

ORDINANCE NO. 3271-12

**An Ordinance Expanding the Multiple Family  
Property Tax Exemption to the E-1 MUO (Mixed Use  
Overlay) Zone Amending Ordinance No. 2347-98, as  
amended (EMC Chapter 3.78).**



**WHEREAS**, the City Council finds the following:

1. The City Council initiated preparation of the Evergreen Way Revitalization Plan in 2009, the goals of which include encouraging more residential and mixed use development to support the significant public investment made by the City and Community Transit in the Swift Bus Rapid Transit service on Evergreen Way.
2. The adopted Everett Growth Management Comprehensive Plan designates Evergreen Way as a high intensity mixed use corridor and encourages a greater density of housing development in proximity to transit facilities.
3. The City engaged the services of an economist to evaluate the economic viability of different land uses for the Evergreen Way corridor, including residential and mixed use development.
4. The economic analysis found that residential and mixed use redevelopment on Evergreen Way would be substantially more viable with a range of incentives not currently available in Everett's municipal code.
5. The economic analysis recommends that the City extend the Multiple Family Property Tax Exemption allowed under RCW 84.14 to the areas near the Swift Bus Rapid Transit stations, which have been rezoned to E-1 MUO (Mixed Use Overlay).
6. The City established the Multiple Family Property Tax Exemption program in 1998 to encourage residential redevelopment in the downtown urban center, which has resulted in the construction of approximately 540 housing units in an area that had experienced little housing development in the preceding twenty years prior to the creation of the program.
7. RCW 84.14.010 defines areas eligible for designation as "urban centers" where the Multiple Family Property Tax Exemption is intended to be used to stimulate housing development in targeted areas where a mix of uses and adequate urban infrastructure exists.

8. The areas within the E-1 MUO zoned areas are located in the City's defined urban center and lack sufficient desirable residential housing at densities supportive of the comprehensive plan policies and the recent investment in Swift Bus Rapid Transit.
9. Certain amendments to EMC Chapter 3.78 are necessary to implement the recommendation of the Evergreen Way Revitalization Plan to add areas within the Mixed Use Overlay zones to the Multiple Family Property Tax Exemption program.
10. The Planning Commission has recommended quality development standards that will ensure that any development receiving the benefit of the Multiple Family Property Tax Exemption program will provide improvements that benefit the general public as well as residents of the development.

**WHEREAS**, the City Council concludes the following:

1. The notice for the hearing has met the requirements of RCW 84.14.040.
2. The proposed amendments to EMC Chapter 3.78 will encourage the development of desirable residential housing in the areas closest to the Swift Bus Rapid Transit stations along the Evergreen Way corridor, an urban center within the City.
3. The areas within the E-1 Mixed Use Overlay zone lack sufficient available, attractive, convenient, desirable, and livable residential housing to meet the needs of the public who would be likely to live in the urban center, if such places to live were available.
4. The additional housing opportunity in the targeted area will assist in achieving the stated purposes of RCW 84.14.007, to a) encourage increased residential opportunities within the targeted area of the city, and b) stimulate the construction of new multifamily housing that will increase and improve residential opportunities within the city's urban centers;
5. The proposed amendment is consistent with the policies of the Everett Growth Management Comprehensive Plan and will promote densities called for in this "high intensity mixed use corridor."
6. The proposed amendment is consistent with RCW Chapter 84.14.
7. The proposed amendment is in the best long term interests of the Everett community.

**NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:**

**Section 1.** Section 1 of Ordinance No. 2347-98, as amended (EMC 3.78.010), which reads as follows:

**Findings.**

- A. The urban center of the city of Everett lacks sufficient available, desirable and convenient residential housing to meet the needs of the public, and more current and future residents of Everett would be likely to live in the city's urban center if additional desirable, convenient, attractive and livable places to live were available.
- B. The development of such housing units in the urban center of the city will attract and maintain a significant increase in the number of residents, thus making the area more vibrant and will help to stimulate business, entertainment and cultural activities. Accordingly, development of additional housing within the urban center of the city of Everett will help to achieve the planning goals mandated by the Growth Management Act under RCW 36.70A.020.
- C. The tax incentive provided by Chapter 84.14 RCW will stimulate the creation of new and enhanced residential structures within the city's urban center, benefiting and promoting the public health, safety and welfare by encouraging residential redevelopment.
- D. This housing tax-incentive program also would promote further economic development and enhanced public safety in the city's urban center by creating an influx of new residents who will utilize urban services, stimulate downtown Everett development and encourage increased residential opportunities.
- E. The providing of additional housing opportunity in the residential targeted area described in Section 3.78.150 meets the requirements of Chapter 84.14 RCW.
- F. The notice of hearing given for the designation of the residential targeted area and the adoption of this chapter meets the requirements of RCW 84.14.040.

**is hereby amended to read as follows:**

**Findings.**

- A. The urban center, as defined in this chapter, of the city of Everett lacks sufficient available, desirable and convenient residential housing to meet the needs of the public, and more current and future residents of Everett would be likely to live in the city's urban center if additional desirable, convenient, attractive and livable places to live were available.
- B. The development of such housing units in the urban center of the city will attract and maintain a significant increase in the number of residents, thus making the area more vibrant and will help to stimulate business, entertainment and cultural activities. Accordingly, development of additional housing within the urban center of the city of Everett will help to achieve the planning goals mandated by the Growth Management Act under RCW 36.70A.020.

- C. The tax incentive provided by Chapter 84.14 RCW will stimulate the creation of new and enhanced residential structures within the city’s urban center, benefiting and promoting the public health, safety and welfare by encouraging residential redevelopment.
- D. This housing tax-incentive program also would promote further economic development and enhanced public safety in the city’s urban center by creating an influx of new residents who will utilize urban services, stimulate re-development consistent with the policies of the Everett Growth Management Comprehensive Plan, and encourage increased residential opportunities.
- E. The providing of additional housing opportunity in the residential targeted area described in Section 3.78.159 meets the requirements of Chapter 84.14 RCW.
- F. The notice of hearing given for the designation of the residential targeted area and the adoption of this chapter meets the requirements of RCW 84.14.040.

**Section 2.** Section 3 of Ordinance No. 2347-98, as amended (EMC Chapter 3.78.030.L), definition of “Residential targeted area”, which reads as follows:

“Residential targeted area” means the area within or coterminous with the city’s urban center that has been designated by the city council as the residential targeted area in accordance with this chapter and Chapter 84.14 RCW as found by the city council to be lacking sufficient available, convenient, attractive, livable, and desirable residential housing to meet the needs of the public.

**is hereby amended to read as follows:**

“Residential targeted area” means the areas within or coterminous with the city’s urban center as defined in this chapter that have been designated by the city council as the residential targeted area in accordance with this chapter and Chapter 84.14 RCW as found by the city council to be lacking sufficient available, convenient, attractive, livable, and desirable residential housing to meet the needs of the public.

**Section 3.** Section 3 of Ordinance No. 2347-98, as amended (EMC Chapter 3.78.030.M, Definition of “Urban center”), which reads as follows:

“Urban center” means the compact identifiable district in the city center as described in Section 3.78.150 of this chapter, where urban residents may obtain a variety of products and services including, but not limited to, shops, offices, banks, restaurants, governmental agencies and a mixture of uses and activities that may include housing, recreation, and cultural activities in association with either commercial or office, or both uses.

