An Ordinance Amending City Regulations including Administration and Personnel, Revenue and Finance, Health and Safety, Streets and Sidewalks, Buildings and Construction, Land Divisions, Zoning Code, Environment, and Traffic to be Consistent with New Development Regulations to Implement the Metro Everett Subarea Plan, and Revising Ordinances in Accordance with Sections 1 – 75 of this Ordinance

WHEREAS, the Planning Commission recommended (Planning Commission Resolution No. 18-05) amending the Zoning Code (Everett Municipal Code (EMC) Title 19) to adopt new development regulations – Chapter 19, Metro Everett Uses and Chapter 20, Metro Everett and Core Residential Area Development Standards, to implement the Metro Everett Plan; and

WHEREAS, the amendments to the Zoning Code will require additional amendments to Titles 2 Administration and Personnel, Title 3 Revenue and Finance, Title 8 Health and Safety, Title 13 Streets and Sidewalks, Title 16 Buildings and Construction, Title 18 Land Divisions, Title 19 Zoning Code, Title 20 Environment, and Title 46 Traffic of the EMC for consistency; and

WHEREAS, the Planning Commission conducted public briefings on April 17, 2018 and May 15, 2018, to discuss and consider potential amendments to titles of the EMC pertaining consistency with development regulations adopted to implement the Metro Everett Subarea Plan; and

WHEREAS, public notice and opportunity to comment on these amendments was provided through electronic and mail notice to interested parties, a legal notice of public hearing published in the Everett Herald on May 16, 2018, notice to the Washington State Department of Commerce on May 14, 2018, and a public hearing held by the Planning Commission on June 5, 2018 with testimony continued to June 19, 2018; and

WHEREAS, the City Council held a public hearing on August 29, 2018 to consider public input; and

WHEREAS, EMC 19.41.170(C) provides for amendment of the Zoning Code (Title 19) when it finds that: 1) the proposed amendment is consistent with the applicable provisions of the Everett general plan; and 2) the proposed amendment bears a substantial relation to public health, safety or welfare; and 3) the proposed amendment promotes the best long term interests of the Everett community; and

WHEREAS, the proposed amendments to the titles of the EMC are consistent with goals in the Growth Management Act; and
WHEREAS, the proposed regulations will not create a probable significant adverse environmental impact under the City’s SEPA policies, EMC Chapter 20.04; and

WHEREAS, the proposed amendments will ensure the titles of the EMC will be consistent with development regulations adopted to implement the Metro Everett Subarea Plan, Chapter 19, Metro Everett Uses and Chapter 20, Metro Everett and Core Residential Area Development Standards; and

WHEREAS, the proposed amendments are consistent with the applicable provisions of the Everett general plan; and

WHEREAS, the proposed amendments bear a substantial relation to public health, safety or welfare; and

WHEREAS, the proposed amendments promote the best long term interests of the Everett community.

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

[Proposed changes are shown with a vertical bar in the left hand margin; words struck through are proposed for deletion; words that are underlined are proposed additions.]

Section 1. Section 16 of Ordinance 1736-90, as amended, (Administration and Personnel, Planning Commission, Planning Commission appeals, EMC 2.20.160), is hereby repealed.

Section 2. Section 17 of Ordinance 1736-90, as amended (Administration and Personnel, Planning Commission, Planning Commission Design review, EMC 2.20.170), is hereby repealed.

Section 3. Section 7 of Ordinance 2347-98, as amended (Multifamily Housing Property Tax Exemption, EMC 3.78.070.D), is amended to read as follows:

3.78.070 Tax exemption for multifamily housing in residential targeted areas.

D. Project Eligibility. A proposed project must meet the following requirements for consideration for a property tax exemption:

1. Location. The project must be located within the residential targeted area as designated pursuant to Section 3.78.150.

   a. Tenant Displacement. If the property proposed to be rehabilitated is not vacant prior to application, an applicant must provide each existing tenant housing of comparable size, quality, and price and a reasonable opportunity to relocate.
   b. Building Code Deficiency. Existing dwelling units proposed for rehabilitation must fail to comply with one or more requirements of the State Building Code as adopted by the city or the International Property Maintenance Code as adopted by the city as each are set forth in EMC Title 16.

3. Size. The project must include a minimum of:
a. Eight multifamily housing units in the downtown urban center, twenty multifamily housing units in the E-1 MUO urban centers, and twenty multifamily housing units in the North Broadway urban center or the Waterfront Place urban center; or  
b. Eight units of rehabilitated multifamily housing; provided, that conversion of buildings originally constructed as single-family dwellings to multiple-family dwellings shall not be eligible for the property tax exemption provided herein; and further provided, that existing multifamily housing that has been vacant for twelve months or more does not have to provide additional units so long as the project provides at least eight units of rehabilitated multifamily housing.

4. Permanent Residential Housing. At least fifty percent of the space designated for multifamily housing must be provided for permanent residential occupancy, as defined in Section 3.78.030(J), and only that portion of the space designated for multifamily housing shall be eligible for the exemption provided for herein.

5. Proposed Completion Date. New construction multifamily housing and rehabilitation improvements must be completed within three years from the date of approval of the application, plus any extension of time granted under Section 3.78.090(B).

6. Compliance with Guidelines and Standards. The project must be designed to comply with the city’s comprehensive plan, building, housing and zoning codes, design guidelines, and any other applicable regulations in effect at the time the applicant submits a fully completed application to the director. For the duration of the exemption granted under this chapter, the property shall have no violations of applicable zoning requirements, land use regulations, or building and housing ordinance requirements for which a notice of violation has been issued and is not resolved by compliance, withdrawal or other final resolution. The project must also comply with any other standards and guidelines adopted by the city for the residential targeted area in which the project will be developed.

7. Off-Street Parking.
   a. The project must provide all required parking spaces on site, unless otherwise specifically authorized by the city council as a pilot program or demonstration project, or as may be allowed by a master plan adopted under the Institutional Overlay Zone as provided by Chapter 19.33B, or as may be allowed by a master plan adopted under the Planned Development Overlay Zone as provided by Chapter 19.29.
   b. The parking requirements for multiple-family dwellings of the Everett zoning code are applicable to multifamily residences provided for in this chapter, except as may be allowed by a master plan adopted under the Institutional Overlay Zone as provided by Chapter 19.33B, or as may be allowed by a master plan adopted under the Planned Development Overlay Zone as provided by Chapter 19.29.
   c. The term “parking spaces on site” means that all the parking required under applicable city codes and requirements shall be off-street parking and provided on the property subject to the application for tax exemption hereunder or on any contiguous parcel owned by the applicant and not separated by a street, alley, other public right-of-way, or property not owned by the applicant. The planning director may authorize the parking area for a multifamily residence which is subject to the application for tax exemption hereunder to be located on a contiguous parcel which is separated from the multifamily residence site by an alley, if topographic, environmental or space constraints prevent vehicle parking and maneuvering from being placed on the location otherwise required by this chapter. In approving the on-site parking on any parcel contiguous to the multifamily residence site, including any approved parcel separated by an alley, the planning director shall require the owner to execute and record a covenant running with the land, acceptable to the city attorney, dedicating such parking area to parking use, to terminate only in the event that the owner’s use which created the need for the parking on the
owner’s property is abandoned, discontinued or otherwise terminated, or the owner provides parking in a contiguous alternate location which is acceptable to and approved by the city.

8. Building Materials. The planning director shall have the authority to, in consultation with the building official, promulgate minimum standards for the quality of building materials to be used on projects seeking the property tax exemption.

9. Design Requirements within the Downtown Area.
   a. A project outside the B-3UM zone, and any project in the B-3UM zone that does not otherwise use at least two bonus elementspublic benefits provided in Section 19.22.020(E)19.20.440 to qualify for floor area ratio or building height bonuses, shall include one bonus elementpublic benefit provided in Section 19.22.020(E)19.20.440 for each ten dwelling units or portion thereof, up to a maximum of three bonus elementspublic benefits. Any bonus elementpublic benefit constituting a use that is not otherwise permitted in the zone in which the property is located may not be used to satisfy this requirement.
   b. Projects in the B-3UM zone that use at least two of the bonus elementspublic benefits in Section 19.22.020(E)19.20.440 to qualify for floor area ratio or building height bonuses shall provide one additional bonus elementpublic benefit provided in Section 19.22.020(E)19.20.440 for each twenty dwelling units or portion thereof, up to a maximum of three additional bonus elementspublic benefits, unless the director determines that it is infeasible and the building otherwise provides high quality architectural design and building materials.
   c. As an alternative to the bonus elementspublic benefits provided in subsection (D)(9)(a) or (D)(9)(b) of this section, the applicant may propose other design elements that enhance the livability of the project and/or the city’s urban center. Such proposals shall be subject to approval by the planning director, and the director shall have the authority to require changes to the proposed alternative to promote design quality and further the goals and objectives of the downtown plan. Such improvements or design measures must be in addition to the requirements of the city’s zoning, building or housing codes, including but not limited to:
      (1) Special treatment or use of specific architectural elements on building facades;
      (2) Special emphasis to accentuate building entrances;
      (3) Special treatment to enhance the streetscape;
      (4) Special treatment of building lobbies or foyers for the comfort, convenience and safety of residents;
      (5) Cleaning, repair, painting, or other functional improvements to existing buildings;
      (6) Removal of nonconforming signs from buildings or lots;
      (7) Preservation and/or restoration of historical elements of existing buildings in accordance with the Secretary of the Interior’s standards for historic buildings;
      (8) Special design treatment to promote or enhance compatibility with the function, design or location of improvements on surrounding properties.

10. Design Requirements within the E-1 MUO (Mixed Use Overlay) Zone and the North Broadway Urban Center.
   a. A multiple-family housing development within the E-1 MUO (Mixed Use Overlay) zone or the North Broadway urban center with a minimum of twenty dwelling units shall be eligible for the property tax exemption as provided in this chapter, provided it meets all of the standards of this chapter and at least two of the following requirements:
      (1) It provides a minimum of two hundred square feet of on-site common open space per dwelling unit accessible to the residents of the development. A minimum of one-half of this space shall be provided at or near the ground level, and shall be improved as required by the zone in which the property is located. The remainder of this open space area may be
provided in one or more roof-top or terrace open space areas having a minimum horizontal dimension of twenty feet measured in any direction.

(2) It provides a minimum of two hundred square feet of on-site common space per dwelling unit accessible for general use by residents and customers of mixed use commercial and residential development on site, improved as required by the zone in which the property is located.

(3) It locates all required off-street parking for the residential dwelling units within a parking structure either below or above grade.

(4) It provides off-site pedestrian-oriented street frontage improvements consistent with the standards of the zone in which the property is located on at least one adjacent site equivalent to the amount of frontage that the subject property has on Evergreen Way or Broadway, as applicable. This section shall only apply for off-site improvements to properties that do not already meet the standards of the zone in which the property is located.

(5) For properties in the E-1 MUO zone, it provides, with the authorization of other owners of affected properties, a new pedestrian connection through other properties to abutting neighborhoods in a manner that, in the judgment of the planning director and city engineer, substantially improves pedestrian circulation between Evergreen Way and the abutting neighborhood. Such pedestrian connections shall be improved to standards appropriate for the safety of pedestrians and the security of abutting properties, as determined by the city engineer.

(6) It provides a minimum of ten percent of all dwelling units as affordable to households with a household income at or below fifty percent of median family income, adjusted for size, and a minimum of ten percent of all dwelling units as affordable to households with a household income between fifty percent and eighty percent of median family income, adjusted for size. Rental rates in such affordable housing shall not exceed thirty percent of the household’s monthly income for rent and utilities, excluding telephone, Internet and television utility services.

b. Combination of Amenities. An applicant may propose a combination of amenities using a different standard than those described in subsection (D)(10)(a) of this section, and the planning director may approve a combination of amenities if such a combination results in a benefit to the public and/or the residents of the development at least equivalent to providing only one of the amenities listed in subsection (D)(10)(a) of this section. For example, an applicant may propose one hundred fifty square feet of open space per dwelling unit and seventy-five percent of the required off-street parking within a structure for consideration by the planning director. The director must evaluate the quality of the proposed design of the combination of two or more amenities to determine if they provide benefits to the public or residents that are at least as great as providing just a single amenity listed in subsection (D)(10)(a) of this section.

11. Design Requirements in the Waterfront Place Urban Center. A multiple family housing development within the Waterfront Place urban center is eligible for the property tax exemption provided in this chapter provided it meets the development standards and design guidelines of the approved master plan adopted under the Planned Development Overlay Zone process of Chapter 19.29.

Section 4. Section 3 of Ordinance 3309-12, as amended (Cannabis, EMC 8.26.030), is amended to read as follows:

The following specific acts, omissions, places, and conditions are declared to be public nuisances per se, including, but not limited to, any one or more of the following:

A. Any cannabis garden.
B. Any dispensary.
C. Any collective garden located in any of the following use zones: A-1, R-S, R-S-1, R-1, R-1(A), R-2, R-2(A), R-3(L), R-3, R-4, R-5, [URI] B-1, B-2, B-2(B), C-1, C-1R, [B-3UM], W-C, M-S, BMU, C-2, [C-2ESULI], WRM, P, AQ, or OS.
D. Any collective garden on a parcel located within one thousand feet of any of the following use zones: R-S, R-S-1, R-1, R-1(A), R-2, R-2(A), R-3(L), R-3, R-4, or R-5.
E. Any collective garden on a parcel located within five hundred feet of another parcel containing a collective garden.
F. Any collective garden on a parcel which contains another collective garden or a cannabis garden.
G. Any collective garden that is not fully enclosed within a structure.
H. Any place where cannabis is visible to the public or is visible from property owned or leased by another person or entity. This includes smoking cannabis in a manner that it is visible from public property or from property owned or leased by another person or entity.
I. Any place that cannabis can be smelled from a public place or from a property owned or leased by another person or entity.
J. Any place bearing a sign or placard advertising cannabis for sale or delivery.
K. Any collective garden where a person under twenty-one is allowed to be present.
L. Any place, other than a private residence, where cannabis is smoked or ingested.
M. Any place where any violation of Chapter 69.50 RCW occurs and for which the affirmative defense created by Chapter 69.51A RCW would not apply.
N. Any place where any production, manufacture, processing, delivery, distribution, possession, or use of cannabis occurs for which there is not an affirmative defense under state law.
O. Any collective garden that does not comply with all other applicable regulations or code requirements.

