference/meeting rooms</u>	<u>0.075 LT / rentable room</u> <u>0.10 ST / rentable room,</u> <u>PLUS 0.35 ST / 1,000 sf for conference/meeting rooms</u>
<u>Office, Retail, & Restaurants</u>			
<u>General or professional offices, incl. government uses</u>	<u>0.25 per 1,000 square feet</u>	<u>0.10 per 1,000 square feet</u>	<u>0.50 LT / 1,000 sf</u> <u>0.25 ST / 1,000 sf</u>
<u>Retail stores & service, all forms not otherwise listed</u>	<u>0.25 per 1,000 square feet</u>	<u>0.25 per 1,000 square feet; at least 10% must accommodate oversize bicycles</u>	<u>0.50 LT / 1,000 sf</u> <u>0.50 ST / 1,000 sf; at least 20% must accommodate oversize bicycles</u>
<u>Restaurants, bars</u>	<u>0.25 per 1,000 square feet</u>	<u>0.50 per 1,000 square feet</u>	<u>0.50 LT / 1,000 sf</u> <u>1.0 ST / 1,000 sf</u>
<u>Other Commercial, and Industrial</u>			

<u>Clinics and Veterinary Clinics</u>	<u>0.10 per 1,000 square feet</u>	<u>0.25 per 1,000 square feet</u>	<u>0.25 LT / 1,000 sf</u> <u>0.50 ST / 1,000 sf</u>
<u>Commercial Storage, enclosed</u>	<u>0.02 per 1,000 square feet</u>	<u>0.05 per 1,000 square feet; at least 50% of ST spaces must accommodate oversize bicycles</u>	<u>0.04 LT / 1,000 sf</u> <u>0.10 ST / 1,000 sf (≥50% spaces accommodate oversize bikes)</u>
<u>Daycare, Commercial</u>	<u>0.075 LT per employee</u>	<u>0.05 ST per child peak attendance; at least 25 percent must accommodate oversize bicycles</u>	<u>0.15 LT/employee; 0.1 ST/child (≥30% must accommodate oversize bicycles)</u>
<u>Dismantling & Impound Yard; Outdoor Storage; Heliport; Marine Terminal; Railyard</u>	<u>0.25 per 1,000 square feet of office space</u>	<u>1.0 per site</u>	<u>0.50 LT / 1,000 sf of office space</u> <u>none beyond 3 ST</u>
<u>Entertainment and recreation, indoor – theaters, gathering halls</u>	<u>1 per 1,000 square feet, or 0.02 per seat</u>	<u>1.25 per 1,000 square feet, or 4% of projected max attendance</u>	<u>4 LT / 1,000 sf or 0.04 LT / seat;</u> <u>2.5 per 1000 sf, or 8% of projected max attendance</u>
<u>Entertainment and recreation, indoor – all others</u>	<u>0.5 per 1,000 square feet</u>	<u>0.75 per 1,000 square feet</u>	<u>0.75 LT / 1,000 sf;</u> <u>1.5 ST / 1000sf</u>
<u>Entertainment and recreation, outdoor, and major event venues</u>	<u>Per planning director and city engineer</u>	<u>Per planning director and city engineer</u>	<u>Per planning director and city engineer</u>
<u>Manufacturing & Production, light or heavy</u>	<u>0.067 per 1,000 square feet</u>	<u>0.05 per 1,000 square feet</u>	<u>0.13 LT / 1,000 sf</u> <u>0.1 ST / 1,000 sf</u>
<u>Vehicle & Equipment sales, repair, and rental (light and heavy)</u>	<u>0.25 per 1,000 square feet of office space</u>	<u>0.1 per 1,000 square feet of building area</u>	<u>0.50 LT / 1,000 sf of office space</u> <u>0.2 / 1,000 sf of enclosed space</u>
<u>Warehouse & Freight terminal</u>	<u>0.025 per 1,000 square feet</u>	<u>0.01 per 1,000 square feet</u>	<u>0.05 LT / 1,000 sf</u> <u>0.02 / 1,000 sf</u>
<u>Public and Institutional</u>			

<u>Community Service & Civic Centers not otherwise described</u>	<u>0.05 per employee</u>	<u>0.25 per 1,000 square feet</u>	<u>0.15 LT / employee</u> <u>0.50 ST/1000sf.</u>
<u>Community Club/Center; Private Clubs and Lodges</u>	<u>0.25 LT / 1,000 sf</u>	<u>0.25 per 1,000 square feet</u>	<u>0.50 LT / 1,000 sf</u> <u>0.50 ST/1000sf.</u>
<u>Hospitals</u>	<u>Per planning director and city engineer</u>	<u>Per planning director and city engineer</u>	<u>Per planning director and city engineer</u>
<u>Libraries</u>	<u>0.05 LT / employee</u>	<u>0.25 per 1,000 square feet</u>	<u>0.15 LT / employee</u> <u>0.50 ST/1000sf.</u>
<u>Museums</u>	<u>0.05 LT / employee</u>	<u>0.25 per 1,000 square feet</u>	<u>0.15 LT / employee</u> <u>0.50 ST/1000sf.</u>
<u>Parks</u>	<u>Per planning director and city engineer</u>	<u>Per planning director and city engineer</u>	<u>Per planning director and city engineer</u>
<u>Places of Worship</u>	<u>0.1 LT / 1,000 sf</u>	<u>0.4 per 1,000 square feet</u>	<u>0.2 LT / 1,000 sf</u> <u>0.8 ST/1000sf.</u>
<u>Schools, K-12 and College</u>	<u>Per planning director and city engineer</u>	<u>Per planning director and city engineer</u>	<u>Per planning director and city engineer</u>

1 **19.34.200 – MODIFICATION OF REQUIRED OFF-STREET PARKING SPACES, BIKE AND**
2 **MICROMOBILITY SPACES, INCLUDING LOCATION AND DRIVEWAY WIDTH STANDARDS.**

3 ~~An applicant may propose, and the~~ The planning director, using the review process described in EMC
4 Title 15, Local Project Review Procedures, may allow an applicant to deviate from the following
5 standards of this chapter, provided the applicant's proposal satisfies the evaluation criteria in Chapter
6 15.03 EMC:

7 A. Reduction of off-street vehicle parking required by Table 34-1 ~~or 34-2~~, or of bicycle facilities required
8 in Table 34-6;

9 B. Location of off-street ~~vehicle~~ parking or bicycle facilities;

10 C. ~~Vehicular access~~ Vehicular access to off-street vehicle parking, alleys, and driveways, or access to
11 bicycle facilities;

12 D. Parking area or bicycle facility design and construction;

13 E. Standards for drive-through facilities; or

14 F. Off-street loading requirements.

15 **CHAPTER 19.35 – LANDSCAPING**

16 **19.35.010, USER GUIDE.**

17 Table 35-1, Landscape Categories for Use Zones, contains the landscape category for each zone. This
18 landscape category is either A, B, C, D or E. This chapter establishes the requirements for each landscape

category. It also establishes minimum buffers between certain uses, and provides a method for modification of the requirements of this chapter. Certain zones include special landscaping regulations that are in addition to or exceptions from the standards in this chapter. Table 35-2 identifies when special regulations may apply. See also Chapter 19.41.060 EMC for maintenance requirements.

19.35.020, PURPOSE.

The purpose of this chapter is to

- enhance compatibility between land uses and zones;
- support compact development;
- new development is compatible and graceful transitions between differing land use densities, intensities, and uses.;
- screen undesirable views which have a blighting effect upon adjoining streets and properties;
- provide a visual buffer and physical separation between land uses of varying intensities on abutting properties;
- visually screen unwanted features in the pedestrian environment, soften blank walls, visually reduce large and continuous building mass, and add visual interest to building rooflines when used on terraces and upper levels;
- minimize the impacts of noise, light and glare;
- ~~temper the extremes of microclimates;~~
- reduce urban heat island effects through development, building, and infrastructure design;
- provide privacy;
- reduce dust;
- reduce the visual monotony of large expanses of paved parking lots;
- implement the policies of the Everett general plan;
- reduce stormwater runoff and pollution of surface waters, reduce erosion and sedimentation;
- conserve energy;
- aid in regulating vehicle circulation; and
- retain existing natural vegetation and protect and preserve urban wildlife habitat; ~~to the extent feasible.~~
- support ecological health, enhance habitat connectivity for native plants and wildlife
- maintain a continuous, consistent, walkable, and human-scaled pedestrian environment at the interface of buildings and the public realm. Promote interaction between indoor and outdoor activities to create an inclusive and vibrant public realm.
- strive to achieve a “greener” character over time, reflecting the spectacular natural landscape within and surrounding the City of Everett;
- expand the city’s overall tree canopy;
- create a safe and comfortable environment by using design cues to differentiate/demarcate public, semi-private, and private spaces, incorporate clear sightlines and eyes on the street, and other CPTED features;
- use landscaping elements to delineate spaces and frame views. In pedestrian areas, provide a clear zone from 2’ to 7’ above the ground to support clear lines of sight and safety, particularly near to intersections or potential points of conflict; and

- buffer between designated MICs and adjacent residential or mixed-use areas to protect both the viability of long-term industrial operations and the livability of adjacent areas.

19.35.030, APPLICATION OF LANDSCAPING REQUIREMENTS.

The planning department shall review and may approve, disapprove or approve with modification all site/landscape plans for all uses and developments which are required to provide landscaping in accordance with the requirements of individual zones and the provisions of this chapter. No permit for use which is subject to the requirements of this section shall be issued until the landscape plan for such use has been approved by the planning department. This chapter shall apply under the following circumstances:

A. New Development. All new uses shall provide landscaping in accordance with the requirements of this chapter when the use-standards table indicates a particular landscape category applies to that use, or when a particular landscape category and/or additional specific landscaping requirements are imposed as part of a discretionary permit review process.

B. Expansions of or Alterations to Existing Uses. The requirements of this section shall apply to remodeling or expansion of existing uses when the value of the new construction or alteration occurring within a two-year period is equal to or greater than thirty-five percent of the assessed value of the existing improvements. Where conformance with this section would create a nonconformity of parking standards or would conflict with the location of existing buildings on the lot, the planning director shall determine how the code is to be applied. Where a nonconformity with parking standards will be created, the planning director should consult with the city traffic engineer. In determining how to apply the landscaping requirements in such circumstances, the planning director may allow landscaping to be clustered on portions of the site visible from adjacent streets and shall use the following criteria in deciding which of the landscaping requirements to adjust, listed in the order of highest importance:

1. Compliance with street frontage landscaping standards;
2. Compliance with perimeter landscaping standards;
3. Compliance with internal area of parking lot standards;
4. Compliance with other landscaping standards of this title.

C. Change of Use or Occupancy. When the use of a building or lot changes to another use which does not involve expansion or remodeling as provided in subsection (B) of this section, such use need not provide additional landscaping except under the following circumstances:

1. Additional off-street parking is required, in which case the landscaping required by EMC 19.35.080 shall be required for all new parking spaces or parking facilities provided.
2. The use is subject to a review process in which the review authority has discretionary authority as set forth in EMC Title 15, Local Project Review Procedures, in which case the review authority shall establish the minimum landscape requirements for the specific use.
3. New uses, storage or other activities which take place outdoors are to occur, in which case the requirements of EMC 19.39.050 shall apply.

4. The previous use did not comply with the requirements of the landscaping regulations in effect at the time it was established, in which case the new use shall comply with such requirements in effect at the time of establishment of the previous use. If the location of existing buildings prevents conformance with the requirements of this chapter, the planning director shall determine how the code is to be applied.

D. Difference of Standards. Where there is a difference in the standards listed in this chapter and the specific requirements listed in individual zones, the more substantial requirements shall be required. The planning director may permit alternative landscaping, as provided in EMC 19.35.190, when the overall site development plan proposed provides equivalent or better results than required by this title.

~~19.35.040, LOCATION OF LANDSCAPING.~~

~~Landscaping shall be located where indicated by Table 35-2. Where required landscape width exceeds the required setback, the landscape width may be reduced to the minimum setback width if the landscape type is increased to the next higher standard (e.g., Type III to Type II), except that where Type III landscaping is required along street frontages, it need not be increased to Type II landscape standards.~~

19.35.050, LANDSCAPING TYPE DEFINITIONS AND REQUIREMENTS (TYPES I-IV).

A. Type I: Visual Screen. Type I landscaping is intended to provide a very dense sight barrier to significantly separate uses and zoning districts. It shall generally consist of a mix of predominantly evergreen plantings including living trees, shrubs and ground covers. The choice and spacing of plantings shall be such that they will form a dense hedge sufficient to obscure sight through the screen within three years after planting. Where a sight obscuring fence is required, chain-link fencing with slats shall not be considered to be sight-obscuring. Type I landscaping shall consist of the following:

1. Evergreen trees planted along the entire length of the required buffer at intervals no greater than twenty feet on center. Trees shall be chosen and spaced so as to form an effective visual screen which creates a solid sight-obscuring barrier within three years of planting. Trees shall be a minimum of six feet high at the time of planting.
2. Type I landscaping shall include a solid wood fence or masonry wall, or combination of wood and masonry, six feet in height and located along the property line between the residential and nonresidential use.
3. The entire width of the required buffer shall be landscaped. The remaining area which is not planted with the sight-obscuring barrier shall be planted with shrubs and ground cover. Shrubs shall be at least two-gallon size and a minimum of eighteen inches high at the time of planting. Shrubs and ground cover shall be planted to attain a coverage of ninety percent of the planting area within three years.
4. Lawns and other ground covers may be used to cover up to seventy-five percent of the landscape area which is not used for the sight-obscuring barrier.