**is hereby amended to read as follows:**

“Urban center” means (1) the Downtown Area and (2) the compact identifiable sections of the E-1 MUO zones as both are described in Section 3.78.150 of this chapter, where urban residents may obtain a variety of products and services including, but not limited to, shops, offices, banks, restaurants, governmental agencies and a mixture of uses and activities that may include housing, recreation, and cultural activities in association with either commercial or office, or both uses.

**Section 4.** Section 6 of Ordinance No. 2347-98, as amended (EMC 3.78.060), which reads as follows:

**Residential targeted area standards and guidelines.**

For the designation of residential targeted area, the city council shall adopt basic requirements for both new construction and rehabilitation, including the application process and procedures. The city council may also adopt guidelines and requirements including the following:

- A. Requirements that address demolition of existing structures and site utilization; and
- B. Building requirements that may include elements addressing parking, height, density, environmental impact, public benefit features, compatibility with surrounding property, and such other amenities as will attract and keep permanent residents and will properly enhance the livability of the residential targeted area. The required amenities should be relative to the size of the proposed project and tax benefit to be obtained.
- C. A proposed project must meet the standards and guidelines listed in subsections 3.78.070 (D)(1) through (9), including parking requirements existing for the applicable zone in effect at the time the applicant submits a fully completed application to the director; provided, all parking shall be provided on site for the project subject to the application.

**is hereby amended to read as follows:**

**Residential targeted area standards and guidelines.**

For the designation of residential targeted area, the city council shall adopt basic requirements for both new construction and rehabilitation, including the application process and procedures. The city council may also adopt guidelines and requirements including the following:

- A. Requirements that address demolition of existing structures and site utilization; and
- B. Building requirements that may include elements addressing parking, height, density, environmental impact, public benefit features, compatibility with surrounding property, and such other amenities as will attract and keep permanent residents and will properly enhance the livability of the residential targeted area. The required amenities should be relative to the size of the proposed project and tax benefit to be obtained.

C. A proposed project must meet the standards and guidelines listed in subsections 3.78.070 (D)(1) through ( 10), including parking requirements existing for the applicable zone in effect at the time the applicant submits a fully completed application to the director; provided, all parking shall be provided on site for the project subject to the application.

**Section 5.** Section 7.D of Ordinance No. 2347-98, as amended (EMC 3.78.070.D), which reads as follows:

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.

2. Tenant Displacement Prohibited. The project must not displace existing residential tenants of structures that are proposed for redevelopment. Existing dwelling units proposed for rehabilitation must have been unoccupied for a minimum of twelve months prior to submission of an application and must fail to comply with one or more requirements the Uniform Building Code or of the city's housing ordinance as set forth in Title 16 of this code. Applications for new construction cannot be submitted for vacant property upon which an occupied residential rental structure previously stood, unless a minimum of twelve months has elapsed from the time of most recent occupancy.

3. Size. The project must include a minimum of:

a. Eight multifamily housing units; or

b. Four multifamily housing units in a building in which all residential units are located above the ground floor in a building containing a minimum of four thousand square feet of commercial space on the ground floor; or

c. 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 (E) 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.

b. The parking requirements for multiple-family dwellings of the Everett zoning code are applicable to multifamily residences provided for in this chapter.

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.

a. A project outside the B-3 zone, and any project in the B-3 zone that does not otherwise use at least two bonus elements provided in Section 19.22.020(E) to qualify for floor area ratio or building height bonuses, shall include one bonus element provided in Section 19.22.020(E) for each ten dwelling units or portion thereof, up to a maximum of three bonus elements. Any bonus element 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-3 zone that use at least two of the bonus elements in Section 19.22.020 (E) to qualify for floor area ratio or building height bonuses shall provide one additional bonus element provided in Section 19.22.020(E) for each twenty dwelling units or portion thereof, up to a maximum of three additional bonus elements, 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 elements 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.

**is hereby amended to read as follows:**

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.
2. **Tenant Displacement Prohibited.** The project must not displace existing residential tenants of structures that are proposed for redevelopment. Existing dwelling units proposed for rehabilitation must have been unoccupied for a minimum of twelve months prior to submission of an application and must fail to comply with one or more requirements the Uniform Building Code or of the city's housing ordinance as set forth in Title 16 of this code. Applications for new construction cannot be submitted for vacant property upon which an occupied residential rental structure previously stood, unless a minimum of twelve months has elapsed from the time of most recent occupancy.
3. **Size.** The project must include a minimum of:
  - a. Eight multifamily housing units; or
  - b. Four multifamily housing units in a building in which all residential units are located above the ground floor in a building containing a minimum of four thousand square feet of commercial space on the ground floor; or
  - c. 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 (E) 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.

b. The parking requirements for multiple-family dwellings of the Everett zoning code are applicable to multifamily residences provided for in this chapter.

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-3 zone, and any project in the B-3 zone that does not otherwise use at least two bonus elements provided in Section 19.22.020 (E) to qualify for floor area ratio or building height bonuses, shall include one bonus element provided in Section 19.22.020 (E) for each ten dwelling units or portion thereof, up to a maximum of three bonus elements. Any bonus element 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-3 zone that use at least two of the bonus elements in Section 19.22.020 (E) to qualify for floor area ratio or building height bonuses shall provide one additional bonus element provided in Section 19.22.020 (E) for each twenty dwelling units or portion thereof, up to a maximum of three additional bonus elements, 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 elements 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.

a. A multiple-family housing development within the E-1 MUO (Mixed Use Overlay) zone with a minimum of 20 dwelling units shall be eligible for the property tax exemption as provided in EMC Chapter 3.78, provided it meets all of the standards of this chapter and at least two of the following requirements:

- (1) It provides a minimum of 200 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 EMC

chapter 19.31B. 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 200 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 EMC chapter 19.31B.

(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 EMC chapter 19.31B on at least one adjacent site equivalent to the amount of frontage that the subject property has on Evergreen Way. This section shall only apply for off-site improvements to properties that do not already meet the standards of EMC chapter 19.31B.

(5) 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 10% of all dwelling units as affordable to households with a household income at or below 50% of median family income, adjusted for size, and a minimum of 10% of all dwelling units as affordable to households with a household income between 50% and 80% of median family income, adjusted for size. Rental rates in such affordable housing shall not exceed 30% 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 a, 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 a. For example, an applicant may propose 150 square feet of open space per dwelling unit and 75 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 a.

**Section 7.** Section 15 of Ordinance No. 2347-98, as amended (EMC 3.78.150), which reads as follows:

**3.78.150 Urban center and residential targeted area designated.**

A. Urban Center Designation. The area declared to be the urban center of the city of Everett is the area depicted on Exhibit A, a copy of which is attached to the ordinance codified in this chapter, which comprises portions of Sections 19, 20, 29 and 30 of T.29N., R.5E., W.M. situated in the city of Everett, Washington, and which is legally described as follows:

(lengthy legal description of area is not repeated herein or proposed to be changed – see map below)



B. Residential Targeted Area Designated. The area hereby declared to be the residential targeted area of the city of Everett is the area depicted on Exhibit A, a copy of which is attached to the ordinance codified in this section, and which is legally described in subsection A of this section.