Section 5. Section 3 of Ordinance 1048-84, as amended (Temporary Use of Rights-of-Way, EMC 13.30.030.A), is amended to read as follows:

13.30.030 Annual permit fee.
All permit fees for the temporary use of city rights-of-way, including streets, alleys and sidewalks, shall be based upon the following rate schedules:

<table>
<thead>
<tr>
<th>Zoning Description</th>
<th>Annual Rate per Square Foot</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Commercial zones including, but not limited to, C-1, C-2</td>
<td>$.45</td>
</tr>
<tr>
<td>2. Business zones including, but not limited to, B-1, B-2, [B-3UM]</td>
<td>.40</td>
</tr>
<tr>
<td>3. Multi-family zones including, but not limited to, R-3, R-4, R-5, [UR]</td>
<td>.20</td>
</tr>
<tr>
<td>4. Manufacturing zones including, but not limited to, M-M, M-1, [ULI]</td>
<td>.15</td>
</tr>
<tr>
<td>5. Single-family zones including, but not limited to, R-S, R-1, R-2</td>
<td>.10</td>
</tr>
</tbody>
</table>

When an applicant for a permit for the temporary use of a city right-of-way has a nonconforming use or a special property use permit for the subject property, then the rate per square foot shall be the amount
set forth in Schedule B herein. For purposes of this chapter, permitted home occupations in residential zones shall pay a rate per square foot based upon the business zone rate as set forth herein.

**Section 6.** Section 2 of Ordinance 3195-10, as amended (Newsracks, EMC 13.92.020), is amended to read as follows:

**13.92.020 Definitions.**
The words and phrases used in this chapter shall have the following meanings, unless the context clearly requires otherwise:
A. “Abandoned” means a single-unit or multiple-unit newsrack that (1) has been documented by the city as not having had its contents changed or replenished by the newsrack user within sixty days or (2) the permit holder has not responded within thirty days to a written request from the city for the newsrack’s removal, adjustment or relocation. For a multiple-unit newsrack, all units of the newsrack must have been documented by the city as not having had their contents changed or replenished by the newsrack user within sixty days.
B. “Central business district” means the B-3Urban mixed zone as designated by EMC Title 19.
C. “City” means the city of Everett, its officers, employees, and agents.
D. “Equivalent” means any newsrack of the same size, dimensions, and style of the newsrack that is the current industry standard.
E. “Director” means the public works director or designee.
F. “Newsrack” means any self-service or coin-operated box, container, storage unit or other dispenser used for the display, sale, or other distribution of a newspaper, periodical, or other printed material. The term “newsrack” includes one or more newsracks physically connected or joined to one or more other newsracks in a multiple-unit configuration.
G. “Planter strip” means any of the following areas, whether planted or not:
   1. The area between the sidewalk and the curb of the street;
   2. The area between the sidewalk and the property line;
   3. The area between the edge of the roadway and the property line, where there is no sidewalk; or
   4. The area in a roadway not intended for travel, such as a median.
H. “Public right-of-way” means land which by deed, conveyance, agreement, easement, dedication, usage, or process of law is reserved for or dedicated to the general public for street, highway, alley, public utility, or pedestrian walkway purposes, whether or not the land has been improved or accepted for maintenance by the city. “Public right-of-way” includes but is not limited to streets, roadways, planter strips, and sidewalks.

**Section 7.** Section 1 of Ordinance 3127-09, as amended (Maintenance of Vacant Commercial Space in the Central Business District, EMC 16.16.010), is amended to read as follows:

**16.16.010 Scope.**
The provisions of this chapter apply to all structures in the central business districturban mixed zone (B-3UM zone), unless otherwise stated. All responsible persons (as defined in Section 16.16.030) shall comply with the requirements of this chapter.

**Section 8.** Section 3 of Ordinance 3127-09, as amended (Maintenance of Vacant Commercial Space in the Central Business District, EMC 16.16.030), is amended to read as follows:

**16.16.030 Definitions.**
For the purpose of this chapter:
“Central business district” "Urban mixed zone” means the B-3UM zone in the city of Everett as defined by the Everett zoning code, Title 19.

“City” means the city of Everett, its officers, employees, and agents.

“Commercial space” means any portion of a structure in the central business district urban mixed zone that is not intended for residential use.

“Occupied”. A commercial space is considered occupied if a permitted, nonresidential use is physically located and lawfully operating in the space for at least six consecutive months.

“Responsible person” means any person, firm, association, corporation or any agent thereof, owning, leasing, renting or having lawful possession of a structure in the central business district urban mixed zone.

“Vacant commercial space” means any portion of a street-level commercial space that, on or after September 1, 2009, is not occupied and has not been occupied during the preceding ninety days.

Section 9. Section 5 of Ordinance 3127-09, as amended (Maintenance of Vacant Commercial Space in the Central Business District, EMC 16.16.050.D), is amended to read as follows:

16.16.050 Vacant commercial space registration.
D. A responsible person must post the following notice inside every vacant commercial space so as to be clearly visible to all potential tenants, lessees, renters or buyers upon entering the space but not visible from outside the space:

This Vacant Commercial Space is registered with the City of Everett.

This Vacant Commercial Space may not meet all applicable codes and regulations, which may include codes and regulations required to occupy the space for a permitted use in the Central Business District Urban Mixed Zone.

The Vacant Commercial Space was registered on [date]

Section 10. Section 4 of Ordinance 1258-86, as amended (Billboards, EMC 16.20.040), is amended to read as follows:

16.20.040 Location restrictions.
Billboard structures and billboards shall only be allowed in the following situations:
A. Billboards and billboard structures which are nonconforming per the requirements of this chapter shall be allowed per the requirements of this chapter;
B. Billboards and billboard structures which comply with the requirements of this chapter and are located on properties which have the following zoning designations in accordance with the city’s zoning Code: B-2, B-3, C-1, C-2, M-M and M-1;
C. Billboards and billboard structures which comply with the requirements of this chapter are not located on or visible from the main traveled way of the scenic view corridors. In order to be “located on or visible from” a scenic view corridor, the billboard must be located within two hundred feet of the nearest edge of the right-of-way along Hewitt Avenue or within one hundred twenty feet of the nearest edge of the right-of-way along either Colby Avenue or Marine View Drive; and

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

Section 11. Section 18 of Ordinance 3387-14, as amended (Transportation Mitigation, EMC 18.40.180.C), is amended to read as follows:

18.40.180 Definitions and usage.
C. Additional Definitions. In addition to the definitions referenced in subsection B of this section, when used in this chapter, the following terms shall have the following meaning:

“Core area” means the portion of the city of Everett defined as the B-3 zone, UM, ULI, or UR zones in Title 19.

Section 12. Section 1 of Ordinance 1671-89, as amended (Zoning, Title and Purpose, EMC 19.01.030), is amended to read as follows:

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

A-1 agricultural
R-S suburban residential
R-S-1 smaller lot suburban residential
R-1 single-family detached low-density residential
R-1(A) single-family attached, low-density residential
R-2 single-family medium-density residential
R-2(A) single-family attached, medium-density residential
R-3(L) multiple-family low-density
R-3 multiple-family medium-density
R-4 multiple-family high-density
R-5 core residential
UR urban residential
B-1 neighborhood business
B-2 community shopping
B-2(B) office
C-1 general commercial
C-1R regional commercial office
B-3 central business district
UM urban mixed
Section 13. Section 1 of Ordinance 1671-89, as amended (Zoning, Title and Purpose, EMC 19.01.040), is amended to read as follows:

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

FWD floodway district
UFFD urban flood fringe district
RFFD rural flood fringe district
PRD planned residential development
H historic
D design compatibility
C clinic and medical-related activities
O office
CO clinic and office
PD planned development
S shoreline overlay district
MHP mobilehome park
AC airport compatibility
CRA core residential area

Section 14. Section 1 of Ordinance 1671-89, as amended (Zoning, Title and Purpose, EMC 19.01.050.B), is amended to include the following:

19.01.050 Purpose and application of zone districts.
B. Residential Zones. The purpose of the following residential zones is to provide for a variety of residential living opportunities in the city.
1. R-S Suburban Residential Zone. The purpose of the suburban residential zone is to provide for and protect certain areas of the city for single-family detached residential uses where topography or other environmental constraints require larger minimum lot sizes. The secondary purpose of the R-S zone is to
provide an interim “holding zone” in annexed areas for which other zoning is not established at the time of annexation.

2. R-S-1 Smaller Lot Suburban Residential Zone. The purpose of the smaller lot suburban residential zone is to provide for and protect certain areas of the city for single-family detached residential uses on lot sizes compatible with established lot size patterns in annexed areas.

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

4. R-1(A) Single-Family Attached Low-Density Residential Zone. The purpose of the single-family attached low-density residential zone is to provide for a variety of single-family housing opportunities at development densities compatible with adjoining single-family detached neighborhoods.

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

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

7. R-3(L) Multiple-Family Low-Density Zone. The purpose of the multiple-family low-density zone is to provide areas for multiple-family residential use at a low density.

8. R-3 Multiple-Family Medium-Density Zone. The primary purpose of the multiple-family medium-density zone is to provide for multiple-family residential use at medium densities.

The secondary purpose of this zone is to allow for clinics and related medical uses in areas designated by the Everett general plan, and to encourage mixed-use residential clinic buildings near Everett’s downtown core.

9. R-4 Multiple-Family High-Density Zone. The primary purpose of the multiple-family high-density zone is to provide for high-density multiple-family uses.

The secondary purpose of this zone is to allow for clinics and offices in areas designated by the Everett general plan and to encourage mixed-use residential and office uses in high-density neighborhoods near Everett’s downtown core.

10. R-5 Core Residential Zone. The primary purpose of the core residential zone is to provide high-density residential opportunities in close proximity to the downtown core.

The secondary purpose of this zone is to allow for clinics and offices in areas designated by the Everett general plan and to encourage mixed-use residential, office and neighborhood services in high-density neighborhoods near Everett’s downtown core.

11. UR Urban Residential Zone. The primary purpose of the urban residential zone is to provide a variety of urban housing choices, in medium-to-high density building types with small-to-medium footprint.

Section 15. Section 1 of Ordinance 1671-89, as amended (Zoning, Title and Purpose, EMC 19.01.050.C), is amended to include the following:

19.01.050 Purpose and application of zone districts.
C. Commercial Zones. The purpose of the commercial zones is to provide for a variety of retail, office, service and mixed-use activities to serve the consumer needs of Everett and surrounding areas and to establish development standards which assure high quality site and building design and compatibility with surrounding land uses.

1. B-1 Neighborhood Shopping Zone. The purpose of the neighborhood shopping zone is to:
   a. Provide for the day-to-day retail, personal service and convenience consumer needs of the immediately adjacent residential neighborhoods, rather than the larger community; and
   b. Establish building and development standards which assure that uses, buildings and structures are appropriately sited, scaled and designed so as to be compatible with surrounding residential neighborhoods.

2. B-2 Community Business Zone. The purpose of the community business zone is to provide for retail businesses and services designed to serve the needs of several neighborhoods, allow for the development of multiple-family housing and mixed-use commercial and multiple-family residential use, and allow for businesses which are oriented to arterial streets. Adult use businesses are permitted uses, consistent with the purpose and intent of this zone; provided they meet the locational requirements of Section 39.025.A.

3. B-2(B) Office Zone. The purpose of the office zone is to:
   a. Promote and provide areas for a variety of office uses and office park development, which are constructed, maintained and operated in a manner designed to be compatible with adjoining residential neighborhoods and other less intensive land uses;
   b. Allow certain community service uses and multiple-family residential use; and
   c. Permit a limited type and amount of service businesses oriented to the surrounding business areas.

4. C-1 General Commercial Zone. The purpose of the general commercial zone is to provide for a wide range of retail businesses, consumer and commercial services for the greater Everett area, and allow for the development of multiple-family housing and mixed-use commercial and multiple-family residential use. Adult use businesses are permitted uses, consistent with the purpose and intent of this zone; provided they meet the locational requirements of Section 39.025.A.

5. C-1R Regional Commercial-Office Zone. The purpose of the regional commercial-office zone is to provide areas for large scale retail businesses oriented to a regional consumer market, high quality office park development, and related consumer and business services. Adult use businesses are permitted uses, consistent with the purpose and intent of this zone; provided they meet the locational requirements of Section 39.025.A.

6. B-3 Central Business District Zone. The purpose and function of the central business district zone is to:
   a. Provide a strong central urban focus and identity for the city;
   b. Provide a multi-use character of retail, service, financial, office, governmental, residential, human service and cultural activities;
   c. Encourage a pedestrian-oriented environment;
   d. Encourage urban design amenities within the downtown core area;
   e. Implement the goals, objectives and policies of the Everett comprehensive plan; and
   f. Adult use businesses are permitted uses, consistent with the purpose and intent of this zone; provided they meet the locational requirements of Section 39.025.A. [Reserved]

7. W-C Waterfront Commercial Zone. The purpose of the waterfront commercial zone is to:
   a. Provide for and protect areas of the city for tourism services and commercial activities which are dependent upon or are enhanced by a location near Everett’s waterfront areas;
   b. Further the goals and policies of both the Everett comprehensive plan and the shoreline management master program relating to public access to and enjoyment of the shoreline;
c. Establish standards which promote high quality development implemented through the shoreline permit process, where applicable; and
d. Adult use businesses are permitted uses, consistent with the purpose and intent of this zone; provided they meet the locational requirements of Section 39.025.A.

8. BMU Broadway Mixed-Use Zone. The purpose of the Broadway mixed-use zone is to create a lively business district, oriented to both nearby neighborhoods and the larger community, with a mixture of uses, including retail, services, restaurants, institutions, and higher density residential. While multistory buildings are encouraged, both new development and expansion of existing buildings should exhibit bulk and scale that respects their proximity to adjacent residential patterns that have a lower height. Over time, it is expected that auto-oriented uses would gradually diminish, sidewalk-fronting buildings would predominate, and surface parking lots in front of buildings would be replaced with parking on lots behind buildings or within structures. All development would be responsible for contributing to enhanced safety, comfort, and visual appeal for pedestrians.