B. Type II: See-Through Buffer. Type II landscaping is intended to create a visual separation between uses and zones. Type II landscaping shall consist of:

1. A mix of evergreen and deciduous trees, with no more than thirty percent being deciduous, and planted at intervals no greater than twenty feet on center. Required deciduous trees shall be at least two inches caliper at the time of planting. Evergreen trees shall be at least six feet tall at time of planting.

2. A mix of evergreen and deciduous shrubs, with not more than thirty percent being deciduous, at least two-gallon size and a minimum of eighteen inches high at the time of planting, planted at a density of five per one hundred square feet of planting area, together with other living ground cover planted to attain a coverage of ninety percent within three years of planting.

Trees to be planted under overhead electric power lines shall be species recommended in Snohomish County PUD No. 1's Tree Book, Puget Sound Energy's Energy Landscaping or an alternative approved by the planning director. If the species planted is expected to be less than twenty feet high at maturity, the planning director may require that additional trees be planted.

C. Type III: Ornamental Effects Landscaping. Type III landscaping is intended to provide a visual separation of uses from streets, and visual separation of compatible uses so as to soften the appearance of the development from public streets and soften the appearance of parking areas, buildings, and other improvements. Type III landscaping shall consist of:

1. Canopy-type broadleaf deciduous trees or spreading evergreen trees planted in wells or strips with a mix of living evergreen and deciduous ground covers and ~~low~~ shrubs. Up to one hundred percent of the trees may be deciduous. Deciduous trees shall have a minimum caliper of two inches at the time of planting. Evergreen trees shall have a minimum height of six feet at time of planting.

~~Trees Required trees~~ shall be spaced at intervals no greater than ~~thirty~~twenty-five feet on center.

Trees planted in Type III landscaped areas along street frontages must have a minimum spread of ten feet and a minimum height of twenty feet at maturity, unless a lower height is required under power lines.

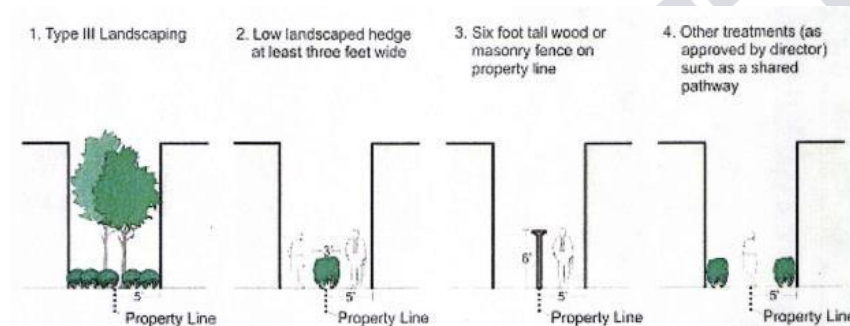
2. Shrubs and living ground cover shall be chosen and planted to attain a coverage of ninety percent within three years of planting. Shrubs shall be a minimum of eighteen inches high at the time of planting and shall be planted at a density of five shrubs per one hundred square feet of that portion of the landscape area which is not planted in ground cover. Ground cover may be used for up to seventy-five percent of the required ninety percent coverage.

3. Along interior lot lines where buildings on both sides of an interior lot line are five feet or less from the property line, one of the following screening methods may be used rather than the standards in subsections (C)(1) and (2) of this section:

a. Provide a low landscaped hedge at least three feet wide between the building and the property line. The hedge shall include at least one three-gallon shrub for every three lineal feet.

- b. Provide a solid wood fence or masonry wall, or combination of wood and masonry, six feet in height and located along the property line.
- c. Other treatments that meet the intent of the standards as approved by the planning director.

Figure 35-1: Side Yard Options



D. Type IV: Soil Stabilizing Vegetation/Landscaping. Type IV landscaping is intended to provide soil stability, prevent erosion and prevent sedimentation to off-site properties and improvements. Type IV landscaping shall consist of lawn, other living ground cover, shrubs and trees with a root structure which stabilizes soil where necessary to prevent erosion and sedimentation. Type IV landscaping may include other organic and/or inorganic soil-stabilizing materials such as rockeries, retaining walls or other similar slope and soil stabilization devices. A minimum of sixty percent of the required front setback fronting a public street and a required street side setback shall be landscaped exclusive of any type of impervious surface or gravel or any other similar material. If a permitted driveway or off-street parking area is within the setback, the required landscaped area can be reduced to forty percent. Landscaping shall consist primarily of grass or other living ground cover, shrubs, and/or trees.

19.35.055, PLANT SPECIFICATION.

Unless otherwise specified, the following standards shall apply to all areas which are required to be landscaped by this chapter:

A. Trees. Trees to be planted under overhead electric power lines shall be species recommended in Snohomish County PUD No. 1's Tree Book, Puget Sound Energy's Energy Landscaping or an alternative approved by the planning director. If the species planted is expected to be less than twenty feet high at maturity, the planning director may require that additional trees be planted. Trees that do not meet these standards, such as palm trees and Thuja occidentalis "emerald green," may only be permitted for a portion of the landscaping through the modification process in EMC 19.35.190 when the proposal includes equal or better design quality, and increases the number of trees provided.

The planning director may modify the size of street trees required by this title when trees must be located in aboveground planters due to the location of underground utilities or other underground features.

1. Required deciduous trees shall be at least two inches caliper at the time of planting. If the species planted ~~is expected to be~~ will likely attain less than twenty feet high at maturity, the planning director may require that additional trees be planted.

2. Required evergreen trees shall be at least six feet high at the time of planting. If the species planted ~~is~~ will likely attain less than twenty feet high at maturity, the planning director may require that additional trees be planted.

B. Shrubs. Required shrubs shall be at least two-gallon size and at least eighteen inches high at the time of planting except if used for Type I landscaping.

C. Ground Covers.

1. Ground cover includes low-growing, living plant materials such as perennials, grass, low-growing shrubs, and similar plants. For purposes of this title, chipped wood, bark, similar mulching materials or nonliving artificial plant materials are not acceptable substitutes for required ground cover, except that in portions of LID stormwater facilities that count toward required landscaping, no more than twenty-five percent of the required ground cover may be in rock and mulch.

2. In order to accomplish ninety percent coverage of bare soil by ground cover within three years, spacing for ground cover shall be as follows:

a. Two-and-one-half-inch pots: twelve inches on center;

b. Four-inch pots: eighteen inches on center;

c. One-gallon pots: twenty-four inches on center;

d. Alternative spacing of particular species may be approved by the city if documentation concerning the effectiveness of the ground cover is submitted with the landscape plan.

D. Plant Materials, Size, Characteristics. All plant materials, sizes and characteristics shall be in accordance with the current American Standards for Nursery Stock.

1. See the city's recommended tree list for recommended species.

2. The use of plant species native to the Pacific Northwest is ~~encouraged~~ required on lots adjacent to critical areas and buffers, exclusive of geologically hazardous areas.

3. Species listed in Snohomish County's noxious weeds lists (Classes A, B and C) are prohibited and shall be eradicated or controlled when present. Invasive species such as English ivy cultivars "Baltica," "California," "Pittsburgh," and Star, Atlantic ivy, and Scotch broom shall not be planted.

4. See the city's stormwater regulations for additional standards for plantings in stormwater facilities.

19.35.060, APPLICATION OF LANDSCAPE CATEGORIES AND TYPE (TABLES 35-1 AND 35-2).

A. General. Table 35-1 specifies landscape categories for all use zones within the city, while Table 35-2 lists the applicable landscape type and width. The specific regulations pertaining to each landscape

category are contained in this section. Where there is a conflict between the general and specific regulations, the more specific regulations shall control.

B. Instructions for Tables 35-1 and 35-2. First, determine the property's zoning from the city's zoning map (see Chapter 19.03 EMC, Map 3-1). Then refer to Table 35-1 to determine which landscape category applies to that zone. Use Table 35-2 to determine which perimeter landscape types apply for that category. Also refer to the applicable footnotes and detailed requirements standards for specific uses in the following sections of this chapter.

Table 35-1: Landscape Categories for Use Zones

Use Zone	Landscape Category
R-2(A); UR3; UR4⁽⁴⁾ <small>⁴Also see EMC 19.35.090(B) for additional requirements applicable to the UR4 zone within Metro Everett.</small> UR4; UR7	A⁽¹⁾ <small>¹Landscape Category E for single-family detached or two-family (duplex) dwellings. Landscape Category B for permitted nonresidential uses. See EMC 19.35.090 for permitted townhouse and duplex developments in these zones.</small>
NB⁽²⁾; B⁽³⁾; MU, LI1 <small>²Landscape Category E for single-family detached or duplex dwellings. ³Landscape Category E for single-family detached or duplex dwellings. Landscape Category A for single-family attached or multiple-family dwellings.</small> MU4; MU7; MU15; LI-MU	B
HI	C
LI2 LI	D
R-S, R-1; R-2; AG NR; NR-C; AG	E⁽⁴⁾ <small>⁴Landscape Category E for single-family detached or two-family (duplex) dwellings. Landscape Category B for permitted nonresidential uses. See EMC 19.35.090 for permitted townhouse and duplex developments in these zones.</small>

Footnotes for Table 35-1:

¹ Landscape Category E for single-family detached or two-family (duplex) dwellings. Landscape Category B for permitted nonresidential uses. See EMC 19.35.090 for permitted townhouse and duplex developments in these zones.

² Landscape Category E for single-family detached or duplex dwellings.

³ Landscape Category E for single-family detached or duplex dwellings. Landscape Category A for single-family attached or multiple-family dwellings.

⁴ Also see EMC 19.35.090(B) for additional requirements applicable to the UR4 zone within Metro Everett.

C. Perimeter Landscaping. Table 35-2 of this section establishes the type and width of landscaping required along property lines for the landscape category required in each individual zone in Table 35-2. This chart establishes the minimum requirements for each landscape category. However, additional standards may be required for uses being reviewed under review processes involving the hearing examiner, planning commission or city council as set forth in EMC Title 15, Local Project Review Procedures, when necessary to enhance compatibility between zones and uses. Where a minimum width of landscaping is specified, the actual width of the planting area shall be measured. Curbs, paving or other protective or boundary marking devices shall not be included in the measurement of landscape width.

- 1 D. Application of Type IV Landscaping. Type IV landscaping shall be used in the following circumstances:
- 2 1. All uses which are indicated as requiring Landscape Category E in the use-standards tables of
- 3 individual zones.
- 4 2. All interior portions of lots which are not developed with buildings, parking area and uses
- 5 and which are not regulated by subsection (A) of this section, or EMC 19.35.080 or 19.35.090, or
- 6 by other more specific landscape regulations contained in this title.

Table 35-2: Perimeter Landscape Standards

Street Frontage ⁽¹⁾			Interior Lot Lines ⁽²⁾		
¹ All public right-of-way behind the sidewalk, <u>walking path, parking strip, or travel lane</u> shall also be landscaped to Type III standards. Additional trees are not required in the portion of the landscaping in the public right-of-way.			² Interior lot lines which do not abut an alley.		
Landscape Category	Type	Width of Landscaping	Abutting Zone	Type	Width of Landscaping
A	III Ornamental	Minimum setback depth <u>10 feet</u> or distance between lot line and building, whichever is less ⁽³⁾	Single-family ⁽⁴⁾ AG, R-S, R-1, R-2, R-2(A) zones. NR and NR-C	II Visual Screen See-Through Buffer	10 feet or distance between building and lot line, whichever is less width of required setback, whichever is less
		³ See EMC 19.35.080 for landscaping requirements for off-street parking and outdoor display areas.	Others	III Ornamental	5 feet or distance between building and lot line, whichever is less
B	III Ornamental	10 feet or distance between lot line and building, whichever is less ^{(3) (11)}	Residential zones ⁽⁵⁾	I Visual Screen	10 feet
		³ See EMC 19.35.080 for landscaping requirements for off-street parking and outdoor display areas. ¹¹ [tree standards for streets designated TOD, pedestrian and connector]	AG, R-S, R-1, R-2, R-2(A), UR3, UR4-NR-C, NR, UR4, UR7 zones. Others	III Ornamental	5 feet or distance between building and lot line, whichever is less
C	III Ornamental	15 feet or distance between building and lot line, whichever is less ^{(3) (8) (10)}	Residential ⁽⁵⁾	I Visual Screen	25 feet
		³ See EMC 19.35.080 for landscaping requirements for off-street parking and outdoor display areas. ⁸ See EMC 19.35.110 for additional requirements in LI2 zone. ¹⁰ The minimum landscape width for off-street parking areas abutting street right-of-way shall be fifteen feet.	AG, R-S, R-1, R-2, R-2(A), UR3, UR4-NR-C, NR, UR4, UR7 zones. Commercial Mixed-Use ^{(6) (11)}	III Ornamental	10 feet
			NR, B and MU-MU4, MU7, MU15, MU25 zones. ¹¹ [tree standards for streets designated TOD, pedestrian and connector] Industrial ⁽⁷⁾	III Ornamental	5 feet
D	III Ornamental	20 feet or distance between building and lot line, whichever is less ^{(3) (8) (10)}	Residential ⁽⁵⁾	I Visual Screen	25 feet
		³ See EMC 19.35.080 for landscaping requirements for off-street parking and outdoor display areas. ⁸ See EMC 19.35.110 for additional requirements in LI2 zone. ¹⁰ The minimum landscape width for off-street parking areas abutting street right-of-way shall be fifteen feet.	AG, R-S, R-1, R-2, R-2(A), UR3, UR4-NR-C, NR, UR4, UR7 zones. Commercial or industrial Others	II See-Through Buffer	10-15 feet
E	IV	⁽⁹⁾ See subsection (D) of this section for application of Category IV landscaping.	All zones	IV	⁽⁹⁾ See subsection (D) of this section for application of Category IV landscaping.