C. If a part of any legal lot is within the urban center or is within the residential targeted area, then the entire lot shall be deemed to lie within such area.

**is hereby amended to read as follows:**

**3.78.150 Urban center and residential targeted area designated.**

A. Urban Center, Downtown Area. The area declared to be the Downtown Area urban center of the city of Everett is the area depicted on Exhibit A, a copy of which is attached to the ordinance codified in this chapter, which comprises portions of Sections 19, 20, 29 and 30 of T.29N., R.5E., W.M. situated in the city of Everett, Washington, and which is legally described as follows:

B. Urban Centers, E-1 MUO (Mixed Use Overlay) Zones. The areas declared to be the E-1 MUO (Mixed Use Overlay) urban centers of the city of Everett are the areas depicted on Exhibit B, and which are legally described as follows:

**1. "41st Street" Mixed Use Overlay Zone.**

Commencing at the intersection of the centerlines of the that portion of 39th Street lying east of Rucker Avenue and between Blocks 4 and 5, Climax Land Company's First Addition to Everett according to the plat thereof recorded in Volume 4 of Plats, Page 21, records of Snohomish County, Washington and Rucker Avenue; THENCE easterly along the centerline of 39th Street to its intersection with the northerly projection of the centerline of the alley in Block 5, Climax Land Company's First Addition to Everett, which is the TRUE POINT OF BEGINNING; THENCE southerly along said centerline to its intersection with the easterly projection of the south line of Lot 1, Block 25, Re-Plat of Blocks 19-28, South Park Addition to Everett according to the plat thereof recorded in Volume 8 of Plats, Page 5, records of Snohomish County, Washington; THENCE westerly along said line to its intersection with the centerline of the alley west of Block 24, Re-Plat of Blocks 19-28, South Park Addition to Everett; THENCE northerly along said line to its intersection with the centerline of 42nd Street; THENCE easterly along said centerline to its intersection with the centerline of Rucker Avenue; THENCE northerly along said centerline to its intersection with the centerline of 41st Street; THENCE westerly along said centerline to its intersection with the centerline of High Street; THENCE northerly along said centerline to its intersection with the westerly projection of the north line of Lot 42, Block 5, Smyth Land Company's 2nd Addition according to plat thereof recorded in Volume 4 of Plats, Page 25, records of Snohomish County, Washington; THENCE easterly along said line and its projection to its intersection with the centerline of Rucker Avenue; THENCE northerly along said centerline to its intersection with the centerline of that portion of 39th Street lying east of Rucker Avenue and between Blocks 4 and 5, Climax Land Company's First Addition to Everett; THENCE easterly along said centerline to its intersection with the northerly projection of the centerline of the alley in Block 5, Climax Land Company's First Addition to Everett, and the TRUE POINT OF BEGINNING.

**2. 50th Street Mixed Use Overlay Zone.**

Commencing at the intersection of the centerlines of 47th Street and Evergreen Way, THENCE southerly along said centerline to its intersection with the easterly projection of the north line of Lot 62, South Highway Addition according to the plat thereof recorded in Volume 12 of Plats, Page 10, records of Snohomish County, Washington, which is the TRUE POINT OF BEGINNING; THENCE southerly along said centerline to its intersection with the centerline of 50th Street SE; THENCE easterly along said centerline to its intersection with the northerly

projection of the centerline of the alley between Claremont Way and Wilmington Avenue, Plat of Claremont Heights according to the plat thereof recorded in Volume 12 of Plats, Page 43, records of Snohomish County, Washington; THENCE southerly along said centerline and its projection to its intersection with the centerline of 52nd Street SE; THENCE easterly along said centerline to its intersection with the north projection from a point located on the south margin of 52nd Street SE, located 662.01 feet from the westerly margin of vacated Highway Place; THENCE North to said point; THENCE S24° 47'53"W a distance on 222.82 feet; THENCE S00°53'30"W a distance of 18.27 feet; THENCE S34°01'04"W a distance of 439.05 feet; THENCE S9°41'03"W a distance of 9.83 feet to the NE corner of Lot 1 of the Binding Site Plan recorded in AFN 8308295012, records of Snohomish County, Washington; THENCE westerly along the north line of Lot 1 and its westerly projection to its intersection with the centerline of Evergreen Way; THENCE northeasterly along said centerline to its intersection with the centerline of 52nd Street SE; THENCE westerly along said centerline to its intersection with the centerline of Woodlawn Avenue; THENCE northerly along said centerline to its intersection with the projection of the north line of Lot 1, Cascade Terrace Addition to Everett, according to the plat thereof recorded in Volume 12 of Plats, Page 41, records of Snohomish County, Washington; THENCE easterly along said line to the SW corner of Lot 2, Cascade Terrace Addition to Everett; THENCE northerly along the east line of Lot 2 to the NE corner of Lot 3, Cascade Terrace Addition to Everett; THENCE westerly along the north line of Lot 3 to the SE corner of Lot 4, Cascade Terrace Addition to Everett; THENCE northerly along the east line of Lot 4 to the NE corner of Lot 5, Cascade Terrace Addition to Everett; THENCE northwesterly along the northeast line of Lot 6, Cascade Terrace Addition to Everett to the north corner of Lot 6; THENCE north along the east line of Lot 7, Cascade Terrace Addition to Everett, to the SE corner of Lot 20, West Ridge according to the plat thereof recorded in Volume 13 of Plats, Page 70, records of Snohomish County, Washington; THENCE northeasterly along the eastern line of Lot 20 and its projection to its intersection with the centerline of Glacier Lane; THENCE northerly along said centerline to its intersection with the centerline of 49th Street SE; THENCE easterly along the centerline to its intersection with the southerly projection of the alley on the western boundary of the South Highway Addition to Everett; THENCE northerly along said centerline to its intersection with the westerly projection of the north line of Lot 62, South Highway Addition; THENCE easterly along said line to its intersection with the centerline of Evergreen Way and the TRUE POINT OF BEGINNING.

### **3. Madison - Pecks Mixed Use Overlay Zone.**

Commencing at the intersection of the centerlines of Pecks Drive and Evergreen Way, THENCE westerly along the centerline of Pecks Drive to its intersection with the with the southerly projection of the eastern boundary of City of Everett Short Plat 28-96, according to the short plat thereof recorded in Volume 3 of Short Plats, Page 272, records of Snohomish County, Washington, a portion of Lots 15 and 16, Block 6, Beverly Hills Division 4 according to the plat thereof recorded in Volume 10 of Plats, Page 97, records of Snohomish County, Washington which is the TRUE POINT OF BEGINNING; THENCE northerly along said line to its