9. E-1/MUO Evergreen Way and Mixed-Use Overlay Zones. The purposes of the E-1 zone and the MUO (mixed-use overlay) zone are:
a. To create a zone with development and design standards to support pedestrian-friendly and transit-oriented development in proximity to the Swift Bus Rapid Transit stations;
b. Encourage economic revitalization in the Evergreen Way—Rucker Avenue corridor with businesses that serve both local area residents and regional shopping needs;
c. Establish high quality standards for higher density commercial and residential redevelopment;
d. Improve the public safety and aesthetic character of this principal arterial corridor;
e. Improve access between Evergreen Way and abutting neighborhoods while protecting the residential character of the neighborhoods;
f. Encourage greater use of public transit and nonmotorized travel modes in the city; and
g. Accommodate projected commercial and residential growth in an area where it will be accepted and supported by the community at large, provided redevelopment is of a quality that improves the aesthetic character of this arterial corridor.

10. UM Urban Mixed Zone. The purpose and function of the urban mixed zone is to reinforce and enhance the downtown city core that provides local and regional service, retail, entertainment, civic and public uses, as well as a variety of urban housing choices.

Section 16. Section 1 of Ordinance 1671-89, as amended (Zoning, Title and Purpose, EMC 19.01.050.D), is amended to include the following:

19.01.050 Purpose and application of zone districts.
D. Industrial Zones. The purpose of the following industrial zones is to provide for a variety of manufacturing, industrial, service and office park uses and to establish development standards which assure quality site and building design and compatibility with surrounding areas.
1. M-S Maritime Services Zone. The purpose of the maritime services zone is to:
a. Provide and protect areas of the city for marine-related commerce;
b. Preserve Everett’s “working waterfront” character;
c. Further the goals of the Everett comprehensive plan and shoreline master program relating to public access to and enjoyment of the shoreline;
d. Provide for uses and review processes which strike a balance between the needs of water-dependent industrial uses and limited commercial activities as listed in the permitted uses of this title, and the responsibility of the city to provide public access to the shoreline; and
e. Adult use businesses are permitted uses, consistent with the purpose and intent of this zone; provided, they meet the locational requirements of Section 39.025.A.
2. **C-2 Commercial/Light Industrial Zone.** The purpose of the commercial/light industrial zone is to provide area for heavy commercial services and a wide variety of manufacturing activities and to promote an upgrading of the quality of development of properties located along arterial streets. Adult use businesses are permitted uses, consistent with the purpose and intent of this zone; provided, they meet the locational requirements of Section 39.025.A.

3. **C-2ES Commercial/Light Industrial Everett Station Area Zone.** The purpose of the commercial/light industrial Everett Station Area zone is to provide area for commercial services and a wide variety of light industrial activities and compatible residential use; to encourage transit-supportive development; to encourage redevelopment by providing flexibility in parking standards; to provide clear connections between Everett Station and the downtown; and to improve the visual appearance of the area by encouraging development that reflects the quality of Everett Station and complements downtown. Adult use businesses are prohibited in this zone. [Reserved]

4. **M-1 Office-Industrial Park Zone.** The purpose of the office-industrial park zone is to:
   a. Provide for and protect areas for high quality campus style office and industrial park development on large parcels of land;
   b. Establish standards which promote a high level of aesthetic amenities such as view, open space, native vegetation, landscaping, unusual natural site features and quality architectural design;
   c. Protect and buffer adjacent residential uses from the incompatible aspects of office and industrial park development; and
   d. Allow for only those uses which are able to comply with the development requirements and performance criteria which assure compatibility with surrounding uses and which recognize the lands within this zone which are environmentally sensitive.
   e. Adult use businesses are permitted uses, consistent with the purpose and intent of this zone; provided, they meet the locational requirements of Section 39.025.A.

5. **M-M Business Park Zone.** The purpose of the business park zone is to provide areas for development of high-quality single or multiple tenant business parks which offer opportunities for a wide variety of nonretail business to locate in small to medium office and warehouse spaces. Adult use businesses are permitted uses, consistent with the purpose and intent of this zone; provided, they meet the locational requirements of Section 39.025.A.

6. **M-2 Heavy Manufacturing Zone.** The purpose of the heavy manufacturing zone is to provide for and protect certain areas of the city for heavy manufacturing uses. Adult use businesses are permitted uses, consistent with the purpose and intent of this zone; provided, they meet the locational requirements of Section 39.025.A.

7. **ULI Urban Light Industrial Zone.** The purpose of the urban light industrial zone is to accommodate a diverse range of uses, including light industrial and manufacturing.

**Section 17.** Section 1 of Ordinance 1671-89, as amended (Zoning, Title and Purpose, EMC 19.01.050.F), is amended to read as follows:

**19.01.050 Purpose and application of zone districts.**

**F. Overlay Zones.**

1. **Floodplain Overlay Zones.** The purpose of the floodplain overlay zones is to protect the public health, safety and welfare in areas subject to periodic inundation due to flooding, recognizing the fact that the Snohomish River periodically carries more than the normal flow of water and recognizing a desire to minimize loss of life and property. These regulations control the uses and regulate structures consistent with the degree of flood hazard. In advancing the general purposes of the zoning ordinance and the Everett general plan, the specific intent of the floodplain overlay zones is:
a. To restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities;

b. To require that uses vulnerable to floods, including public facilities which serve such uses, shall be protected against flood damage at the time of initial construction;

c. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;

d. To ensure that potential buyers are notified that property is in an area of special flood hazard;

e. To meet the minimum requirements of the National Flood Insurance Program, thus qualifying residents of the city to participate in the Federal Flood Insurance Program.

2. PRD Planned Residential Development Overlay Zone. The purpose of the planned residential development overlay zone is to:

a. Permit flexibility in design of residential environments through placement and spacing of buildings, use of open spaces, pedestrian circulation, facilities and off-street parking areas in order to achieve the best utilization of a site characterized by special features of geography, vegetation, topography, size or shape;

b. Promote orderly growth in undeveloped areas of the city by maximizing the efficiency of utilities and roads and other capital improvements;

c. Provide for a variety of housing types in conformance with the policies of the Everett general plan;

d. Preserve and maintain environmentally sensitive areas which could be negatively impacted by traditional development techniques;

e. Provide a mechanism enabling residential development in areas of the city where assembly of parcels is difficult;

f. Provide greater predictability for the developer on his chances of gaining approval on a conceptual design basis;

g. Provide adjoining neighborhoods and city officials with assurances that the project will retain the character envisioned at the time of approval; and

h. Allow an opportunity for participation in the project review process by the general public.

3. Historic Overlay Zone. 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.

4. Design Compatibility Overlay Zone. The purpose of the design compatibility overlay zone is to:

a. Recognize areas of a distinct character or architectural significance which are worthy of enhancement and protection by establishing criteria for buildings and sites within the district;

b. Promote high quality development in “gateway” entrances into the city; and

c. Encourage development with a particular theme or character which is not otherwise possible given the requirements of the underlying zone.

5. Clinic and Medical-Related Activities Overlay Zone. The purpose of the clinic and medical-related activities overlay zone is to provide the opportunity for intensive use of R-3, R-4 and R-5 zoned areas for medical services in areas where such uses have already been established and where such uses are provided for by the Everett general plan. [Reserved]

6. Office Overlay Zone. The purpose of the office overlay zone is to provide for a limited range of office activities in R-4 and R-5 zoned areas where such uses have already been established and where such uses are provided for by the Everett general plan. [Reserved]
7. **CO Clinic and Office Overlay Zone.** The purpose of the clinic and office overlay zone is to provide for clinics, medical-related activities, and office uses in R-4 and R-5 zoned areas where such uses have already been established and where such uses are provided for by the Everett general plan.

8. **PD Planned Development Overlay Zone.** The purpose of the planned development (PD) overlay zone is to allow for commercial, industrial and mixed-use developments which are of a unique character and desirable quality, and which are beneficial to the area in which the property is located and to the community in general. The planned development overlay zone may only be applied to commercial or industrial zones. It is the intent of this chapter to provide a public review process through which a planned development may be proposed with alternative standards to those contained in this title, and that the primary basis for city approval of alternative development standards is that the proposal will result in a development which, as a whole, provides public benefits and high quality development that otherwise cannot be realized through conformance to the requirements of this title.

9. **S Shoreline Overlay District.** The purpose of the shoreline overlay district is to implement the city’s shoreline master program.

10. **MHP Mobilehome Park Overlay Zone.** The purpose of the MHP zone is to encourage the retention of existing mobilehome parks within residential zoning districts in the city.

11. **AC Airport Compatibility Overlay Zone.** The purpose of the AC zone is to protect Paine Field from nearby incompatible land uses and development.

12. **CRA Core Residential Area Overlay Zone.** The purpose of the CRA zone is to promote a broad range of housing opportunities, encourage development that enhances safety, create an attractive environment for residents, and to reinforce and enhance the desirable qualities of the city’s core residential areas.

**Section 18.** Section 12 of Ordinance 2397-99, as amended (Zoning, User Guide, EMC 19.03.020), is amended to read as follows:

**19.03.020 Zoning map.**
Find the subject property on the city of Everett zoning map. The property will be in one (or possibly more than one) of the following zones:

**A. Use Zones.**

<table>
<thead>
<tr>
<th>A-1</th>
<th>R-S</th>
<th>R-1</th>
<th>R-2</th>
<th>R-1(A)</th>
<th>R-2(A)</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-3(L)</td>
<td>R-3</td>
<td>R-4</td>
<td>R-5</td>
<td>P</td>
<td>WRM</td>
</tr>
<tr>
<td>B-1</td>
<td>B-2</td>
<td>B-2(B)</td>
<td>B-3</td>
<td>C-1</td>
<td>C-1R</td>
</tr>
<tr>
<td>W-C</td>
<td>BMU</td>
<td>M-S</td>
<td>C-2</td>
<td>C-2ES</td>
<td>M-M</td>
</tr>
<tr>
<td>M-1</td>
<td>M-2</td>
<td>OS</td>
<td>AQ</td>
<td>E-1</td>
<td>E-1/MUO</td>
</tr>
<tr>
<td>UR</td>
<td>UM</td>
<td>ULI</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**B. Overlay Zones.**

| C-0 | C-O | H | D | I |
| PRD | PD | FWD | UFFD | RFFD | S |
| AC | CRA |

**Section 19.** Section 12 of Ordinance 2397-99, as amended (Zoning, User Guide, EMC 19.03.030), is amended to read as follows:

**19.03.030 Use tables.**
A. Format. The format used for graphically indicating which uses are permitted in the use zones (not including the overlay zones) is a matrix format called the use tables. It is the intention of the use tables to indicate which uses are permitted in the various use zones, and which review processes apply to a given use or zone. Exceptions: permitted uses in the WRM, P, AQ and OS zones are specified in Chapters 19.30A, 19.33A, 19.33E and 19.33F, respectively.

B. Permitted Uses. To see what uses are permitted in a particular zone, go to the use reference tables 5.1 and 5.2 in Chapter 19.05, and table 19-1 in Chapter 19.19. Across the top of the charts are the various use zones (i.e., R-1, B-2, C-1, M-M, etc.). In the left hand column of the charts are listed all of the uses permitted by this title, listed by category of use and in alphabetical order. Table 5.1 lists residential land uses. Table 5.2 lists nonresidential land uses. Table 19-1 lists residential and nonresidential land uses for the UR, UM and ULI zones. If a use is permitted in a particular zone, it will be so indicated in the column corresponding to the zone by the symbol I, II, or III in tables 5.1 and 5.2, and by the symbols N, P, A, or C in table 19-1. These symbols stand for the review process that must be followed for that use to be permitted in that zone. If there is no symbol in the box or cell corresponding to a specific use in a particular zone in tables 5.1 or 5.2, it is not a permitted use in that zone. This table may include special regulations that are indicated by a number inside of parentheses within a cell on the use tables. The special regulation corresponding to the number is, in most cases, listed on the next page or pages following the chart. In a few instances, a special regulation listed in parentheses in an earlier page of the table is also listed on a later page of the table. In such instances, you must find the number corresponding to the special regulation on an earlier page. The far right column in table 19-1 lists any special regulations that are applicable to the use associated on that row.

C. Overlay Zone. Some properties are also located in an area in which an overlay zone exists, which will be indicated on the zone map with one of the symbols shown below, attached as a suffix to the use zone. An overlay zone is a secondary zone which applies additional regulations or special review procedures, and which cannot be established without being attached to one of the use zones. The following are overlay zones:

- **C** (clinic)
- **O** (office)
- **C-O** (clinic-office)
- **D** (design)
- **H** (historic)
- **PD** (planned development)
- **PRD** (planned residential development)
- **FWD** (floodway district)
- **UFFD** (urban flood fringe district)
- **RFFD** (rural flood fringe district)
- **I** (institutional)
- **S** (shoreline district)
- **AC** (airport compatibility)
- **CRA** (core residential area)

If the property you are interested in is included within one of the above-listed overlay zones, you should read the corresponding section in this title which pertains to that overlay zone.

**Section 20.** Section 12 of Ordinance 2397-99, as amended (Zoning, User Guide, EMC 19.03.040), is amended to read as follows:

**19.03.040 Development standards table.**
A. The format used for graphically displaying the various development standards which apply in the various use zones (not including the overlay zones) is a matrix format called the development standards table, contained in Chapter 19.06. Chapter 19.20 contains several development standard tables specific to the UR, UM and ULI zones, as well as for the Core Residential Area Overlay zones. It is the intention of the development standards table to indicate the various development standards that apply in each use zone, except the off-street parking standards. To see how many parking spaces are required for a specific use, go to Table No. 34-1 in Chapter 19.34. For the B-3 zone, the parking requirements are listed in Chapter 19.22. For the E-1 and MUO zones, parking requirements are also listed in Chapter 19.31B.

