



## **ORDINANCE NO. 4156-26**

**An ORDINANCE Adopting Housekeeping Amendments to Development Regulations Recently Adopted through the Everett 2044 Periodic Update, AMENDING EMC Chapters 14.16, 19.03, 19.04, 19.05, 19.06, 19.08, 19.09, 19.13, 19.22, 19.25, 19.34, 19.35, 19.38, 19.39, and 19.40.-**

### **WHEREAS,**

- A.** The Everett 2044 Comprehensive Plan and Development Regulation Periodic Update was adopted June 18, 2025, with an effective date of July 8, 2025, via ordinances 4101-25 and 4102-25; and
- B.** In the months following the adoption of the development regulations in the Everett 2044 periodic update, staff have identified errors and provisions that are difficult to interpret accurately and consistently; and
- C.** This is the first of what could be several housekeeping ordinances to correct errors and clarify provisions in the development regulations; and
- D.** The amendments contained in this ordinance maintain consistency with the Growth Management Act and are consistent with its planning goals; and
- E.** The amendments contained in this resolution are consistent with and supportive of goals, policies, and implementation strategies in the Everett Comprehensive Plan, including:
  - 1. Goal DD 2: Building and site designs are based on clear and predictable development regulations via a menu of options.
  - 2. DD-1 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.
  - 3. DD-20 Be attentive to ways code or policies may inadvertently disadvantage small-scale developments and developers, and where possible take steps to rectify imbalances.
  - 4. Policy HO-2 Adopt flexible development regulations that streamline the local review process with clear objective standards, encouraging innovative and context-sensitive development.
  - 5. HO-12 Boost homeownership opportunities through administrative, regulatory, and financial benefits.

6. HO-21 Implement inclusionary zoning requirements in areas of the city subject to high displacement risk.
  7. HO-24 Evaluate the cost and supply implications of proposed regulations, policies, and procedures affecting housing development and ensure that they promote affordability, development, and housing diversity.
  8. ED-34 Encourage predictability and consistency in the City's land use regulations, while also allowing for flexibility and creativity in the site development process.
  9. Goal EAI-5: Everett implements the Comprehensive Plan in a coordinated and efficient manner in accordance with state law and in the best interests of city residents.
  10. Policy EAI-17 Implement the Comprehensive Plan through city development regulations, programs, budgets, and functional plans, ensuring that each are consistent and mutually supportive.
- F. The Planning Commission reviewed the amendments contained in this ordinance, including holding a briefing on August 19, 2025 and a public hearing on September 16, 2025; and
  - G. The Planning Commission considered the factors in EMC 15.03.300(C) in reviewing the proposed development regulation text amendments in this ordinance; and
  - H. The Planning Commission recommends, via Planning Commission Resolution 25-02, approval of the amendments contained in this ordinance, finding that the proposed amendments are consistent with the Everett comprehensive plan, bear a substantial relation to public health, safety and welfare, and promote the best long-term interests of the Everett community.
  - I. The city's responsible official issued a Determination of Significance and Adoption of Everett 2044 Periodic Update Final Environmental Impact Statement on January 12, 2026; and
  - J. Notice of the proposed updated comprehensive plan was sent to the Washington State Department of Commerce on October 14, 2025 and a letter of receipt was received the next day; and
  - K. The amended development regulations contained in this ordinance maintain consistency with the GMA and are consistent with the GMA planning goals; and
  - L. The amended development regulations contained in this ordinance are consistent with and supportive of the Everett Comprehensive Plan; and
  - M. The development regulations amendments contained in this ordinance were prepared following the procedural requirements in RCW 36.70A and WAC 365-196; and
  - N. The development regulations amendments contained in this ordinance were prepared following the procedural requirements in EMC 15.02.095; and
  - O. 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 amendments are consistent with the Everett comprehensive plan;
  2. The proposed development regulation amendments bear a substantial relation to public health, safety or welfare;
  3. The proposed development regulation amendments promote the best long-term interests of the Everett community
- P. On January 14, 2026, 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.** EMC 14.16.430 is hereby amended as follows, with strikeout text deleted and underlined text added.

**14.16.430 Single and multiple metered services—Regulations and charges.**

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.

2. At the discretion of Public Works, a single shared water service and meter may be permitted for a new dwelling unit being added within or attached to an existing one-unit dwelling, provided both units remain under single ownership.

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.

**Section 2.** EMC 19.03.030 is hereby amended as follows, with strikeout text deleted and underlined text added.

### **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. *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. *Mixed Use Zones*.

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

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

3. *Mixed Use (15 Floors)*. The purpose of the Mixed Use (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 (25 Floors-Center City)*. The purpose of the Mixed Use (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. *Light Industrial-Mixed Use (LI-MU)*. The purpose of the Light Industrial-Mixed Use (LI-MU) zone is to support existing light industrial and manufacturing uses while providing opportunities for the addition of commercial and residential uses.

2. *Light Industrial (LI)*. The purpose of the light industrial (LI) 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.

3. *Heavy Industrial (HI)*. The purpose of the heavy 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. 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~~ and Navy Compatibility Overlay Zone (APN)*. The purpose of the ~~APN~~ Airport and Navy compatibility zones 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.

**Section 3.** Subsection EMC 19.04.030 “Street-facing dwelling unit façade” is hereby deleted.

**Section 4.** Subsection EMC 19.04.050 “Transit Stop, Frequent” is hereby deleted.

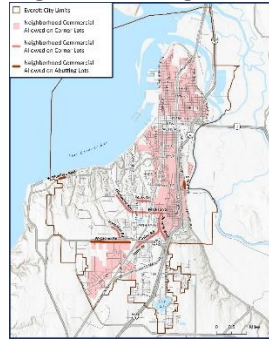
**Section 5.** EMC 19.05.045 is hereby amended as follows, with strikeout text deleted and underlined text added.

**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:

**Map 5-1 Areas Eligible for Neighborhood Commercial**



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~~ or 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 2<sup>nd</sup> 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, 10<sup>th</sup> Street, and 14<sup>th</sup> 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.

**Section 6.** EMC 19.05.090 is hereby amended as follows, with strikeout text deleted and underlined text added.

**19.05.090 Table 5-2 (commercial use table)**

USE	NR-C	NR	UR4 UR7	MU4 MU7 MU15 MU25	LI-MU	LI	HI	AG	SPECIAL REGULATIONS
COMMERCIAL USES									(See EMC 19.39.060, Performance regulations—General, regarding requirements to prevent nuisance impacts.)
Automobile drive-through facility				P <sup>3</sup>					See EMC 19.13.095 for regulations concerning drive-through facilities. <sup>3</sup> Drive through facilities restricted in mixed-use centers. See EMC 19.13.095 for automobile drive through facility requirements.
Auto fuel sales				A <sup>4</sup>	P <sup>4</sup>	P	P		<sup>4</sup> Prohibited in mixed-use centers.



USE	NR-C	NR	UR4 UR7	MU4 MU7 MU15 MU25	LI-MU	LI	HI	AG	SPECIAL REGULATIONS
Automobile, light truck or RV sales or rental				p <sup>4</sup>					<sup>4</sup> Prohibited in mixed-use centers.
Equipment sales and rental				A	P	P	P		
Heavy truck and equipment sales					P	P	P		
Automobile and truck service, light; body repair and painting				p <sup>4</sup>	p <sup>4</sup>	p <sup>4</sup>	p <sup>8</sup>		See EMC 19.13.140 for light automobile and truck service, body repair and painting. <sup>4</sup> TOD or pedestrian streets: prohibited use. <sup>8</sup> In HI zone, light vehicle servicing is permitted only in multiple-tenant building or development.
Automobile and truck service, heavy							P		
Automobile dismantling/recycling					p <sup>9</sup>	P	p <sup>9</sup>		<sup>9</sup> Permitted only when completely contained within an enclosed building.
Impound, storage yard, tow yard					p <sup>10</sup>	p <sup>10</sup>	p <sup>10</sup>		<sup>10</sup> Impound, storage and tow yards shall comply with landscaping and screening requirements of Chapter 19.39 EMC.
Casino, mini				p <sup>11</sup>	p <sup>11</sup>				See EMC 19.13.170. <sup>11</sup> See EMC 19.13.170 for Mini-casino regulations, including Map 13-1 indicating where Mini-Casinos are prohibited.
Convention center				P	P				
Clinics		p <sup>1</sup>	p <sup>1</sup>	p <sup>17</sup>	A <sup>17</sup>				<sup>1</sup> Permitted only when meeting the requirements of EMC 19.05.045. <sup>17</sup> 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