intersection with the south line of Lot 14, Block 6, Beverly Hills Division 4; THENCE easterly along said line to the SE corner of Lot 14; THENCE northerly along the east line of Lot 14 to the NW corner of Lot 22, Block 6, Beverly Hills Division 4; THENCE easterly along the north line of Lot 22 and its projection to its intersection with the centerline of Evergreen Way; THENCE easterly to a point on the east line 227.25 feet from the SE corner of Lot 1, Block 3, Beverly Hills Division 2, according to the plat thereof recorded in Volume 10 of Plats, Page 78, records of Snohomish County, Washington; THENCE southerly along said east line and its southerly projection to its intersection with the centerline of Berkshire Drive; THENCE easterly along the centerline of Berkshire Drive to its intersection with the northerly projection of the east line of Lot 6, Block 4, Beverly Hills Division 2; THENCE southerly to the NE corner of Lot 9, Block 4, Beverly Hills Division 2; THENCE southwesterly along the eastern line of Lot 9 to the SE corner of Lot 11, Block 4, Beverly Hills Division 2; THENCE southeasterly along the projection of the north line of Lot 34, Block 6, Beverly Hills Division 2 to the NE corner of Lot 34; THENCE southwesterly along the eastern lot line of Lot 34, Block 6, Beverly Hills Division 2 and its projection to its intersection with the centerline of Madison Street; THENCE westerly along said centerline to its intersection with the centerline of Rainier Drive; THENCE southwesterly along said centerline to its intersection with the centerline of Ttereve Drive; THENCE easterly along the said centerline to its intersection with Rainier Drive; THENCE southerly along the centerline of Rainier Drive to its intersection with the easterly projection of the south line of Lot 4, Block 6, Beverly Hills Division 1 according to the plat thereof recorded in Volume 10 of Plats, Page 76, records of Snohomish County, Washington; THENCE westerly along said line to the NE corner of Lot 11, Block 6, Beverly Hills Division 1; THENCE southerly to the SE corner of Lot 11; THENCE westerly along the south line of Lot 11 and its projection to its intersection with the centerline of Evergreen Way; THENCE northerly along said centerline to its intersection with the centerline of Madison Street; THENCE westerly along the centerline of Madison Street to its intersection with the centerline of Cady Road; THENCE northerly along the centerline of Cady Road to its intersection with the westerly projection of the north line of Lot 19, Cady's Addition to Beverly Hills according to the plat thereof recorded in Volume 11 of Plats, Page 14, records of Snohomish County, Washington; THENCE easterly along the north line of Lot 19 to the NE corner of Lot 16, Cady's Addition to Beverly Hills; THENCE northerly to the NW corner of Lot 67, Beverly Hills Division 3 according to the plat thereof recorded in Volume 10 of Plats, Page 83, records of Snohomish County, Washington; THENCE easterly along the north line of Lot 67 and its easterly projection to its intersection with the centerline of Fleming Street; THENCE northerly along the centerline of Fleming Street to its intersection with the centerline of Pecks Drive; THENCE easterly along the centerline of Pecks Drive to its intersection with the southerly projection of the eastern boundary of City of Everett Short Plat 28-96, a portion of Lots 15 and 16, Block 6, Beverly Hills Division 4 and the TRUE POINT OF BEGINNING.

**4. Casino Road Mixed Use Overlay Zone.**

**a) (Area north of SR 526)**

Commencing at the intersections of the centerlines of Beverly Lane and 79th Place SE, which is the TRUE POINT OF BEGINNING; THENCE easterly along the centerline of 79th Place SE to its intersection with the centerline of Evergreen Way; THENCE southwesterly along said centerline to its intersection with the easterly projection of the north margin of SR 526; THENCE westerly along the north margin of SR 526 and its projection to its intersection with the centerline of Beverly Lane; THENCE northerly along the centerline of Beverly Lane to its intersection with the centerline of 79th Place SE and the TRUE POINT OF BEGINNING.

**b) (Area south of SR 526)**

Commencing at the SE corner of Section 12, T28N, R4EWM THENCE westerly along the centerline of East Casino Road to its intersection with the southerly projection of Lot 1, Tosland Half Acre Garden Tracts according to the plat thereof recorded in Volume 11 of Plats, Page 101, records of Snohomish County, Washington; THENCE northerly along said line and its projection to its intersection with the south margin of SR 526 and the TRUE POINT OF BEGINNING; THENCE easterly along said margin to the NW corner of Lot 2, City of Everett Short Plat 1202-019-02 as recorded in Auditors File 200302125001 records of Snohomish County, Washington; THENCE southerly along the western line of Lot 2 and its projection to its intersection with the centerline of East Casino Road; THENCE easterly along said centerline to its intersection with the centerline of Holly Drive; THENCE southwesterly along said centerline to its intersection with the centerline of Evergreen Way; THENCE northeasterly along the centerline of Evergreen Way to its intersection with the southwesterly projection of the northerly line of Tract A, Binding Site Plan AFN 8604255001, as amended, according to the survey thereof recorded in Volume 1 of Binding Site Plans, Page 53, records of Snohomish County, Washington; THENCE southerly along the west line of Tract A to the north boundary line of Beverly Garden Tracts Division 1; THENCE westerly along said line to the SW corner of Tract D, BSP AFN 8604255001; THENCE northerly along the west line of said Tract D and its projection to its intersection with the centerline of West Casino Road; THENCE easterly along said centerline to its intersection with the southerly projection of the west line of Lot 2 of the Short Plat recorded in AFN 8504120254 and the survey of Boundary Line Adjustment recorded in AFN 8912215004 Volume 30, Page 260, records of Snohomish County, Washington; THENCE northerly along said line and projection to its intersection with south margin of SR 526; THENCE easterly along said margin to the NW corner of Lot 3, Tosland Half Acre Garden Tracts and the TRUE POINT OF BEGINNING.

**5. 4th Avenue West Mixed Use Overlay Zone.**

Commencing at the intersection of Evergreen Way and West McGill Avenue, Which is also the TRUE POINT OF BEGINNING; THENCE southeasterly along the centerline of West McGill Avenue to its intersection with the northeasterly projection of the east line of Lot 1, Block 5, Intercity Addition Division 1, according to the plat thereof recorded in Volume 11 of Plats, Page 9, records of Snohomish County, Washington; THENCE southwesterly along said line to the NE corner of Lot 4, Block 7, Intercity Addition Division 1; THENCE southerly along the east line of

Lot 4 to the SE corner of Lot 5, Block 7, Intercity Addition Division 1; THENCE westerly along the south line of Lot 5 and its projection to its intersection with the centerline of 4th Avenue West; THENCE southerly along said centerline to its intersection with the centerline of 100th Street SW; THENCE easterly along said centerline to its intersection with the northerly projection of the east line of Lot 4 of City of Everett Short Plat 23-86 according to the survey thereof recorded in Volume 24 of Surveys, Page 16, records of Snohomish County, Washington; THENCE southerly along said line and its projection to its intersection with the centerline of SW Everett Mall Way; THENCE southwesterly along said centerline to its intersection with the centerline of Olivia Park Road; THENCE northwesterly along the centerline of Olivia Park Road to its intersection with the centerline of 9th Avenue West; THENCE northerly along said centerline to its intersection with the westerly projection of the south line of Lot 3, Olivia Park Division 1; THENCE easterly along said line to the SE corner of Lot 3; THENCE northerly along the east line of Lot 3 and its projection to its intersection with the centerline of 100th Street SW; THENCE westerly along said centerline to its intersection with the southwesterly projection of the east line of Holly 100 Condominium Plat according to the survey thereof recorded in Volume 47 of Condominium Plats, Page 161, records of Snohomish County, Washington; THENCE northeasterly along said line to the NE corner of said condominium plat; THENCE easterly to the SE corner of Lot 2 of City of Everett Short Plat No. 30-91 according to the survey thereof recorded in Volume 35 of Surveys, Page 265, records of Snohomish County, Washington; THENCE northerly along the east line of Lot 2 to a point 150 feet from the easterly margin of Holly Drive measured at a right angle; THENCE northeasterly, being parallel with and 150 feet from, as measured at right angles to the easterly margin of Holly Drive, to a point 130 feet from the south line of Lot 5, Walters Manor according to the plat thereof recorded in Volume 29 of Plats, Page 18, records of Snohomish County, Washington; THENCE northerly 130 feet to the south line of Lot 5; THENCE easterly along the south line of Lot 5 and its projection to its intersection with the centerline of 4th Avenue West; THENCE northerly along said centerline to its intersection with the southwesterly projection of the west margin of Holly Drive; THENCE northeasterly along said margin to its intersection with the centerline of 92nd Street SW; THENCE southeasterly along the centerline of 92nd Street SW to its intersection with the centerline of Evergreen Way; THENCE southwesterly along the centerline of Evergreen Way to its intersection with the centerline of West McGill Avenue and the TRUE POINT OF BEGINNING.