B. Development Standards. After finding that a use is permitted in a specific zone, go to the development standards table in Chapter 19.06. This chart specifies a variety of development standards that apply to each zone, such as minimum lot area, minimum setbacks, maximum building height, sign category and landscape category. This table may include special regulations that are indicated by a number inside of parentheses within a box or cell on the development standards table. The special regulation corresponding to the number is listed on the page or pages following the chart.

C. The B-3, C-2ES, M-1, M-M, BMU, E-1 and MUO zones have additional regulations that are not specified in the use tables or the development standards table. These can be found in Chapters 19.22, 19.25, 19.27, 19.28, 19.31A and 19.31B, respectively, of this title.

D. The regulations for the P (public park), WRM (watershed resource management), AQ (aquatic) and the OS (open space) zones are contained in Chapters 19.33A, 19.30A, 19.33E and 19.33F, respectively.

E. You now have the basic zoning regulations that apply to the subject property. However, you should review Section 19.03.050 of this chapter to determine if other regulations of this title apply.

Section 21. Section 3 of Ordinance 1847-92, as amended (Zoning Code Definitions, EMC 19.04.020), as is amended to read as follows:


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

“Commercial parking” means a parking lot or parking garage that is designed, used or intended to be used for the parking of motor vehicles outside the street right-of-way. Commercial parking areas are used, rented or leased to the general public, customers or residents of development, or are provided as public parking for persons commuting to another location, such as a park-and-ride lot. This use does not include parking lots or garages which are constructed as required for, or accessory to, another permitted use built as a facility to provide parking for rent or lease to the general public, as opposed to a parking lot or garage which is constructed as required or accessory parking for another building.

“Dwelling, multiple-family” means a building(s) or portion of a building arranged or designed to be occupied by three or more families living independently of each other, including more than one duplex on a single lot or development site, triplexes, fourplexes, apartment buildings, and stacked dwelling units. This definition does not include single-family detached dwellings.

“Height, building” means the vertical distance from the base elevation of a building to the highest point of the roof, exclusive of building appurtenances. In the B-3 and R-5 zones, building height is measured as
the height above the highest point of any public sidewalk immediately contiguous to the lot upon which the building is located, or height above the base elevation, whichever is greater. In the UR, UM and ULI zones, building height is measured by floors. See Section 20.310.

“Office” means a building or portion thereof which is used for general business, and non-profit administrative purposes not involving manufacturing, sale of inventory or provision of services involving manual skills or mechanical processes. Not included in the category of office are those businesses and occupations defined by this title as clinics, medical-related activities, personal services, financial institutions, service businesses, government administrative offices or uses such as private clubs or fraternal organizations.

“Open space, public” means an area that is visible and accessible to the public, but may be designed for the use and enjoyment of the development dedicated in fee to the city and operated and maintained by it. Public open space in a planned residential development is designed primarily for the use of residents of the particular development, but cannot be reserved for this exclusive use due to the public ownership.

“Social service facility” means a facility housing a public or nonprofit agency that provides counseling, therapy or other social or human services to persons needing such services due to physical, mental, emotional or other disabilities. This definition does not include schools, hospitals, clinics, day care, or residential uses.

Section 22 Section 3 of Ordinance 1847-92, as amended (Zoning Code Definitions, EMC 19.04.020), is amended to add the following specific Zoning Code definitions:


“Animal daycare” means short-term daytime (not overnight) care for dogs, cats and other small animals.

“Automobile-dependent use” means automobiles and/or other motor vehicles are served by the use and the use would not exist without them, such as vehicle repair, gas station, car wash or auto and truck sales.

“Automobile-oriented use” means automobiles and/or other motor vehicles are an integral part of the use, such as drive-up, drive-in, and drive-through facilities.

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

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

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

“Cemetery” means land or structures dedicated for the internment of human or animal remains.
“Community garden” means a site where food, ornamental crops, or trees are grown for small-scale cultivation, generally to residents of apartments and other dwelling types without private gardens.

“Community services” means a use operated by a public agency, nonprofit, or other organizations of a charitable nature generally providing a service to people of the community. Generally, they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Examples include drug and alcohol centers, social service facilities, soup kitchens, food banks, and surplus food distribution centers.

“Convention center” means a large civic building or group of buildings designed for conventions, industrial shows, and the like, having large exhibit areas and often including conference rooms, hotel accommodations, restaurants, and other facilities.

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

“Dwelling unit, micro-housing” or “small efficiency dwelling unit” means a single, independent, residential dwelling unit consisting of one habitable room (excluding kitchen, bath, closets, storage areas, and built-ins). These units have a living room floor area 220 square feet or less, or a total gross unit size 320 square feet or less.

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

“Enhanced service facility” means a facility that provides treatment and services to persons for whom acute inpatient treatment is not medically necessary and who have been determined by Washington State to be inappropriate for placement in other licensed facilities due to the complex needs that result in behavioral and security issues. RCW 70.97.010

“Entertainment and recreation” means an entertainment or recreation facility under private ownership and operated by a for-profit or nonprofit organization, and providing one or more of the following types of entertainment activities: cinemas, billiard parlors, teen clubs, nightclubs, coin-operated arcades, bowling alleys, ice skating and roller skating; one or more of the following types of recreation facilities: fitness center, indoor gymnasium, spa or health club including, tennis, handball, golf, squash, volleyball, racquetball, badminton, skate park and swimming; or commercial outdoor recreation, including golf courses, archery range, or similar use. The use does not include adult use business, adult retail or adult entertainment as defined in this title.

“Family home (day care and adult)” – please see definition of “adult family home” and “day care, family home”.

“Farming” or “farm use” means the utilization of land, including buildings customarily provided in conjunction with a farm use, for the purpose of generating income by raising, harvesting or selling crops, or for the feeding, breeding, management and sale of, or the product of, livestock, poultry, fur-bearing animals, or honeybees, or for dairying and the sale of dairy products, or for any other agricultural or horticultural use, animal husbandry, growing Christmas trees, timber agricultural or any combination thereof, including the preparation or processing and storage of products raised on such land for human consumption.
and animal use, and disposal by marketing or otherwise. It does not include the construction and use of dwellings, composting of materials not produced on-site, or marijuana production or processing businesses.

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

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

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

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

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

“Food or beverage establishment” means restaurants, cafes, and similar types of land uses that prepare and serve edible goods for consumption by the customer including beverage service.

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

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

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

“Greenhouse or Nursery” means a site where trees, shrubs and other plant materials are grown, propagated and/or stored for the purpose of retail or wholesale sales.

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

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

“Heliport” means an area of land, water, or structural surface designed, used, or intended to be used for landing or takeoff of passengers or cargo from or by helicopters, plus accessory buildings and uses.
“Institution of higher education” means public or private vocational and trade schools, academies, colleges, and universities, including classrooms, administrative offices, cafeteria, athletic facilities, dormitories, and off-street parking areas.

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

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

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

“Minor exterior alteration” means development that alters the exterior envelope to a building whose value over a three-year period does not exceed fifty percent (50%) of the building’s valuation based on the city of Everett’s valuation methods.

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

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

“Porch” means a covered shelter projecting from the entrance of a building.

“Railway facilities” means a facility for the transfer of freight by rail, including but not limited to freight rail yards, rail or train/locomotive maintenance buildings, plus accessory buildings and uses.

“Residential Mixed-Use” building or development means a mix of residential and commercial uses that are mixed “vertically”, meaning that a residential use is developed above the commercial use, or mixed “horizontally”, meaning commercial and residential uses both occupy space on the same floor or on the same property.

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

“Rooming house” means a structure used for the purpose of providing lodging or lodging and meals, for persons other than those under the “family” definition, for a period longer than thirty (30) days. This term includes dormitories, cooperative housing and similar establishments but does not include hotels, motels, medical care facilities or bed and breakfast facilities.

“School” means a public or private facility that provides teaching or learning. Typical uses include elementary, junior and senior high schools and related uses, except as otherwise specifically defined in
this code. “School” does not include a child care facility, preschool, day care, or an institution of higher education as defined in this chapter.

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

“Short-term rental” means the use of an entire dwelling unit by any person or group of persons to occupy for rent for a period of less than 30 consecutive days. Short-term rentals also include vacation home rentals, but does not include bed and breakfast inns, hotels and motels.

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

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

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

“Triplex” means a detached building containing three dwelling units, each with a kitchen, designed for and occupied by three families living independently of each other in separate dwelling units.

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

Section 23. Section 36 of Ordinance 2397-99, as amended (Zoning, Use Tables, EMC 19.05.010), is amended to read as follows:

19.05.010 Permitted uses, prohibited uses.
Land uses which are listed in the use table of this chapter shall be permitted subject to the review process listed in the table for a specific use in a particular use zone. If a use is not listed specifically or generally in a specific zone in the use table, it shall be considered to be a prohibited use in that zone. See Section 19.02.080(2) for information on planning director interpretations on uses which are not listed in the use tables. See Chapter 19 of this title for use regulations pertinent to the UR, UM, and ULI zones.

Section 24. Section 36 of Ordinance 2397-99, as amended (Zoning, Use Tables, EMC 19.05.040), is amended to read as follows:

19.05.040 Additional regulations in specific zones.
In addition to the special regulations that accompany the use tables and the development standards listed in Table No. 6.1, there are additional regulations that apply in the B-3, C-ZES, M-1, M-M, BMU, E-1
and MUO zones. These can be found in Chapters 19.22, 19.25, 19.27, 19.28, 19.31A, and 19.31B respectively, of this title.

Section 25. Section 36 of Ordinance 2397-99, as amended (Zoning, Use Tables, EMC 19.05.070), is amended to read as follows:

19.05.070 Overlay zones.
In addition to the use zones listed in the use tables of this chapter, there may be overlay zones affecting a particular property which contain specific regulations which are not listed in the use tables of this chapter or in the development standards table of Chapter 19.06 of this title. To determine if overlay zone regulations affect your property, check a current copy of the Everett Zoning Map to see if the zoning symbol for the area on the map in which your property is located includes one of the following suffixes:

“C,” “O,” and “C-O” – Clinic, Office, and Clinic-Office Overlay Zone, see Chapter 19.16.
PD” – Planned Development Overlay Zone, see Chapter 19.29.
“RFFD,” “UFFD” – Floodplain Overlay Districts, see Chapter 19.30.
“D” – Design Overlay Zone, see Chapter 19.31.
“PRD” – Planned Residential Overlay Zone, see Chapter 19.32.
“H” – Historic Overlay Zone, see Chapter 19.33.
“i” – Institutional Overlay Zone, see Chapter 19.33B.
“S” – Shoreline Overlay Zone, see Chapter 19.33D.
“AC” – Airport Compatibility, see Chapter 17.
“CR” – Core Residential Area Overlay Zone, see Chapter 20.

If your property is in an overlay zone, refer to the applicable chapter listed above to see what additional regulations may apply to the property.
Section 26. Section 36 of Ordinance No. 2397-99, as amended (Zoning, Use Tables, EMC 19.05, Table No. 5.1 Residential Uses), is amended to read as follows:

Table 5.1 Residential uses.

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<th>B-3</th>
<th>BMU</th>
<th>E-1</th>
<th>MUO</th>
<th>C-1</th>
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<td>Secure community transition facility (19)</td>
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<td>Supportive housing</td>
<td>III(18) (27)</td>
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<td>Temporary shelter home</td>
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Section 27. Section 36 of Ordinance No. 2397-99, as amended (Zoning, Use Tables, Special Regulations For Zoning Code Table # 5.1, EMC 19.05), is amended to read as follows:

Special Regulations for Zoning Code Table # 5.1
(5) Except in the core residential area, see Section 19.07.010 for development standards for single-family dwellings on lots smaller than five thousand square feet. See Section 19.07.020 for regulations on accessory buildings. See Chapter 19.33G for standards that apply to single-family dwellings in the core residential area. Not more than one single-family detached dwelling may be permitted on a lot in the R-S, R-1, R-2, R-3L, R-3, R-4, R-5, B-2, B-2B, C-1, or C-1R zones.

(7) All residential development must comply with the applicable development standards and guidelines except as otherwise provided by Section 19.39.155 for supportive housing, which may include standards in the B-3 zone (Chapter 19.22), core residential area (Chapter 19.33G), multiple-family development standards (Chapter 19.15), BMU zone (Chapter 19.31A), Everett Station Area (Chapter 19.25), E-1 and MUO, and/or any applicable overlay design standards and guidelines. Multiple-family development standards of Chapter 19.15 and multiple-family design guidelines established by city council Resolution No. 4618 shall apply to single-family attached dwelling developments and multiple-family dwelling developments containing three or more dwelling units where standards and guidelines are not otherwise specified.

(9) Except in the core residential area, duplexes in any zone and on any sized lot shall comply with Section 19.07.010. See Section 19.07.020 for regulations on accessory buildings. The minimum lot area for a duplex in the R-2 zone is seven thousand five hundred square feet. See Chapter 19.33G for standards that apply to duplexes in the core residential area.

(22) See Chapter 19.25 for regulations for live/work units in the C-2ES zone. [Reserved]
Section 28. Section 36 of Ordinance No. 2397-99, as amended (Zoning, Use Tables, EMC 19.05), is amended to repeal the B-3 zone and the C-2ES zone in Table No. 5.2 Nonresidential Uses.

Section 29. Section 36 of Ordinance No. 2397-99, as amended (Zoning, Use Tables, Special Regulations for Zoning Code Table NO. 5.2, EMC 19.05), is amended to read as follows:

Special Regulations for Zoning Code Table NO. 5.2

(10) (a) Office uses are not permitted in the R-3(L) zone, and are permitted in the R-3 zone only as provided in paragraph (b) of this Special Regulation (10).

(b) Office Uses on Colby Avenue in R-3 and R-4 Zones. Offices are permitted as a stand-alone use only on corner lots in those portions of the R-3 and R-4 zones that front on Colby Avenue, between 19th Street and 25th Street, subject to the following requirements:

1. Office uses may only be established in existing single-family dwellings or in existing nonconforming buildings. Existing buildings may not be removed and replaced with new office buildings.