Street Frontage ⁽¹⁾			Interior Lot Lines ⁽²⁾		
⁽¹⁾ All public right-of-way behind the sidewalk, <u>walking path, parking strip, or travel lane</u> shall also be landscaped to Type III standards. Additional trees are not required in the portion of the landscaping in the public right-of-way.			⁽²⁾ Interior lot lines which do not abut an alley.		
Landscape Category	Type	Width of Landscaping	Abutting Zone	Type	Width of Landscaping
	Lawn/Soil stabilizing			Lawn/Soil stabilizing	

Footnotes for Table 35-2:

¹ All public right-of-way behind the sidewalk, walking path, parking strip, or travel lane shall also be landscaped to Type III standards. Additional trees are not required in the portion of the landscaping in the public right-of-way.

² Interior lot lines which do not abut an alley.

³ See EMC 19.35.080 for landscaping requirements for off-street parking and outdoor display areas.

⁴ ~~AG, R-S, R-1, R-2, R-2(A) zones.~~

⁵ AG, ~~R-S, R-1, R-2, R-2(A),~~ UR3, UR4-NR-C, NR, UR4, UR7 zones.

⁶ ~~NB, B and MU~~ MU4, MU7, MU15, MU25 zones.

⁷ ~~LI1, LI-MU,~~ LI2 and HI zones.

⁸ See EMC 19.35.110 for additional requirements in LI2 zone.

⁹ See subsection (D) of this section for application of Category IV landscaping.

¹⁰ The minimum landscape width for off-street parking areas abutting street right-of-way shall be fifteen feet.

¹¹ For streets designated TOD, pedestrian and connector on Map 33-1, the required street trees shall be provided between the sidewalk and curb edge within the public right-of-way in a minimum four-foot by six-foot vault or other method as approved by the city to prevent root penetration and sidewalk damage. Spacing of trees shall average not more than thirty feet. Spacing is subject to city of Everett public works standard clearances for sight triangles, driveways, street lights, and other street features or safety concerns. Tree spacing may be reduced to increase visibility of signs and buildings if approved by the city. The city shall maintain a recommended tree list that includes species selection and spacing requirements. See Figures 35-2 and 35-3 below.

Figure 35-2: Street Trees on TOD, Pedestrian and Connector Streets

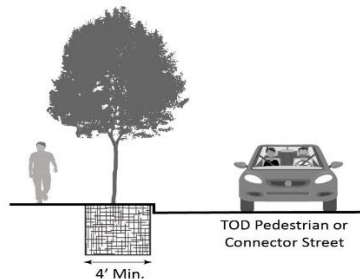
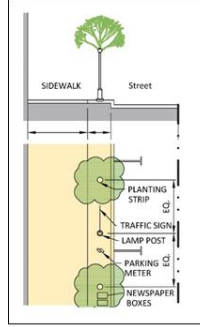


Figure 35-3: Street Trees on TOD, Pedestrian and Connector Street



19.35.080, OUTDOOR DISPLAY AND OFF-STREET PARKING AREA LANDSCAPE REQUIREMENTS.

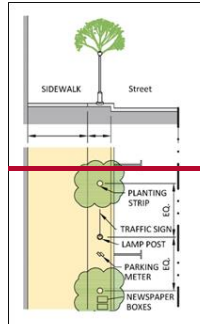
The following requirements shall apply to landscaping of all off-street parking, outdoor automobile sales and outdoor display areas, except as otherwise provided in this title for specific zones. The purpose of this section is to provide visual relief along the street frontage of outdoor display and off-street parking areas, to prevent a monotonous visual experience of large expanses of paving, to create shade and mitigate the heat island effect of paved parking areas, to improve water quality, to improve stormwater management, to help control the flow of traffic, and to soften the appearance of parking structures.

A. Parking and storage areas, automobile sales lots and other outdoor display areas which front on a street right-of-way shall provide the required landscaping in Table 35-2.

B. The following amounts of landscaping shall be provided in the internal area of parking lots exclusive of the landscaping required to be provided along street frontages and along interior lot lines by Table 35-1 of this chapter. Parking of trucks, fleet vehicles, trailers, or other type of vehicles is considered off-street parking for the purposes of calculating the internal area of parking lots in this section.

1. If a lot or development site contains a total of twenty or fewer parking spaces, or not more than six thousand square feet of parking and maneuvering area, whichever is less, no landscaping is required in the internal area of parking lots.

Figure 35-3: Street Trees on TOD, Pedestrian and Connector Street



2. If the parking area contains more than twenty parking spaces or six thousand square feet of maneuvering area, and fewer than one hundred parking spaces, a minimum of twenty square feet of landscaping shall be planted for each parking stall. Plantings must consist of a mix of

1 trees, shrubs and ground cover. At least one tree shall be planted for every eight parking spaces.
2 Calculations resulting in a fraction larger than one-half shall be rounded up to the next whole
3 number.

4 3. If the parking area contains one hundred or more parking spaces, a minimum of thirty square
5 feet of landscaping shall be provided for each parking stall. Plantings must consist of a mix of
6 trees, shrubs and ground cover. At least one tree shall be planted for every six parking spaces.
7 Calculations resulting in a fraction larger than one-half shall be rounded up to the next whole
8 number.

9 4. Outdoor storage areas and vehicle sales do not require interior landscaping; however, such
10 sites shall still provide landscaping along street frontages and other lot lines as required by
11 subsection (A) of this section and Table 35-2.

12 C. Landscaping of the planting areas located in the interior of parking lots as required by subsection
13 ~~(D)~~ of this section shall conform to the following standards:

14 1. Trees shall be canopy-type broadleaf deciduous trees or spreading evergreen trees. Trees
15 must have a minimum spread of ten feet and a minimum height of twenty feet at maturity. Trees
16 that do not meet these standards, such as palm trees and *Thuja occidentalis*, "emerald green,"
17 may only be permitted for a portion of the landscaping through the modification process in EMC
18 19.35.190 when the proposal includes superior design quality, and increases the number of trees
19 provided. Evergreen trees shall be a minimum of six feet high at time of planting. Deciduous
20 trees must be a minimum of two-inch caliper. Up to fifty percent of the required trees within
21 parking areas may be deciduous. Provided, that if the required number of evergreen trees are
22 added to interior lot line landscape areas, up to one hundred percent of the trees interior to the
23 parking areas may be deciduous. Said evergreen trees shall be in addition to those required
24 along interior lot lines and planted within a minimum ten-foot-wide landscaped area.

25 2. A mix of evergreen and deciduous shrubs and ground cover shall be provided in the required
26 landscape areas. Ground cover shall be selected and planted so as to withstand foot traffic and
27 provide ninety percent coverage within three years of planting. Shrubs and ground covers shall
28 meet the specifications in EMC 19.35.055.

29 3. Landscaping shall be dispersed throughout the parking area, rather than being concentrated
30 in a small portion of the lot. No parking space shall be located more than eighty feet from an
31 internal landscape area in the same row. Planting islands with at least one tree shall be provided
32 at the end of each parking row.

33 4. Tree wells/islands should be a minimum of five feet by five feet or four feet by six feet
34 excluding curbing, and the size of the tree wells/islands and curbing shall be shown on the
35 landscape plan. If another size is proposed, the applicant shall provide documentation from a
36 certified landscape architect concerning the viability of the size of the tree well for the growth
37 characteristics of the subject tree. No tree shall be planted in a location where any part of a
38 maneuvering or parked vehicle, including bumper overhang into landscaped areas, may pass
39 within two feet of the tree. Landscape islands not containing trees may be narrower than five
40 feet wide.

5. Trees shall be maintained in accordance with the standards established in EMC 19.35.170.

D. Except where a greater landscape width and more substantial landscape type is required by Table 35-2, where outdoor display areas and off-street parking facilities ~~for office, commercial or industrial uses with more than twenty parking spaces~~ about neighborhood residential zones, they shall be separated therefrom by a ~~ten-foot-wide landscape strip planted with Type I landscaping. The landscape requirement may be reduced to five feet in width and planted with Type II landscaping if a six-foot-high screening fence constructed of wood, masonry or a combination of wood and masonry is erected on the property line between the residential zone and the outdoor display area of off-street parking facility.~~

~~E. Where off-street parking facilities for multiple family uses are located adjacent to single family zones (R-S, R-1, R-2, R-2(A) and AG), they shall be separated therefrom by a fifteen-foot-wide strip landscaped to Type I or Type II standards. The landscape strip may be reduced to ten feet if a six-foot-high solid screening fence constructed of wood, masonry or combination of wood and masonry is erected on the property line between the multiple-family use and the single-family zone and Type I landscaping is provided. Separation between parking areas for multiple family uses and adjoining multiple family zoned properties shall be as provided in this chapter.~~

F. All planting areas bordering driveways and parking areas shall be protected therefrom by curbing, wheelstops or other similar protective devices, except as necessary to accommodate low impact development stormwater management facilities. Such protective devices shall be shown on landscape plans.

G. Parking in structures visible from a public street, alley and/or adjacent properties must include evergreen landscaping and/or architectural and artistic treatment to screen the parking, break up the massing of the structure, and add visual interest. Plantings should include planters, planter boxes, and trellis structures. Ground floor parking visible from public right-of-way or properties zoned to allow residential use shall include architectural/artistic screening a minimum of three feet high or evergreen landscape screening a minimum of ~~three-two~~ feet high at maturity. Deciduous trees and shrubs may be mixed with evergreen landscape screening, but at least seventy percent of the landscaping must be evergreen.

Figure 35-4: Landscaping of Parking Structures



H. Low impact development facilities under EMC 19.35.130(E) are allowed and encouraged as part of landscaping under this section.

19.35.090, SPECIAL LANDSCAPE REQUIREMENTS APPLICABLE TO NEIGHBORHOOD RESIDENTIAL ZONES.

~~A. Additional landscaping applicable to townhouse and duplex developments in single family zones [R-S, R-1, R-2 and R-2(A)]. In addition to providing landscaping pursuant to Tables 35-1 and 35-2, street trees between the curb and sidewalk, or within five feet if there is no landscape strip, is are required along the within eight feet of the front and side streets frontage. Street trees Trees shall be two inches in caliper at breast diameter at four 4.5 feet in height, planted every thirty twenty feet on center.~~

~~B. Additional landscaping applicable to multifamily development in the UR4 zone (Metro Everett only). The standards in this section apply to properties in the UR4 zone in Metro Everett and are in addition to the standards in Tables 35-1 and 35-2.~~

C. For developments with residential uses all street-facing elevations must have landscaping along any exposed foundation. The landscaped area may be along the outer edge of a porch instead of the foundation. This landscaping requirement does not apply to portions of the building facade that provide access for pedestrians or vehicles to the building. The foundation landscaping must meet the following standards:

1. The landscaped area must be at least three feet wide.

2. There must be at least one shrub for every three lineal feet of foundation.
3. Ground cover plants must fully cover the remainder of the landscaped area.

19.35.100, LANDSCAPE REQUIREMENTS FOR LAND DIVISIONS.

A. Residential Land Divisions. All land divisions involving residential uses shall provide landscaping per the standards in this section. For any residential land division, a landscape plan must be submitted for review and approval prior to issuance and any construction permits for the site.

Table 35-4: Landscape Requirements for Land Divisions

Location	Type	Width
Public street frontage	III	5'
Private access drive frontage(both sides)	III(1)(2)	5'
Individual lots or unit lots	IV	Varies
Common facilities (recreation or stormwater facilities).	III	5'

Footnote for Table 35-4:

(1) Street trees and groundcover only. Shrubs are not required.

(2) To accommodate a private access drive around an existing dwelling or garage, private access drive landscaping may be reduced with an additional area and planting equal to the area of reduction provided at the street right-of-way entrance or other area as approved by the director.

B. Unit Lot Subdivision. In addition to perimeter and other landscaping required for the parent site per Tables 35-1, 35-2 and 35-4, landscaping shall be provided on each unit lot where yard area abuts an access drive, and between driveways and/or parking areas on abutting lots. A landscape plan shall be submitted with the land use application showing the following:

1. Perimeter landscape standard along rear or interior lot lines of parent site.
2. All required perimeter landscaping shall be placed within a common area.

C. Other Requirements.

1. Binding Site Plans. Landscaping shall be required on all binding site plans in accordance with this chapter. However, landscaping along interior lot lines that are internal to the site may be waived if the city has approved a site plan and master landscaping plan for the total site.

2. This provision shall not apply to landscaping for the perimeter site boundary.

19.35.110, ADDITIONAL LANDSCAPING REQUIREMENTS IN THE LI2 AND HI ZONES.

A. LI2 Zone. In addition to the perimeter landscaping required by Table 35-2, site landscaping shall be provided in accordance with the standards of this section. Where this section specifies a requirement which is different from the standards in Table 35-2, the more substantial requirements shall apply.

1. Each ~~building~~ blank wall that exceeds 100' horizontal shall be surrounded by ~~fifteen~~ ten feet of landscaping, except for loading areas, access to buildings and pedestrian walkways up to five feet in width. Landscaping within this area shall consist of:

a. A mix of evergreen and deciduous trees and shrubs, with lawn or hardy ground cover which will cover seventy-five percent of the landscape area within two years of planting.

b. Trees shall be planted at a density of three per one thousand square feet of landscape area. Evergreen trees shall be a minimum of six feet tall at the time of planting and deciduous trees a minimum diameter of one and one-half inches, measured at six inches above the ground.

~~B. HI Zone—Central Waterfront Planning Area (CWPA). The following standards in Table 35-5 apply to properties within the CWPA and are in addition to the standards in Table 35-2.~~

~~Table 35-5: Central Waterfront Planning Area Landscape Standards~~

Street frontage	15' for parking abutting ROW
Private internal roadways	10' of landscaping with street trees 30' on center
Buildings	200 square feet of entryway landscaping is required for the business and visitor entrances to all principal buildings
Adjacent to Naval Station Everett and Port of Everett	Landscaping shall be maintained to allow visibility of the required setback areas between 18 inches and 6 feet above grade

19.35.120, LANDSCAPING ADJACENT TO FREEWAYS.

Where perimeter landscaping is required by this title for specific uses, and the lot upon which such use is proposed abuts the right-of-way of any limited access state highway, including Interstate 5, SR 526 or SR 2, a landscape strip, a minimum of ten feet in width, shall be planted along the entire length of the lot adjacent to the highway. Said landscape strip shall be planted to Type II standards, unless the use is otherwise required to provide more substantial landscaping by other sections of this title. Low impact development facilities under EMC 19.35.130(E) are allowed and encouraged as part of landscaping under this section.

19.35.130, ADDITIONAL LANDSCAPING REQUIREMENTS AND DESIGN STANDARDS.

A. Landscaping in the Public Right-of-Way. Landscaping located within public rights-of-way shall be approved by the Everett public works department, prior to planting, as part of the review of landscape plans required by EMC 19.35.140. The public works department may require specific types of street trees for planting in public rights-of-way abutting the property for which the landscaping is required. Such street trees shall be selected and planted in accordance with the public works department requirements.

B. Landscaping by Bus Stops. Landscaping shall allow visibility of bus stops and shall not interfere with transit operations. Trees planted within bus zones shall not be located within eighteen inches of the back of curb.

C. Landscape Design for Crime Prevention. The review authority, ~~for Type II or higher permits,~~ may require landscaping to meet these requirements.

1. Landscape designs should ~~discourage concealment issues~~ avoid creating areas of concealment close to buildings, doors, and windows.

2. Landscaping should be installed and maintained to not interfere or obstruct:

a. Exterior surveillance cameras;

b. Views into and out from buildings, including of all doors, and windows, balconies, and the like; and

c. Exterior light fixtures.

3. Landscaping should be designed and maintained to enhance safety by providing visual corridors throughout the interior of parking lots and other portions of the site used by pedestrians, such as by selecting a ~~majority of~~ shrubs that can be maintained below three-two feet high and a ~~majority of~~ trees with the lowest branches above six-seven feet high.

D. Pedestrian walkways shall be permitted to cross required landscape areas and drive aisles.

E. Low Impact Development (LID). Low impact development (LID) stormwater management facilities, such as rain gardens and bioretention areas, are encouraged to be used in conjunction with the landscaping type requirements and parking lot landscaping requirements:

1. Where site and soil conditions make LID a feasible option;

2. Where maintenance of the LID areas will not ~~adversely impact~~ result in an irreconcilable conflict the purpose of the required landscaping;

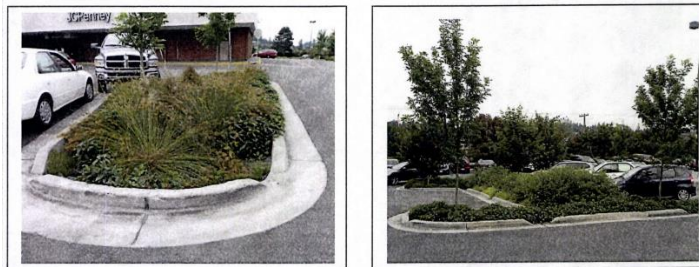
3. Where the plant species provided are suitable to the hydrological conditions resulting from directing stormwater to these areas; and

4. Where sufficient planting areas are provided to accommodate the required number of trees and shrubs, area of ground cover, and minimum planting width. Additional landscape area and width will likely be required to accommodate both the required number of trees and stormwater

facilities. Landscape areas that include both required trees and flowing stormwater conveyance must be a minimum of ten feet wide.

The implementation of LID stormwater management facilities within required landscaping must be approved by the city, and shall comply with the design and construction standards set forth in the city's stormwater management manual.

Figure 35-5: Low Impact Landscape Design in Parking Lot



19.35.140, LANDSCAPE PLAN REQUIREMENTS.

A. The applicant shall submit landscape plans for review by the planning department. Except for plans for residential projects with two or fewer units, landscape plans shall be prepared by professionals licensed or certified in Washington State, such as licensed landscape architects, architects, engineers, or certified professional horticulturists, nurserypersons, or landscape designers. The planning director may grant exemptions from this standard for small projects that result in requirements for installation of five or fewer new trees or one thousand square feet of landscaping. The landscape plan may be incorporated into the site development plan or provided separately.

B. The landscape plan shall be drawn to a scale which is appropriate to accurately depict the following information:

1. The species names of all plants proposed to be used;
2. The number, size and spacing of all proposed plants and the height of trees and shrubs at the time of planting;
3. The lot area and the area of the lot required to be landscaped (separately list the area of parking lot and other required landscaping);
4. The area of the lot proposed to be landscaped (separately list the area of parking lot and other required landscaping);
5. Location and dimensions of planting areas, excluding curbs;
6. Details of any existing, proposed or required berms, retaining walls, and fences;
7. The location of any existing, proposed or required pedestrian walkways;
8. Location and height of existing and proposed overhead electrical power lines on and adjacent to the site;
9. Location of any utility easements on the property;

10. Location of bus stops and paratransit loading/unloading areas on and adjacent to the site;

11. A description of how the plan avoids conflicts with locations of trees and shrubs related to bumper overhangs in parking areas, vehicle sight distance, parking lot lighting, signs, adjacent bus stops, and other site features, such as artwork. This may be included in a separate document;

12. Specifications for planting areas, including soil quality or composition and depth, amendments, and mulch. When applicable, soil specifications must provide soil/growing conditions equal to or better than those required in the city's current stormwater management manual, and must be included on both the civil and landscaping plans. Sufficient soil must be provided to enable growth of trees to maturity. Structural solutions may be required when necessary to support trees in small planting areas;

13. Cross-section drawings for any landscape areas that incorporate low impact development stormwater facilities;

14. Maintenance and plant replacement schedules when required landscaping is provided in containers, such as when the location of underground utilities prevents the installation of required street trees.

19.35.150, IRRIGATION PLAN REQUIREMENTS.

A. All landscape areas shall be provided with an irrigation system. The planning director may waive the requirement for an irrigation system when existing mature vegetation would be harmed by installation of an irrigation system for that portion of the required landscape area where the mature vegetation is located. The planning director may also waive irrigation requirements for all or portions of a site through the modification process in EMC 19.35.190 when the applicant commits to ensuring the full establishment of plantings that do not need irrigation at maturity, or will otherwise be watered during low rainfall conditions. When approving a modification, the planning director may require a five-year maintenance assurance device.

B. Except for residential projects with two or fewer units, irrigation plans shall be prepared and approved by either a Washington State licensed landscape architect or an irrigation association certified irrigation designer.

C. Irrigation plans must include:

1. Method of irrigation of required landscape areas and schematic of irrigation system;

2. Backflow prevention device; and

3. Service location. Irrigation plans and equipment are encouraged to include rain shut off devices and evapotranspiration based schedules.

D. Irrigation systems shall not be located within public right-of-way unless approved by the public works department.

19.35.160, LANDSCAPING INSTALLATION AND PERFORMANCE ASSURANCE REQUIREMENTS.

A. Landscaping required pursuant to this title shall be installed in accordance with the approved landscape plan prior to the issuance of a certificate of occupancy or final project approval. An applicant may request a temporary certificate of occupancy for an exception to this requirement. If a temporary certificate is issued, all required landscaping shall be installed within six months after issuance of the temporary certificate of occupancy. The planning department shall require a performance assurance device, as described in Chapter 19.41 EMC, prior to issuing a temporary certificate of occupancy.

B. Prior to issuance of a final certificate of occupancy, the planning department shall verify that the landscaping is installed in accordance with the approved landscape plan. The engineer of record shall certify that planting areas were prepared and amended per the landscaping plan requirements, and that all construction debris was removed from the landscape areas prior to soil preparation and installation of plants.

C. If the installation of the required landscaping or screening is not completed within the period specified, the performance assurance device may be used by the city to contract for completion of the installation. Upon completion of the installation, any portion of the remaining security shall be returned.

D. The planning department shall perform the final landscape and screening inspection prior to any performance assurance device being returned. Any portion of the landscaping not installed properly shall cause the certificate of occupancy to be withheld or revoked until the project is completed or cause the assurance device to be used by the city.

19.35.170, LANDSCAPE MAINTENANCE AND MAINTENANCE ASSURANCE REQUIREMENTS.

A. All landscape areas required by this title shall be maintained in accordance with the following standards:

1. All landscaping shall be maintained with respect to pruning, trimming, mowing, watering, insect control, fertilizing, or other requirements to create a healthy growing condition, attractive appearance, and to maintain the purpose of the landscape type.

a. Pruning of trees must be consistent with ANSI A300 (Part 1) American National Standard for Tree Care Operations—Tree, Shrub, and Other Woody Plant Management—Standard Practices (Pruning) and companion publication Best Management Practices Tree Pruning. Required trees shall not be pruned to maintain a height below twenty feet, except as required under power lines or as approved through the landscape modification process in EMC 19.35.190.

b. The topping, shearing or pollarding of required trees is prohibited.

c. Portions of trees that extend over areas used by pedestrians or vehicle maneuvering or parking areas, or that abut driveways, shall be limbed up to a height of seven feet to maintain pedestrian and vehicle clearance and clear lines of sight.

2. Topped, sheared, pollarded, dead, diseased, stolen, vandalized, improperly pruned, missing, or damaged plants shall be replaced within three months, or as required by this chapter.

3. All landscaped areas shall be maintained reasonably free of weeds and trash.

4. All required landscaping which is located within public right-of-way shall be maintained by the abutting property owner.

5. All corner lots shall maintain a vision clearance triangle. See EMC 19.41.060 for additional standards.

6. All LID stormwater management facilities shall also be maintained in accordance with the city of Everett stormwater management manual.

B. A maintenance assurance device, as described in Chapter 19.41 EMC, shall be required by the planning department to ensure that landscaping will be maintained for two years, according to the approved plans and specifications.

19.35.180, LANDSCAPE ENFORCEMENT

When the city takes enforcement action to ensure that dead, diseased, stolen, vandalized, improperly pruned, or damaged plants are replaced, a two-year maintenance assurance device, as described in Chapter 19.41 EMC, shall be required for the replaced landscaping.

19.35.190, ADMINISTRATIVE MODIFICATION OF LANDSCAPING REQUIREMENTS.

A. The planning director may authorize a reduced width of planting or waive some or all of the landscaping requirements in the following instances:

1. When existing conditions on or adjacent to the site, including, but not limited to, differences in elevation, existing vegetation, or location of buildings or utilities would render the requirements of this section ineffective.

2. When Type I visual screening is required, an applicant may request to use plantings that can be expected to form a healthy sight-obscuring evergreen hedge within three years in lieu of two rows of trees. In reviewing such a request for modification, the planning director shall consider the applicant's request in light of the intent of Type I landscaping and the nature of the use or development which is being screened.

3. When the applicant proposes an alternative method of landscaping that would achieve the intent and purpose of the landscaping required in this title and which the director determines to provide equal or better treatment. Some examples include the use of native vegetation existing on site, preservation of groves of trees, preservation of wetlands and/or wildlife habitat, increasing perimeter landscape width in strategic locations, providing unique focal points of interest, and planting trees or shrubs that do not meet the type or size requirements at a higher number and closer spacing.

4. When development will occur in phases and development of subsequent phases will result in removal of landscaping required by this title.

5. When the subject property abuts railroad right-of-way developed with rail facilities, the planning director may modify the landscaping requirements for that portion of the property

abutting the railroad right-of-way, if such modification will not reduce the compatibility between the subject property and other properties in the vicinity.

B. In approving a request for a modification of landscaping requirements, the planning director shall issue findings upon which the approval is based. The director may attach conditions to any such approval of a request for modification of landscaping requirements if necessary to assure that the intent of the landscape type and any modification thereof is maintained.

CHAPTER 19.36 SIGNS

19.36.040 SIGN CATEGORIES—FREESTANDING SIGNS—WALL SIGNS.

A. General. Table 36-1 specifies sign categories for all use zones within the city. The specific regulations pertaining to each sign category are contained in this section. These standards apply to permanent signs. Where there is a conflict between the general and specific regulations, the more specific regulations shall control.

B. Instructions for Tables 36-1 and 36-2. First, determine the property's zoning from the city's zoning map. Then, refer to Table 36-1 to determine which sign category applies to that zone. Use Table 36-2 to determine sign requirements applicable to permanent freestanding and wall signs. Also refer to the applicable footnotes and detailed requirements listed for the MU zone in this section. Where a sign is not regulated by a zone or sign category, see the development standards in EMC 19.36.050 for specific sign types.

Table 36-1: Sign Categories for Use Zones

Use Zone	Sign Category
AG; NR-C, NR R-S; R-1; R-2; R-2(A)	D ⁽¹⁾
UR3; UR4 <u>UR zones</u>	C ⁽²⁾
NB, LI-MU1 ^{(3) (5)} , LI2 , HI, MU zones (within- <u>Mixed-Use Centers Metro Everett</u>) ⁽⁴⁾	B
B, MU zones (outside of- <u>Mixed-Use Centers Metro Everett</u>)	A

Footnotes for Table 36-1:

¹ Sign category C for permitted nonresidential uses in these zones.

² Sign category D for ~~single family detached and two family (duplex) dwellings detached dwellings and townhouses~~ in these zones.

³ Sign category D for residential dwelling unit.

⁴ See subsection (C) of this section for additional sign standards applicable to the MU zones for ~~Metro~~ Everett Mixed-Use Centers.

⁵ Sign category B for nonresidential and mixed-use buildings. Sign category C for residential buildings.

Table 36-2: Freestanding Signs and Wall Signs

	FREESTANDING SIGNS ⁽⁷⁾⁽⁸⁾					WALL SIGNS ⁽⁴⁾⁽¹⁰⁾
SIGN CATEGORY	Maximum Number (1)	Maximum Area in square feet (s.f.)	Min. Setback from Lot Line Abutting the Street ROW	Interior Setback (feet)	Max. Height (feet)	Maximum Size (s.f.) (3)
A ⁽⁹⁾	1 sign for every 300 feet of street frontage or fraction thereof up to a maximum of 4 signs for the entire site	75 s.f. plus an additional 25 s.f. for each additional business on a lot having more than 1 business up to a maximum area of 150 s.f. ⁽²⁾	Monument signs: 3' from back of sidewalk ⁽¹²⁾ ; Freestanding pole signs: 10'	10	25 ⁽⁹⁾	Greater of 48 s.f. or 15% of the area of the building facade up to a maximum of 300 s.f.
B	1 sign for every street frontage ⁽⁶⁾	40 s.f. ⁽²⁾	Monument signs: 5'; Freestanding pole signs: 10'	10	20 ⁽⁹⁾	Greater of 32 s.f. or 15% of the area of the building facade up to a maximum of 100 s.f.
C ^{(4) (11)}	1 sign for every street frontage	All uses other than SFR, duplex <u>detached dwellings or townhouses</u> ; or home occupations or B&B house : 32 s.f. ⁽⁵⁾	1 foot setback for every 1 foot of sign height	10	10	All uses other than <u>detached dwellings or townhouses</u> SFR, duplex ; or home occupation: greater of 24 s.f. or 15% of the area of the building facade up to a maximum of 40 s.f.
		SFR or duplex <u>Detached</u>		None		<u>Detached dwellings or</u>

	FREESTANDING SIGNS ⁽⁷⁾⁽⁸⁾					WALL SIGNS ⁽⁴⁾⁽¹⁰⁾
SIGN CATEGORY	Maximum Number (1)	Maximum Area in square feet (s.f.)	Min. Setback from Lot Line Abutting the Street ROW	Interior Setback (feet)	Max. Height (feet)	Maximum Size (s.f.) (3)
		<u>dwelling or townhouses</u> : 2 s.f.				<u>townhousesSFR or duplex</u> : 2 s.f.
D ^{(4) (11)}	1 sign per unit	2 s.f. ⁽⁵⁾	None	10	4	2 s.f. ⁽⁵⁾

Footnotes for Table 36-2:

¹ Interstate 5, SR 526, alleys, vacant, or unimproved rights-of-way are not considered street frontages for calculating the number of allowable freestanding signs.

² If two or more signs are permitted, the signs may be combined into one sign up to twice the maximum amount allowed for one sign.

³ Awning signs shall be considered to be wall signs for the purpose of determining allowable sign area. Also refer to the requirements in this chapter for projecting signs, canopy signs and window signs.

⁴ Projecting signs are prohibited in sign categories C and D.

⁵ Bed and breakfast house in sign categories C and D: one freestanding sign is permitted. The sign shall be a maximum of twelve square feet and shall have a minimum setback of ten feet from the abutting right-of-way. In sign category D, one wall sign is permitted up to a maximum of twenty-four square feet.

⁶ In the MU zones, freestanding signs shall be prohibited. For additional standards applicable to the MU zones, see subsection C of this section.

⁷ All freestanding signs must provide a landscape/protective island around the base of the sign. Refer to EMC 19.36.050.

⁸ A single commercial use on a corner lot with a street frontage of less than one hundred feet on both streets shall be permitted only one freestanding sign.

⁹ Monument type signs shall be limited to eight feet in height.

¹⁰ Backlit cabinet signs are limited to twenty square feet in sign categories A and B and six square feet in the MU zones. For sign categories C and D, backlit cabinet signs are prohibited.

¹¹ For sign categories C and D, internal illumination is prohibited except for electronic changing message centers. See EMC 19.36.050(C) and (I).

¹² If no sidewalk is present, monument signs shall be set back three feet from the property line.

C. Special Regulations for the MU Zones Within ~~Metro Everett~~ Mixed-Use Centers Only. Signage in the MU zone in ~~Metro Everett~~ Mixed-Use Centers shall conform to sign category requirements in Tables 36-1 and 36-2 unless otherwise stated in this section.

1. Illumination Standards.

- a. Backlit signs with letters or graphics on a plastic sheet (cabinet signs) are prohibited unless otherwise noted.
- b. Backlit logos under six square feet or individual backlit letters are permitted.
- c. Externally lit signs are encouraged.

2. Wall Signs.

- a. Wall signs shall be designed and located appropriate to the building's architecture. For example, wall signs must not cover windows, building trim or ornamentation.
- b. Wall signs may not extend above the building parapet, soffit, the eave line or the roof of the building, or the windowsill of the second story. Exception: individual letters may extend above the building parapet, soffit or eave line by a maximum of eighteen inches. There shall be no backing material or exposed/visible supports.
- c. Wall signs should be mounted plumb with the building, with a maximum protrusion of one foot, unless the sign incorporates sculptural elements or architectural devices. The sign frame shall be concealed or integrated into the building's architectural character in terms of form, color, and materials.

3. Upper Story Wall Signage. In the event of a conflict with other provisions of this chapter, the requirements in this section shall prevail.

- a. One upper story sign may be permitted per building facade for nonresidential and mixed-use buildings. Such signs are in addition to other permanent signs allowed pursuant to sign category B.
- b. Each upper story wall sign shall not exceed one hundred ninety square feet.
- c. Upper story wall signs shall be limited to logo and/or name only.
- d. Upper story wall signs shall be located forty feet or more above the elevation of the sidewalk or alley, but may not extend above the building parapet, soffit, the eave line or the roof of the building. Signs shall be mounted so as to not obstruct any window, building trim, ornamentation or other significant architectural detail.
- e. Upper story wall signs shall be limited to channel lettering and/or logos, with halo lighting effects. Lighting may be used to accent signs. Electronic message center signs and cabinet signs are prohibited.

CHAPTER 19.37 CRITICAL AREAS

19.37.050 Exemptions—Exceptions—Modifications.

Certain activities are exempt from the requirements of this chapter, while other activities which are regulated by this chapter may be granted specific exceptions or an administrative modification. This section lists the activities which are exempt from the regulations of this chapter, the exceptions which

may be granted to the requirements of this chapter, and the administrative modifications which can be granted to the requirements of this chapter.

All activities or developments which are exempted, excepted, or granted modifications shall use reasonable methods to avoid and minimize potential impacts to critical areas, including use of any applicable best management practices. Such activities or developments which are exempted, excepted, or granted modifications shall not be exempt from other laws or permit requirements which may be applicable.

A. Exemptions. The following are exemptions to the provisions of this chapter; however, the exemptions listed in this section may not be exempted from other state or federal regulations or permit requirements. Any incidental damage to, or alteration of, a critical area that is not a necessary outcome of the exempted activity shall be restored, rehabilitated, or replaced at the expense of the property owner.

1. Exempted Actions.

a. Emergencies that threaten the public health, safety and welfare, as verified by the city. Emergency actions that create an impact to a critical area or its buffer shall use reasonable methods to address the emergency; in addition, they must have the least possible impact to the critical area and/or its buffer.

b. Existing and ongoing agricultural activity occurring prior to and since January 3, 1990; provided, however, at such time as the property ceases to be used for agricultural activities and a development activity is proposed, the property shall be brought into compliance with the provisions of this chapter; and further provided, that existing ditches and drain tiles are not expanded in a manner that will drain wetlands in existence as of the date this chapter becomes effective. This exemption does not apply to filling or alteration of wetlands not in agricultural use as of January 3, 1990. The city encourages the use of best management practices or farm conservation plans to reduce impacts of agricultural practices on critical areas.

c. Normal and routine maintenance of legally constructed irrigation and drainage ditches; provided, that this exemption shall not apply to any ditches used by salmonids.

d. Normal and routine maintenance of agricultural ponds, livestock watering ponds and fish ponds; provided, that such activities shall not involve the conversion of any wetland or stream not used for such purposes prior to and since January 3, 1990.

e. Entirely artificial structures or wetlands intentionally constructed by humans from upland areas for purposes of stormwater drainage or water quality control, or ornamental landscape ponds, which are not part of a mitigation plan required by this chapter.

f. The following water, sewer, storm drainage, electric, natural gas, cable communications, and telephone utility-related activities, and maintenance of public streets and public park facilities when the activity does not expand or encroach further into the critical area, does not significantly impact a fish or wildlife habitat conservation area, and when undertaken pursuant to best management practices to minimize impacts to critical areas and their buffers:

(1) Normal, routine, and emergency maintenance or repair of existing utility structures or rights-of-way, including vegetation management;

(2) Installation, construction, or modification in improved street rights-of-way and replacement, operation or alteration of the following facilities:

(A) Natural gas, cable communications, telephone facilities, water and sewer lines, pipes, mains, equipment or appurtenances;

(B) Electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of fifty-five thousand volts or less;

(3) Normal and routine maintenance or repair of public streets, state highways, and public park facilities, including vegetation management. Maintenance and repair does not include any modification that changes the character, scope, or size of the original structure, facility, or improved area, nor does it include construction of a maintenance road or the dumping of maintenance debris.

g. Forest practices on city-owned watershed property located in remote areas not contiguous to the Everett corporate boundaries, undertaken in accordance with the requirements of the State Department of Natural Resources.

h. Minimal soil disturbance for site investigative work necessary for land use application submittals such as surveys, soil logs, percolation tests and other related activities. Disturbed areas shall be immediately restored.

i. Conservation measures intended to preserve soil, water, vegetation, fish and other wildlife and their associated habitat that do not involve adversely impacting functions of the critical area.

j. Routine maintenance of existing landscaping and fencing including removal of invasive vegetation, that does not involve grading, excavation or filling.

k. Modification to existing structures. Legally constructed structures and improvements in existence on January 13, 1990, that do not meet the buffer requirements of this chapter may be remodeled, reconstructed, expanded or replaced; provided, that the new construction or related activity does not further alter or increase the impact to the critical area or buffer as a result of the proposed modification. For structures that are damaged or destroyed as a result of flood, fire or act of nature, restoration work shall be initiated by the applicant within one year of the date of damage or destruction, as evidenced by issuance of a valid building permit. The work authorized by such permit must be completed within the term of the permits issued by the city, which includes any written extensions. Expansions and additions shall not further encroach into a critical area or the portion of the required buffer between the critical area and existing improvements. Expansions within the critical area or buffer shall be limited to a maximum of one thousand square feet of impervious surface. To the extent feasible based on site-specific conditions, expansions shall result in no additional hydrologic impacts from stormwater runoff by using techniques such as low impact development. Remodeling, reconstruction, and expansions shall be subject to all other requirements of the zoning code.

B. *Exceptions.* All exceptions must be approved by the city through the review process listed in EMC Title 15 prior to the exception applying. The following are exceptions to the requirements of this chapter; however, the exceptions listed in this section still require compliance with the other requirements of this chapter, except as allowed by the exception. The exception may not be exempted from other state or federal regulations or permit requirements. Any incidental damage to, or alteration of, a critical area that is not a necessary outcome of the allowed development shall be restored, rehabilitated, or replaced at the expense of the property owner.

1. New accessory structures up to one hundred square feet, including storage buildings and garden sheds. Where structures, lawns and associated improvements have been legally established within a buffer area, new structures may be placed within the outer fifty percent of a legally altered critical area buffer. The one-hundred-square-foot limit shall include all associated improvements such as walkways or other impervious areas. Only one such exception per site or property is allowed.

2. New accessory structures between one hundred one square feet and two hundred square feet. Where structures, lawns and associated improvements have been legally established within a buffer area, new structures and additions to existing structures up to two hundred square feet may be permitted within the improved portion of the buffer as follows:

- a. The two-hundred-square-foot limit shall include all associated improvements such as walkways or other impervious areas;
- b. The new structure or addition shall be placed within the outer fifty percent of a legally altered critical area;
- c. The new structure or addition maintains a minimum setback of ten feet from the critical area;
- d. A minimum of one square foot of legally altered buffer area is restored for every one square foot of new structure;
- e. A critical area covenant is recorded;
- f. A habitat assessment is completed if within an F stream buffer;
- g. A fence and critical area sign are provided to protect the newly established buffer area; and
- h. Only one exception per site or property is allowed.

3. *Wetland Exception.* The following wetlands may be excepted from compliance with the wetland preservation and protection goals in this chapter. Mitigation must be provided for any approved impacts per EMC 19.37.120.

a. All isolated category IV wetlands less than four thousand square feet that meet all of the following criteria:

- (1) Are not associated with riparian areas or their buffers;
- (2) Are not associated with shorelines of the state or their associated buffers;

(3) Are not part of a wetland mosaic;

(4) Do not score five or more points for habitat function based on the 2014 update to the Washington State Wetland Rating System for Western Washington: 2014 Update (Ecology Publication No. 14-06-029, or as revised and approved by Ecology);

(5) Do not contain a priority habitat or a priority area for a priority species identified by the Washington Department of Fish and Wildlife, do not contain federally listed species or their critical habitat.

b. Wetlands less than one thousand square feet that meet the above criteria and do not contain federally listed species or their critical habitat are exempt from the buffer provisions contained in this chapter.

4. The following actions may be required to provide a habitat assessment or biological assessment under EMC 19.37.190, Fish and wildlife habitat conservation areas. If the application of this chapter would prohibit or unreasonably restrict the ability to provide necessary utilities or infrastructure improvements, a development proposal by a public agency or a utility to construct utility facilities for the conveyance of water, sewage, storm drainage, electricity, natural gas, cable or telecommunications, or the construction of streets and highways, the agency or utility may request an exception. Such a request shall be reviewed using the review process described in EMC Title 15, Local Project Review Procedures. The city may approve, or approve with modifications, such a request only when the following findings are made:

a. The application of this chapter would prohibit or unreasonably restrict the ability to provide necessary utilities or infrastructure improvements or maintenance;

b. There is no other reasonable alternative to the proposed development with less impact on the critical area;

c. The proposal mitigates impacts on the critical areas;

d. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site; and

e. The proposal is consistent with other applicable regulations and standards.

5. *Docks*. This section does not apply to areas under jurisdiction of the shoreline master program.

a. Repair and maintenance of an existing legally established dock are permitted; provided, that all of the following criteria are met:

(1) There is no expansion in overwater coverage;

(2) There is no increase in the size and number of pilings;

(3) There is no use of toxic materials, such as creosote, CCA and other treated wood products;

(4) There is no new spanning of water between three and thirteen feet deep; and

(5) There is no new increase in the use of materials creating shade.

b. New docks are permitted subject to compliance with any WDFW HPA or U.S. Army Corps of Engineers permit conditions. Piers and docks shall be located, designed and constructed so as to cause minimum interference with public use of the water surface and shoreline; to mitigate the impacts to ecological function and critical areas; to avoid or minimize impacts to views; and to cause no undue harm to adjacent properties.

c. New docks shall be a maximum of four feet in width and a maximum walkway width of four feet. Overwater surfaces shall be constructed of unobstructed grating which provides at least fifty percent of open surface area. Piles, floats or other parts of the structure that come in direct contact with the water shall be approved by applicable federal and state agencies for use in water and shall not be treated or coated with biocides such as paint or pentachlorophenol. Use of arsenate compounds or creosote treated members is prohibited.

d. Only one dock shall be permitted for all lots in any short subdivision or subdivision that occurs after September 1, 2000. Such dock shall be shared between all lots in the short subdivision or subdivision.

e. Covered overwater moorage, either fixed or floating, shall be prohibited.

f. No dock may be located within fifteen feet of an interior lot line, unless shared with the owner of the adjacent lot, in which case no setback is required.

g. No single-family lot shall have more than one dock.

h. No dock shall exceed four feet in width, twenty-five feet in length or five feet in height above the ordinary high water mark on the landward side.

6. *Reasonable Use Exception.* This section does not apply to areas within jurisdiction of the shoreline master program.

a. Nothing in this chapter is intended to preclude reasonable economic use of property as set forth in this title. If the requirements of this chapter as applied to a specific lot would deny all reasonable economic use of the lot, development will be permitted if the applicant demonstrates all of the following to the satisfaction of the planning director:

(1) There is no other reasonable use or feasible alternative to the proposed development with less impact on the critical area; and

(2) The proposed development does not pose a threat to the public health, safety and welfare on or off of the subject lot; and

(3) Any alterations permitted subject to the requirements of this chapter shall be the minimum necessary to allow for reasonable use of the property; and

(4) The inability of the applicant to derive reasonable economic use of the property is not the result of actions by the applicant in subdividing the property or adjusting a boundary line, thereby creating the undevelopable condition after the effective date of the ordinance codified in this chapter; and

(5) The proposal mitigates the impacts on the critical areas and buffers to the maximum extent possible.

b. *Reasonable Use Decision Process.* Whenever an applicant for a development proposal submits a reasonable use proposal to the planning director, the submittal shall include the following information which will be used to evaluate the criteria for reasonable use exception:

(1) The location, size, and description of the areas of the lot which are either critical areas, required buffers, or setbacks required by this chapter;

(2) A description of the location and area of the lot which is within setbacks required by other standards of the zoning code;

(3) An analysis of the minimum development necessary to achieve “reasonable economic use” of the lot, including a narrative which includes a factual basis for this determination;

(4) An analysis of the impact that the development described in this section would have on the critical areas and buffer functions, including an analysis of impacts on fish and wildlife resources;

(5) An analysis of whether any other reasonable use with less impact on the critical areas and buffers is possible. This must also include an analysis of whether there is any practicable on-site alternative to the proposed development with less impact, including reduction in density, phasing of project implementation, change in timing of activities, revision of lot layout, and/or related site planning considerations that would allow a reasonable economic use with less adverse impacts to the critical areas and buffers. The phasing analysis shall address whether pre-project mitigation of impacts to buffers is feasible to reduce impacts on critical areas. The analysis shall also address stormwater impacts and mitigation required by the city’s stormwater management regulations;

(6) A design of the proposal so that the amount of development proposed as “reasonable economic use” will have the least impact practicable on the critical areas;

(7) An analysis of the modifications needed to the standards of this chapter to accommodate the proposed development;

(8) A description of any modifications needed for the required front, side and rear setbacks, building height, and landscape widths to provide for a reasonable use while providing protection to the critical areas;

(9) A description of the proposed enhancement/restoration of the critical area and buffer necessary to result in no net loss of function to the maximum extent feasible;

(10) Such other information as the planning director determines is reasonably necessary to evaluate the issue of reasonable economic use as it relates to the proposed development.

c. *Reasonable Use Administrative Modification.* If, in order to provide reasonable economic use, the standards of this title need to be modified, the planning director is authorized to grant an administrative modification to the standards of this title in accordance with the following:

(1) If a reasonable economic use of a lot cannot exist without modification of the required front, side and/or rear setbacks, building height, and/or landscape widths, the planning director is authorized to administratively modify such standards only to the extent necessary to provide for a reasonable economic use of the lot while providing greater protection to the critical areas than if the standard were met;

(2) If a reasonable economic use of a lot cannot exist without a reduction of the buffers of the critical areas, the planning director is authorized to administratively permit a reduction in the buffers only to the extent necessary to provide for a reasonable use of the lot. Where buffer reduction is permitted, enhancement/restoration of the buffer and/or critical area must be provided so that mitigation results in no net loss of critical area and buffer functions to the maximum extent feasible; or

(3) If a reasonable economic use of a lot cannot exist by means of either subsection (B)(6)(c)(1) or (2) of this section, then the planning director is authorized, using the review process described in EMC Title 15, Local Project Review Procedures, to administratively grant a transfer of development rights in addition to subsection (B)(6)(c)(1) or (2) of this section, or in lieu of them. For purposes of this section, "transfer of development rights (TDR)" means that the city severs the development rights from the fee interest and permits the owner of the restricted property to either transfer an authorized portion of the development rights in that property to another lot owned by the restricted party in accordance with the following provisions, or permits the owner of the restricted property to sell an authorized portion of the rights to owners of land who can use the authorized development rights in accordance with the following:

(A) ~~Single-Family Zones~~Neighborhood Residential zones. The number of dwelling units allowed under a reasonable use determination for any residential development may be transferred to a single-family neighborhood residential or neighborhood residential-constrained zone;

provided, that the number of dwelling units allowed to be transferred to the receiving site shall not exceed the lesser of:

(i) The number of dwelling units which the planning director determines to be the minimum necessary to allow for reasonable economic use of the restricted property; or

(ii) The number of dwelling units that would be allowed on the receiving site with an assumed twenty percent increase in lot size. In approving a transfer of development rights to the receiving site in a single-family zone, the planning director shall have the authority to allow for a reduction of the minimum lot area allowed by the zone in which the receiving site is located by not more than twenty percent. The director shall have the authority to reduce the required lot width and depth by not more than twenty percent. All dwelling units on such lots shall be single-family dwellings.

(B) Multiple-Family Urban Residential Zones. The amount of development transferred to the receiving lot shall be limited only by all other requirements of this title applicable to the use zone in which the receiving lot is located (building height, off-street parking, setbacks, multiple-family development standards, etc.), excluding maximum permitted density.

(C) Commercial-Mixed-Use and Industrial Zones. The amount of development transferred to the receiving lot shall not exceed that which can be accommodated by allowing an increase of permitted height on the receiving lot of not more than fifteen feet. All other requirements of the use zone in which the receiving lot is located shall be applicable to the transferred development.

d. All other requirements of this chapter shall apply to the subject property, including but not limited to submittal of mitigation plans, monitoring reports, and assurance devices, installation of fencing and signs, and recording of protective covenants.

19.37.180 Stream alteration thresholds and compensation.

A. Stream Preservation/Alteration Thresholds.

1. *Type S Streams*. All Type S streams shall be regulated by the city of Everett shoreline master program.

2. *Type F Streams*. All Type F streams shall be preserved. The city may only allow alteration of Type F streams under the following circumstances:

a. Where alteration is allowed pursuant to EMC 19.37.050;

b. *Stream Crossings.* Stream crossings are regulated by the Washington State Department of Fish and Wildlife (WDFW). Stream crossings shall only be permitted as provided by EMC 19.37.050 or to provide access to a lot or a substantial portion of a lot when no other feasible means of access exists. Use of common access points shall be required for abutting lots which have no other feasible means of access. Alteration for the purpose of providing access shall be limited to the minimum number of stream crossings required to permit reasonable access. Bridging may be required when necessary to protect significant stream functions. If a culvert is allowed, the design and installation must be approved by WDFW;

c. When the proposal results in significant restoration of functions to the stream segment and the alteration is approved by the Washington State Department of Fish and Wildlife.

3. *Type Np and Type Ns Streams.*

a. Except as provided in this subsection, no alteration of a Type Np or Ns stream shall be allowed except as otherwise provided by EMC 19.37.050; or

b. The planning director may, using the review process described in EMC Title 15, Local Project Review Procedures, allow alteration or relocation of Type Np and Ns streams under the following conditions:

(1) Stream and buffer functions in the relocated/alterd stream section must be equal to or greater than the functions provided by the stream and buffer prior to relocation/alteration;

(2) The equivalent base flood storage volume shall be maintained;

(3) There shall be no impact to local ground water;

(4) There shall be no increase in water velocity;

(5) There is no interbasin transfer of water;

(6) The relocation shall occur on site and shall not result in additional encumbrances on neighboring properties unless necessary easements and waivers are obtained from affected property owners;

(7) The relocation maintains or enhances existing connections to other critical areas and priority habitats.

c. *Stream Crossings.* Stream crossings are regulated by the Washington State Department of Fish and Wildlife (WDFW). Stream crossings shall only be permitted as provided by EMC 19.37.050 or to provide access to a lot or a substantial portion of a lot when no other feasible means of access exists. Use of common access points shall be required for abutting lots which have no other feasible means of access. Alteration for the purpose of providing access shall be limited to the minimum number of stream crossings required to permit reasonable access. Bridging may be required when

necessary to protect significant stream functions. If a culvert is allowed, the design and installation must be approved by WDFW.

4. *Watershed Management Plans.* The city shall not allow relocation or alteration of any Type F stream located within an area where an adopted watershed management plan does not allow for stream alteration or relocation, except when allowed by EMC 19.37.050, or to allow access to a lot or substantial portion of a lot when no other feasible means of access exists.

B. *Compensating for Stream Impacts.* Stream system and buffer alteration, when allowed by this chapter, shall be subject to the following requirements:

1. Each activity/use shall be designed so as to minimize overall stream system or buffer alteration to the greatest extent possible.

2. Construction techniques and field marking of areas to be disturbed shall be approved by the city prior to site disturbance to ensure minimal encroachment.

3. A mitigation plan shall be prepared in accordance with this section.

4. The city may require the applicant to rehabilitate a stream system and its buffer area by removing harmful debris, sediment, nonnative vegetation, or other material detrimental to the area, by replanting disturbed vegetation, by removing tightlined or culverted portions of a stream from pipes/culverts, or by other means deemed appropriate by the city. Rehabilitation or restoration may be required at any time that a condition detrimental to stream functions exists.

5. In approving alteration or relocation of a stream system or its buffer, the city may require that an area larger than the altered portion of the stream and its buffer be provided as compensation for destruction of the functions of the altered stream system and to ensure that such functions are replaced.

6. When stream system relocation or compensation is allowed, the city shall require that the stream relocation be completed prior to allowing the existing stream to be filled or altered.

7. The city may limit certain development activities near a stream to specific months in order to minimize impacts on water quality and wildlife habitat.

8. The city may apply additional conditions or restrictions, or require specific construction techniques, in order to minimize impacts to stream systems and their buffers.

9. Stream compensation shall not occur in areas having high-quality terrestrial habitat.

C. *Voluntary Daylighting of Streams in Pipes and Culverts.*

1. To encourage daylighting of streams in pipes and culverts, the planning director may modify development standards as set out in subsection C.2 of this section when the applicant submits a plan for daylighting that meets the following criteria:

a. The plan is prepared by a qualified professional;

b. The ecological functions of the daylighted waters and adjacent area are improved so the new riparian corridor is compatible with and protects the ecological functions of the

existing riparian corridor upstream and downstream and does not contribute to flooding; ecological functions include preventing erosion, protecting water quality, and providing diverse habitat; and

c. If the plan proposes daylighting the pipe or culvert in a different location on the parcel from its current location or off the parcel, the ecological functions required in subsection C.1.b of this section are provided as effectively as they would be without the relocation.

2. If the director finds the conditions in subsection C.1 of this section are met, the director may modify the following development standards. The modification shall be the minimum to provide sufficient area to meet the standards in subsection C.1 of this section and shall be in the following order of priority:

a. Yard and/or setback requirements on the property may be reduced, unless reducing them is injurious to safety.

b. The stream and adjacent buffer area may count toward required landscaping.

c. The stream and adjacent buffer area may count toward open space requirements ~~for all multiple-family and M-1 zone requirements~~ of EMC 19.09.050.

d. Building heights may be increased.

CHAPTER 19.38 NONCONFORMITIES

19.38.010 PURPOSE AND INTENT.

A. The purpose of this chapter is to regulate nonconforming structures, uses and lots. This chapter includes regulations for determining the legal status of nonconforming uses, structures and other site improvements by creating provisions through which they may be established, maintained, altered, reconstructed, expanded or abated.

B. For additional requirements related to other nonconformities, see the following sections of this title:

1. Open space and common areas—see Chapter 19.09 EMC ~~for multifamily residential and Chapter 19.12 EMC for industrial uses~~;

2. Adult use businesses—see Chapter 19.13 EMC;

3. Parking—see Chapter 19.34 EMC;

4. Landscaping—see Chapter 19.35 EMC;

5. Signs—see Chapter 19.36 EMC;

6. Uses within shoreline jurisdiction—see shoreline master program.

19.38.030 NONCONFORMING STRUCTURES.

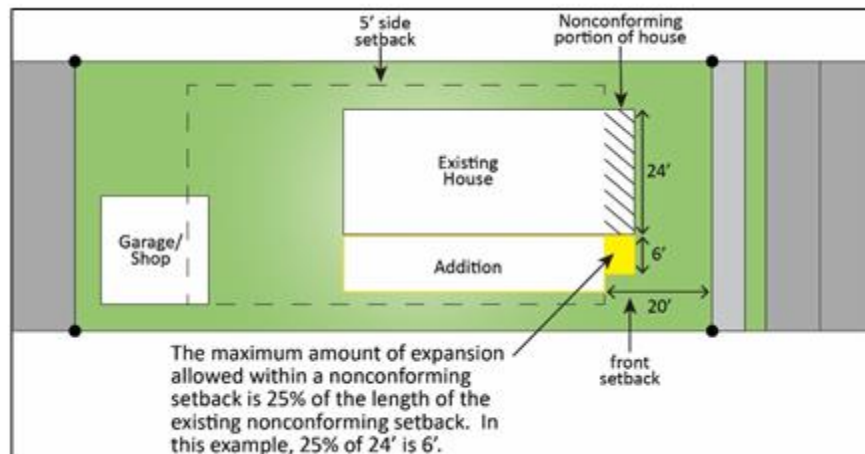
A. Alteration or Expansion.

1. Additions, maintenance or repair to a nonconforming structure which does not increase the nonconformity shall be permitted; provided the addition, maintenance or repair complies with building and Unified Development Code requirements.

2. A nonconforming structure which does not meet required setbacks or height may be expanded along the nonconforming setbacks or to the existing nonconforming height if approved by the planning director; provided the following criteria are met:

- a. The expansion does not make the setback or height more nonconforming;
- b. The expansion shall not exceed twenty-five percent within the nonconforming setback or for the portion of the structure that is nonconforming as to building height; and
- c. The expansion complies with all other requirements of this chapter, and the nonconformity has been certified by the planning department.

Figure 38-1: Expansion of Nonconforming Building



B. Damage or Destruction.

1. If a nonconforming structure is destroyed or damaged to any extent by fire or other casualty not intentionally caused by the owner, the structure may be rebuilt if the following requirements are met:

- a. The nonconformity of the structure is certified;
- b. A complete building permit application is properly filed within one year of such fire or other casualty; and
- c. Construction is commenced and completed in conformance with the provisions of the building code then in effect. This provision shall not reduce any requirements of the building or fire codes in effect when such structure is rebuilt.

2. If a nonconforming structure which has no permanent foundation is destroyed and the foundation's location cannot be verified by the planning department, then any new construction shall comply with the requirements of this title.

C. Demolition of Nonconforming Structures. Following the abatement or voluntary demolition of a nonconforming structure, any new construction shall be in conformance with this title, except in the following circumstances:

1. A ~~single-family dwelling or duplex detached dwelling unit~~ which is nonconforming in setbacks, height or lot coverage may be voluntarily removed or demolished and replaced by a new ~~detached dwelling unit single-family dwelling or duplex~~ which has the same nonconforming setbacks, height or lot coverage as the prior nonconforming dwelling, provided;

a. The nonconformity is not increased;

b. The new dwelling unit meets all current building code requirements; and

c. The nonconformity of the dwelling unit is certified by the planning department.

2. A detached accessory structure which is accessory to a ~~detached dwelling unit single-family dwelling or duplex~~ that has nonconforming setbacks may be demolished and a new accessory structure may be built in the same location; provided:

a. The new accessory structure does not exceed ~~fifteen-eighteen~~ feet in height within the setback, or the height at which the structure was certified above ~~fifteen-eighteen~~ feet within the setback;

b. The new accessory structure meets current building code requirements; and

c. The location of the nonconforming accessory structure is certified by the planning department.

3. A detached accessory structure that has nonconforming setbacks may be demolished and a dwelling unit may be built in the same location; provided:

a. The new dwelling unit meets current building code requirements; and

b. The location of the nonconforming accessory structure is certified by the planning department.

CHAPTER 19.40 FENCES

19.40.010 FENCES HEIGHT AND LOCATION.

A. Residential Zones—Fence Height and Setbacks. Fences shall not exceed a height of:

1. Forty-two inches within ~~the front setback or twenty feet of the abutting~~ right-of-way abutting the front lot line.

2. Six feet within the street side setback or the abutting right-of-way.

3. Seven feet within the interior side or rear setbacks.

4. Exceptions.

- a. Fences within ~~the front setback or the abutting right-of-way~~ twenty feet of the right-of-way abutting the front lot line may be up to six feet in height if the fence is at least ten feet from the sidewalk, is at least seventy percent transparent from three feet to six feet, and is not chain link or other type of similar material. If no sidewalk exists, the minimum distance required is determined by the city engineer.
- b. For corner lots or double fronting lots, the front and street side or rear fence heights can be switched if the front of the house faces the street side or rear.
- c. Arbors. Arbors may exceed the maximum fence height within the front setback for a distance of up to twenty percent of the lot frontage on the street, provided the height of the arbor does not exceed eight feet.
- d. Where a structure ~~has a nonconforming front setback is within twenty feet of the right-of-way abutting the front lot line~~, a fence along the street-facing facade line is not required to comply with the fence height limitation ~~for the front setback of EMC 19.40.010(4)(a)~~.
- e. Conditional Uses. For development subject to the conditional use process, fences may deviate from the standards in this section as approved by the review authority.
- f. Corner Sites and Vision Clearance. See EMC 19.41.060(B).

B. MU ~~and NB~~ Zones.

1. Height and Location. Fences may be up to six feet in height if the fence is at least ten feet from the back of the sidewalk and is at least seventy percent transparent. The transparency requirement shall not apply to any fence thirty-six inches or less in height. If no sidewalk exists, the fence must be set back a minimum of ten feet from where the sidewalk will be placed in the future as determined by the city engineer.
2. Materials. Chain link, wire, corrugated, sheet metal or other similar types of fences are prohibited.

C. Freeways (I-5 and SR-526). Fences abutting freeways shall have no height limit.

D. ~~Commercial Mixed-Use~~ and Industrial Zones. Fences in ~~commercial mixed-use~~ and industrial zones shall not exceed ten feet in height, including barbed wire located on top of the fence except:

1. Any fence taller than forty-two inches must be set back a minimum of ten feet or the required landscape width, whichever is greater, from any lot line along a street; and
2. Any fence within ten feet of a residentially zoned property shall not exceed seven feet in height.
3. See subsection (B) of this section for fence height restrictions in the MU ~~and NB~~ zones.

E. Retaining Walls and Berms. Fences placed on top of berms shall be constructed so as not to exceed the maximum height allowed if the berm were not there. Fences placed upon rockeries or retaining walls

shall be permitted to be constructed to the maximum allowable fence height above the rockery or retaining wall, provided the rockery or retaining wall does not exceed a height of six feet. Fences constructed on top of retaining walls which are greater than six feet in height shall not exceed a maximum fence height of forty-two inches.

19.40.020 BARBED WIRE, RAZOR WIRE, CHAIN LINK, ELECTRIC AND OTHER SIMILAR FENCE MATERIALS.

A. Barbed wire, razor wire and other such materials are not permitted in any residential zone except for security facilities around utility or communications facilities, or government facilities. In commercial and industrial zones, these fencing materials are permitted only atop a fence or wall at least six feet in height. For property located within a commercial or industrial zone, these materials are not permitted on any fence located within ten feet of a residentially zoned property.

B. Wire, excluding chain link, corrugated, nondecorative sheet metal, or other similar type fencing is prohibited along a street fronting lot line in all zones.

C. Chain link fences are prohibited in the MU ~~and UR4~~ zones and UR7 zone, and in the historic overlays.

D. Electric Fences. Electric fences may be installed and maintained in the AG zone for the purpose of controlling permitted livestock; provided, that no such fence shall border any public right-of-way or constitute a lot line fence. Electric fences are permitted in mixed-use commercial and industrial zones using the review process described in Chapter 15.02 EMC, provided such fence shall be installed interior to a nonelectric perimeter barrier not less than six feet in height.

CHAPTER 19.43 ENVIRONMENTAL POLICY

19.43.140 CATEGORICAL EXEMPTIONS—INFILL DEVELOPMENT.

The following exempt levels are established for new construction under RCW 43.21C.229:

A. Residential development up to two hundred dwelling units in ~~Metro-Everett Mixed-Use Centers, urban residential 4 (UR4) UR7~~ zones, or ~~mixed urban (MU)~~ zones;

B. Mixed-use development in ~~Metro-Everett Mixed-Use Centers, or mixed urban (MU) or business (B)~~ zones;

C. Commercial development up to sixty-five thousand square feet, excluding retail development; or

D. Any minor new construction identified as exempt pursuant to EMC 19.43.130.

CHAPTER 19.45 ANNUAL REPORT

19.45.010 DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT DUTIES.

The director of planning and community development shall make an annual report to the city council in January of each year on the status of ~~the zoning code and map~~ implementation of the comprehensive plan.

CHAPTER 19.51 TRANSPORTATION MITIGATION

19.51.180 DEFINITIONS AND USAGE.

A. *Usage.* For purposes of this chapter, unless the context clearly requires otherwise:

1. Any official identified in this chapter includes any designee of or successor to that official.
2. “Applicant” refers to the person or entity proposing a project. “Applicant” includes private or public entities. “Applicant” includes the entity for which an authorized representative is submitting an application. “Application” includes any project permit application under Chapter 15.01 EMC.
3. “Environmental impact” has the same meaning as in SEPA and includes: (a) effects on transportation network; (b) physical effects on people using the transportation network, such as public health and safety; and (c) effects of traffic or of the location or operation of transportation facilities on people and the environment, such as noise, air quality, and critical areas.
4. “Fee for transportation system improvements” refers to a fair share of regulatory fee that is placed in a dedicated fund and that helps to address and mitigate a proposed project’s impacts on the transportation system, as provided in this chapter, and does not refer to a method to raise revenue for the general fund to pay for transportation improvements.
5. “Including” means including but not limited to.
6. “May” is optional and permissive and does not impose a requirement.
7. Section and paragraph titles are not intended to have regulatory effect.
8. “Shall” is mandatory.
9. Singular includes plural and conversely, unless context clearly requires otherwise.

B. *Definitions.* Terms in this chapter shall have the same meaning as terms defined in: (1) EMC 19.43.030 (SEPA definitions incorporated by reference from Chapter 197-11 WAC) and 19.43.040 (additional SEPA definitions); and (2) RCW 82.02.090 (except that, as defined in subsection (C) of this section, “project improvements” shall be referred to as “local transportation improvements” and “system improvements” shall be referred to as “transportation system improvements” and are not limited to facilities identified in the capital facilities plan.

C. *Additional Definitions.* In addition to the definitions referenced in subsection (B) of this section, when used in this chapter, the following terms shall have the following meaning:

- “Characteristics of development” means the specific features of and effects caused by a proposed project, including its compliance with development standards.
- “Comprehensive plan” means the city of Everett comprehensive plan adopted by the city council and existing at the time of project review. The term “comprehensive plan” includes adopted subarea plans.

“Core area” means ~~the portion of the city of Everett defined as the UM, ULI, or UR zones in this title~~ Mixed-Use Centers under Chapter 19.03 EMC.

“Fair share cost” means the proportional share of the cost of transportation system improvements that is attributable to a project’s impacts on the transportation system, as required by EMC 19.51.100.

“Level of service” or “LOS” standard means the acceptable service standard adopted by the city in its comprehensive plan, as described in EMC 19.51.090. If the comprehensive plan is amended to revise the acceptable level of service standard, the standard stated in EMC 19.51.090 shall be deemed to be the revised, adopted LOS standard.

“Local transportation improvement” means site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project, and are not transportation system improvements. No specific improvement or facility included in the city’s capital facilities plan shall be considered a local transportation improvement.

“Peak hour trips” means total inbound and outbound trips during the p.m. peak period (commonly known as “rush hours”), as may be further defined by the city traffic engineer.

“Planned action” means a project that meets the criteria set forth in RCW 43.21C.031 and WAC 197-11-164 and whose probable significant adverse environmental impacts have previously been analyzed in an environmental impact statement, and that is authorized by Chapter 15.02 EMC and the specific planned action ordinance relating to the project.

“Planned system improvement” means a transportation system improvement identified in the city’s six-year transportation improvement program and other transportation system improvements that are planned to occur, to the knowledge of the city engineer.

“Practical” means reasonable and capable of being accomplished, as provided by WAC 197-11-660.

“Project” means a development, construction, or management activity located in a defined geographic area, whether private or public. Proposed projects subject to this chapter are those that generate more than ten vehicle trips per day or require project review, including SEPA review, under EMC Title 15 and Chapter 19.43 EMC.

“Project review process” means the city process for considering and making decisions on proposed projects under Chapter 15.02 EMC, including staff, environmental and public review.

“Traffic analysis” means the study of transportation impacts and mitigation measures, as provided in EMC 19.51.060 through 19.51.090. A traffic analysis may be combined with other project review documents, as determined appropriate by the city engineer or responsible official. “Transportation improvement” means either a local transportation improvement, a transportation system improvement, or an improvement that is both a local and system improvement.

“Transportation network” means all facilities and means of transportation used by the public in the city or in areas affected by project traffic, including land, air, and waterborne traffic.

“Transportation system improvement” means public facilities that are included in the capital facilities plan or identified by the traffic analysis and are designed to provide service to service areas within the community at large, in contrast to local transportation improvements.

“Trips” means inbound and outbound trips.

CHAPTER 19.53 – PARKS IMPACT FEES

19.53.060 PARKS IMPACT FEE FORMULA.

A. The impact fee formula is based on the assumptions found in the City of Everett Parks Impact Fees Rate Study, 2021, Exhibit A, attached hereto and by this reference fully incorporated herein.

Table 1: Parks Impact Fee Rate Schedule: Residential and Commercial

Land Use Type	Fee
Residential, Levied per Unit	
1 Bedroom and Studio	\$941
2 Bedrooms	\$1,882
3 Bedrooms or More	\$2,823
Commercial, Levied per Square Feet	
Office and Services	\$0.26
Retail	\$0.38
Industrial	\$0.21

B. Each development shall mitigate its impacts on the city’s parks facilities by payment of a fee that is based on the type of land use of the development and proportionate to the cost of the parks facility improvements necessary to serve the needs of growth. For residential development, fee amount is based on number of bedrooms across all residential units within development; for commercial development, fee amount is based on gross floor area of the development as defined in EMC 19.04.040, exclusive of parking.

C. Applications for a change of use shall receive credit based on the existing use. This credit is calculated by deducting the fee amount of the existing use from the fee of the proposed use.

D. Impact fees reduced by 50% for the addition of one or two accessory dwelling units to a lot with one or more principal dwelling units to remain, up to a total of two accessory dwelling units per lot.

CHAPTER 20.08 – NOISE

20.08.020 DEFINITIONS.

All technical terminology used in this chapter not defined herein shall be interpreted in conformance with American National Standards Institute Specifications Section 1.4-2014 as it currently exists or is later amended. For purposes of this chapter, the words and phrases used herein shall have the meaning indicated below:

- 1 A. "Administrator" means the Chief of Police or Building Official of the City of Everett, as applicable, or
2 their designee.
- 3 B. "dB(A)" means a sound level, measured in decibels, using the A frequency-weighting network of a
4 sound level meter.
- 5 C. "City" means the City of Everett, Washington.
- 6 D. "District" means the land use zones to which the provisions of this chapter are applied. For the
7 purposes of this chapter the following noise control districts shall be established which include land use
8 zones designated in the Everett zoning code as follows:

**Noise Control
District**

Land Use Zones

- | | |
|---|---|
| <p>1. District I</p> <p>2. District II</p> <p>3. District III</p> | <p>All residentially zoned districts including but not limited to R.S., R-1, R-2, R-2A, and UR3 and UR4 <u>NR-C, NR, UR4, and UR7; and the P-OS zone.</u></p> <p>All business and commercially zoned mixed-use districts including but not limited to NB, B, MU4, MU7, MU15, MU25, LI-MU1, LI2 and HI</p> <p>All agricultural and manufacturing industrially-zoned districts including but not limited to P-OS AG, LI, and HI and WRM (See EMC 19.03.010 as currently enacted or hereafter amended for all current zones).</p> |
|---|---|
- 10 For any land use zone not listed in this subsection ~~€D~~, the Administrator may determine that the zone is
11 substantially similar to a zone listed in this subsection ~~€D~~ and may classify it similarly for purposes of
12 this chapter.
- 13 F. "Emergency work" means work made necessary to restore property to a safe condition following a
14 public calamity, work required to protect persons or property from imminent exposure to danger, or
15 work by private or public utilities for providing or restoring immediately necessary utility service.
- 16 G. "Impulse sound" means sound having the following qualities: the peak of the sound level is less than
17 one (1) second and short compared to the occurrence rate; the onset is abrupt; the decay rapid; and the
18 peak value exceeds the ambient level by more than ten (10) dB(A).
- 19 H. "Leq" means the equivalent sound level, which is the constant sound level in a given time period that
20 conveys the same sound energy as the actual time-varying A-weighted sound. The applicable time period
21 for the Leq must be specified.
- 22 I. "Motorcycle" means any motor vehicle having a saddle for the use of the rider and designed to travel
23 on not more than three wheels in contact with the ground, except farm tractors and such vehicles
24 powered by engines of less than five horsepower.

- 1 J. "Motor vehicle" means any vehicle which is self-propelled, used primarily for transporting persons or
2 property upon public highways, and required to be licensed under RCW 46.16A.030. (Aircraft, watercraft,
3 and vehicles used on rails or tracks are not motor vehicles as that term is used herein.)
- 4 K. "New motor vehicle" means a motor vehicle manufactured after December 31, 1976, the equitable or
5 legal title of which has never been transferred to a person who, in good faith, purchases the new motor
6 vehicle for purposes other than resale.
- 7 L. "Noise" means the intensity, duration and character of sounds from any and all sources. The terms
8 "noise" and "sound" can be used interchangeably for purposes of this chapter.
- 9 J. M. "Off-highway vehicle" means any self-propelled motor driven vehicle not used primarily for
10 transporting persons or property upon public highways nor required to be licensed under RCW
11 46.16A.030.
- 12 N. "Officially sanctioned" means written approval given by the City.
- 13 O. "Owner" shall mean any person, agent, operator, firm or corporation having a legal or equitable
14 interest in the property; or recorded in the official records of the state, county or municipality as holding
15 title to the property; or otherwise having control of the property, including the guardian of the estate of
16 any such person, and the personal representative or executor or administrator of the estate of such
17 person if ordered to take possession of real property by a court, as well as a bankruptcy trustee.
- 18 P "Plainly audible" means any sound for which any of the content of that sound, such as, but not limited
19 to, comprehensible musical rhythms, is communicated to a person using their unaided hearing faculties.
20 For the purposes of enforcement of this code, the detection of any component of sound, including, but
21 not limited to, the rhythmic bass by a person using their unaided hearing faculties is sufficient to verify
22 plainly audible sound. It is not necessary for such person to determine the title, specific words or artist
23 of music, or the content of any speech.
- 24 Q. "Person" means any individual, firm, association, partnership, corporation or any other entity, public
25 or private.
- 26 R. "Property boundary" means the survey line at ground surface which separates the real property
27 owned, rented or leased by one or more other persons and its vertical extension.
- 28 S. "Public highway" means the entire width between the boundary lines of every way publicly
29 maintained by the department of highways or any county or city when any part thereof is generally open
30 to the use of the public for purposes of vehicular travel as a matter of right.
- 31 T. "Receiving property" means real property within which sound originating from sources outside the
32 property boundary is received.
- 33 U. "Sound level" means a weighted sound pressure level obtained by the use of a sound level meter and
34 weighted as specified in American National Standards Institute Specifications, Section 1.4-2014.
- 35 V. "Sound level measurement procedures" means standardized procedures for the measurement of
36 sound levels of sources regulated by this chapter and performed in accordance with the Washington
37 State Department of Ecology rules, Chapter 173-58 WAC.

W. “Sound level meter” means a sound level measuring device, either Type I or Type II, as defined by American National Standards Institute Specifications, Section 1.4-2014, or other instruments, or assemblages of instruments, that (1) result in an overall accuracy of ± 2 dBA; tested according to standards in a reverberant chamber at the NIOSH acoustics laboratory (2) meets Type 2 requirements of IEC 61672:3 SLM standard when used with calibrated external microphone.

X. “Temporary construction site” means any location where site clearing, construction of plat improvements, or construction or remodeling of a structure, facility, improvement or other feature attached to the land occurs. This includes roadway, bikeway, trail, sidewalk or other similar construction, repair or improvement.

Y. “WAC” means the Washington Administrative Code as currently enacted or hereafter amended.

Z. “Watercraft” means any contrivance, excluding aircraft, used or capable of being used as a means of transportation or recreation on water.

AA. “Weekend” means Saturday and Sunday or any legal holiday observed by the state of Washington.

20.08.040 ENVIRONMENTAL SOUND—MAXIMUM PERMISSIBLE LEVELS.

A. Maximum permissible noise levels. For sound sources located within the city of Everett, the maximum permissible exterior noise levels are as follows:

District Sound Source	District of Receiving Property within the City of Everett		
	I	II	III
I	55 dB(A)	57 dB(A)	60 dB(A)
II	57 dB(A)	60 dB(A)	65 dB(A)
III	60 dB(A)	65 dB(A)	70 dB(A)

B. Modifications to maximum noise levels. The maximum permissible sound levels established by this chapter shall be modified as follows:

1. Between the hours of ten p.m. and seven a.m. during weekdays, and between the hours of ten p.m. and nine a.m. on weekends, the levels established in Section 20.08.050 are reduced by ten dB(A) where the receiving property lies within District I of the city of Everett.
2. At any hour of the day or night, for any source of sound which is an impulse sound, the levels established by this chapter are increased by:
 - i. Five dB(A) for a total of fifteen minutes in any one-hour period; or
 - ii. Ten dB(A) for a total of five minutes in any one-hour period; or
 - iii. Fifteen dB(A) for a total of one and one-half minutes in any one-hour period.

C. Noise levels based on Leq. The exterior noise level limits are based on the Leq, as defined in EMC 20.08.040, during the measurement interval, using a minimum interval of one (1) minute for a constant sound source, or a one (1) hour measurement for a noncontinuous sound source. The standard of measurement shall be a one (1) hour Leq. Leq may be measured for times not less than one (1) minute to project an hourly Leq.

1 D. Split district properties. Where a receiving property lies within more than one district, the most
2 restrictive maximum permissible noise level shall apply to the receiving property.

3 E. Violation, enforcement; habitual violators.

4 1. It shall be a violation of this chapter if at any hour of the day or night, the applicable noise
5 limitations in subsection A and B of this section are exceeded for any receiving property.

6 2. Sound levels taken by the administrator, or trained and certified designee, with a sound level
7 meter, or equivalent instrument, shall be determinative for purposes of establishing violations.

8 3. ~~Violation of this section is a civil violation and enforceable as set forth in Chapter 1.16 EMC~~
9 ~~with the penalty amount(s) established in EMC Section 1.20.190~~ Any violation of this section
10 shall be subject to the enforcement procedures established in Chapter 1.20 EMC.

11 4. Any person, after receiving three or more notice and orders, for prior violations of this chapter
12 within a three hundred sixty five (365) day period, shall be guilty of a misdemeanor upon a
13 subsequent violation within said three hundred sixty five (365) day period.

DRAFT