**6. 112th Street SW Mixed Use Overlay Zone.**

Commencing at the intersection of the centerlines of 108th Street SW and Evergreen Way, which is the TRUE POINT OF BEGINNING; THENCE easterly along the centerline of 108th Street SW to its intersection with the northeasterly projection of the west line of Lot 8, Block 1, Fairmount according to the plat thereof recorded in Volume 10 of Plats, Page 91, records of Snohomish County, Washington; THENCE southwesterly along the west line to the SE corner of Lot 8; THENCE easterly along the south line of Lot 8 to the NE corner of Lot 25, Block 1, Fairmount; THENCE southwesterly along the east line to the SE corner of Lot 25; THENCE

South to the south margin of 112th Street SW; THENCE westerly along said margin to its intersection with the east margin of Evergreen Way; THENCE southwesterly along said margin to its intersection with the southeasterly projection of the south line of Lot D-2 of City of Everett Binding Site Plan 09-003, as recorded in AFN 201012155003, records of Snohomish County, Washington; THENCE northwesterly along the south line of Lot D-2 and its projection, including the jogs southwesterly, northwesterly, northeasterly and northwesterly to the west corner of Lot D-2; THENCE northeasterly along the west line of Lot D-2 to the SE corner of Lot 8, Block 4, Fairmont; THENCE westerly along the south line of Lot 8 to the SW corner of Lot 14, Block 4, Fairmont; THENCE northeasterly along the west line of Lot 14 and its projection to its intersection with the centerline of 112th Street SW; THENCE easterly along said centerline to its intersection with the N-S centerline of the SE 1/4, Section 23, T28N, R4E W.M.; THENCE northerly along said line to its intersection with the centerline of Hollow Dale Place; THENCE easterly along said centerline to its intersection with westerly projection of the south line of Lot 8, Silverdale according to the plat thereof recorded in Volume 24 of Plats, Page 5, records of Snohomish County, Washington; THENCE easterly along the south line of Lot 8 to the SE corner of Lot 11, Fairhaven Acres according to the plat thereof recorded in Volume 16 of Plats, Page 35, records of Snohomish County, Washington; THENCE northeasterly along the southeast line of Lot 11 and its projection to its intersection with the centerline of 108th Street SW; THENCE easterly along said centerline to its intersection with the centerline of Evergreen Way and the TRUE POINT OF BEGINNING.

#### **7. Airport Road Mixed Use Overlay Zone.**

Commencing at the West corner of Lot 54, Paine Field Addition No. 2 according to the plat thereof recorded in Volume 12 of Plats, Page 92, records of Snohomish County, Washington, which is the TRUE POINT OF BEGINNING; THENCE northeasterly along the northwest line of Lot 54 to its north corner; THENCE S33°10'09"W to a point 300.09 feet from the NW corner of Lot 19, Block 4, Fairmont according to the plat thereof recorded in Volume 10 of Plats, Page 91, records of Snohomish County, Washington; THENCE S26°17'56"E a distance 422.90 feet to its intersection with the south line of Lot 21, Block 4, Fairmont; THENCE easterly along the south line of Lot 21 and its projection to the east margin of Evergreen Way; THENCE southwesterly along said margin to its intersection with the north margin of Airport Road; THENCE southerly to the south margin of Airport Road and the NE corner of that portion of Lot 41, Block 1, Avondale that lies south of Airport Road; THENCE westerly along the north line of said portion of Lot 41 to the east margin of Evergreen Way; THENCE northerly to the intersection of the west margin of Evergreen Way and the south margin of Airport Road; THENCE northwesterly along the west margin of Airport Road to the southwesterly projection of the northwest line of Lot 54, Paine Field Addition No. 2; THENCE northeasterly along said projection to the West corner of Lot 54 and the TRUE POINT OF BEGINNING.

C. Residential Targeted Area Designated. The areas hereby declared to be the residential targeted area of the city of Everett are the areas depicted on Exhibits A and B, which are

attached to the ordinance codified in this section, and which are legally described in subsections A and B of this section.

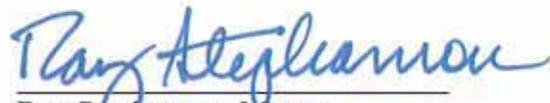
D. If a part of any legal lot is within the urban center or is within the residential targeted area, then the entire lot shall be deemed to lie within such area.

**Section 8. 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 9. 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 10. 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 11. 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, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.

  
Ray Stephanson, Mayor

ATTEST:

  
CITY CLERK

Passed: 4/18/12

Valid: 4/25/12

**Published:** 4/28/12

**Effective Date:** 5/10/12



EXHIBIT B MAP 1

41st Street E-1 MUO Zone

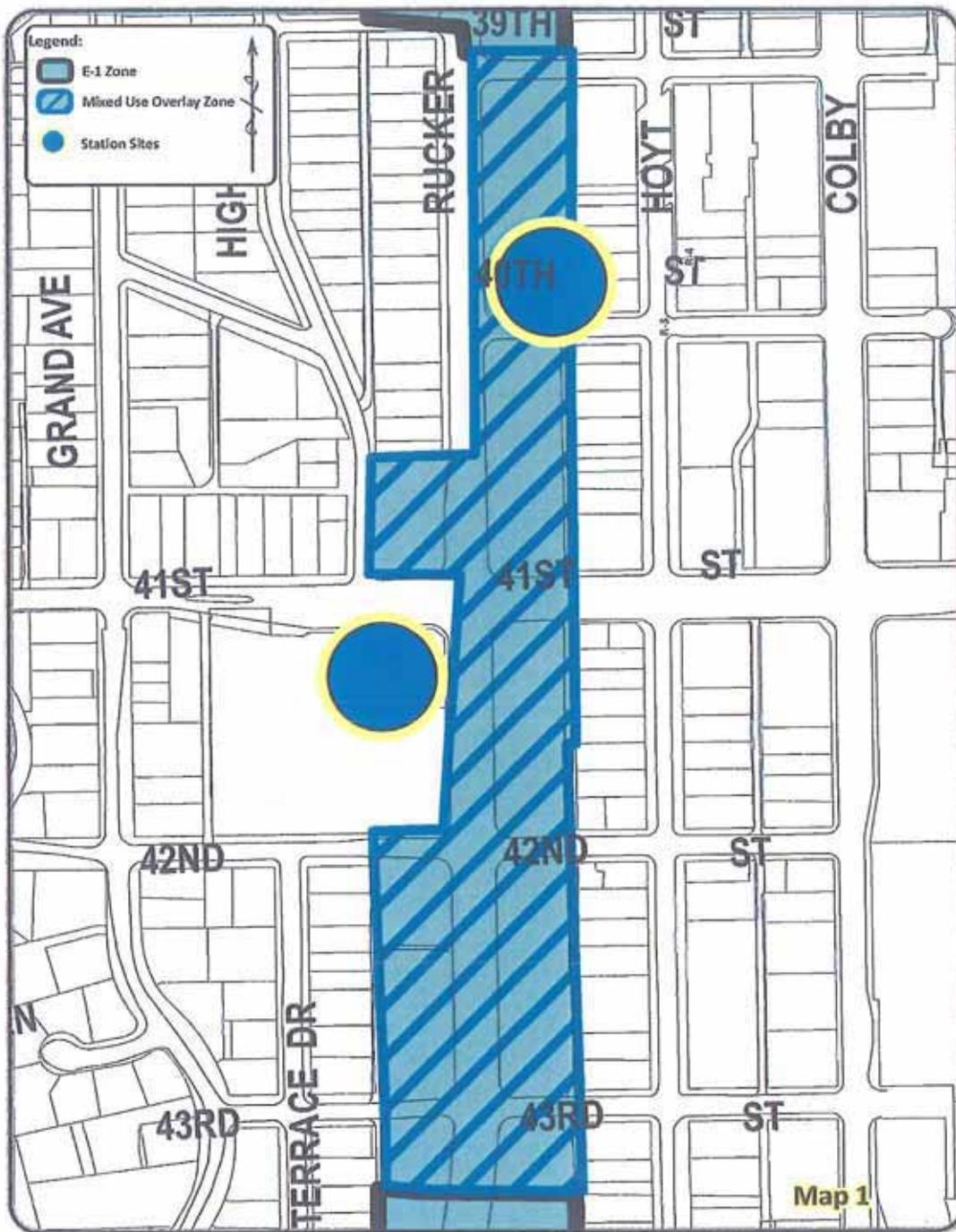


EXHIBIT B MAP 2

50th Street E-1 MUO Zone

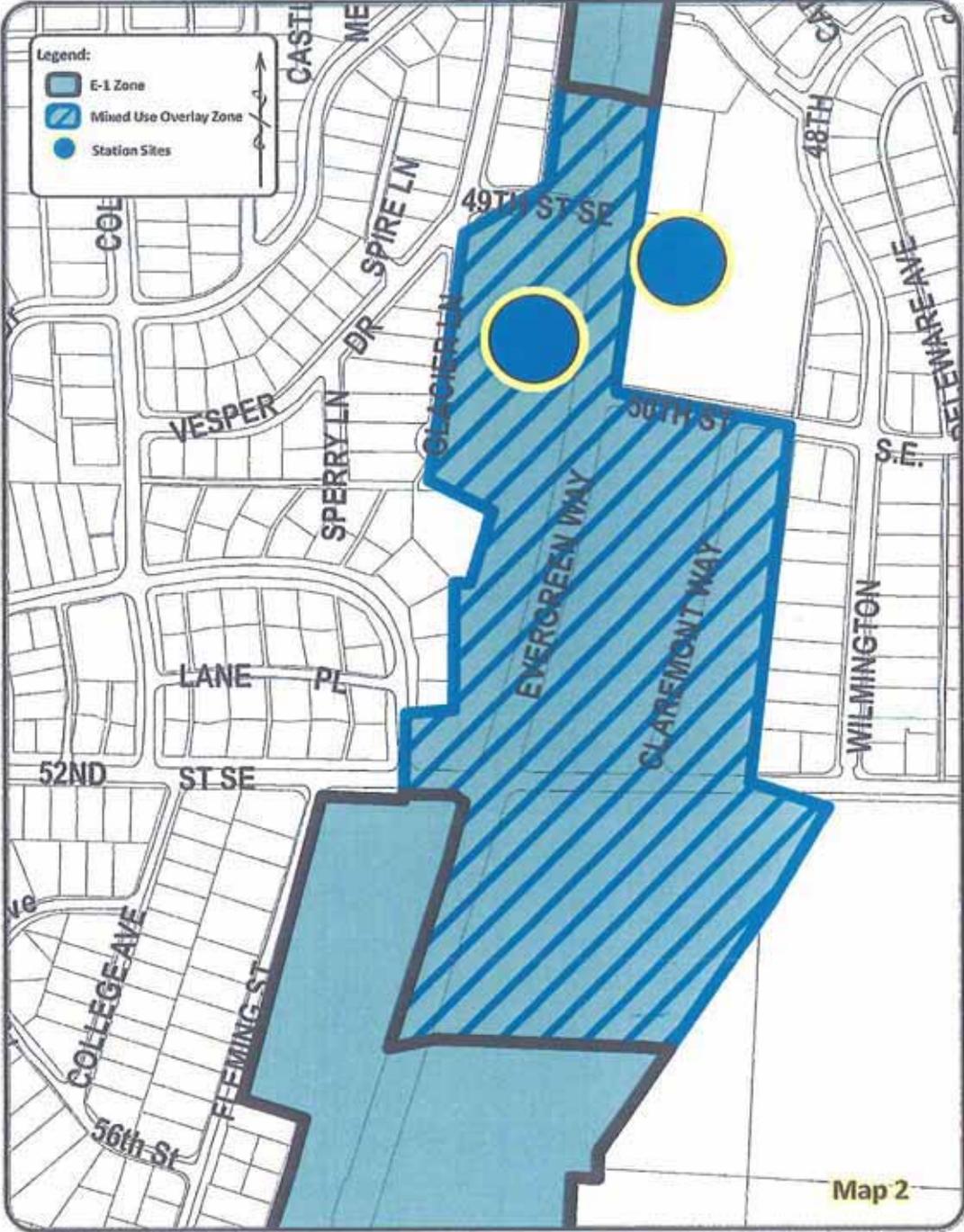


EXHIBIT B MAP 3

Madison - Pecks Dr. E-1 MUO Zone

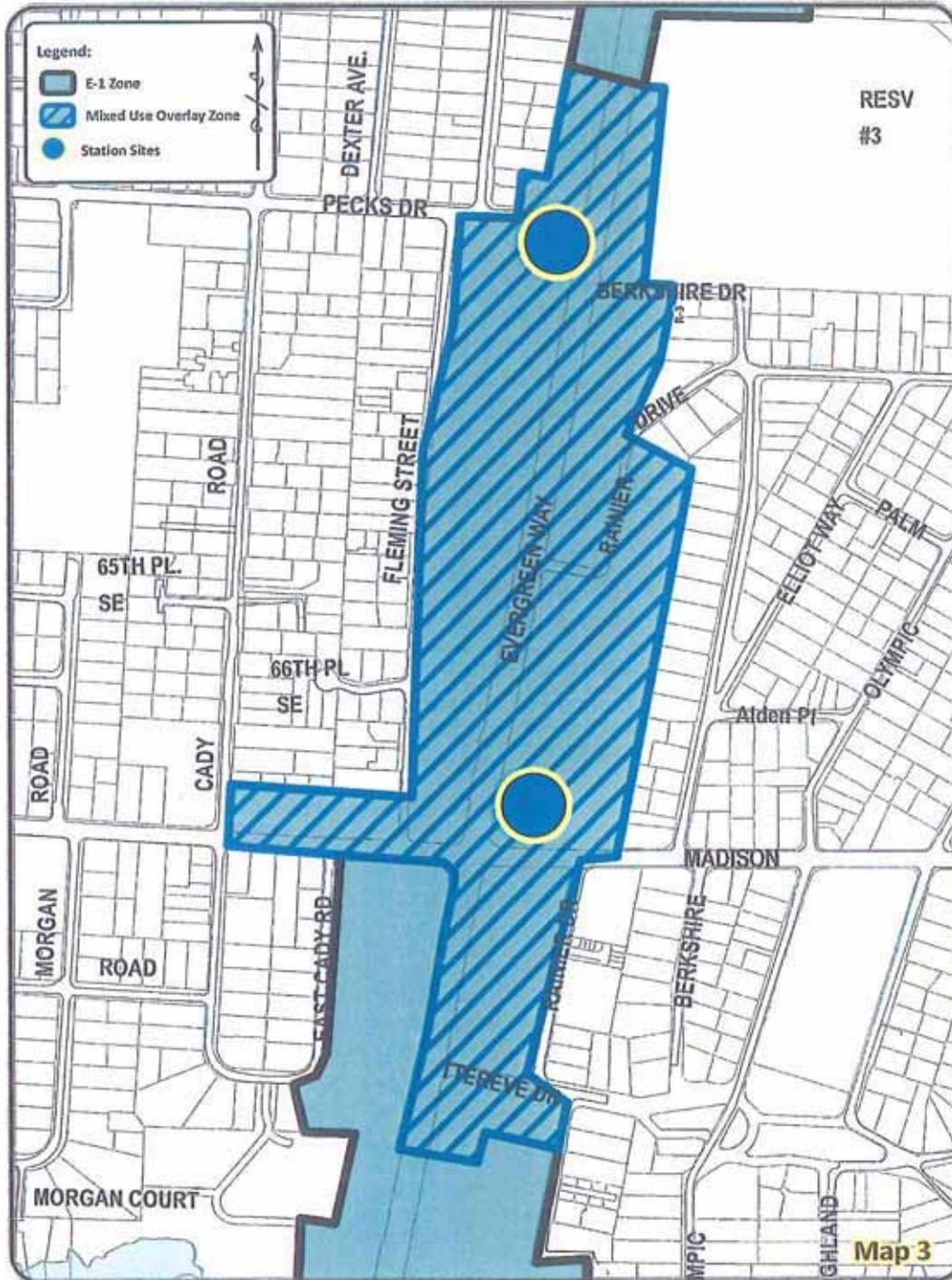
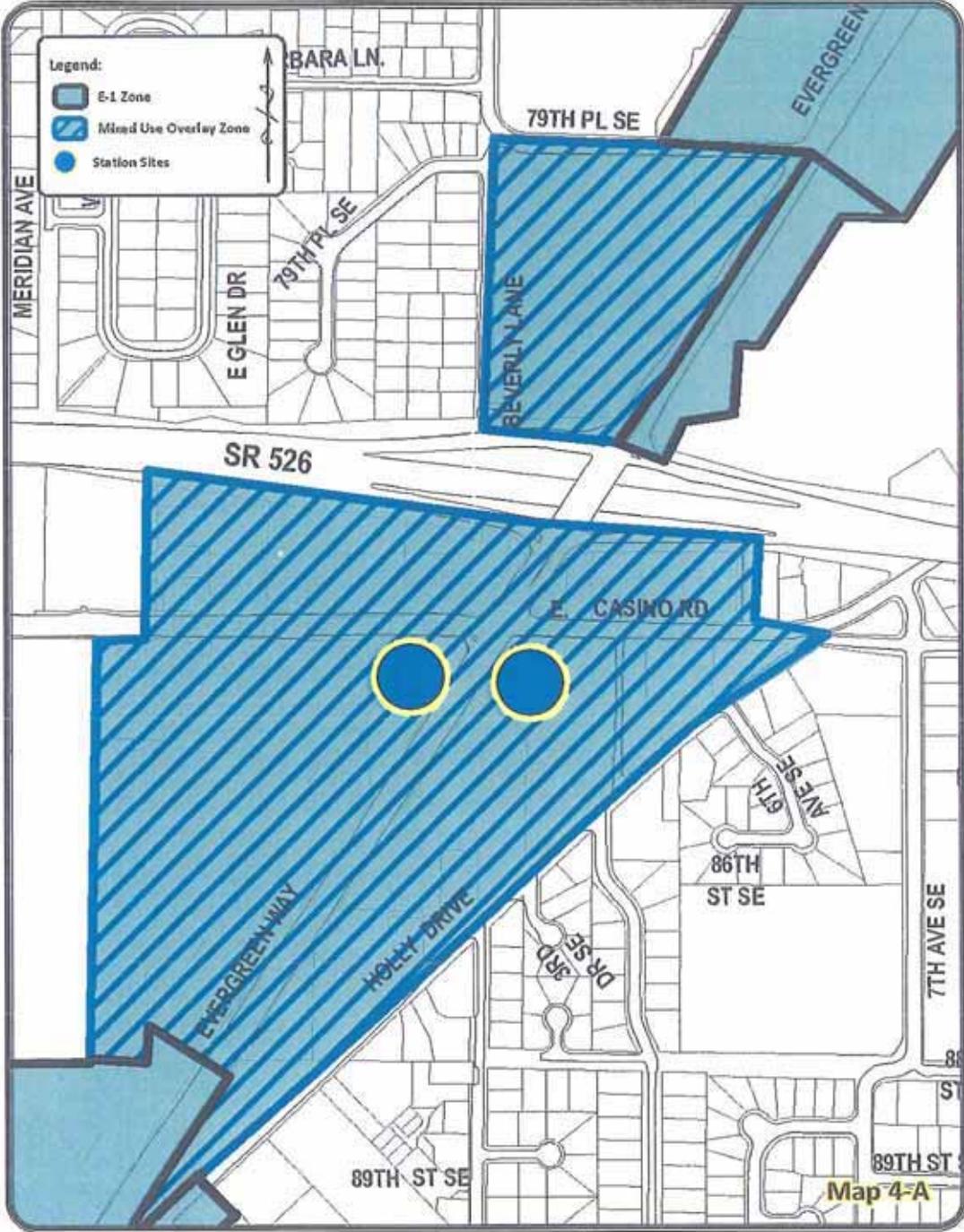


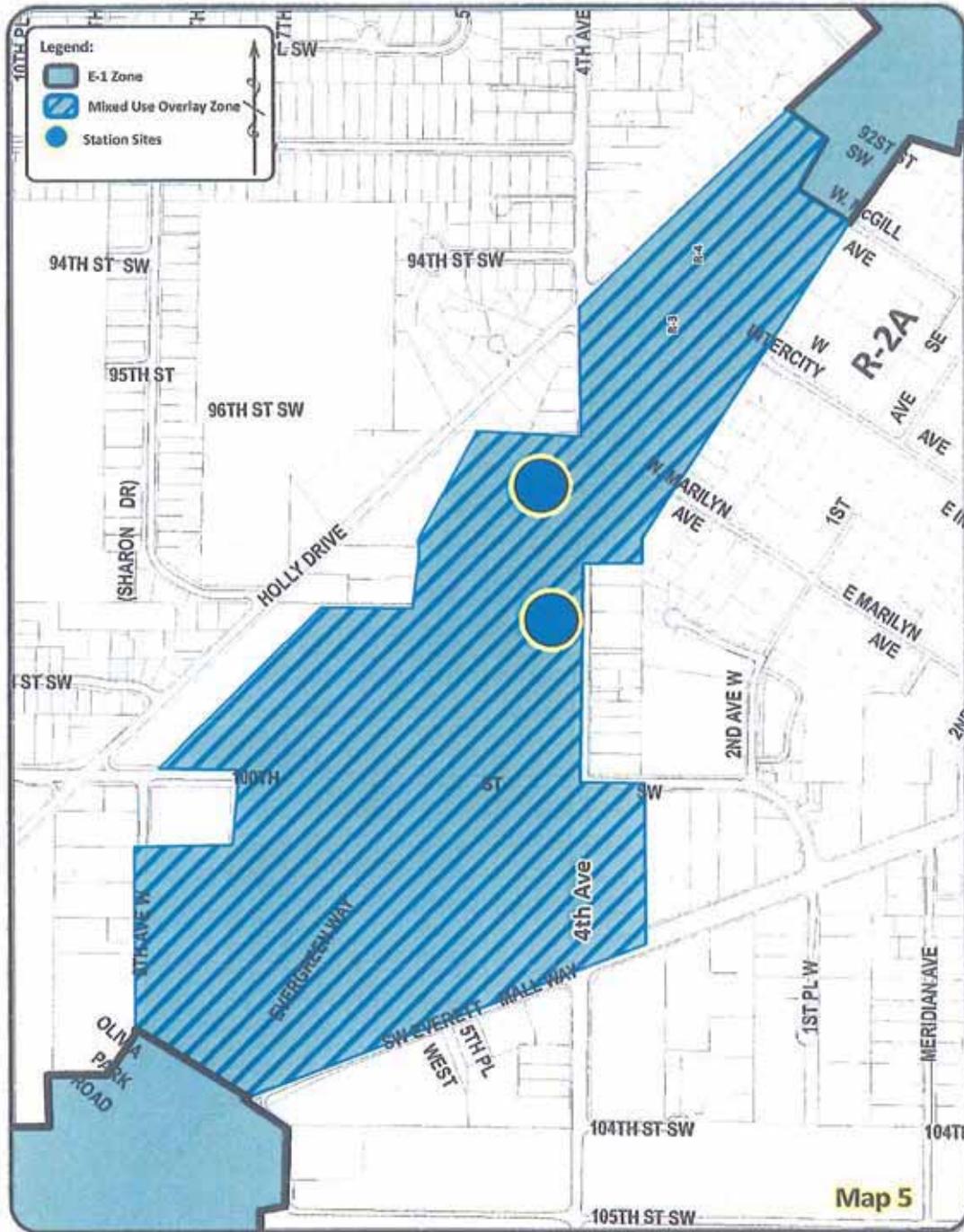
EXHIBIT B MAP 4

Casino Road E-1 MUO Zone



# EXHIBIT B MAP 5

## 4TH Avenue West E-1 MUO Zone



# EXHIBIT B MAP 6

## 112th Street SW E-1 MUO Zone

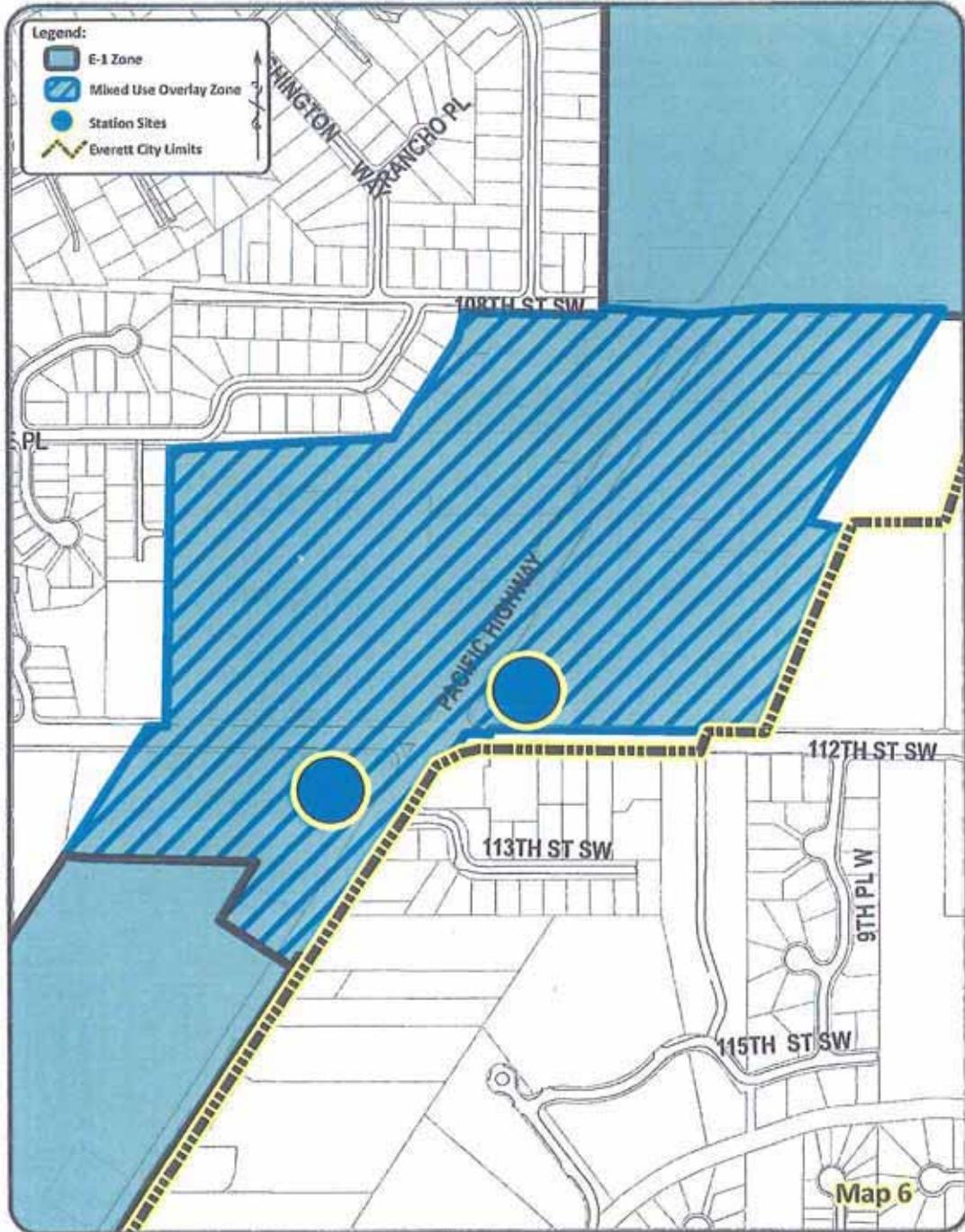


EXHIBIT B MAP 7

Airport Road E-1 MUO Zone