2. For existing single-family dwellings that are converted to office uses, the building shall maintain the appearance of a single-family dwelling. Any additions or remodeling shall not increase the gross floor area of the existing building by more than twenty-five percent.

3. Off-street parking shall be located to the rear of the building and may take access only from the alley, except where an existing parking area takes access from the street.

4. Wall signs are limited to one per building, and a maximum area of sixteen square feet. Freestanding signs are limited to one per building, a maximum height of five feet, a maximum area of sixteen square feet, and shall be set back ten feet from the front or side lot lines. Internally illuminated signs are prohibited.

(c) Except as provided by paragraph (b) or (d) of this Special Regulation (10), office uses are permitted in the R-4 or R-5 zones only in mixed-use buildings in which at least fifty percent of the gross floor area is used for two or more dwellings. Chapter 19.15, and the multiple-family design guidelines, shall apply to mixed-use office-residential developments with three or more dwelling units outside the Core Residential Area Overlay, and Chapter 19.20 shall apply to mixed-use office-residential developments within the Core Residential Area Overlay.

(d) When the property is located in the O or C-O overlay zone, the provisions of Chapter 19.16 shall apply.

(29) Clinic uses and medical-related activities are permitted in the R-3, R-4 or R-5 zones only as provided in paragraph (a), (b) or (c) of this Special Regulation (29). Clinic uses and medical-related activities are permitted in the W-C zone only as provided in paragraph (d) of this Special Regulation (29).

(a) Clinic Uses and Medical-Related Activities on Colby Avenue in R-3 and R-4 Zones. Clinics, offices or medical-related activities are permitted as a stand-alone use only on corner lots in those portions of the R-3 and R-4 zones that front on Colby Avenue, between 19th Street and 25th Street, subject to the following requirements:

1. Clinic uses and medical-related activities may only be established in existing single-family dwellings or in existing nonconforming buildings. Existing buildings may not be removed and replaced with new clinic or medical-related activity buildings.

2. For existing single-family dwellings that are converted to clinic uses or medical-related activities, the building shall maintain the appearance of a single-family dwelling. Any additions or remodeling shall not increase the gross floor area of the existing building by more than twenty-five percent.
(3) Off-street parking shall be located to the rear of the building and may take access only from the alley, except where an existing parking area takes access from the street.

(4) Wall signs are limited to one per building, and a maximum area of sixteen square feet. Freestanding signs are limited to one per building, a maximum height of five feet, a maximum area of sixteen square feet, and shall be set back ten feet from the front or side lot lines. Internally illuminated signs are prohibited.

(b) Except as provided by paragraph (a) or (c) of this Special Regulation (29), clinic uses or medical-related activities are permitted in the R-3, R-4 or R-5 zones only in mixed-use buildings in which at least fifty percent of the gross floor area is used for two or more dwellings. Chapter 19.15, and the multiple-family design guidelines, shall apply to mixed-use clinic-medical-residential developments with three or more dwelling units outside the Core Residential Area Overlay, and Chapter 19.20 shall apply to mixed-use office-residential developments within the Core Residential Area Overlay.

(c) When the property is located in the Core-C-O overlay zone, the provisions of Chapter 19.16 shall apply.

(d) Clinics and pharmacies are permitted. Other medical-related activities are permitted only in conjunction with clinic use. Ambulance dispatch centers are not permitted in the W-C zone.

(60) See special regulations and design standards for the C-2ES (Everett Station Area) zone in Chapter 19.25. (Reserved)

(61) Outdoor sales and outdoor storage, including vehicle storage, are prohibited; provided, that seasonal outdoor farmer’s markets are permitted. (Reserved)

(62) Industrial uses with outside fabrication, processing and/or storage are prohibited. (Reserved)

(64) Vehicle service and repair businesses shall comply with the following requirements:
    (a) All vehicle maintenance work shall be performed in an enclosed building.
    (b) Vehicles being serviced shall not be parked on public right-of-way.
    (c) Outdoor storage of inoperable vehicles, used or discarded tires and vehicle parts is prohibited. (Reserved)

(65) Rental only. Outdoor storage of equipment and large trucks is prohibited. (Reserved)

(66) Parking lots are not permitted in areas designated as retail streets by Map 22-2, unless located behind the building. The following uses, whether specifically listed or not in Table 5.2, shall be prohibited on the ground floor in areas designated as retail streets by Map 22-2: Food banks, tattoo parlors, blood or plasma donor centers, body piercing, churches, pawnshops, secondhand stores, thrift stores, junk stores, places of assembly, teen clubs, private clubs, fraternal organizations, and social service facilities; except that secondhand stores, antique stores and antique malls may be located on the ground floor in the areas on Hewitt, Rucker or Wetmore Avenue identified in Map 22-2(a), if such store or mall is open for business a minimum of five days per week for a minimum of eight hours per day and has a prominent window display of merchandise consistent with Section 22.020.D.8.e. (Reserved)

(69) In the B-3 zone electric vehicle charging stations are prohibited within the public right-of-way on streets designated “Retail” on Map 22-2. Electric vehicle charging stations located on a lot fronting on a street designated as “Retail Street” by Map 22-2 shall not be visible from the public sidewalk abutting the lot. (Reserved)
Section 30. Section 37 of Ordinance 2397-99, as amended (Zoning, Development Standards Table, EMC 19.06.010), is amended to read as follows:

19.06.010 Development standards table.
Table No. 6.1 contains a variety of development standards that apply in the use zones. The standards listed in the development standards table are either minimum or maximum dimensional standards, landscape category and sign category. For detailed regulations pertaining to a specific landscape category and landscaping requirements in general, see Chapter 19.35 of this title. For detailed regulations pertaining to a specific sign category and sign regulations in general, see Chapter 19.36 of this title. For exceptions to minimum setbacks, minimum lot area, and maximum building height, see general provisions in Chapter 19.39 of this title. See Chapter 20 of this title, for development standards pertinent to the UR, UM, and ULI zones and the Core Residential Area Overlay.

Section 31. Section 37 of Ordinance 2397-99, as amended (Zoning, Development Standards Table, EMC 19.06.040), is amended to read as follows:

19.06.040 Additional regulations in specific zones.
In addition to the special regulations that accompany the use tables in Chapter 19.05 of this title and the development standards listed in Table No. 6.1, there are additional regulations that apply in the B-3, C-2ES, M-1, M-M, BMU, E-1 and MUO zones which are listed in Chapters 19.22, 19.25, 19.27, 19.28, 19.31A and 19.31B, respectively, of this title. If your property is located in one of these zones, you should check the regulations in these chapters to understand if additional regulations apply.

Section 32. Section 37 of Ordinance 2397-99, as amended (Zoning, Development Standards Table, EMC 19.06.090), is amended to read as follows:

19.06.090 Overlay zones.
In addition to the use zones listed in the use tables of Chapter 19.05, there may be overlay zones affecting a particular property which contain specific regulations which are not listed in the use tables of Chapter 19.05 or in the development standards table of this chapter. To determine if overlay zone regulations affect your property, check a current copy of the Everett Zoning Map to see if the zoning symbol for the area on the map in which your property is located includes one of the following suffixes:

“C,” “O,” and “C-O” – Clinic, Office, and Clinic-Office Overlay Zone, see Chapter 19.16.
“PD” – Planned Development Overlay Zone, see Chapter 19.29.
“D” – Design Overlay Zone, see Chapter 19.31.
“PRD” – Planned Residential Overlay Zone, see Chapter 19.32.
“H” – Historic Overlay Zone, see Chapter 19.33.
“II” – Institutional Overlay Zone, see Chapter 19.33B.
“AC” – Airport Compatibility, see Chapter 17.
“CR” – Core Residential Area Overlay Zone, see Chapter 20.

If your property is in an overlay zone, refer to the applicable chapter listed above to see what additional regulations may apply to the property.
Section 33. Section 37 of Ordinance No. 2397-99, as amended (Zoning, Development Standards Table, EMC 19.06), is amended to repeal the B-3 zone and the C-2ES zone: in Table No. 6.1 Development Standards.

Section 34. Section 37 of Ordinance No. 2397-99, as amended (Zoning, Development Standards, Special Regulations for Zoning Code Development Standards Table NO. 6.1, EMC 19.06), is amended to read as follows:

Special Regulations for Zoning Code Development Standards Table NO. 6.1

(13) See Chapter 19.22 of this title for additional regulations for the B-3 zone. [Reserved]

(14) See Chapter 19.27 of this title for additional regulations for the M-1 zone. See Chapter 19.28 of this title for additional regulations for the M-M zone. See Chapter 19.25 of this title for additional regulations for the C-2ES zone.

(18) See Section 22.020.A for setback regulations in the B-3 zone. [Reserved]

(19) Ten feet when abutting Pacific Avenue or East Marine View Drive.

(28) See Section 22.020.B for building height regulations in the B-3 zone. [Reserved]

(35) Street trees and landscaping shall be provided as required by Section 22.020.D. [Reserved]

(39) For properties located within the core residential area, see the development standards in Chapter 19.33G19.20 of this title.

(46) See Section 19.31B.030.C for building height regulations in the E-1 zone and E-1 MUO. The city may allow a maximum building height for residential buildings or the residential portion of mixed-use buildings to exceed seventy-five feet as provided by Section 31B.030.C.

Section 35. Section 15 of Ordinance 1671-89, as amended (Zoning, Multiple-Family Development Standards, EMC 19.15.010.B), is amended to read as follows:

19.15.010 Purpose—Applicability—Multiple-family design guidelines, modification of development standards and design guidelines.

B. Applicability. Except as otherwise specified in this title, the development standards for multiple-family developments contained in this chapter shall apply to all multiple-family dwellings and single-family attached dwellings in the use zones in which multiple-family or single-family attached developments are allowed. These standards do not apply to residential development in the core residential area, the B-3 zone, the C-2ES zone, the UR zone, the UM zone, the ULI zone, the BMU zone, the E-1 or the MUO zone. See Chapter 19.20 for residential development standards for the core residential area overlay zone and the UR, UM and ULI zones. See Chapter 19.31A for residential development standards for the BMU zone. See Chapter 19.31B for residential development standards for the E-1 and E-1 MUO zones. The term “multiple-family” as used in this chapter shall also apply to single-family attached housing comprised of three or more dwellings in a building. These requirements supplement the standards contained in the other sections of the zoning code and are to be used to design single-family attached and multiple-family housing sites and buildings. In the event of a conflict between these requirements and the standards of other sections of the zoning code, these
requirements shall control; provided, however, the requirements established as part of the creation of any historic or design overlay zone shall take precedence over any conflicting requirements in this chapter. When multiple-family housing is to be part of a mixed-use commercial development, the requirements contained herein shall apply, but may be modified by the planning director as needed to provide for the reasonable accommodation of mixed-use and commercial development encouraged by the comprehensive plan. When multiple-family housing is proposed to be added as a later phase to an existing multiple-family 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.

Section 36. Section 3 of Ordinance No. 2307-98, as amended (Zoning, Multiple-Family Development Standards, EMC 19.15.020.A), is amended to read as follows:

19.15.020 Calculation of permitted number of dwelling units.

The intent of this section is to implement the Everett comprehensive plan by regulating the permitted density of multiple-family housing in various zone districts.

A. Density Standards. The maximum number of multiple-family dwelling units permitted in each zone shall be as provided by the density standard listed in Table No. 15-1. The total lot area is divided by the density standard indicated below to determine the permitted maximum number of dwellings on the lot. See Section 19.33D.540(C) or 19.37.210(C) for lots with environmentally sensitive areas. Compliance with other requirements of this title or other city development standards, such as environmentally sensitive area regulations or surface water requirements, may have the effect of reducing the total number of dwellings that can be built on a site. Achievable density may also be limited by site size, configuration and project design. A project applicant may not be able to achieve the full number of dwelling units that is permitted by the density standards of this section.

TABLE NO. 15-1
PERMITTED MULTIPLE-FAMILY RESIDENTIAL DENSITY

<table>
<thead>
<tr>
<th>Zone</th>
<th>Density Standard</th>
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<tbody>
<tr>
<td>1. R-1(A) Zone</td>
<td>1 dwelling unit per 3,600 square feet (up to 12 DUs per acre)</td>
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<tr>
<td>2. R-2(A) Zone</td>
<td>1 dwelling unit per 2,900 square feet (up to 15 DUs per acre)</td>
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<tr>
<td>3. R-3(L) Zone</td>
<td>1 dwelling unit per 2,200 square feet (up to 20 DUs per acre)</td>
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<tr>
<td>4. R-3 Zone</td>
<td>1 dwelling unit per 1,500 square feet (up to 29 DUs per acre)</td>
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<tr>
<td>5. R-4 Zone</td>
<td>1 dwelling unit per 750 square feet (up to 58 DUs per acre)</td>
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<tr>
<td>6. R-5 Zone</td>
<td>no maximum density requirement</td>
</tr>
<tr>
<td>7. B-1 Zone</td>
<td>1 dwelling unit per 2,200 square feet$^1$ (up to 20 DUs per acre)</td>
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<tr>
<td>8. B-2 Zone</td>
<td>1 dwelling unit per 750 square feet$^2$ (up to 58 DUs per acre)</td>
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<tr>
<td>9. B-2(B) Zone</td>
<td>1 dwelling unit per 1,500 square feet (up to 29 DUs per acre)</td>
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<td>10. B-3 Zone</td>
<td>no maximum density requirement</td>
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<tr>
<td>11. C-1, C-1R Zones</td>
<td>1 dwelling unit per 750 square feet$^3$ (up to 58 DUs per acre)</td>
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<tr>
<td>12. W-C Zone</td>
<td>1 dwelling unit per 750 square feet (up to 58 DUs per acre)</td>
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</table>

$^1$ Multiple-family dwellings are permitted only in a mixed-use building in which at least twenty-five percent of the gross floor area is devoted to a permitted nonresidential use, or at least ninety percent of the street frontage of the ground floor is devoted to retail use.