USE	NR-C	NR	UR4 UR7	MU4 MU7 MU15 MU25	LI-MU	LI	HI	AG	SPECIAL REGULATIONS
									<p>therapists, optometrists or ophthalmologists.</p> <p><sup>(a)</sup>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.</p> <p><sup>(b)</sup>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.</p>
Day care center, commercial		p <sup>1</sup>	p <sup>1</sup>	P	P	P	P		
Entertainment and recreation—enclosed in building (e.g., theater, fitness facility)		p <sup>1</sup>	p <sup>1</sup>	p <sup>12</sup>	p <sup>12</sup>	p <sup>12</sup>			<sup>1</sup> Permitted when meeting the requirements of EMC 19.05.045. <sup>12</sup> 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)				C	A	A	P	C	
Food or beverage establishment		p <sup>1, 13</sup>	p <sup>1, 13</sup>	p <sup>14</sup>	p <sup>14, 15</sup>	p <sup>14, 15</sup>	p <sup>14, 15</sup>		<p><sup>1</sup> Permitted only when meeting the requirements of EMC 19.05.045.</p> <p><sup>13</sup>Taverns, nightclubs and restaurants with live entertainment prohibited.</p> <p><sup>14</sup>Taverns, nightclubs and restaurants with live, amplified entertainment shall be set back a minimum of one hundred feet from any residential zone.</p> <p><sup>15</sup>Allowed as an accessory use only.</p>
Lodging—hotels, motels				P	P				

USE	NR-C	NR	UR4 UR7	MU4 MU7 MU15 MU25	L- MU	LI	HI	AG	SPECIAL REGULATIONS
Offices		p <sup>1</sup>	p <sup>1</sup>	P	p <sup>15</sup>	p <sup>15</sup>	p <sup>15</sup>		<sup>1</sup> Permitted only when meeting the requirements of EMC 19.05.045. <sup>15</sup> Allowed as an accessory use only.
Parking, commercial— applicable if principal use									
Retail sales and service		p <sup>1</sup>	p <sup>1</sup>	P	P <sub>20</sub>	p <sup>20</sup>	p <sup>20</sup>		<sup>1</sup> Permitted only when meeting the requirements of EMC 19.05.045.. <sup>20</sup> Permitted as an accessory use for those products produced on premises and related products.
Storage, commercial— enclosed in building (e.g., mini-storage)				A <sup>21, 24</sup>	p <sup>21, 24</sup>	p <sup>24</sup>			<sup>21</sup> TOD or pedestrian streets: prohibited use on the ground floor. <sup>24</sup> Minimum floor area ratio: 2.0
Storage, commercial— not enclosed in building (e.g., boat or RV storage)									
Veterinary clinic or animal day care— limited to small animal		p <sup>1</sup>	p <sup>1</sup>	P	P				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.
Veterinary clinic or commercial kennels— large animal or commercial kennels					p <sup>4</sup>	P		A	Buildings and outside runs shall be placed and constructed so noise from this use is not audible on residentially zoned lots. <sup>4</sup> Prohibited in mixed-use centers.

<sup>1</sup> Permitted only when meeting the requirements of EMC 19.05.045.

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

<sup>3</sup> Drive through facilities restricted in mixed-use centers. See EMC 19.13.095 for automobile drive through facility requirements.

<sup>4</sup> Prohibited in mixed-use centers.

<sup>5</sup> Reserved.

<sup>6</sup> Reserved.

<sup>7</sup> Reserved.

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

<sup>9</sup> Permitted only when completely contained within an enclosed building.

<sup>10</sup> Impound, storage and tow yards shall comply with landscaping and screening requirements of Chapter 19.39 EMC.

<sup>11</sup> See EMC 19.13.170 for Mini-casino regulations, including Map 13-1 indicating where Mini-Casinos are prohibited.

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

<sup>13</sup> Taverns, nightclubs and restaurants with live entertainment prohibited.

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

<sup>15</sup> Allowed as an accessory use only.

<sup>16</sup> Reserved.

<sup>17</sup> 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: 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~~ mixed use or industrial zones.

(b) Health events on a property within ~~the MU or LI1/LI2 zone~~ mixed use or industrial zones 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.

<sup>18</sup> Reserved.

<sup>19</sup> Reserved.

<sup>20</sup> Permitted as an accessory use for those products produced on premises and related products.

<sup>21</sup> TOD or pedestrian streets: prohibited use on the ground floor.

<sup>22</sup> Reserved.

<sup>23</sup> Reserved.

<sup>24</sup> Minimum floor area ratio: 2.0.

**Section 7.** EMC 19.06.070 is hereby amended as follows, with strikeout text deleted and underlined text added.

#### **19.06.070, Minimum lot area—Averaging in land divisions.**

In any formal subdivision within the 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 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.

**Section 8.** EMC 19.08.010 is hereby amended as follows, with ~~strikeout~~ text deleted and underlined text added.

**19.08.010 Intent, applicability, and 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 unit dwellings and any number of townhouses up to three stories in height, along with their accessory structures.~~

~~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~~

A. Purpose. 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.

B. Applicability. The standards in this chapter apply to the following:

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

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

C. Exceptions. The following are excepted from the requirements of this chapter:

a. 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).

b. Interior alterations which do not change the exterior appearance of the building and/or site.

c. 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, the development shall meet the parking requirements of this title, Chapter 19.34 EMC (Parking) and, as required, Chapter 19.35 EMC (Landscaping) and Chapter 19.33 EMC (Streets, Sidewalks and Pedestrian Circulation).

**Section 9.** EMC 19.08.020 is hereby amended as follows, with strikeout text deleted and underlined text added.

**19.08.020 Neighborhood Residential General Standards.**

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.

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

**Section 10.** EMC 19.08.030 is hereby amended as follows, with strikeout text deleted and underlined text added.

#### **19.08.030 Neighborhood Residential Site Design**

A. New dwelling units that include any façade within thirty feet of a public street right-of-way 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 landscaping area, 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 landscaping area or required setback area.

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

**Section 11.** EMC 19.08.040 is hereby amended as follows, with ~~strikeout~~ text deleted and underlined text added.

#### **19.08.040 Neighborhood Residential Building design standards**

A. Applicability. The design standards in this section apply to ~~front façades, side street façades, side interior façades, and rear façades~~ new dwelling units that include any façade within thirty feet of a public street right-of-way. ~~Fire walls, visible party walls, and side interior façades less than 5 feet from a shared lot line are exempt.~~

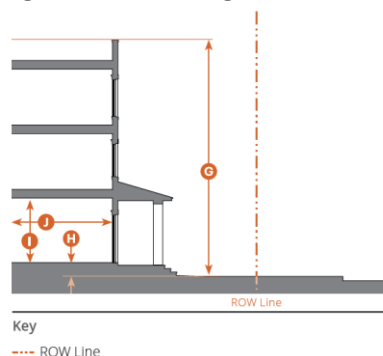
B. Facades, Ground Floor, Roofs, Exterior Stairs, and Transparency.

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.

2. Ground Floor

**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~~ 3. Roofs.

~~b~~ a. Roofs, excepting rooftop decks or flat roofs, must incorporate at least one of the following architectural elements in roof forms: 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.

~~3~~ 4. 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.

~~4~~ 5. 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.

## 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. 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.~~

**Section 12.** EMC 19.08.050 is hereby amended as follows, with strikeout text deleted and underlined text added.

### **19.08.050 Front porch and entrance 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.

~~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.~~

### 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**

<p>Key  <span style="color: red;">---</span> ROW/ Design Site Line    <span style="color: red;">---</span> Setback Line</p>	
Size	
Width, Clear	8' min. {A}
Depth, Clear	6' min. {B}
Height, Clear	8' min. {C}
Stories	2 stories max.
Finish Level above grade	12" min. <sup>1</sup> {D}
Pedestrian Access	3' wide min. {E}
Notes: <sup>1</sup> 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. <del>The porch is not required to be covered.</del> 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  <span style="color: red;">---</span> ROW/ Design Site Line      <span style="color: red;">---</span> Setback Line</p>	
<b>Size</b>	
Width, Clear	8' min. {A}
Depth, Clear	6' min. {B}
Height, Clear	8' min. {C}
Stories	2 stories max.
Finish Level above Grade	12" min. <sup>1</sup> {D}
Pedestrian Access	3' wide min. {E}
Encroachment Area of Building Façade	
Depth	6' max. {F}
Width	1/3 min. of overall building façade {G}
<b>Notes:</b> <sup>1</sup> 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.	

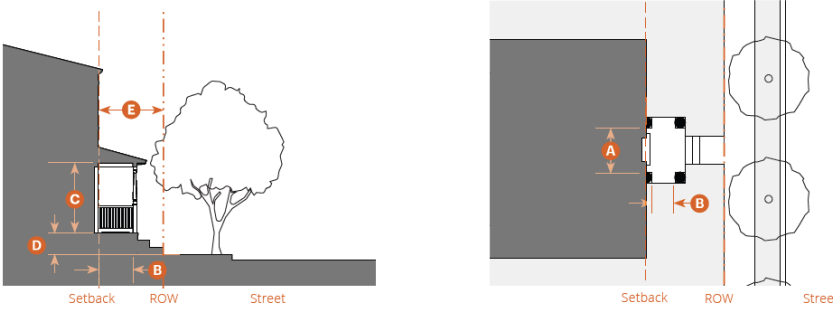
**6-E. Dooryard.** The main façade of the building is set back from the front or side street lot line, which is defined by a low wall or hedge, creating a small private area between the sidewalk and the façade. Each Dooryard is separated from adjacent Dooryards. The Dooryard may be raised or at grade.

**Table 8-3: Dooryard**

 <p>Key        --- ROW/ Design Site Line    ..... Setback Line</p>	
<b>Size</b>	
Depth, Clear	6' min. {A}
Length	8' min. {B}
Distance between Glazing	4' max. {C}
Pedestrian Access	3' wide min. {E}
Finish Level above grade	24" max. <sup>1</sup> {F}
Height of Dooryard Fence/Wall above Finish Level	36" max. {G}
<b>Notes:</b> <sup>1</sup> 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.	

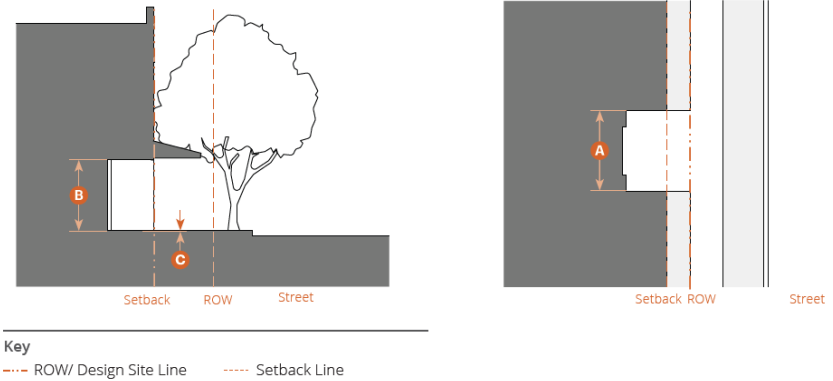
Ø- F. Stoop. The main façade of the building is near the front or side street lot line with steps to an elevated entry. The Stoop is elevated above the sidewalk to provide privacy along the sidewalk-facing rooms. Stairs or ramps from the Stoop may lead directly to the sidewalk or may be parallel to the sidewalk.

**Table 8-4: Stoop**

 <p>Key        --- ROW/ Design Site Line      --- Setback Line</p>	
<b>Size</b>	
Width, Clear	4' min. {A}
Depth, Clear	3' min. {B}
Height, Clear	8' min. {C}
Stories	1 story max. {C}
Finish Level above grade or sidewalk	12" min. {D}
Distance between façade and Lot Line	Required setback {E}
<b>Notes:</b> Stairs may be perpendicular or parallel to the building façade. Entry doors shall be covered or recessed to provide shelter from the elements. Doors shall face the street. The Stoop 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 Stoop.	

**E. G. 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**

	
<b>Size</b>	
Width, Clear	6' min. {A}
Height to Canopy/Ceiling, Clear	2.5 x Clear Width max.; min 9' {B}
Finish Level above grade	0" min.; 36" max. {C}
<b>Notes:</b> Entry doors shall be covered and/or recessed to provide shelter from the elements. Gates are not allowed. Entry doors shall face the street. Canopy, where provided, shall be at least as wide as the opening.	

**Section 13.** EMC 19.08.060 is hereby amended as follows, with ~~strikeout~~ text deleted and underlined text added.

#### **19.08.060 Attached garage requirements**

**A. Applicability.** The design standards in this section apply to new dwelling units that include any façade within thirty feet of a public street right-of-way.

**A B. Attached Garage Setbacks and ~~Lengths~~ Widths.** The purpose of these standards is to encourage residential character and lessen the visual prominence of garages along public street frontages where applicable.

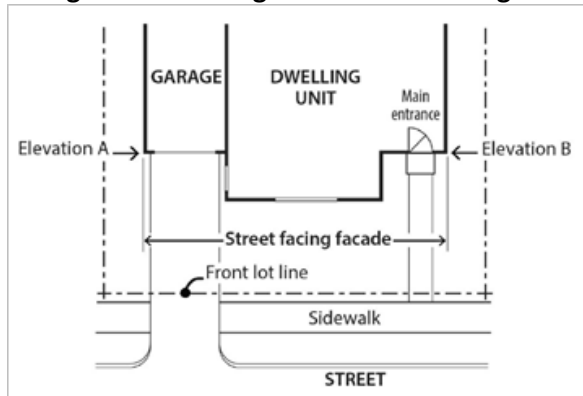
1. See Chapter 19.34 EMC for access and driveway requirements, including the requirement to obtain access from an alley if available.
2. Except along alleys, all garage wall facades facing the street shall be set back a minimum of five feet behind the ~~front~~ street-facing wall of the primary building mass.
3. The ~~length~~ width of the garage wall facade facing a public street may be up to fifty percent of the ~~length~~ width of the street-facing ~~dwelling unit~~ facade, except that a garage wall facade set back a minimum of twenty feet behind the ~~front~~ street-facing



facade of the dwelling unit is allowed a two-car-wide garage facade of up to twenty feet wide. (See Figure 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 8-2: Garage Setbacks and Lengths**



**Section 14.** EMC 19.08.110 is hereby amended as follows, with ~~strikeout~~ text deleted and underlined text added.

**19.08.110 Residential accessory buildings.**

The following requirements apply to all buildings which are accessory to residential uses ~~in the NR or NR-C zones:~~

A. Accessory buildings or uses may not be established until the principal dwelling or dwellings are constructed on the lot.

B. Use of Accessory Buildings.

1. Detached accessory buildings are limited to accessory uses.
2. The following spaces are allowed within a detached accessory building: bathrooms, hobby rooms, home occupations, home offices, recreation rooms, or laundry rooms. The following rooms are not allowed in accessory buildings: bedrooms, or kitchens.

C. General Standards. The following table is a summary of the standards required for residential accessory buildings:

**Table 8-6: 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.

Subject	Standard
	<p>I. Exceptions for Attached Garage. An attached garage constructed as an integral part of the dwelling is not included in this limitation. "Integral" means 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 and EMC 19.08.050 for front porch and entrance 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><del>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.</del></p>
2) Setbacks, Front and Side Street:	<p><del>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.</del></p> <p><del>b) See Chapter 19.06 EMC.</del></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</p>

Subject	Standard
	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  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.
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.

**Section 15.** EMC 19.09.010 is hereby amended as follows, with ~~strikeout text~~ deleted and underlined text added.

**19.09.010 Purpose and applicability.**

A. Purpose. The purpose of the requirements contained in this chapter is to:

1. Promote a broad range of housing and commercial opportunities in the city.
2. Encourage building design that combines appropriate, compatible architectural scale with streetscape design and pedestrian amenities;
3. 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 community.

B. Applicability.

1. The standards in this chapter apply to residential development within the UR4, UR7, MU4, MU7, MU15, MU25, and LI-MU zones.
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.~~ 3. 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.

~~3-4.~~ Mixed Developments. 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

~~4-5.~~ Future Phases. When residential development is proposed to be added as a later phase to an existing 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 LI-MU 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.

**Section 16.** EMC 19.09.050 is hereby amended as follows, with ~~strikeout~~ text deleted and underlined text added.

**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, community gathering, and social interaction. 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. Both indoor and outdoor areas are important for the livability of a residential property.

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. Amenity Space is required in the amounts stated below, based on unit size:

**Table 9-1: Amenity Space Area Requirements**

Unit Size	Area Required:
Studio, 1-bedroom, or sleeping unit	75 square feet per unit
2+ bedrooms	100 square feet per unit

3. Required Common Area.

For 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 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 four feet in any direction, no less than thirty-two square feet in area.

b. Common open space shall include area a minimum of twenty feet in any direction, and total no less than four hundred square feet in area. 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~~ amenity space shall be provided in accordance with the requirements of this chapter, minus the amount of ~~common area~~ amenity space 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 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% of total)			1,063
Outdoor Area (at least 50%)			531
Indoor Area (up to 50%)			531



Remaining amenity space to provide (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
Common Area Required (25% of total)			0
Outdoor Area (at least 50%)			0
Indoor Area (up to 50%)			0
Remaining Amenity Space to Provide (Private or Common Open Space)			3,875

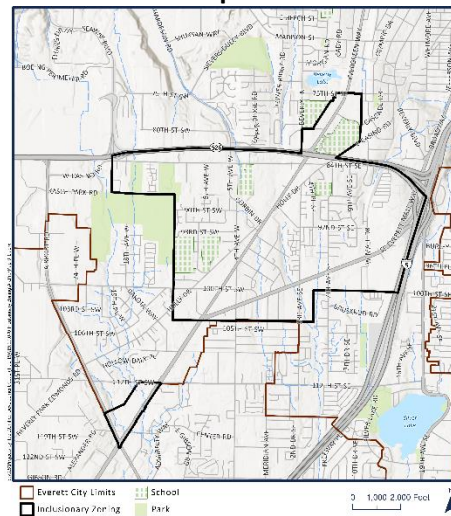
**Section 17.** EMC 19.09.070 which reads as follows

#### **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. The location of the affordable housing units shall be intermingled with all other dwelling units within the development, with no more than three affordable units next to each other.
- 2. The tenure (ownership or rental) of the affordable housing units shall be the same as the tenure for the rest of the housing units in the development.
- 3. The bedroom mix of affordable housing units in any project shall be in the same ratio as the bedroom mix of the market rate units of the project;
- 4. The floor area of the affordable housing units shall not be less than 90 percent of the average gross floor area of the market rate units within the project with the same number of bedrooms; and

5. The exterior materials, interior materials, and design of the affordable housing units must be comparable with the other dwelling units in the development, with similarity in building finishes, rooflines, and landscaping.

6. Construction of the affordable housing units shall be concurrent with the construction of market-rate dwelling units

F. Alternative compliance. The Planning Director may approve a request for satisfying all or part of the affordable housing requirements with a fee in lieu equal to fifteen dollars per square foot of gross floor area subject to this section. A fee in lieu under this subsection may be deferred under subsection EMC 19.09.070(G).

G. Deferred fee in lieu. A fee in lieu under subsection EMC 19.09.070(F) may be deferred until six months after a certificate of occupancy is issued for a dwelling unit subject to this section.

1. An applicant seeking a deferral under this subsection (G) may be required to grant and record a deferred fee lien against the property in favor of the city in the amount of the deferred fee. The deferred fee lien, which must include the legal description, tax account number, and address of the property, must also be:

a. In a form approved by the city;

b. Signed by all owners of the property, with all signatures acknowledged as required for a deed, and recorded in Snohomish County;

c. Binding on all successors in title after the recordation; and

d. Junior and subordinate to one mortgage for the purpose of construction upon the same real property granted by the person who applied for the deferral of impact fees.

2. Upon receipt of final payment of all deferred fees for a property, the county, city, or town must execute a release of deferred impact fee lien for the property. The property owner at the time of the release, at the property owner's expense, is responsible for recording the lien release.

3. The extinguishment of a deferred impact fee lien by the foreclosure of a lien having priority does not affect the obligation to pay the impact fees as a condition of final inspection, certificate 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.

is hereby repealed.

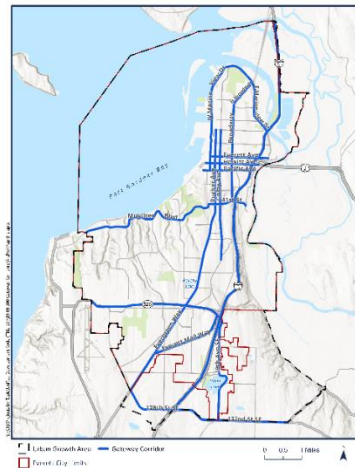
**Section 18.** EMC 19.09.300 is hereby amended as follows, with ~~strikeout~~ text deleted and underlined text added.

**19.09.300 Building design standards applicable to the LI and HI zones.**

A. Applicability. The following standards apply to development of properties located within the LI 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 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 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 LI 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.

**Section 19.** EMC 19.13.250 is hereby amended as follows, with strikeout text deleted and underlined text added.

**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.

**Section 20.** EMC 19.22.020 is hereby amended as follows, with strikeout text deleted and underlined text added.

**19.22.020 Heights for principal and accessory buildings**

A. *Maximum Building Heights.*

1. *Principal Buildings.* Maximum building heights for principal buildings are set forth in in Table 22-1 below. Maximum building heights may be modified in certain areas using overlays on the zoning map. A building must meet the standards in Table 22-1 (maximum feet) and any zoning overlay standard.

**Table 22-1: Maximum Building Heights**

Height standard	Zone											
	NRC	NR	UR4 <sup>1</sup>	UR7	MU4	MU7	MU15	MU25	LI-MU	LI	HI	AG
Intended Number of Floors	3	3	4	7	4	7	15	25	7	10	10	3
Maximum Feet	35'	35'	45'	75'	50'	80'	160'	260'	80'	100'	100' (2)	35'

<sup>1</sup> 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).

<sup>2</sup> 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		
	Neighborhood Residential	UR4	UR7
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. 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 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**

	Neighborhood Nodes	Community Hubs	Metro Everett	TOD Streets
Minimum Building Height	2 floors	3 floors	3 floors	4 floors <sup>(1)</sup>

<sup>(1)</sup> 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'.

**Section 21.** EMC 19.22.030 is hereby amended as follows, with strikeout text deleted and underlined text added.

**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~~ thirty-five 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.



**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
UR-7, MU-7, MU-15, LI-MU, LI	NR	50'	Height limited to height allowed in adjacent zone within 50' (Column C), then height can meet height of the development zone (Column A).
LI-MU	NR 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).
LI	NR 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).
HI	NR or NR-C	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- 5: Building Height Reduction Illustration**

<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 neighborhood residential zone without an alley. See EMC 19.06 for building setback requirements.</p>
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**Section 22.** EMC 19.25.040 is hereby amended as follows, with ~~strikeout text~~ deleted and underlined text added.

**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 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. 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.

**Section 23.** EMC 19.34.050 is hereby amended as follows, with strikeout text deleted and underlined text added.

**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 walking distance 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.

**Section 24.** EMC 19.34.060 is hereby amended as follows, with strikeout text deleted and underlined text added.

**19.34.060, Reductions to off-street Vehicle 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 using the review process described in EMC Title 15.

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. must demonstrate to the satisfaction of the planning director that a lesser standard is adequate.

3. A transportation demand management plan (see EMC 19.34.080) 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.

**Section 25.** EMC 19.34.100 is hereby amended as follows, with strikeout text deleted and underlined text added.

**19.34.100, Location of off-street Vehicle parking.**

A. Vehicle Parking Location—General Requirements for Residential Uses.

1. 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. 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. 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. 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.

**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. 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. 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.

**C. Vehicle Parking Location Requirements, Mixed-Use Centers.**

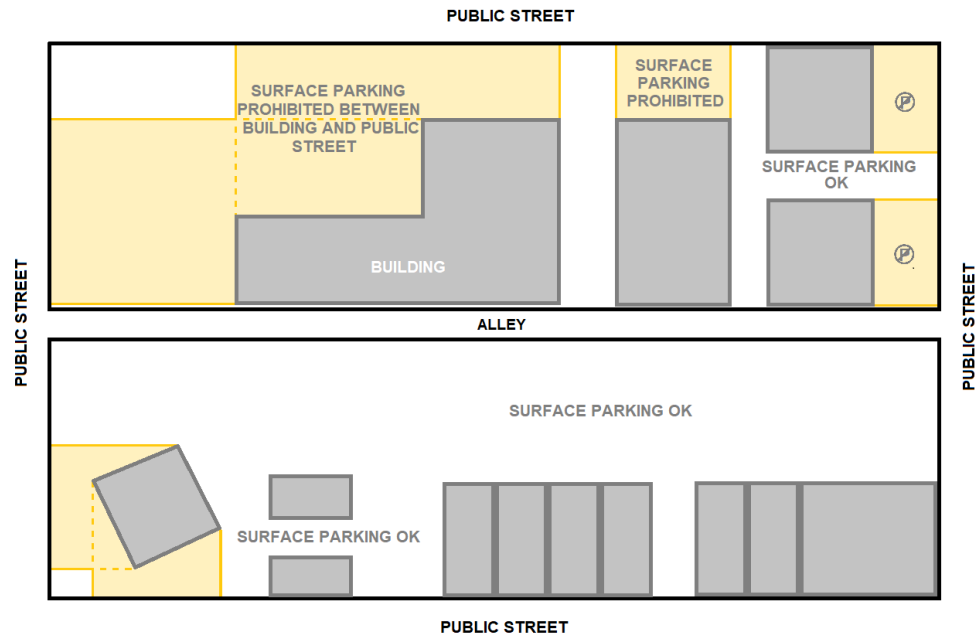
1. Separation of Surface Parking from Public Right-of-Way. All surface parking lots within Metro Everett shall have a minimum front setback of forty feet. For corner lots, the minimum setback from a street side lot line shall be five feet. Exception: within the LI-MU zone, the minimum front setback for 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.

D. Vehicle parking Location—Alley Requirements for ~~Multifamily and Nonresidential~~ Structured vehicle parking garages. Structured vehicle parking garages accessed from the rear with no internal turnaround shall be set back at least twenty-five feet from the far side of the alley, except as otherwise approved by city engineer.

E. Parking between buildings and streets. Surface parking lots shall not be located directly between a public street and a building unless another building is closer to the public street, as illustrated in Figure 34-2, except:

1. Residential zones in driveways meeting the standards of EMC 19.34.110; or
2. When vehicle parking is located completely below grade and any required landscaping is provided on top of the parking structure.

**Figure 34-2: Parking Prohibited Between Buildings and Streets**



**Section 26.** EMC 19.34.110 is hereby amended as follows, with strikeout text deleted and underlined text added.

**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 twenty feet of the ~~right-of-way abutting the front lot line~~ or within ten feet of the street side lot line shall not exceed thirty feet, or fifty percent of the lot frontage width, whichever is less. However, where a driveway is permitted, a minimum driveway width of ten feet will be allowed;

**Section 27.** EMC 19.34.120 is hereby amended as follows, with strikeout text deleted and underlined text added.

**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 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. Residential Dimensional exception. Existing, legally established vehicle parking spaces for residential development 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.

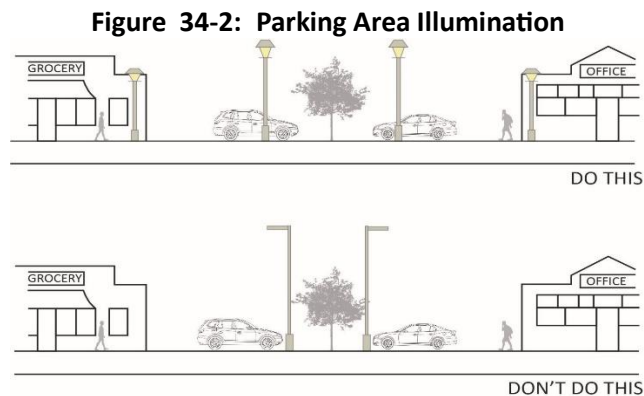
C. Landscaping and Screening. Landscaping and screening for parking lots shall be in accordance with the standards of Chapter 19.35. Parking of trucks or fleet vehicles is considered off-street parking for the purposes of calculating the parking lot interior landscaping required by Chapter 19.35 EMC.

D. Tandem and Lift Parking. 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.

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. Surface parking areas for residential uses with nine or more parking spaces 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.



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.

**Section 28.** EMC 19.34.170 is hereby amended as follows, with strikeout text deleted and underlined text added.

**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 nonresidential uses, a minimum of 2 long term and 2 short term bicycle spaces are required.

**Table 34-6 Bicycle Facilities, Required Counts**

Land Use	Long Term	Short Term	Mixed-Use Centers
<b>Residential</b>			
Day care (family home), childcare	1.0 per dwelling	2.0 per site; both must be oversize spaces	2 LT / dwelling 4 ST (can substitute secure area on plan)
Day or overnight care (family home), caring for adults	1.0 per dwelling unit	1.0 per dwelling unit	2 LT / dwelling 2 ST / dwelling

Dwelling unit, unless otherwise noted here	1.00 per dwelling unit	0.20 per dwelling unit, except none required for five or fewer dwellings on a lot	1.25 LT / dwelling 0.30 ST / dwelling (only required for 3 or more dwellings on a lot)
Dwelling, Co-Living, Dormitory, Emergency Housing, Secure Community Transition	.75 per sleeping unit or bed	.25 per sleeping unit or bed	1.0 LT / sleeping unit or bed 0.3 ST / sleeping unit or bed
Live-Work Units	1.00 per dwelling unit	0.50 per dwelling unit	1.50 LT / dwelling 0.75 ST / dwelling
Group housing, residential care facility, senior housing, or extended care facility, including independent living units in congregate care facility, convalescent or nursing homes	0.50 per bed	0.20 per bed	0.75 LT / bed 0.25 ST / bed
Permanent Supportive Housing	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)	As determined by planning director and city engineer, with no fewer than 0.1 per bedroom (2 minimum)	As determined by planning director and city engineer, with no less than 0.75 LT and 0.2 ST (3 each, minimum)
Short term rentals; hotels, motels	0.05 per rentable room <del>0.05 ST / rentable room, PLUS 0.20 ST / 1,000 sf for conference/meeting rooms</del>	0.05 per rentable room and 0.20 per 1,000 square feet of conference/meeting rooms	0.075 LT / rentable room 0.10 ST / rentable room, PLUS 0.35 ST / 1,000 sf for conference/meeting rooms
<b>Office, Retail, &amp; Restaurants</b>			
General or professional offices, incl. government uses	0.25 per 1,000 square feet	0.10 per 1,000 square feet	0.50 LT / 1,000 sf 0.25 ST / 1,000 sf

Retail stores & service, all forms not otherwise listed	0.25 per 1,000 square feet	0.25 per 1,000 square feet; at least 10% must accommodate oversize bicycles	0.50 LT / 1,000 sf 0.50 ST / 1,000 sf; at least 20% must accommodate oversize bicycles
Restaurants, bars	0.25 per 1,000 square feet	0.50 per 1,000 square feet	0.50 LT / 1,000 sf 1.0 ST / 1,000 sf
<b>Other Commercial, and Industrial</b>			
Clinics and Veterinary Clinics	0.10 per 1,000 square feet	0.25 per 1,000 square feet	0.25 LT / 1,000 sf 0.50 ST / 1,000 sf
Commercial Storage, enclosed	0.02 per 1,000 square feet	0.05 per 1,000 square feet; at least 50% of ST spaces must accommodate oversize bicycles	0.04 LT / 1,000 sf 0.10 ST / 1,000 sf (≥50% spaces accommodate oversize bikes)
Daycare, Commercial	0.075 LT per employee	0.05 ST per child peak attendance; at least 25 percent must accommodate oversize bicycles	0.15 LT/employee; 0.1 ST/child (≥30% must accommodate oversize bicycles)
Dismantling & Impound Yard; Outdoor Storage; Heliport; Marine Terminal; Railyard	0.25 per 1,000 square feet of office space	1.0 per site	0.50 LT / 1,000 sf of office space none beyond 3 ST
Entertainment and recreation, indoor – theaters, gathering halls	1 per 1,000 square feet, or 0.02 per seat	1.25 per 1,000 square feet, or 4% of projected max attendance	4 LT / 1,000 sf or 0.04 LT / seat; 2.5 per 1000 sf, or 8% of projected max attendance
Entertainment and recreation, indoor – all others	0.5 per 1,000 square feet	0.75 per 1,000 square feet	0.75 LT / 1,000 sf; 1.5 ST / 1000sf
Entertainment and recreation, outdoor, and major event venues	Per planning director and city engineer	Per planning director and city engineer	Per planning director and city engineer
Manufacturing & Production, light or heavy	0.067 per 1,000 square feet	0.05 per 1,000 square feet	0.13 LT / 1,000 sf 0.1 ST / 1,000 sf

Vehicle & Equipment sales, repair, and rental (light and heavy)	0.25 per 1,000 square feet of office space	0.1 per 1,000 square feet of building area	0.50 LT / 1,000 sf of office space 0.2 / 1,000 sf of enclosed space
Warehouse & Freight terminal	0.025 per 1,000 square feet	0.01 per 1,000 square feet	0.05 LT / 1,000 sf 0.02 / 1,000 sf
Public and Institutional			
Community Service & Civic Centers not otherwise described	0.05 per employee	0.25 per 1,000 square feet	0.15 LT / employee 0.50 ST/1000sf.
Community Club/Center; Private Clubs and Lodges	0.25 LT / 1,000 sf	0.25 per 1,000 square feet	0.50 LT / 1,000 sf 0.50 ST/1000sf.
Hospitals	Per planning director and city engineer	Per planning director and city engineer	Per planning director and city engineer
Libraries	0.05 LT / employee	0.25 per 1,000 square feet	0.15 LT / employee 0.50 ST/1000sf.
Museums	0.05 LT / employee	0.25 per 1,000 square feet	0.15 LT / employee 0.50 ST/1000sf.
Parks	Per planning director and city engineer	Per planning director and city engineer	Per planning director and city engineer
Places of Worship	0.1 LT / 1,000 sf	0.4 per 1,000 square feet	0.2 LT / 1,000 sf 0.8 ST/1000sf.
Schools, K-12 and College	Per planning director and city engineer	Per planning director and city engineer	Per planning director and city engineer

**Section 29.** EMC 19.35.020 is hereby amended as follows, with ~~strikeout~~ text deleted and underlined text added.

**19.35.020, Purpose.**

The purpose of this chapter is to

- A. enhance compatibility between land uses and zones;
- B. support compact development;
- C. new development is compatible and graceful transitions between differing land use densities, intensities, and uses.;
- D. screen undesirable views which have a blighting effect upon adjoining streets and properties;
- E. provide a visual buffer and physical separation between land uses of varying intensities on abutting properties;

- F. 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;
- G. minimize the impacts of noise, light and glare;
- H. reduce urban heat island effects through development, building, and infrastructure design;
- I. provide privacy;
- J. reduce dust;
- K. reduce the visual monotony of large expanses of paved parking lots;
- L. implement the policies of the Everett general plan;
- M. reduce stormwater runoff and pollution of surface waters, reduce erosion and sedimentation;
- N. conserve energy;
- O. aid in regulating vehicle circulation; and
- P. retain existing natural vegetation and protect and preserve urban wildlife habitat;.
- Q. support ecological health, enhance habitat connectivity for native plants and wildlife
- R. 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.
- S. strive to achieve a “greener” character over time, reflecting the spectacular natural landscape within and surrounding the City of Everett;
- T. expand the city’s overall tree canopy;
- U. 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~~ crime prevention through environmental design features;
- V. 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
- W. buffer between designated ~~MICs~~ Manufacturing Industrial Centers and adjacent residential or mixed-use areas to protect both the viability of long-term industrial operations and the livability of adjacent areas.

**Section 30.** EMC 19.35.060 is hereby amended as follows, with strikeout text deleted and underlined text added.

**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
UR4; UR7	A
MU4; MU7; MU15; MU25; LI-MU	B
HI	C
LI	D
NR; NR-C; AG	E <sup>(4)</sup>

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.

D. *Application of Type IV Landscaping.* Type IV landscaping shall be used in the following circumstances:

1. All uses which are indicated as requiring Landscape Category E in the use-standards tables of individual zones.
2. All interior portions of lots which are not developed with buildings, parking area and uses and which are not regulated by subsection (A) of this section, or EMC 19.35.080 or 19.35.090, or by other more specific landscape regulations contained in this title.

**Table 35-2: Perimeter Landscape Standards**

Street Frontage <sup>(1)</sup>			Interior Lot Lines <sup>(2)</sup>		
<sup>1</sup> -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.			<sup>2</sup> -Interior lot lines which do not abut an alley.		
Landscape Category	Type	Width of Landscaping	Abutting Zone	Type	Width of Landscaping

<b>Street Frontage<sup>(1)</sup></b> <sup>1</sup> -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.			<b>Interior Lot Lines<sup>(2)</sup></b> <sup>2</sup> -Interior lot lines which do not abut an alley.		
A	III Ornamental	10 feet or distance between lot line and building, whichever is less <sup>(3)</sup> <sup>3</sup> -See EMC 19.35.080 for landscaping requirements for off-street parking and outdoor display areas.	NR and NR-C	II See-Through Buffer	10 feet or distance between building and lot line, whichever is less
			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 <sup>(3)</sup> <sup>(11)</sup> <sup>(3)</sup> <sup>3</sup> -See EMC 19.35.080 for landscaping requirements for off-street parking and outdoor display areas.  <sup>11</sup> -Tree standards for streets designated TOD, pedestrian and connector	Residential <sup>(5)</sup> <sup>5</sup> - <del>AG, NR-C, NR, UR4, UR7 zones.</del>	I Visual Screen	10 feet
			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 <sup>(3)</sup> <sup>(8)</sup> <sup>(10)</sup> <sup>3</sup> -See EMC 19.35.080 for	Residential <sup>(5)</sup> <sup>5</sup> - <del>AG, NR-C, NR, UR4, UR7 zones.</del>	I Visual Screen	25 feet
			Mixed use <sup>(6)</sup> <sup>(11)</sup> <sup>6</sup> -MU4, MU7, MU15, MU25 zones. <sup>11</sup> -Tree standards for streets designated TOD, pedestrian and connector	III Ornamental	10 feet



<b>Street Frontage<sup>(1)</sup></b> <sup>1</sup> -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.			<b>Interior Lot Lines<sup>(2)</sup></b> <sup>2</sup> -Interior lot lines which do not abut an alley.		
		landscaping requirements for off-street parking and outdoor display areas. <sup>3</sup> -See EMC 19.35.110 for additional requirements in LI zone. <sup>10</sup> -The minimum landscape width for off-street parking areas abutting street right-of-way shall be fifteen feet.	<b>Industrial <sup>(7)</sup></b> <sup>7</sup> LI-MU, LI and HI zones.	<b>III Ornamental</b>	5 feet
D	III Ornamental	20 feet or distance between building and lot line, whichever is less <sup>(3)</sup> <sup>(8)</sup> <sup>(10)</sup>  <sup>3</sup> -See EMC 19.35.080 for landscaping requirements for off-street parking and outdoor display areas. <sup>8</sup> -See EMC 19.35.110 for additional requirements in LI zone. <sup>10</sup> -The minimum landscape width for off-street parking areas abutting street right-of-way shall be fifteen feet.	<b>Residential <sup>(5)</sup></b> <sup>5</sup> -AG, NR-C, NR, UR4, UR7 zones.	<b>I Visual Screen</b>	25 feet
			<b>Others</b>	<b>II See-Through Buffer</b>	15 feet
E	IV Lawn/Soil Stabilizing	<sup>(9)</sup> <sup>9</sup> -See subsection (D) of this section for application of Category IV landscaping.	All zones	IV Lawn/Soil Stabilizing	<sup>(9)</sup> <sup>9</sup> -See subsection (D) of this section for application of Category IV landscaping.

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 ~~Repealed by Ord. 4102-25.~~ Landscape category B for permitted nonresidential uses

5 AG, NR-C, NR, UR4, UR7 zones.

6 MU4, MU7, MU15, MU25 zones.

7 LI-MU, LI and HI zones.

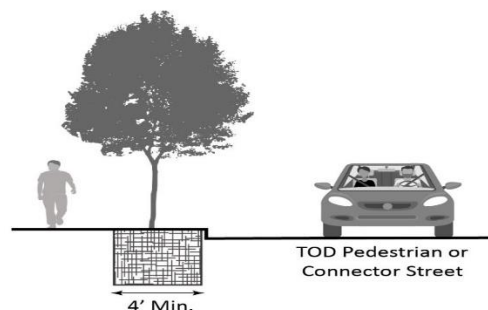
8 See EMC 19.35.110 for additional requirements in LI zone.

9 See subsection (D) of this section for application of Category IV landscaping.

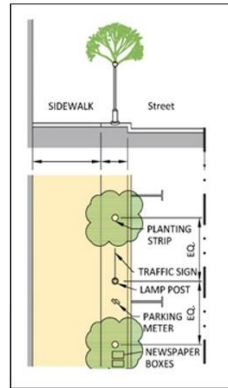
10 The minimum landscape width for off-street parking areas abutting street right-of-way shall be fifteen feet.

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 Streetscapes**



**Section 31.** EMC 19.35.090 is hereby amended as follows, with strikeout text deleted and underlined text added.

**19.35.090, Special landscape requirements applicable to neighborhood residential zone.**

A. In addition to providing landscaping pursuant to Tables 35-1 and 35-2, trees are required within eight feet of the front and side streets. Trees shall be two inches in diameter at 4.5 feet in height, planted every twenty feet on center.

~~C~~ B. 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.

**Section 32.** EMC 19.38.040 is hereby amended as follows, with strikeout text deleted and underlined text added.

**19.38.040, Substandard lots—Nonconforming lots.**

This section addresses lots that do not meet minimum lot area and/or dimensional requirements of this title, and lots that have been created or altered prior to there being a formal land division requirement in the city. This section also addresses how such lots may be considered legal lots for zoning purposes.

A. ~~R-S, R-1 and R-2 NR and NR-C Zones.~~ NR and NR-C Zones. In the ~~R-S, R-1 and R-2 NR and NR-C~~ zones, subject to other limitations imposed by other provisions of this title, ~~a single-family one~~ one dwelling may be erected on any single "lot" as defined in this title. A lot shall meet the following criteria, as applicable:

1. A lot created via the subdivision process of Chapter 58.17 RCW;
2. A lot which was created prior to December 1, 1956;
3. Any lot which met minimum lot area requirements under the regulations or standards of Snohomish County prior to annexation or incorporation into the city of Everett; and
4. A lot reduced below minimum zoning requirements as a result of public acquisition of property.

B. Substandard Lots—~~Multifamily, Commercial and Industrial~~ Other Zones. Any substandard lot may be used for any of the uses permitted in the respective zone, subject to the special regulations and end notes in Chapter 19.05 EMC, and in accordance with the review process and general evaluation criteria in EMC Title 15 and all other regulations including minimum yards, provided:

1. All such lots shall meet the definition of “nonconforming lot” as defined in this title and shall not have been merged or otherwise created illegally.
2. Commercial or industrial lots which have been created through the binding site plan process are exempt from this section.
3. The use complies with all other requirements of this title.

C. Substandard Lots—Merger Clause. The following applies to substandard lots in the R-S, R-1 and R-2 zones which otherwise meet the criteria in subsection (A) of this section:

1. If two or more substandard lots or a combination of lots or substandard lots and portion(s) of lots and substandard lots are contiguous and were acquired by common conveyance prior to the above dates, or which have been legally combined at any time subsequent to the above dates, and if all or part of the lots do not meet the requirements established for minimum lot area and width, the lands involved shall be merged and considered to be a single undivided lot. No portion of the lot shall be used, altered or sold in a manner which diminishes compliance with lot area and width requirements, nor shall any division of any such lot be made which creates a lot with area or width below the requirements permitted by this chapter.
2. If two or more substandard lots or a combination of lots or substandard lots and portions of lots or substandard lots are contiguous and a structure is constructed on or across the lot line(s) which make the lots contiguous, then the lands involved shall be merged and considered to be a single undivided lot. No portion of said lot shall be used, altered or sold in any manner which diminishes compliance with lot area or width requirements, nor shall any division be made which creates a lot with area or width below the requirements permitted by this title.

For purposes of this section, “structure” means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on

the ground and includes, but is not limited to, houses, garages, carports and accessory structures.

**Section 33.** EMC 19.39.030 is hereby amended as follows, with strikeout text deleted and underlined text added.

**19.39.030 Garbage receptacles, dumpsters and recycle bins—placement and screening.**

~~The following requirements apply in all areas except single-family zones:~~

A. Placement. Garbage receptacles, dumpsters, and recycle bins ~~shall be provided in all multifamily, commercial, industrial and institutional developments and~~ shall not be located in a required front yard setback area, or street side setback area for corner lots. Where an alley abuts a lot in any zone, the garbage receptacles, dumpsters, or recycle bin shall be located adjacent to the alley.

B. Screening. All garbage receptacles, dumpsters and recycle bins must be screened from view from the street and from adjacent properties. This screening may be done using dense vegetation or by placing the dumpster or recycle bin in a structural enclosure.

**Section 34.** EMC 19.39.050 is hereby amended as follows, with strikeout text deleted and underlined text added.

**19.39.050 Outdoor use, activity and storage**

A. Residential Zones. Uses and activities normally associated with a residential use are allowed in a residential zone. The outdoor storage of firewood may not be located within front setback areas but may be located in other required setback areas.

B. Commercial and Industrial Zones.

1. General. Subject to the requirements of subsections (B)(2) through (6) of this section, the uses and activities that are allowable on a site in commercial and industrial zones may be conducted out of doors unless individual zones of this title limit outside activity for a particular use in a particular zone. Where there is a conflict in requirements in this chapter and elsewhere in this title, the more restrictive requirements shall apply.

2. Site Plan. The applicant shall submit a site plan for approval by the planning department. The site plan shall be accompanied by an application form provided by the planning department and shall include all information requested on the application form.

3. Specific Use and Development Requirements. The city will review an application for outdoor use, activity and storage using the appropriate review process for the principal use. If the principal use is established, the review process described in EMC Title 15, Local Project Review Procedures, shall be used. The review authority will make a decision based upon the following standards:

- a. All outdoor use, activity and storage areas must comply with setback requirements for the primary use.
- b. A solid sight-obscuring fence or other appropriate screening approved by the planning department is required around the outside edges of the area devoted to the outdoor use, activity or storage. The height of outdoor storage abutting public streets or residential zones shall not be higher than the height of the screen device approved by the planning department.
- c. Except in the LI2 zone, outdoor use, activity or storage areas located adjacent to property in the same zone may be located in the required interior side and rear setback yards. All outdoor use, activity and storage areas located adjacent to residential zones must meet required setbacks for the primary use.
- d. When gross floor area or lot coverage requirements are applicable, an outdoor use, activity or storage area will be used in calculating the permitted gross floor area or lot coverage of a use or development if this area will be used as an outdoor use, activity or storage area for at least two months in every year.
- e. If located on an unimproved area of the site, the underlying ground must be improved as required by the department of public works.

4. Exceptions to Outdoor Use, Activity or Storage. The following outdoor uses and activities, when located in commercial and industrial zones, are exempt from the requirement of this subsection as stated below:

- a. Exceptions to subsections (B)(3)(a) through (d) of this section; provided, that a temporary certificate of occupancy from the building department is obtained:

- (1) Outdoor Christmas tree lots and fireworks stands if these uses will not exceed forty-five days.

- (2) Outdoor amusement rides; carnivals and circuses; and parking lot sales which are ancillary to the indoor sale of the same goods and services if these uses will not exceed ten days.

- b. Exception to subsections (B)(3)(a) and (b) of this section:

- (1) Outdoor dining areas, where permitted.

- (2) Outdoor display of vehicles for sale or lease; provided, that they meet all of the standards of EMC 19.35.080.

5. Modification. The applicant may request a modification of the requirements of subsections (B)(2) through (4) of this section by submitting a written request with their site plan to the planning director for review. The planning director may approve a modification using the review process as described in EMC Title 15, Local Project Review Procedures, if:

- a. The modification will not create a greater impact on any nearby residential use than would be created without the modification; and
- b. The modification will not detract from the character of nearby uses; and
- c. The modification will not be injurious to public health, safety or welfare; and
- d. The modification is consistent with the policies of the Everett general plan; and
- e. Landscaping or other means of screening is provided to reduce the visual impact of the outdoor use, activity or storage areas on surrounding properties and public right-of-way.

6. Appeals of Outdoor Use, Activity and Storage Modification Requests. The planning director's determination may be appealed as provided for in EMC Title 15, Local Project Review Procedures, for the applicable review process.

**Section 35.** EMC 19.40.010 is hereby amended as follows, with strikeout text deleted and underlined text added.

**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 twenty feet of the 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 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~~ twenty feet of the front lot line 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 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 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 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. Mixed-Use and Industrial Zones. Fences in 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 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.

**Section 36.** A new chapter is added to Title 19 EMC as follows:

**CHAPTER 19.54 INCLUSIONARY ZONING**

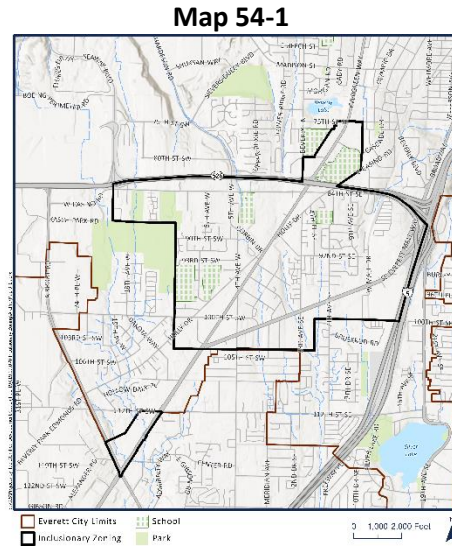
**19.54.010 Purpose.**

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.



### 19.54.020 Applicability

Inclusionary housing requirements shall apply to new residential development under this chapter within the area indicated in Map 54-1.



### 19.54.030 Exemptions and reductions.

A. Inclusionary zoning requirements under this section are waived for:

1. Projects resulting in fewer than six dwelling units.
2. Projects subject to a development agreement.

B. 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.

### 19.54.040 Requirements.

A. For dwelling units intended for rent:

1. At least twenty percent of the dwelling units must be affordable to households whose income is at or below eighty percent of the median household income for Snohomish County, adjusted for household size; and
2. Of the affordable dwelling units required under subsection (A)(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;

B. For dwelling units intended for owner occupancy:

1. At least twenty percent of the units affordable to households whose income is at or below one hundred percent of the median household income for Snohomish County, adjusted for household size;

C. 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.

**19.54.050 Review process.**

A. 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. The location of the affordable housing units shall be intermingled with all other dwelling units within the development, with no more than three affordable units next to each other.
2. The tenure (ownership or rental) of the affordable housing units shall be the same as the tenure for the rest of the housing units in the development.
3. The bedroom mix of affordable housing units in any project shall be in the same ratio as the bedroom mix of the market rate units of the project;
4. The floor area of the affordable housing units shall not be less than 90 percent of the average gross floor area of the market rate units within the project with the same number of bedrooms; and
5. The exterior materials, interior materials, and design of the affordable housing units must be comparable with the other dwelling units in the development, with similarity in building finishes, rooflines, and landscaping.
6. Construction of the affordable housing units shall be concurrent with the construction of market-rate dwelling units

**19.54.060 Alternative compliance – fee in lieu.**

The Planning Director may approve a request for satisfying all or part of the affordable housing requirements with a fee in lieu equal to fifteen dollars per square foot of gross floor area subject to this section. A fee in lieu under this subsection may be deferred under subsection EMC 19.54.070.

A. For rental dwelling units, the fee in lieu under this section is equal to fifteen dollars per square foot of gross floor area subject to this section.

B. For ownership dwelling units, the fee in lieu under this section is equal to nine dollars per square foot of gross floor area subject to this section. The reduced fee in lieu granted under this

subsection shall be conditioned to ensure compliance with the provisions of this section using any one of the following methods:

1. The applicant records a covenant approved by the planning director to assure owner occupancy. At a minimum, the covenant must require owner occupancy of each dwelling unit subject to this subsection for a period of twelve years and require that, if the property is converted to a rental, the property owner must pay the applicable difference between the fee in lieu for dwelling units intended for rent and the fee in lieu for dwelling units intended for owner occupancy in effect at the time of conversion or in effect at the time of construction, whichever is greater. Covenants required by this subsection must be recorded with the Snohomish County auditor.
2. The applicant enters into an agreement with the city under which no individual or entity may purchase from the applicant more than one dwelling unit. An "entity" includes any firm, company, trust, estate, partnership, limited liability company, corporation, joint venture, association or society. Entities with a common owner may collectively purchase only one dwelling unit from the applicant.
3. The applicant proposes, and the Planning Director approves, an alternate method of ensuring owner occupancy

C. Beginning January 1, 2027, and each January 1 thereafter, the fee in lieu rates under this section shall be adjusted based on the percentage change in the Seattle-Tacoma-Bellevue Consumer Price Index for All Urban Consumers ("CPI-U") for the previous 12-month period or an equivalent consumer price index if CPI-U is no longer published.

#### **19.54.070 Deferred fee in lieu.**

A fee in lieu under subsection EMC 19.54.060 may be deferred until six months after a certificate of occupancy is issued for a dwelling unit subject to this section.

A. An applicant seeking a deferral under this subsection (G) may be required to grant and record a deferred fee lien against the property in favor of the city in the amount of the deferred fee. The deferred fee lien, which must include the legal description, tax account number, and address of the property, must also be:

1. In a form approved by the city;
2. Signed by all owners of the property, with all signatures acknowledged as required for a deed, and recorded in Snohomish County;
3. Binding on all successors in title after the recordation; and
4. Junior and subordinate to one mortgage for the purpose of construction upon the same real property granted by the person who applied for the deferral of impact fees.

B. Upon receipt of final payment of all deferred fees for a property, the county, city, or town must execute a release of deferred impact fee lien for the property. The property

owner at the time of the release, at the property owner's expense, is responsible for recording the lien release.

C. The extinguishment of a deferred impact fee lien by the foreclosure of a lien having priority does not affect the obligation to pay the impact fees as a condition of final inspection, certificate of occupancy, or equivalent certification, or at the time of closing of the first sale.

**19.54.080 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.

**Section 37.** 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 38.** 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:



City Clerk

PASSED: 1/21/2026

VALID: 01/23/2026

PUBLISHED: 1/27/2026

EFFECTIVE: 2/7/2026

# Ordinance No. 4156-26

Final Audit Report

2026-01-23

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