$^2$ One dwelling unit per one thousand five hundred square feet in the area located east of Interstate 5 and south of 100th Street SE.
Section 37. Section 16 of Ordinance 1671-89, as amended (Zoning, Clinic and Office Overlay Zones, EMC 19.16.010), is amended to read as follows:

16.010 User guide.
The regulations of this section apply to specific geographic areas in which the symbol “C” is attached as suffix to R-3, R-4 or R-5 zones; and in which the symbols “O” or “C-O” are attached as a suffix to R-3, R-4 or R-5 zones. To understand the regulations for clinics, medical-related activities, and offices in these areas, you should read this chapter.

Section 38. Section 16 of Ordinance 1671-89, as amended (Zoning, Clinic and Office Overlay Zones, EMC 19.16), is amended to repeal EMC 19.16.020, C Clinic and medical-related activities overlay district.

Section 39. Section 16 of Ordinance 1671-89, as amended (Zoning, Clinic and Office Overlay Zones, EMC 19.16), is amended to repeal EMC 19.16.030, O office overlay district.

Section 40. Section 16 of Ordinance 1671-89, as amended (Zoning, Clinic and Office Overlay Zones, EMC 19.16.040), is amended to read as follows:

16.040 C-O clinic-office overlay zone.
The C-O clinic and office overlay zone is applied to certain areas within the R-3, R-4 and R-5 zones indicated in map number 22-316-1 of Section 19.16.070. Uses permitted within the C-O overlay zone and the standards applicable to such uses shall be as established in this section.

A. Permitted Uses.
   1. Any use permitted in the underlying R-3, R-4 or R-5 zones, subject to the standards of the underlying zone which are listed in the use-standards table, except as otherwise provided by Sections 16.040.A.2 and 16.040.A.3.
   2. Clinics and medical-related activities within a building containing not more than twenty thousand square feet gross floor area of nonresidential space devoted to clinic or medical-related activities. Clinic and medical-related activities need not be located in a building containing a mix of residential and clinic or residential and medical-related uses. For clinics and medical-related activities with more than twenty thousand square feet of nonresidential space, there are two options, subsection B or subsection C of this section.
   3. Offices in buildings where the office space is more than twenty thousand square feet must be in a mixed-use building as provided for in subsection C of this section.

B. Land Uses Permitted Subject to Review Process as Described in Title 15, Local Project Review Procedures.
   1. Any such use permitted in the underlying R-3, R-4 or R-5 zone;
   2. Clinics containing more than twenty thousand square feet gross floor area.

C. Land Uses Permitted Subject to Review Process as Described in Title 15, Local Project Review Procedures. Government administrative offices, offices, and clinics and medical-related uses are permitted in the R-3, R-4 and R-5 C-O zones subject to the review process described in Title 15, Local Project Review Procedures, and the following restrictions; provided, however, the planning director shall have the authority to require a government administrative office use to be subject to a higher level of review process if he/she determines that additional public notification is necessary to address impacts for the proposed use that may be greater than other uses normally allowed in the R-3, R-4 and R-5 C-O zones:
1. Permitted only in a mixed-use building in which thirty-three percent of the gross floor area, excluding off-street parking within a parking structure, is devoted to multiple-family housing;
2. No portion of any building constructed as a residential building prior to June 1, 1999, may be converted to government administrative office uses;
3. A covenant shall be recorded on the property acknowledging the limitations stated in this section.

D. Parking Requirements. Same as required in the underlying zone, except that parking requirements for government administrative offices, when permitted in the R-5 C-O zone, shall be determined as provided by Section 19.34.030See Chapter 19.34.

E. Setbacks.
   1. Front:
      a. All clinic and/or office buildings shall be located so the front building facade is located on the front yard setback line. This requirement shall not apply to single-family dwellings which are converted to professional offices or clinics, unless the gross floor area of the dwelling is increased by more than fifty percent.
      b. No portion of the property located between the front lot line and the building shall be used for off-street parking.
   2. Side:
      a. Corner—same as in underlying use zone;
      b. Interior—same as in underlying use zone.
   3. Rear: five feet.

F. Building Height.
   1. R-3 zone: thirty-five feet;
   2. R-4 zone: eighty-sixty-five feet; provided, that only residential uses are permitted in any portion of the building above the fourth floor;
   23. R-5 zone: eighty-sixty-five feet.

G. Map No. 16-1, Clinic-Office Overlay
**Map 16 - 1: Clinic-Office Overlay**

Section 41. Section 16 of Ordinance 1671-89, as amended (Zoning, Clinic and Office Overlay Zones, EMC 19.16), is amended to repeal EMC 19.16.050, Map number 22-1 – “C” clinic overlay zone.

Section 42. Section 16 of Ordinance 1671-89, as amended (Zoning, Clinic and Office Overlay Zones, EMC 19.16), is amended to repeal EMC 19.16.060, Map number 22-2 – Office overlay zone.

Section 43. Section 16 of Ordinance 1671-89, as amended (Zoning, Clinic and Office Overlay Zones, EMC 19.16), is amended to repeal EMC 19.16.070, Map number 22-3 – Clinic office overlay zones.

Section 44. Ordinance 2923-06, as amended (Zoning, Zone B-3 Regulations, EMC 19.22), is hereby repealed.
Section 45. Ordinance 2854-05, as amended (Zoning, Zone C-2ES Regulations, EMC 19.25), is hereby repealed.

Section 46. Section 29 of Ordinance 1671-89, as amended (Zoning, Planned Development Overlay Zone, EMC 19.29.030), is amended to read as follows:

19.29.030 Minimum lot area.
A. The minimum lot area required for property proposed for a PD planned development overlay zone shall be:
   1. B-3UM zone—one-half acre;
   2. M-1 zone—twenty acres;
   3. M-2 zone—five acres;
   4. All other commercial or industrial zones—two acres.

B. The PD planned development overlay zone may be applied to residentially zoned property only when the residentially zoned property is combined as a single development proposal with property located in a nonresidential zone or zones, and the combined area of the residential and nonresidential property meets the minimum lot area requirement specified above for the nonresidential zone; and further provided, that the proposed development meets all the requirements of this chapter.

Section 47. Section 12 of Ordinance 3099-08, as amended (Zoning, Broadway Mixed-Use Zone, EMC 19.31A), is amended by superseding Map 31A-1, BMU Zone-Maximum Building Heights, with a revised map as follows:
Section 48. Section 12 of Ordinance 3269-12, as amended (Zoning, E-1 (Evergreen Way) and MUO (Mixed-Use Overlay) Zones, EMC 19.31B.030.C), is amended to read as follows:

19.31B.030 Setbacks, building height, separations from residentially zoned properties, and upper story balconies.

C. Building Height, Residential Buildings. The maximum building height shall be forty-five feet on Rucker Avenue and on Evergreen Way north of 45th Street SE. Residential buildings, or the residential portion of mixed-use buildings, may exceed seventy-five feet in height up to a maximum height of one
hundred twenty-five feet using Review Process II for that portion of Evergreen Way south of 45th Street SE; provided, that:

1. The city determines that there is no significant adverse impact due to the extra height.
2. The height of any portion of the building shall not exceed the distance that portion of the building is set back from the residentially zoned lot.
3. The site includes a minimum of two hundred square feet of usable open space per dwelling unit at or near the grade level for either the private use of residents or for general use by residents and customers of mixed-use commercial and residential development on site. This open space area can also be used to increase the permitted density as provided by Section 19.31B.020.

Figure 31B.030-1. Setback from residentially zoned lots, permitted building height, landscape buffer

Section 49. Section 5 of Ordinance 1923-93, as amended (Zoning, Historic Overlay Zone, EMC 19.33.150), is amended to read as follows:

19.33.150 Use of neighborhood conservation guidelines and historic overlay zone standards. In reviewing any proposed action listed in Section 19.33.130 or 19.33.140, the historical commission, planning director and/or planning department staff shall use the neighborhood conservation guidelines and historic overlay zone standards as a basis for approving or modifying any proposed construction plans. These guidelines and standards have been designed specifically for historic overlay zoned properties and are to be applied together in reviewing development proposals. The neighborhood conservation guidelines designate the features of the neighborhood included within the historic overlay zone which are significant and should either be provided, replicated, enhanced or preserved by new construction or remodeling of existing structures within the historic overlay zone. The guidelines and standards supersede the city’s development standards for the core residential development and design standards area overlay zone in the historic overlay zone. In the event of a conflict between the neighborhood conservation guidelines and historic overlay standards and the development standards...
for the core residential development and design standards area overlay zone, the neighborhood conservation guidelines and historic overlay zone standards shall control. All proposals for actions subject to review by the historical commission shall provide sufficiently detailed plans and drawings to enable the historical commission or planning department staff to determine that the construction is consistent with the neighborhood conservation guidelines and historic overlay zone standards. Sections of the core residential development and design standards development standards for the UR zone which apply to properties in the historic overlay zone include open space, landscaping and screening (except fencing), service areas and recreation requirements.

Section 50. Section 8 of Ordinance 1923-93, as amended (Zoning, Historic Overlay Zone, EMC 19.33.180), is amended to read as follows:

19.33.180 Minimum setback requirements.
The following minimum setback requirements shall apply in the historic overlay zone:
A. Front Setback Requirements.
   1. Rucker Grand Historic Overlay Zone. The minimum front setback shall be thirty feet from the edge of the sidewalk furthest from the street, or calculated by taking the average front setback of the two adjacent properties, whichever is less, except under the following circumstances:
      a. On the west side of Grand Avenue between 19th and 24th Streets, the minimum front setback shall be ten feet from the edge of the sidewalk furthest from the street. The historical commission shall have the option to reduce the setback to zero feet from the front lot line if certain design standards of pedestrian appeal, reduced building height, view protection, side yard setback adjustments, and building massing are met. Buildings shall not be permitted within the public right-of-way.
      b. Entry coverings such as porches open on three sides and overhangs may project six feet into the front setback.
      c. In the R-3H and R-4H and URH zones, grouped mailbox structures shall not be located within the required front setback.
   2. Norton Grand Historic Overlay Zone. The historic front setback varies widely in the Norton Grand historic overlay zone. To maintain consistent setbacks within each block, the setback for new construction will be calculated by taking the average front setback of the two adjacent properties. If the property is on a corner, the setback shall be consistent with the front setback of the adjacent property. If there are no adjacent properties, the setback will be calculated by taking the average setback of the first two houses on the block to the south.
B. Side Setback Requirements. The minimum side setback shall be five feet, except under the following circumstances:
   1. On corners, the minimum street side setback shall be ten feet from the side property line abutting an east-west street. Setback for infill buildings shall be determined by the orientation of the building (see Section 19.33.250).
   2. Uninhabited, detached accessory buildings such as garages or sheds shall have a minimum five-foot setback requirement on interior side lot lines.
C. Rear Setback Requirements.
   1. In the R-4H zone, the rear setback shall be five feet except for infill dwellings (see Section 33.250.D).
   2. In the R-3H and URH zones, the minimum rear setback shall be twenty feet except for rear yard infill dwellings (see Section 19.33.250).
   3. In the R-1H and R-2H zones, the minimum rear setback shall be twenty feet.
4. In order to maintain open rear yards in all zones, there shall be no minimum rear setback requirement for detached accessory buildings such as garages and sheds.

**Section 51.** Section 9 of Ordinance 1923-93, as amended (Zoning, Historic Overlay Zones, EMC 19.33.190), is amended to read as follows:

**19.33.190 Building height and calculation.**

A. Allowable Height.

1. In the R-3H and URH zones, the maximum permitted eave height shall be twenty-four feet, measured to the bottom of the eaves of the roof. The maximum permitted building height shall be thirty-five feet. This will generally mean a maximum of three stories above the sidewalk on north/south streets. See Section 33.250.E for the allowable height of infill dwellings.

2. In the R-4H zone, the maximum permitted eave height shall be twenty-four feet, measured to the bottom of the eaves of the roof. Roof slope shall conform to the standards of Section 19.33.210. The maximum height in the R-4H zone shall be forty feet. This generally means a maximum of four stories above the sidewalk on the north/south streets. Under-building parking is encouraged. See Section 33.250.E for the allowable height of infill dwellings.

3. In the R-3H, and R-4H and URH zones, the height limitation can be changed by up to ten percent pursuant to Section 33.120.B.

4. In the R-1H and R-2H zones, maximum building height shall be twenty-eight feet.

B. Height Calculation. Building height shall be measured from the highest point of the sidewalk at the entrance of the building. Generally the entrance will be on Norton, Grand or Rucker Avenues, the north/south streets.

On sloping sites, such as some parts of Rucker and Grand Avenues, the height calculation will follow the land contour. If the property slopes away from the Avenue, the height shall be determined from the highest point of the sidewalk at the entrance to the building. If the property slopes up from the Avenue, the height may be determined from the base elevation of the building footprint.

**Section 52.** Section 11 of Ordinance 1923-93, as amended (Zoning, Historic Overlay Zone, EMC 19.33.220), is amended to read as follows:

**19.33.220 Open space.**

Open space in the R-3H and R-4H and URH zones shall be provided as required by the city’s development standards for the core residential area overlay zone; core residential development and design standards. Except open space may be provided within the front setback area.

**Section 53.** Section 14 of Ordinance 1923-93, as amended (Zoning, Historic Overlay Zone, EMC 19.33.250), is amended to read as follows:

**19.33.250 Infill dwellings in rear yards.**

In a historic overlay zone, rear yard infill dwellings are allowed only on the same lot as a residential structure or a vacant lot existing at the time of original adoption of the historic overlay zone. Infill dwellings are intended to allow increased density while preserving historic buildings. Infill dwellings are permitted in the R-3H and R-4H and URH zones and in the R-2H zone. Infill dwellings are subject to the following standards:

A. The rear yard area shall be a minimum of two thousand square feet prior to construction of the infill dwelling(s).
B. There shall be a minimum separation of eighteen feet between the existing dwelling and infill dwellings.

C. The minimum setback for corner lot infill dwellings shall be determined by the orientation of the dwelling. The setback for buildings oriented towards the numbered cross streets shall be calculated by taking the average of the setbacks of the adjacent properties. The setback calculation for corner infill dwellings oriented towards Norton or Grand Avenue shall be determined by the corner setback of the primary dwelling.

D. The minimum rear setback shall be three feet from the rear lot line.

E. Infill dwellings are allowed a height up to twenty-four feet in the R-2H, and R-3H and URH zones and thirty-four feet in the R-4H zone.

F. On lots without alley access, on-site parking for infill dwellings must use the same curb cut as the existing house.

GF. Parking standards for infill dwellings are contained in Chapter 19.34.

**Section 54.** Section 5 of Ordinance 3103-08, as amended (Zoning, Historic Overlay Zone, EMC 19.33.330), is amended to read as follows:

**19.33.330 Use of neighborhood conservation guidelines and historic overlay zone standards.**
In reviewing any proposed action listed in Section 19.33.310 or 19.33.320, the historical commission, planning director and/or planning department staff shall use the Riverside neighborhood conservation guidelines and historic overlay zone standards as a basis for approving or modifying any proposed construction plans. These guidelines and standards have been designed specifically for historic overlay zoned properties and are to be applied together in reviewing development proposals. The neighborhood conservation guidelines designate the features of the neighborhood included within the historic overlay zone which are significant and should either be provided, replicated, enhanced or preserved by new construction or remodeling of existing structures within the historic overlay zone. The guidelines and standards supersede the city’s development standards for the area and design guidelines and standards area overlay zone in the historic overlay zone, except for the following standards: open space, landscaping and screening (except fencing), service areas and recreation requirements. In the event of a conflict between the neighborhood conservation guidelines and historic overlay zone standards and the development standards for the area and design standards area overlay zone, the neighborhood conservation guidelines and historic overlay zone standards shall control. All proposals for actions subject to review by the historical commission shall provide sufficiently detailed plans and drawings to enable the historical commission or planning department staff to determine that the construction is consistent with the neighborhood conservation guidelines and historic overlay zone standards.

**Section 55.** Section 8 of Ordinance 3103-08, as amended (Zoning, Historic Overlay Zone, EMC 19.33.360), is amended to read as follows:

**19.33.360 Minimum setback requirements.**
The following minimum setback requirements shall apply in the historic overlay zone:

A. Front Setback Requirements.
   1. The minimum front setback shall be calculated by taking the average front setback of the two adjacent properties. If the property is on a corner, the setback shall be consistent with the front setback of the adjacent property. If there are no adjacent properties, the setback will be calculated by taking the average setback of the first two houses on the block to the south.
2. Entry coverings such as porches open on three sides and overhangs may project six feet into the front setback.

3. In the R-3H and R-4HURH zones, grouped mailbox structures shall not be located within the required front setback.

B. Side Setback Requirements. The minimum side setback shall be five feet, except under the following circumstances:
   1. On corners, the minimum street side setback shall be ten feet from the side property line abutting an east-west street. Setback for infill buildings shall be determined by the orientation of the building (see Section 19.33.430).
   2. Uninhabited, detached accessory buildings such as garages or sheds shall have a minimum five-foot setback requirement on interior side lot lines.

C. Rear Setback Requirements.
   1. In the R-4HURH zone, the rear setback shall be five feet except for infill dwellings (see Section 33.430.D).
   2. In the R-3H zone the minimum rear setback shall be twenty feet except for rear yard infill dwellings (see Section 19.33.430).
   3. In the R-2H zone, the minimum rear setback shall be twenty feet.
   4. In order to maintain open rear yards in all zones, there shall be no minimum rear setback requirement for detached accessory buildings such as garages and sheds on lots with alley access to the rear.

Section 56. Section 9 of Ordinance 3103-08, as amended (Zoning, Historic Overlay Zone (EMC 19.33.370), is amended to read as follows:

19.33.370 Building height and calculation
A. Allowable Height.
   1. In the R-3H zone, the maximum permitted eave height shall be twenty-four feet, measured to the bottom of the eaves of the roof. The maximum permitted building height shall be thirty-five feet. This will generally mean a maximum of three stories above the sidewalk on north/south streets. See Section 33.430.E for allowable height of infill dwellings.
   2. In the R-4HURH zone, the maximum permitted eave height shall be twenty-four feet, measured to the bottom of the eaves of the roof. Roof slope shall conform to the standards of Section 19.33.390. The maximum height in the R-4H zone shall be forty feet. This generally means a maximum of four stories above the sidewalk on the north/south streets. Underbuilding parking is encouraged. See Section 33.430.E for the allowable height of infill dwellings.
   3. In the R-3H zone, the height limitation can be changed by up to ten percent pursuant to Section 33.300.B.
   4. In the R-2H zone, the maximum building height shall be twenty-eight feet.

B. Height Calculation.
   1. Building height shall be measured from the highest point of the sidewalk at the entrance of the building, except as provided by subsection B.2 of this section.
   2. On sloping sites, the height calculation will follow the land contour. If the property slopes away from the street, the height shall be determined from the highest point of the sidewalk at the entrance to the building. If the property slopes up from the street, the height may be determined from the base elevation of the building footprint.
Section 57. Section 12 of Ordinance 3103-08, as amended (Zoning, Historic Overlay Zone, EMC 19.33.400), is amended to read as follows:

19.33.400 Open Space
Open space in the R-3H and R-4HURH zones shall be provided as required by the city’s development standards for the core residential area overlay zone, except open space may be provided within the front setback area.

Section 58. Section 15 of Ordinance 3103-08, as amended (Zoning, Historic Overlay Zone, EMC 19.33.430), is amended to read as follows:

19.33.430 Infill dwellings in rear yards.
In a historic overlay zone, rear yard infill dwellings are allowed only on the same lot as a residential structure or a vacant lot existing at the time of original adoption of the historic overlay zone. Infill dwellings are intended to allow increased density while preserving historic buildings. Infill dwellings are permitted in the R-3H and R-4HURH zones and in the R-2H zone. Infill dwellings are subject to the following standards:

A. The rear yard area shall be a minimum of two thousand square feet prior to construction of the infill dwelling(s).
B. There shall be a minimum separation of eighteen feet between the existing dwelling and infill dwellings.
C. The minimum setback for corner lot infill dwellings shall be determined by the orientation of the dwelling. The setback for buildings oriented towards the numbered cross streets or Cedar, Pine, Maple or Walnut Street shall be calculated by taking the average of the setbacks of the adjacent properties. The setback calculation for corner infill dwellings oriented towards the same street as the primary dwelling shall be determined by the corner setback of the primary dwelling.
D. The minimum rear setback shall be three feet from the rear lot line.
E. Infill dwellings are allowed a height up to twenty-four feet in the R-2H and R-3H zones and thirty-four feet in the R-4HURH zone.
F. On lots without alley access, on-site parking for infill dwellings must use the same curb cut as the existing house.

Section 59. Ordinance 3072-08, as amended (Zoning, Core Residential Development and Design Standards, EMC 19.33G), is hereby repealed.

Section 60. Section 35 of Ordinance 1671-89, as amended (Zoning, Landscaping and Screening Requirements, EMC 19.35.060.A), is amended to read as follows:

EMC 19.35.060 Application of landscape categories and type (Table 35-1).
A. Perimeter Landscaping. Table 35-1 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 6.1. This chart establishes the minimum requirements for each landscape category. However, additional standards may be required in individual zones (Table 6.1 identifies when additional standards may apply, for example in the B-3, BMU, E-1, and MUO zones) or for uses being reviewed under review processes involving the hearing examiner, planning commission or city council as set forth in 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.

**Section 61.** Section 35 of Ordinance No. 1671-89, as amended (Zoning, Landscaping and Screening Requirements, EMC 19.35.060, Table 35-1), is amended to read as follows:

Footnotes for Table 35-1:

- (5) A-1, R-5, R-1, R-2, R-1(A), R-2(A), R-3(L), R-3, R-4, R-5, UR zones.
- (6) B-1, B-2, B-2(B), B-3, BMU, E-1, MUO, C-1, C-1R, UM, WC zones.
- (7) C-2, C-2ES, M-1, M-2, M-M, M-S, ULI zones.

**Section 62.** Section 35 of Ordinance 1671-89, as amended (Zoning, Landscaping and Screening Requirements, EMC 19.35.080.B), is amended to read as follows:

19.35.080 Outdoor display and off-street parking area landscape requirements.

B. The following amounts of landscaping shall be provided in the internal area of parking lots exclusive of the landscaping required to be provided along street frontages and along interior lot lines by subsection A of this section, and exclusive of street trees required in specific areas of the city such as in the B-3, BMU, E-1, MUO, and C-2ESULI, UM and UR zones:

1. If a lot or development site contains a total of twenty or fewer parking spaces, or not more than six thousand square feet of parking and maneuvering area, whichever is less, no landscaping is required in the internal area of parking lots.

2. If the parking area contains more than twenty parking spaces or six thousand square feet of maneuvering area, and less than one hundred parking spaces, a minimum of twenty square feet of landscaping shall be planted for each parking stall. Plantings must consist of a mix of trees, shrubs and ground cover. At least one tree shall be planted for every eight parking spaces. Calculations resulting in a fraction larger than one-half shall be rounded up to the next whole number.

3. If the parking area contains one hundred or more parking spaces, a minimum of thirty square feet of landscaping shall be provided for each parking stall. Plantings must consist of a mix of trees, shrubs and ground cover. At least one tree shall be planted for every six parking spaces. Calculations resulting in a fraction larger than one-half shall be rounded up to the next whole number.

4. Outdoor storage areas and vehicle sales do not require interior landscaping; however, such sites shall still provide landscaping along street frontages and other lot lines as required by subsection A of this section and Table 35-1.

**Section 63.** Section 36 of Ordinance 1671-89, as amended (Zoning, Signs, EMC 19.36.140), is amended to read as follows:

19.36.140 Portable signs.

The following regulations shall apply to all portable signs except in cases where such signs are also included in more specific categories of this chapter:

A. Portable signs shall not exceed eight square feet per side or forty-two inches in height.

B. No more than one portable sign may be displayed per business.

C. In all commercial zones except the B-3-UM zone, the minimum spacing between portable signs shall be fifty feet.
D. All portable signs shall be located on the premises which they are advertising, except in the B-3UM zones where the following regulations shall apply:

1. Signs shall be located next to the curb edge of a sidewalk in such a manner so as not to interfere with the opening of car doors, bus stops, loading zones or pedestrian traffic.
2. Signs shall be located directly in front of the sponsoring business during business hours only.
3. Signs shall be located so as not to create a traffic safety hazard by obstructing the vision of motorists on private property or public right-of-way.
4. Owners of such signs shall assume liability for damage or injury resulting from their use and shall provide the city with an appropriate legal document satisfactory to the city attorney holding the city harmless and indemnifying the city for such resulting loss and/or injury.

Section 64. Section 36 of Ordinance 1671-89, as amended (Zoning, Signs, EMC 19.36.170, preamble), is amended to read as follows:

EMC 19.20.830 specifies sign categories for the UR, UM, and ULI zones, and Table 6.1 specifies a sign category for each of all other zones. The specific regulations pertaining to each sign category are contained in this section. Where there is a conflict between the general and specific regulations, the more specific regulations shall control.

Section 65. Section 38 of Ordinance 1671-89, as amended (Nonconforming Structures, Uses and Lots, EMC 19.38.080.A), is amended to read as follows:

19.38.030 Nonconforming use.

F. Notwithstanding other provisions in this section, no clinic, community service, social or human service facility use that has not been established before the effective date of this ordinance can be established as a legal nonconforming use within the UR, UM or ULI zones, regardless of whether such uses were established at the same location before the effective date of this ordinance.

Section 66. Section 38 of Ordinance 1671-89, as amended (Nonconforming Structures, Uses and Lots, EMC 19.38.080.A), is amended to read as follows:

19.38.080 Nonconforming lots.

A. Substandard Lots—Merger Clause. The following applies only to lots in the R-S zone existing prior to March 20, 1962, and to lots in the R-1, R-2, R-3, or R-4 or UR zones existing prior to December 1, 1956:

1. Any lot which does not meet the minimum lot area, width, depth or frontage requirements of the zone in which it is located, and which was conveyed and held as a separate lot in separate ownership as of the above dates and has not been subsequently merged with contiguous lots in accordance with subsection A.2 or A.3 of this subsection is a substandard lot. Any such substandard lot may be used for the creation of one single-family detached residential dwelling and its accessory building provided all yard requirements of the appropriate zone are met.

2. 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 parcel. No portion of the parcel 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 parcel be made which creates a lot with a width or
area below the requirements permitted by this chapter, except as provided by subsection A.4 of this section.

3. 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 parcel. No portion of said parcel shall be used, altered or sold in any manner which diminishes compliance with lot area and width requirements, nor shall any division be made which creates a lot with a width or area 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.

4. When a lot which contains less than the minimum lot area and/or width requirements of this title is located within an area in which there is a predominance of other lots which do not meet the minimum lot area or width requirements of this title, the owner of such lot may request certification of the lot as a legal building lot, and the city shall certify the lot as a legal building lot if all of the following circumstances apply:
   a. The subject lot has a lot area and lot width equal to or greater than at least thirty-five percent of the lots located within a three-hundred-foot radius of the boundaries of the subject lot;
   b. The subject lot has at least eighty percent of the minimum lot area required by this title;
   c. After required setbacks are accounted for, the lot has a building area in which a rectangle having minimum dimensions of thirty feet by forty feet can be located; and
   d. All other requirements of this title can be met by the proposed building or use, without obtaining variances.

Section 67. Section 39 of Ordinance 1671-89, as amended (Zoning, General Provisions, EMC 19.39.025.A), is amended to read as follows:

A. Locational Requirements.
1. An adult use business as defined by this title shall be permitted within the city limits only if it meets all of the locational requirements set forth in this section.
2. Adult use businesses shall be prohibited within one thousand feet of any area of the city zoned for residential purposes. Residential zones shall include the R-S, R-1, R-2, R-1(A), R-2(A), R-3, R-3(L), R-4, R-5, UR zones and any other residential zone hereafter adopted by the city.
3. Adult use business shall be prohibited within one thousand feet of any church, synagogue, mosque, or temple. For purposes of this section, land uses for which the principal use is not a church, synagogue, mosque, or temple but which include such a use as an accessory or incidental use to the principal use, such as a chapel within a hospital, a social service facility which provides religious services such as the Everett Gospel Mission, or other similar arrangement, shall not be deemed to be a church, synagogue, mosque, or temple.
4. Adult use businesses shall be prohibited within one thousand feet of any public or private school offering general education for students between the years kindergarten through twelfth grade. For purposes of this section, athletic training facilities such as gymnastics, judo, karate, and dance and similar uses shall not be deemed to be a school.
5. Adult use businesses shall be prohibited within one thousand feet of any public park or playground operated by the city. For purposes of this section, bike paths, trails, waterways and boat launches shall not be deemed to be a public park.
6. Adult use businesses shall be prohibited within one thousand feet of any designated community development block grant neighborhood.
7. Adult use businesses shall be prohibited from locating within five hundred feet of any other adult use business.
8. Adult use businesses shall be prohibited from locating within five hundred feet of any existing establishment selling alcoholic beverages for consumption on premises.
9. Distances provided for herein shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the proposed adult use business is or is to be located, to the nearest point of the parcel of property or the zoning district boundary line from which the proposed adult use business is or is to be separated.
10. Nothing within locational requirements set forth in this chapter shall preclude an adult use business from conducting more than one adult use activity within a single structure; provided, the adult use business shall comply with provisions of this title and all other city ordinances.
11. In the event an adult use business is legally established in accordance with the requirements of this title and does not constitute a nonconforming use as defined in subsection B of this section, and a sensitive land use described in subsections A.2 through A.6 of this section locates within the required separation distance, the zoning conformity of the legally established adult use shall not be affected.
12. Adult use businesses, panoram premises and public places of adult entertainment shall not be permitted within the area defined in Map 5.1.

Section 68. Section 3 of Ordinance 3220-11, as amended (Zoning, General Provisions, EMC 19.39.070.G), is amended to read as follows:

19.39.070 Fences
G. Fences within the core residential area must also comply with Section 33G.080.B.420.800. If there is a conflict between this section and Section 33G.080.B.420.800, the provisions of Section 33G.080.B.420.800 shall control.

Section 69. Section 2 of Ordinance 2111-95, as amended (Zoning, General Provisions, EMC 19.39.105.B), is amended to read as follows:

19.39.105 Jails, correctional facilities, Class II group-care homes.
B. Locational Criteria. Subject to the provisions of this chapter, jails and correctional facilities shall be a permitted use in the B-3 zone and C-1UM zone within the four-block area bounded by Wall on the north, Pacific on the south, Colby on the west and Lombard on the east subject to the review process described in Title 15, Local Project Review Procedures. Jails and correctional facilities are not permitted uses in any other portion of the B-3 zone, C-1UM zone, nor in any other zone.

Section 70. Section 2 of Ordinance 3443-15, as amended (Zoning, General Provisions, EMC 19.39.145.B), is amended to read as follows:

19.39.145 Recreational marijuana zoning regulations.
B. Producers and Processors. Marijuana producers and marijuana processors may operate in the city of Everett provided there is full compliance with all of the following provisions:
1. Marijuana producers and marijuana processors must comply with all requirements of state law, the Washington State Liquor and Cannabis Board, and the city;
2. Marijuana producers and marijuana processors may locate only within the M-1, M-2, M-M, and C-2 zones;
3. Marijuana producers and marijuana processors may not locate within one thousand feet of any parcel zoned as residential (R-S, R-1, R-1(A), R-2, R-2(A), R-3, R-3(L), R-4, and R-5, and UR zones);
4. Marijuana producers and marijuana processors may not locate within one thousand feet of any parcel containing an elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or any game arcade to which admission is not restricted to persons aged twenty-one years or older;

5. Tier 2 and Tier 3 marijuana producers and/or processors may not operate or locate in the city; and

6. There shall be a minimum separation of one thousand feet between production and/or processing uses, measured as the shortest distance between the boundaries of the lot upon which each use is located.

Section 71. Section 2 of Ordinance 3443-15, as amended (Zoning, General Provisions, EMC 19.39.145.C), is amended to read as follows:

19.39.145 Recreational marijuana zoning regulations.

C. Retailers. Marijuana retailers may operate in the city pursuant to the following restrictions:

1. Marijuana retailers must comply with all requirements of state law, Washington State Liquor and Cannabis Board and the city;

2. Marijuana retailers may operate in the city pursuant to the following restrictions:

3. Marijuana retailers may operate in the city pursuant to the following restrictions:

4. Marijuana retailers may operate in the city pursuant to the following restrictions:

5. Marijuana retailers may operate in the city pursuant to the following restrictions:

6. Marijuana retailers may operate in the city pursuant to the following restrictions:

7. Customer parking for marijuana retailers must be on the public street side of the structure in which the marijuana retailer is located and may not be off of or adjacent to an alley. However, staff parking and business deliveries may occur on the alley side of the structure;

8. Vehicular access to the parking lot for a marijuana retailer shall be from the public street frontage and may not be from an alley. Any property located on a street from which vehicular access to the site from the street is prohibited by the city engineer shall not be allowed for use as a marijuana retailer;

9. Marijuana retailers shall not be allowed on any parcel containing a residential use;

10. Marijuana retailers shall not be allowed on any parcel that is contiguous to a parcel containing a residential use, unless the planning director, using Review Process II as described in Title 15, finds the following:

11. In reviewing a proposed marijuana retailer under this section, the planning director shall have the authority to require improvements including, but not limited to, fencing or landscaping to screen the retail use from the residential use;
12. The front facade of retail stores shall consist of storefront window(s), doors, and durable, quality building materials consistent with the design standards of the zone in which the property is located. Transparency requirements for windows shall apply unless in conflict with Washington State Liquor and Cannabis Board regulations. If located in a zone without design standards, at least three of the following shall be provided:
   a. Special treatment of windows and doors, other than standard metal molding/framing details, around all ground floor windows and doors, decorative glazing, or door designs.
   b. Decorative light fixtures with a diffuse visible light source or unusual fixture.
   c. Decorative building materials, such as decorative masonry, shingle, brick, or stone.
   d. Individualized patterns or continuous wood details, decorative moldings, brackets, trim or lattice work, ceramic tile, stone, glass block, or similar materials.
   e. Use of a landscaping treatment as part of the building’s design, such as planters or wall trellises.
   f. Decorative or special railings, grill work, or landscape guards.
   g. Landscaped trellises, canopies, or weather protection.
   h. Sculptural or hand-crafted signs.
   i. Special building elements, such as pilasters, entablatures, wainscots, canopies, or marquees that exhibit nonstandard designs.
   j. Other similar features or treatment that satisfies the intent of the guidelines as approved by the city;

13. The maximum number of retail marijuana stores allowed in the city of Everett shall not exceed five.*

Section 72. Section 39 of Ordinance 1671-89, as amended (Zoning, General Provisions, EMC 19.39.150), is amended to read as follows:

19.39.150 Required Setbacks—Exceptions.
A. General. This section establishes what structures, improvements, and activities may be in or take place within required setback areas as established for each use in each zone in Chapters 19.05 through 19.28 of this title.
B. Exceptions and Limitations in Some Zones. Chapters 19.05 through 19.28 contain specific regulations regarding what may be in or take place in required yards. Where applicable, those specific regulations supersede the provisions of this section. See Section 19.41.100 for regulations concerning outdoor uses, activities and storage.
C. Structures and Improvements. No improvement or structure may be located in a required setback area except as follows:
   1. A driveway, walkway, and/or parking area subject to the standards of Chapter 19.34.
   2. Uncovered porches, decks, and steps which are no higher than three feet above the existing grade do not require a setback from the rear or side lot lines.
   3. Chimneys with or without foundations, bay windows, eaves, greenhouse windows and other elements of a structure that customarily extend beyond the exterior walls of a structure and do not require a foundation may extend up to eighteen inches into any required setback area. The total horizontal dimension of the elements that extend into a required yard, excluding eaves, may not exceed twenty-five percent of the length of the facade upon which the architectural element is located. No variance shall be granted to allow the architectural element to exceed twenty-five percent of the width of the facade upon which it is located.
   4. Fences may be located in required setback areas subject to the fence regulations contained within this section.
   5. Rockeries and retaining walls may be located in required setback areas if:
      a. The rockery or retaining wall is not being used as a direct structural support for a building;
b. The rockery or retaining wall is reasonably necessary to provide support to a cut or slope;
c. The rockery or retaining wall will not obstruct or interfere with the vision of vehicles and pedestrians using driveways and public rights-of-way; and
d. Any structure retaining soil which is four feet or greater in height shall comply with accessory building setback requirements, unless otherwise approved by the planning director, using the review process described in Title 15, Local Project Review Procedures.

6. Improvements associated with shoreline use and access areas may be located in any required setback area. The landward end of a pier may be located in the required setback area.

7. Those structures and improvements permitted in required setback areas by subsection D of this section.

8. Signs may be located in required setback areas subject to the requirements of Chapter 19.36 or other specific regulations of this title.

9. A covered porch which is open on three sides may encroach six feet into a required front or rear yard setback area.

10. Heat pumps and other air conditioning equipment shall not be permitted within a required front or side setback area.

11. Uncovered porches, decks and steps not over forty-two inches above grade may encroach into a front setback area by not more than fifty percent of the required setback depth.

12. Uncovered porches, decks, and steps over three feet in height and no higher than ten feet above the existing grade may encroach into the principal building’s rear setback area by not more than fifty percent of the required setback depth.

13. Zero lot line subdivisions approved as part of a formal subdivision or short subdivision may allow encroachment into what would otherwise be considered a required setback area.

D. Required Setbacks—Intrusions Into.

1. Signs, Marquees and Awnings: See sign code, Chapter 19.36.

2. Garages/Carports on Slopes:
   a. If the topography of a lot is such that the front building setback line is eight feet or more above the street grade, and there is no reasonable way to construct a driveway up to the dwelling level, a garage/carport may be built into the bank, provided it is set back at least five feet from the front property line and does not exceed fifteen feet in height.
   b. If the topography of a lot is such that the land drops down steeply from the street level and there is no reasonable way to construct a driveway with a slope less than fifteen percent down to the dwelling level, a garage/carport may be built in the front yard setback subject to approval by the planning director. The garage/carport must be set at least five feet back from the front lot line, and may not exceed fifteen feet in height above the floor of the garage. The garage/carport and its vehicular access must be located and oriented to minimize disturbance of the slope.
   c. The garage/carport constructed in accordance with subparagraph a or b of this subdivision must comply with the street intersection sight-obstruction requirements of Section 19.39.180.

DE. Required Yards, Designation and Measurement of.

1. Except as specifically provided in subsection (ED)(2) of this section or as provided in an approved formal plat or short plat, each lot must contain only one front setback and only one rear setback. Any other setback will be considered a side setback.

2. The planning director is authorized to designate front, rear and side setbacks in accordance with the definitions of Chapter 19.04. If these definitions do not establish a front and rear setback, the planning director shall establish the setbacks based upon orientation of the lot to surrounding lots and to any existing development pattern. All other setbacks will be defined in relation to the established front and rear setback.
Section 73. Section 2 of Ordinance 534-78, as amended (Environment, Noise Control, EMC 20.08.020.C), is amended to read as follows:

20.08.020 Definitions
C. “District” means the land use zones to which the provisions of this chapter are applied. For the purposes of this chapter the following noise control districts shall be established which include land use zones designated in the Everett zoning code as follows:

<table>
<thead>
<tr>
<th>Noise Control District</th>
<th>Land Use Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. District I</td>
<td>All residentially zoned districts including but not limited to R.S., R-1, R-1A, R-2, R-2A, R-3, R-3L, R-4 and R-5, and UR.</td>
</tr>
<tr>
<td>2. District II</td>
<td>All business and commercially zoned districts including but not limited to B-1, B-2, B-3UM, BMU, E1, E-1MUO, C-1, C-1R, C-2 and C-2ESULI.</td>
</tr>
<tr>
<td>3. District III</td>
<td>All agricultural and manufacturing zoned districts including but not limited to A, M-M, M-1, M-S, W-C and all other nonresidential, nonbusiness and noncommercially zoned districts.</td>
</tr>
</tbody>
</table>

Section 74. Section 2 of Ordinance 2180-96, as amended (Traffic Code, Parking, EMC 46.28.020.G-H), is amended to read as follows:

46.28.020 Definitions.
G. “Central business district” means the B-3Urban mixed zone in the city as defined by the Everett zoning code, Title 19.
H. “Central business district repark emphasis area” means any portion of the central business district designated as “Parking Area A” in the Everett Zoning Code, Chapter 34 and that has either ninety-minute or less time-limited parking, or metered parking. Block faces that have unrestricted parking, permit parking or time limits longer than ninety minutes are not included in the repark emphasis area. A “block face” is the street frontage of one city block, from intersection to intersection, on one side of the street.

Section 75. Section 2 of Ordinance 1934-93, as amended (Traffic Code, Skateboarding in Central Business District, EMC 46.72.010), is amended to read as follows:

46.72.010 Riding skateboard or similar device in central business district—Prohibited.
A. It is unlawful for any person to be upon roller skates or in-line skates, or to ride in or upon or by any means a skateboard, coaster, toy vehicle or any device similar to the foregoing upon a public sidewalk or roadway in the central business district.
B. “Central business district” as used in this chapter, means the area designated by the Everett zoning code (Title 19), as now or hereafter amended, as Zone B-3UM and designated as “Parking Area A” in the Everett Zoning Code, Chapter 34.

Section 76. Severability.
Should any section, paragraph, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of
this Ordinance be pre-empted by state or federal law or regulations, this shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

**Section 77. Conflict.**
In the event there is a conflict between the provisions of this Ordinance and any other City ordinance, the provisions of this Ordinance shall control.

**Section 78. Corrections.**
The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener’s/clerical errors, references, ordinance numbering, section/subsection number and any references thereto.

**Section 79. General Duty.**
It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provision or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.

__________________________
Cassie Franklin, Mayor

ATTEST:

______________________________
CITY CLERK

Passed:

Valid:

Published:

Effective Date: