

ORDINANCE NO. 3269-12

**An Ordinance Establishing two new Zoning
Classifications, the Evergreen Way Zone and the
Mixed Use Overlay Zone, and Amending the Everett
Zoning Code, Ordinance No. 1671-89, as amended
(EMC Title 19).**



WHEREAS, the City Council finds the following:

1. The City Council initiated the Evergreen Way Revitalization Plan in 2009 to address, among other matters, improving land use and development standards, supporting Swift Bus Rapid Transit investments, accommodating economic and population growth, and implementing the policies of the Comprehensive Plan.
2. The City selected a consultant team to conduct analysis of existing conditions, identify projected needs, and propose a revitalization strategy related to economic development, land use, transportation, housing, urban design, and capital improvements.
3. The consultant team and City staff conducted substantial public outreach efforts to identify the concerns of citizens, business and property owners, and public service providers related to existing conditions and future land use, economic, transportation and capital improvement needs within the Evergreen Way corridor and surrounding neighborhoods.
4. City staff and the consultant team conducted an extensive public outreach program.
5. Public feedback from public workshops demonstrated general support for changes to land use and development standards that would support existing businesses and improve connections with surrounding neighborhoods, while encouraging quality redevelopment with more intensive commercial, residential and mixed-use development.
6. The consultant team and City staff prepared draft revisions to zoning development and design standards and identified potential rezones for properties within the Evergreen Way corridor, which were generally supported by the public.
7. The Planning Commission conducted public workshops on October 18, 2011, November 14, 2011, December 6, 2011, and a public hearing on February 21, 2012 to take public testimony and provide direction to City staff concerning the Evergreen Way Revitalization Plan and proposed zoning standards.

8. The Planning Commission has recommended that the City Council approve the proposed amendment to the Zoning Code establishing the E-1 zone and Mixed Use Overlay zone regulations and development standards.

WHEREAS, the City Council concludes the following:

1. The City staff and consultant team have prepared revisions to the zoning regulations for the Evergreen Way corridor based upon in-depth study of economic, land use and transportation conditions and projected needs for the community, and public feedback generated by a robust public participation process.
2. The proposed E-1 and Mixed-use Overlay zoning standards are consistent with the policies of the Everett Growth Management Comprehensive Plan.
3. The proposed amendment to the zoning code promotes the best long term interests of the Everett community.

NOW, THEREFORE, THE CITY ORDAINS the following:

Section 1: Section 1 of Ordinance No. 3099-08 (EMC 19.01.030) which reads as follows:

1.030 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
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
W-C	waterfront commercial
M-S	maritime services
BMU	Broadway Mixed Use
C-2	heavy commercial/light industrial
C-2 ES	heavy commercial/light industrial—Everett Station Area
M-2	heavy manufacturing
M-1	office and industrial park
M-M	business park
WRM	watershed resource management
P	public park
AQ	aquatic
OS	open space

Is hereby amended to read:

1.030 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
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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
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
W-C	waterfront commercial
M-S	maritime services
BMU	Broadway Mixed Use

E-1	Evergreen Way
E-1-MUO	Evergreen Way-Mixed Use Overlay
C-2	heavy commercial/light industrial
C-2 ES	heavy commercial/light industrial—Everett Station Area
M-2	heavy manufacturing
M-1	office and industrial park
M-M	business park
WRM	watershed resource management
P	public park
AQ	aquatic
OS	open space

Section 2: Paragraph C of Section 2 of Ordinance No. 3099-08 (EMC 19.01.050) which reads as follows:

1.050 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.

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 multi-story 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.

Is hereby amended to read:

1.050 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.
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 multi-story 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:
- 1. 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;
 - 2. Encourage economic revitalization in the Evergreen Way-Rucker Avenue corridor with businesses that serve both local area residents and regional shopping needs;

3. Establish high quality standards for higher density commercial and residential redevelopment;
4. Improve the public safety and aesthetic character of this principal arterial corridor;
5. Improve access between Evergreen Way and abutting neighborhoods while protecting the residential character of the neighborhoods;
6. Encourage greater use of public transit and non-motorized travel modes in the City; and
7. 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.

Section 3: Section 3 of Ordinance No. 3099-08 (EMC 19.03.020) which reads as follows:

3.020 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.

A-1 R-S R-1 R-2 R-1A R-2A
 R-3L R-3 R-4 R-5 P RM
 B-1 B-2 B-2B B-3 C-1 C-1R
 W-C BMU M-S C-2 C-2ES M-M
 M-1 M-2 OS AQ

B. Overlay Zones.

C O C-O H D I
 PRD PD FWD UFFD RFFD

Is hereby amended to read:

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.

A-1	R-S	R-1	R-2	R-1A	R-2A
R-3L	R-3	R-4	R-5	P	RM
B-1	B-2	B-2B	B-3	C-1	C-1R
W-C	BMU	M-S	C-2	C-2ES	M-M
M-1	M-2	OS	AQ	E-1	E-1/MUO

B. Overlay Zones.

C	O	C-O	H	D	I
PRD	PD	FWD	UFFD	RFFD	

Section 4: Section 4 of Ordinance No. 3099-08 (EMC 19.03.040) which reads as follows:

3.040 Development standards table.

A. Format. 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 6. 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 34. For the B-3 zone, the parking requirements are listed in Chapter 22.

B. Development Standards. After finding that a use is permitted in a specific zone, go to the development standards table in Chapter 6. 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 and BMU zones have additional regulations that are not specified in the use tables or the development standards table. These can be found in Chapters 22, 25, 27, 28 and 31A₂, 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 33A, 30A, 33E and 33F, respectively.

E. You now have the basic zoning regulations that apply to the subject property. However, you should review Section 3.050 of this chapter to determine if other regulations of this title apply.

Is hereby amended to read:

3.040 Development standards table.

A. Format. 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 6. 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 34. For the B-3 zone, the parking requirements are listed in Chapter 22. For the E-1 and MUO zones, parking requirements are also listed in Chapter 31B.

B. Development Standards. After finding that a use is permitted in a specific zone, go to the development standards table in Chapter 6. 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 22, 25, 27, 28, 31A and 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 33A, 30A, 33E and 33F, respectively.

E. You now have the basic zoning regulations that apply to the subject property. However, you should review Section 3.050 of this chapter to determine if other regulations of this title apply.

Section 5: Subsection 5.040 of Section 36 of Ordinance 2397-99 (EMC 19.05.040) which reads as follows:

5.040 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-2ES,

M-1, M-M and BMU zones. These can be found in Chapters 22, 25, 27, 28 and 31A, respectively, of this title.

Is hereby amended to read:

5.040 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-2ES, M-1, M-M BMU, E-1 and MUO zones. These can be found in Chapters 22, 25, 27, 28, 31A, and 31B respectively, of this title.

Section 6: - Continued on next page

Section 6: Section 6 of Ordinance 3099-08 (EMC 19.05 Table 5.1) which reads as follows:

Table 5.1 Residential uses.

USE	ZONE	A-1	R-S	R-1	R-2	R-1A R-2A	R-3L	R-3	R-4 R-5	B-1	B-2 B-2B	B-3	BMU	C-1 C-1R	C-2 ES	W-C	M-S	M-III	M-1	M-2
Accessory dwelling unit (21)		I(1)	I(1)	I(1)	I(1)															
Adult family home		I	I	I	I															
Assisted living facility																				
Boarding or rooming		I(2)	I(2)	I(2)	I(2)															
Boardinghouse or roominghouse																				
Caretaker, watchman's quarters (4)																				
Congregate care facility																				
Convalescent or nursing home																				
Dwelling, single-family detached		I	I(5)	I(5)	I(5)															
Dwelling, single-family attached			III(6)	III(6)	I(7)															
Dwelling, two-family (duplex) (21)			I(6)	I(6)	I(6)															
Dwelling, rear yard infill					I(25)															
Dwelling, cottage housing																				
Dwelling, multiple-family																				
Dwelling, live/work																				
Group home, Class I.A		I	I	I	I															
Group home, Class I.B		I																		
Group home, Class I.C																				
Group home, Class II.A, II.B, II.C																				
Home occupation		I(14)	I(14)	I(14)	I(14)															
Senior citizen housing																				
Manufactured home (15)		I	I	I	I															
Mobilehome park (16)		III	III	III	III															
Secure community transition facility (19)																				
Temporary shelter home		III(17)	III(17)	III(17)	III(17)															

SPECIAL REGULATIONS FOR ZONING CODE TABLE #5.1

(1) See Section 39.020.D for regulations pertaining to accessory dwelling units.

(2) Rental of rooms for lodging is limited to two persons in any single-family dwelling. See Section 39.060 for additional standards.

(3) The number of boarding rooms shall not exceed the number of dwelling units allowed by the density standards of the zone in which the property is located. See Section 39.060 for additional standards.

(4) While the P (public park) and WRM (watershed resource management) zones are not listed in this table, a caretaker's quarters is the only residential use permitted in either zone. See Chapter 33A for regulations for the "P" zone. See

Chapter 30A for regulations for the "WRM" zone.

(5) Except in the Core residential area, see Section 7.010 for development standards for single-family dwellings on lots smaller than five thousand square feet. See Section 7.020 for regulations on accessory buildings. See section 16 of this ordinance for standards that apply to single family dwellings in the Core residential area.

(6) Allowed only through the cluster alternative for subdividing, as provided by Section 39.130.E.

(7) All residential development must comply with the applicable development standards and guidelines, which may include standards in the B-3 zone (Chapter 22). Core residential area, Multiple family design standards (Chapter 15), BMU zone (Section 12 of this Ordinance), and/or any applicable overlay design standards and guidelines. Multiple-family development standards of Chapter 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.

- (8) Allowed in the R-1 zone only when each dwelling unit may be owner occupied, as provided through zero lot line subdivision, condominium, or residential binding site plan. Minimum lot area for each dwelling may be less than six thousand square feet, provided, that twelve thousand square feet is provided for both dwelling units. Shall comply with Section 7.010. See Section 7.020 for regulations on accessory buildings.
- (9) Except in the core residential area, duplexes in any zone and on any sized lot shall comply with Section 7.010. See Section 7.020 for regulations on accessory buildings. The minimum lot area for a duplex in the R-2 zone is 7,500 square feet. See section 16 of this ordinance for standards that apply to duplexes in the core residential area.
- (10) Permitted only in mixed-use development in which:
- At least twenty-five percent of the total gross floor area is on the same lot; or
 - Ninety percent of the street frontage of the ground floor is used for a permitted nonresidential use.
- Special Regulation (7) also applies to multiple-family dwelling developments in this zone.
- (11) Permitted in this zone only in the area indicated by map number 15-1. Special Regulation (7) also applies to multiple-family dwelling developments in this zone.
- (12) Reserved.
- (13) See Section 39.105 for regulations for jails, Class II group homes, and correctional facilities.
- (14) See Section 41.080 for regulations on home occupations.
- (15) See definition of "manufactured home." A designated manufactured home is allowed in any zone which allows a single-family detached dwelling provided it is on a permanent foundation, is connected to all utilities required by applicable construction codes, and meets all other requirements of this code pertaining to single-family dwellings. Mobilehomes that do not meet this standard may only be allowed in an approved mobilehome park.
- (16) See Title 17 of the Everett Municipal Code for regulations for mobilehome parks.
- (17) Permitted only when an accessory use to an existing church facility, and subject to the evaluation criteria of Section 41.150.C.
- (18) This use shall be subject to the evaluation criteria of Section 41.150.C.
- (19) See Section 41.150.D.3 for regulations on secure community transition facilities.
- (20) At that R-4 zone location noted as lots 11, 12, 13, 14 and 15, on the east side of Wetmore Avenue in the 3900 block, known in part as the Climax Land Division, 1st Everett Addition, shall be limited to a maximum height of forty-five feet as required by code provisions for the area.
- (21) Accessory dwelling units and duplexes are not permitted on lots within easement access short subdivisions, except for existing duplexes as provided under Chapter 18.28 of this code.
- (22) See Chapter 25 for regulations for live/work units in the C-2ES zone.
- (23) See Section 39.180 for regulations for live/work units.
- (24) Prohibited on the Mukiteo tank farm property, except that residential uses are permitted only in mixed-use commercial-residential buildings in which no dwellings are located on the ground floor of the building.
- (25) Permitted in the R-2H and Core Residential Areas.
- (26) Permitted in the Core Residential Areas only.

Is hereby amended to read:

Table 5.1 Residential uses.

USE	ZONE	A-1	R-S	R-1	R-2	R-1A R-2A	R-3L	R-3	R-4 R-5	B-1	B-2 B-2B	B-3	BMU	E-1	MUO	C-1 C-1R	C-2 ES	M-C	M-S	M-III	M-1	M-2
Accessory dwelling unit (21)		I(1)	I(1)	I(1)	I(1)	I(1)																
Adult family home		I	I	I	I	I																
Assisted living facility																						
Boarding or rooming		I(2)	I(2)	I(2)	I(2)	I(2)	I(3)	I(3)	I(4)	I(2)	I(2)	I(3)	I(3)	I(3)	I(3)	I(3)						
Boardinghouse or roominghouse																						
Caretaker, watchman's quarters (4)																						
Congregate care facility																						
Convalescent or nursing home																						
Dwelling, single-family detached		I	I(5)	I(5)	I(5)	I(5)	I(5)	I(5)	I(5)	I(5)	I(5)	I(5)	I(5)	I(5)	I(5)	I(5)						
Dwelling, single-family attached		III(6)	III(6)	III(6)	III(6)	III(6)	III(6)	III(6)	III(6)	III(6)	III(6)	III(6)	III(6)	III(6)	III(6)	III(6)						
Dwelling, two-family (duplex) (21)																						
Dwelling, rear yard infill																						
Dwelling, cottage housing																						
Dwelling, multiple-family																						
Dwelling, live/work																						
Group home, Class I/A		I	I	I	I	I	I	I	I	I(24)	I(24)	I	I(23)	I	I	I(24)	I(22)	I(24)				

USE	ZONE	A-1	R-S	R-1	R-2	R-1A R-2A	R-3L	R-3	R-4 R-5	B-1	B-2 B-2B	B-3	BMU	E-1	MUO	C-1 C-1R	C-2 ES	W-C	MI-S	MI-1 MI	MI-2
Group home, Class 1B		I																			
Group home, Class 1C																					
Group home, Class II.A, II.B, II.C																					
Home occupation		I(14)	I(14)	I(14)	I(14)	I(14)	I(14)	I(14)	I(14)	I(14)	I(14)	I(14)	I(14)	I(14)	I(14)	I(14)	I(14)				
Senior citizen housing																					
Manufactured home (15)		I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I(7)(24)				
Mobilehome park (16)		III	III	III	III	III	III	III													
Secure community transition facility (19)																				III(19)	III(19)
Temporary shelter home		III(17)	III(17)	III(17)	III(17)	III(17)	III(17)	III(17)	III(18)				III(18)	III(18)	III(18)	III(18)					

SPECIAL REGULATIONS FOR ZONING CODE TABLE #5.1

- (1) See Section 39.020.D for regulations pertaining to accessory dwelling units.
- (2) Rental of rooms for lodging is limited to two persons in any single-family dwelling. See Section 39.060 for additional standards.
- (3) The number of boarding rooms shall not exceed the number of dwelling units allowed by the density standards of the zone in which the property is located. See Section 39.060 for additional standards.
- (4) While the P (public park) and WRM (watershed resource management) zones are not listed in this table, a caretaker's quarters is the only residential use permitted in either zone. See Chapter 33A for regulations for the "P" zone. See Chapter 30A for regulations for the "WRM" zone.
- (5) Except in the Core residential area, see Section 7.010 for development standards for single-family dwellings on lots smaller than five thousand square feet. See Section 7.020 for regulations on accessory buildings. See section 16 of this ordinance for standards that apply to single family dwellings in the Core residential area.
- (6) Allowed only through the cluster alternative for subdividing, as provided by Section 39.130.E.
- (7) All residential development must comply with the applicable development standards and guidelines, which may include standards in the B-3 zone (Chapter 22), Core residential area, Multiple family design standards (Chapter 15), BMU zone (Section 12 of this Ordinance), and/or any applicable overlay design standards and guidelines. Multiple-family development standards of Chapter 15 and multiple-family design guidelines established by city council Resolution No. 4818 shall apply to single-family attached dwelling developments and multiple-family dwelling developments containing three or more dwelling units.
- (8) Allowed in the R-1 zone only when each dwelling unit may be owner occupied, as provided through zero lot line subdivision, condominium, or residential binding site plan. Minimum lot area for each dwelling may be less than six thousand square feet, provided, that twelve thousand square feet is provided for both dwelling units. Shall comply with Section 7.010. See Section 7.020 for regulations on accessory buildings.
- (9) Except in the core residential area, duplexes in any zone and on any sized lot shall comply with Section 7.010. See Section 7.020 for regulations on accessory buildings. The minimum lot area for a duplex in the R-2 zone is 7,500 square feet. See section 16 of this ordinance for standards that apply to duplexes in the core residential area.
- (10) Permitted only in mixed-use development in which:
 - a) At least twenty-five percent of the total gross floor area is on the same lot; or
 - b) Ninety percent of the street frontage of the ground floor is used for a permitted nonresidential use.

Special Regulation (7) also applies to multiple-family dwelling developments in this zone.

- (11) Permitted in this zone only in the area indicated by map number 15-1. Special Regulation (7) also applies to multiple-family dwelling developments in this zone.
- (12) Reserved.
- (13) See Section 39.105 for regulations for jails, Class II group homes, and correctional facilities.
- (14) See Section 41.080 for regulations on home occupations.
- (15) See definition of "manufactured home." A designated manufactured home is allowed in any zone which allows a single-family detached dwelling provided it is on a permanent foundation, is connected to all utilities required by applicable construction codes, and meets all other requirements of this code pertaining to single-family dwellings. Mobilehomes that do not meet this standard may only be allowed in an approved mobilehome park.
- (16) See Title 17 of the Everett Municipal Code for regulations for mobilehome parks.
- (17) Permitted only when an accessory use to an existing church facility, and subject to the evaluation criteria of Section 41.150.C.
- (18) This use shall be subject to the evaluation criteria of Section 41.150.C.
- (19) See Section 41.150.D.3 for regulations on secure community transition facilities.
- (20) At that R-4 zone location noted as lots 11, 12, 13, 14 and 15, on the east side of Wetmore Avenue in the 3900 block, known in part as the Climax Land Division, 1st Everett Addition, shall be limited to a maximum height of forty-five feet as required by code provisions for the area.
- (21) Accessory dwelling units and duplexes are not permitted on lots within easement access short subdivisions, except for existing duplexes as provided under Chapter 18.28 of this code.
- (22) See Chapter 25 for regulations for live/work units in the C-2ES zone.
- (23) See Section 39.180 for regulations for live/work units.
- (24) Prohibited on the Midkitten tank farm property, except that residential uses are permitted only in mixed-use commercial-residential buildings in which no dwellings are located on the ground floor of the building.
- (25) Permitted in the R-2H and Core Residential Areas.
- (26) Permitted in the Core Residential Areas only.

ZONE USE	A-1	R-2	R-1	R-2(A)	R-3(L)	R-3	R-4	R-5	B-1	B-2	B-2(B)	B-3	BMIU	C-1	C-1R	C-2	C-2ES (60)	W-C	W-S	M-III	M-1	M-2
Public service uses, buildings	III	III	III	(58)	III	III																
Schools:																						
College, university	III(39)	III(39)	III(39)	III(39)	III(39)	III(39)																
Preschool to grade 12	III(39)	III(39)	III(39)	III(39)	III(39)	III(39)																
Private instruction (art, music, dance)																						
Vocational training																						
Social service facility																						
Special aviation use																					VA	VA
Utilities:																						
Above ground utility and communications facility, major	III(40)	III(40)	III(40)	III(40)	III(40)	III(40)																
Above ground utility and communications facility, minor	III(40)	III(40)	III(40)	III(40)	III(40)	III(40)																
Electric vehicle charging station	I(68)	I(68)	I(68)	I(68)	I(68)	I(68)																
Battery exchange station																						
Below ground utilities	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I
Recycling/composting																						
Solid waste transfer station																						
Wastewater treatment plant	III(36)																					
TRANSPORTATION USES																						

ZONE USE	A-1	R-S R-2	R-1(A) R-1	R-3(L) R-3	R-4	R-5 B-1	B-2 2(E)	B-3 B-3 (66)	C-1	C-1R C-2	C-2ES (60)	III-C	III-S	III-M	III-F	III-2	
Parking, commercial							I (42)		I	I	I				I	I	
Parking, commuter		I(43)	I(43)	I(43)					I	I	I				I	I	
Passenger terminals									I	I	I				I	I	
Railroad yard																	
Shipping, marine																	
Shipping, trucking terminal										I					I	I	
Transit station, and supportive and incidental uses				III(44)	III(44)	III(44)	I II(44)		I	I	I				I	I	
Transportation facilities of statewide significance	II(53)	II(53)	II(53)	II(53)	II(53)	II(53)	II(53)	II(53)	II(53)	II(53)	II(53)	II(53)	II(53)	II(53)	II(53)	II(53)	
VEHICLE RELATED USES																	
Auto, small truck, boat, motorcycle, recreational vehicle:																	
Boat building, storage, repair										I(45)	I(61)(64)	I(64)	I(64)			I(45)	
Body repair, painting							I(45)		I(45)	I(45)	I(61)(64)					I(45)	
Dismantling (indoor only)										I(46)	I(61)(64)					I(46)	
Impound, storage, tow yard										I(47)	I(61)(64)					I(47)	
Maintenance, service (light)							I(45)		I(45)	I(45)	I(64)				I(48)	I(45)	
Maintenance, service (heavy)							I(45)		I(45)	I(45)	I(61)(64)				I(48)	I(45)	
Sales or rental							I(49)		I(49)		I(65)	I(50)	I(50)				

- (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 15 of this title, and the multiple-family design guidelines, shall apply to mixed-use office-residential developments with three or more dwelling units.
- (d) When the property is located in the O or C-O overlay zone, the provisions of Chapter 16 of this title shall apply.
- (11) Permitted as an accessory use for those products produced on premises; up to but no more than twenty percent of goods sold may be produced off-site and by other producers.
- (12) Outside runs or other outside facilities for animals are not permitted. Buildings shall be constructed so noise from this use is not audible on residentially zoned lots.
- (13) Bakeries in this zone may devote up to fifty percent of their gross floor area to the production of bakery products for wholesale distribution. In the R-4 and R-5 zones, bakeries are permitted only in mixed-use buildings in which:
- Business is oriented to immediately surrounding neighborhood.
 - At least sixty-five percent of the gross floor area is used for multiple-family dwellings.
 - The maximum gross floor area devoted to an individual nonresidential use is four thousand square feet.
 - No additional curb cuts are permitted for the nonresidential use(s).
 - This use shall be permitted only in conjunction with a restaurant, tavern, retail sales or tasting room, in which the public facade of the building is oriented to the public street or, if located in a shopping center or business park, to the common space where the public can access the building. This use shall be designed and operated so as not to create odor impacts to surrounding uses, and shall comply with the odor regulations of the Puget Sound Clean Air Agency.
- (15) The following regulations apply only to espresso stands which are contained in a structure, and which can serve customers who remain in their vehicles by means of a drive-up window. Mobile espresso vehicles are not subject to these regulations. Espresso retail uses not able to serve customers who remain in their vehicles shall be regulated as "restaurants."
- Drive-up espresso stands shall be located so as not to remove or obstruct required off-street parking for other uses on the same lot or an adjoining lot.
 - One off-street parking space shall be provided for each employee working at any given time.
 - Street frontage landscaping shall be provided in accordance with the zone in which the property is located.
 - Holding lanes shall provide sufficient room on-site for three vehicles for each service lane without obstructing required off-street parking areas for other uses on the lot or an adjoining lot.
 - The building shall be set back a minimum of ten feet from required street frontage landscaping when a drive lane is proposed on the street side of the structure, and fifty feet from any residentially zoned property.
 - Signs shall be permitted as provided for the zone in which the property is located.
- (16) The following regulations shall apply to restaurants:
- In the R-4 and R-5 zones, restaurants are permitted only in mixed-use buildings in which:
 - Business is oriented to immediately surrounding neighborhood.
 - At least sixty-five percent of the gross floor area is used for multiple-family dwellings.
 - The maximum gross floor area devoted to an individual nonresidential use is four thousand square feet.
 - No additional curb cuts are permitted for the nonresidential use(s).
 - The sale of alcoholic beverages other than beer or wine is prohibited in the B-1 zone. Establishments selling beer and/or wine in the B-1 zone shall derive not more than twenty-five percent of their gross sales volume from alcoholic beverages.
 - Sale of alcoholic beverages other than beer or wine is not permitted in the B-1, B-2(B), B-3, W-C, M-S, M-MI, or M-1 zones.
 - Restaurants with drive-up windows are not permitted in multiple-tenant buildings in which nonrestaurant uses occupy at least seventy-five percent of the gross floor area of the total building.
 - In the M-M and M-1 zones, restaurants are permitted only in multiple-tenant buildings which take up to, but no more than, sixty-six percent of the total gross floor area of the building(s) on the site where they are located. A site plan for the entire site shall be approved when a restaurant is proposed. Said plan shall show all uses, locations and landscaping.
 - In the B-2(B) zone, restaurants may be contained in and exclusively occupy freestanding structures which take up to, but no more than, sixty-six percent of the total gross floor area of the building(s) on the site where they are located. A site plan for the entire site shall be approved when a restaurant is proposed. Said plan shall show all uses, locations and landscaping.
 - Where freestanding restaurants are sited in the B-2(B) zone in conjunction with office building(s) either at the same time or not, and when the affected site abuts residentially zoned lots, the outside wall(s) of the office building(s) shall be placed as near to the residentially zoned lots as applicable provisions of this code allow. The restaurant use shall be located next to the street and/or away from residentially zoned lots.
 - Where one or the other permitted use is not to be constructed under the provisions of a permit application, the remaining "vacant" portion, where the future use will be located, shall be provided with Type IV "stabilizing" landscaping. That portion of the perimeter landscaping abutting residentially zoned lots, where they occur, shall be Type III landscaping of the appropriate category. In all cases, site-obscuring fencing, not including chain link, shall be used when abutting residentially zoned lots.
 - Restaurants with dancing or live entertainment are not permitted in the B-1 or B-2(B) zone.
 - Restaurants with live music and/or dancing is not permitted within one hundred feet of lots located in residential zones.
 - Restaurants with drive-up service windows shall meet the following standards:
 - Drive-up service windows shall not be located less than fifty feet from lots located in residential zones.
 - Drive-up order placing stations shall be located not less than one hundred feet from lots located in residential zones.
 - There shall be one outdoor waste receptacle provided for each eight parking spaces.
 - Holding lanes for drive-up order placing stations shall provide room for a minimum of eight vehicles and shall be located a minimum of one hundred feet from lots located in residential zones.
 - Delivery and loading areas shall be located so as not to interfere with drive-up window traffic or off-street parking areas.
 - A tavern or night club with live music and/or dancing is not permitted within one hundred feet of lots located in residential zones. Adult cabarets as defined in the zoning code shall not be permitted within the area defined in Map 5.1.
- (17a) The following regulations shall apply to mini-casinos:
- The space devoted to gambling and gaming activity and support services (i.e., security) shall not be more than eight thousand square feet. Other incidental uses such as restaurant or nightclub uses shall not be restricted by the eight thousand square feet limitation if no gambling or gaming activity occurs within such space.
 - It shall be located in:
 - A freestanding building, or
 - A unit in a larger development, provided, that the mini-casino is separated from all other uses by a lobby or similar open space or common area from adjacent units in the development, and that there are no other mini-casinos located within six hundred feet of the exterior walls of the building in which the mini-casino is located.
 - Mini-casinos shall not be permitted in the C-1R zoned area located east of Colby Avenue, north of 44th Street and south of 40th Street. Mini-casinos are also not permitted within the area defined in Map 5.1 of Chapter 5.

- (18) See Section 39.025 for regulations pertaining to adult use businesses.
- (19) Breweries and wineries shall be prohibited within three hundred fifty feet of lots located in residential zones and schools unless an air quality study completed by a qualified expert shows the use will not result in significant odor impacts in the residential school area.
- (20) See Section 41.100 for regulations for outdoor use, storage and activities.
- (21) Permitted only for water-dependent industrial uses.
- (22) Fish cleaning is permitted only in the M-S zone, or in the M-2 zone on lots located in areas under the jurisdiction of the shoreline master program.
- (23) See Section 41.100 for regulations pertaining to outdoor storage.
- (24) Permitted only as an accessory use to a permitted use. See Section 28.020.C for regulations on outdoor storage in the M-M zone.
- (25) Permitted only as an accessory use to a permitted use. See Section 27.020.D for regulations on outdoor storage in the M-1 zone.
- (26) Permitted only as an accessory use to a permitted use.
- (27) Permitted only as an accessory use to a permitted use.
- (28) Within the A-1, R-S, R-1, R-2, B-1 and B-2(B) zones, bed and breakfast houses shall be permitted only in homes individually listed on the National, State or Everett Historical Register. Homes within historic districts which are not individually listed on the National, State or Everett Historical Register are not eligible to become bed and breakfast houses. See Section 39.050 for additional regulations pertaining to bed and breakfast houses.
- (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.
- (5) 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 R5 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 15 of this title, and the multiple-family design guidelines, shall apply to mixed-use clinic-medical-residential developments with three or more dwelling units.
- (c) When the property is located in the C or C-O overlay zone, the provisions of Chapter 16 of this title 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.
- (30) If property is zoned P (public park), refer to Chapter 33A. If property is not zoned P, refer to Section 41.150.C and D for additional regulations.
- (31) Repealed by Ord. 2657-02
- (32) Emergency airfall landing may be permitted only at existing hospitals, subject to Review Process IIIA. See Section 41.150.D.1.c for special regulations pertaining to this use.
- (33) See Section 41.150.C for general evaluation criteria, and Section 41.150.D.2.b for special regulations pertaining to this use.
- (34) Permitted only as an accessory use to existing cemetery or mortuary.
- (35) See Section 27.040 for regulations applicable to "aggregates extraction, related manufacturing activity" in the M-1 zone.
- (36) See Section 41.150.C for general evaluation criteria.
- (37) See Section 41.150.D.2.c for specific criteria to be used to evaluate this use.
- (38) See Section 33.105 for regulations for jails, Class II group homes, and correctional facilities.
- (39) See Section 41.150.D.2.a for regulations pertaining to school facilities.
- (40) See Section 41.150.D.1.b for regulations pertaining to above ground utility and communications facilities.
- (41) See Section 41.100 for regulations for outdoor uses, activities and storage.
- (42) See Section 22.020.D for development standards for parking lots in the B-3 zone.
- (43) Allowed only in church parking lots in this zone.
- (44) See Section 41.150.C for general evaluation criteria.
- (45) Vehicle service and repair businesses shall comply with the following requirements:
- (a) All vehicle maintenance work shall be performed in an enclosed building when located within one hundred fifty feet of lots located in residential zones. The garage doors of the building may not face toward the residentially zoned properties.
- (b) Vehicles being serviced shall not be parked on public right-of-way.
- (c) Inoperable vehicles, used or discarded tires and vehicle parts shall be screened from view by a solid sight-obscuring fence and landscaping as required by Section 41.100.
- (46) Wrecking and dismantling yards (outdoor storage) are prohibited. Indoor dismantling shall also comply with Special Regulation (45).
- (47) Shall comply with the landscaping and screening requirements of Section 41.100.
- (48) Permitted only in a multiple-tenant building or development.
- (49) Permitted only on Broadway, Evergreen Way, Rucker Avenue and a portion of Everett Mall Way with the following conditions:
- (a) The minimum lot area/size would be one hundred eight thousand nine hundred square feet or 2.5 acres for vehicle sales and related/supportive uses.
- (b) Vehicle sales would be allowed on Everett Mall Way from Evergreen Way on the west and First Place West on the east.
- (c) Parking and landscaping standards would be current standards, except an upgrade on the 100th Street frontage where Type II landscaping would be required.
- (d) At least twenty-five percent of the vehicle sales shall be new car sales.
- (e) Mitigation measures would be applied to restrict noise including the prohibition of exterior speakers for music and/or announcements.

ZONE USE	R-S		R-1(A)		R-3(L)		R-4		B-2		B-3		MUO	C-1	C-1R	C-2	C-2ES (60)	M-C	M-S	M-M	M-I	M-2	
	A-1	R-2	R-1	R-2(A)	R-3	R-5	B-1	B-2	2(B)	6(B)	BMU	E-1											
Retail, outdoor																							
Self-serve storage facility																							
Shopping center																							
Veterinary clinic																							
EATING AND BEVERAGE																							
Bakery, retail																							
Brewery, micro-																							
Distillery, micro-																							
Winery, micro-																							
Espresso stand																							
Restaurant																							
Tasting Room																							
Tavern																							
ENTERTAINMENT USES																							
Adult use businesses																							
Art gallery																							
Artist studio																							
Bingo hall																							
Casino, mini-																							
Convention, exhibition center																							
Library																							
Museum																							
Nightclub																							
Private club, fraternal organization																							
Theater or theater complex																							
Video game arcade																							
INDUSTRIAL USES																							

- (10) Office uses are not permitted in the R-3(L) zone, and are permitted in 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.
 - (5) 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.
 - (6) Chapter 15 of this title, and the multiple-family design guidelines, shall apply to mixed-use office-residential developments with three or more dwelling units.
 - (7) When the property is located in the O or C-O overlay zone, the provisions of Chapter 16 of this title shall apply.
 - (11) Permitted as an accessory use for those products produced on premises: up to but no more than twenty percent of goods sold may be produced off-site and by other producers.
 - (12) Outside runs or other outside facilities for animals are not permitted. Buildings shall be constructed so noise from this use is not audible on residentially zoned lots.
 - (13) Bakeries in this zone may devote up to fifty percent of their gross floor area to the production of bakery products for wholesale distribution. In the R-4 and R-5 zones, bakeries are permitted only in mixed-use buildings in which:
 - (a) Business is oriented to immediately surrounding neighborhood.
 - (b) At least sixty-five percent of the gross floor area is used for multiple-family dwellings.
 - (c) The maximum gross floor area devoted to an individual nonresidential use is four thousand square feet.
 - (d) No additional curb cuts are permitted for the nonresidential use(s).
 - (14) This use shall be permitted only in conjunction with a restaurant, tavern, retail sales or tasting room, in which the public facade of the building is oriented to the public street or, if located in a shopping center or business park, to the common space where the public can access the building. This use shall be designed and operated so as not to create odor impacts to surrounding uses, and shall comply with the odor regulations of the Puget Sound Clean Air Agency.
 - (15) The following regulations apply only to espresso stands which are contained in a structure, and which can serve customers who remain in their vehicles by means of a drive-up window. Mobile espresso vehicles are not subject to these regulations. Espresso retail uses not able to serve customers who remain in their vehicles shall be regulated as "restaurants."
 - (a) Drive-up espresso stands shall be located so as not to remove or obstruct required off-street parking for other uses on the same lot or an adjoining lot.
 - (b) One off-street parking space shall be provided for each employee working at any given time.
 - (c) Street frontage landscaping shall be provided in accordance with the zone in which the property is located.
 - (d) Holding lanes shall provide sufficient room on-site for three vehicles for each service lane without obstructing required off-street parking areas for other uses on the lot or an adjoining lot.
 - (e) The building shall be set back a minimum of ten feet from required street frontage landscaping when a drive lane is proposed on the street side of the structure, and fifty feet from any residentially zoned property.
 - (f) Signs shall be permitted as provided for the zone in which the property is located.
 - (16) The following regulations shall apply to restaurants:
 - (a) In the R-4 and R-5 zones, restaurants are permitted only in mixed-use buildings in which:
 - (1) Business is oriented to immediately surrounding neighborhood.
 - (2) At least sixty-five percent of the gross floor area is used for multiple-family dwellings.
 - (3) The maximum gross floor area devoted to an individual nonresidential use is four thousand square feet.
 - (4) No additional curb cuts are permitted for the nonresidential use(s).
 - (5) The sale of alcoholic beverages other than beer or wine is prohibited in the B-1 zone. Establishments selling beer and/or wine in the B-1 zone shall derive not more than twenty-five percent of their gross sales volume from alcoholic beverages.
 - (6) Restaurants with drive-up windows are not permitted in the B-1, B-2(B), B-3, W-C, M-S, M-M, or M-1 zones.
 - (7) In the M-M and M-1 zones, restaurants are permitted only in multiple-tenant buildings in which nonrestaurant uses occupy at least seventy-five percent of the gross floor area of the total building.
 - (b) In the B-2(B) zone, restaurants may be contained in and exclusively occupy freestanding structures which take up to, but no more than, sixty-six percent of the total gross floor area of the building(s) on the site where they are located. A site plan for the entire site shall be approved when a restaurant is proposed. Said plan shall show all uses, locations and landscaping.
 - (c) Where freestanding restaurants are sited in the B-2(B) zone in conjunction with office building(s) either at the same time or not, and when the affected site abuts residentially zoned lots, the outside wall(s) of the office building(s) shall be placed as near to the residentially zoned lots as applicable provisions of this code allow. The restaurant use shall be located next to the street and/or away from residentially zoned lots.
 - (d) Where one or the other permitted use is not to be constructed under the provisions of a permit application, the remaining "vacant" portion, where the future use will be located, shall be provided with Type IV "stabilizing" landscaping. That portion of the perimeter landscaping abutting residentially zoned lots, where they occur, shall be Type III landscaping of the appropriate category. In all cases, site-obscuring fencing, not including chain link, shall be used when abutting residentially zoned lots.
 - (e) Restaurants with dancing or live entertainment are not permitted in the B-1 or B-2(B) zone.
 - (f) A restaurant with live music and/or dancing is not permitted within one hundred feet of lots located in residential zones.
 - (g) Restaurants with drive-up service windows shall meet the following standards:
 - (1) Drive-up service windows shall not be located less than fifty feet from lots located in residential zones.
 - (2) Drive-up order placing stations shall be located not less than one hundred feet from lots located in residential zones.
 - (3) There shall be one outdoor waste receptacle provided for each eight parking spaces.
 - (4) Holding lanes for drive-up order placing stations shall provide room for a minimum of eight vehicles and shall be located a minimum of one hundred feet from lots located in residential zones.
 - (5) Delivery and loading areas shall be located so as not to interfere with drive-up window traffic or off-street parking areas.
 - (17) A tavern or night club with live music and/or dancing is not permitted within one hundred feet of lots located in residential zones. Adult cabarets as defined in the zoning code shall not be permitted within the area defined in Map 5.1.
 - (17a) The following regulations shall apply to mini-casinos:
 - (1) A minimum of one hundred feet from lots located in residential zones.

- (a) The space devoted to gambling and gaming activity and support services (i.e., security) shall not be more than eight thousand square feet. Other incidental uses such as restaurant or nightclub uses shall not be restricted by the eight thousand square feet limitation if no gambling or gaming activity occurs within such space.
- (b) It shall be located in:
- (1) A freestanding building; or
 - (2) A unit in a larger development; provided, that the mini-casino is separated from all other uses by a lobby or similar open space or common area from adjacent units in the development, and that there are no other mini-casinos located within six hundred feet of the exterior walls of the building in which the mini-casino is located.
- (c) Mini-casinos shall not be permitted in the C-1R zoned area located east of Colby Avenue, north of 44th Street and south of 40th Street. Mini-casinos are also not permitted within the area defined in Map 5.1 of Chapter 5.
- (18) See Section 39.025 for regulations pertaining to adult use businesses.
- (19) Breweries and wineries shall be prohibited within three hundred fifty feet of lots located in residential zones and schools unless an air quality study completed by a qualified expert shows the use will not result in significant odor impacts in the residential school area.
- (20) See Section 41.100 for regulations for outdoor use, storage and activities.
- (21) Permitted only for water-dependent industrial uses.
- (22) Fish cleaning is permitted only in the M-S zone, or in the M-2 zone on lots located in areas under the jurisdiction of the shoreline master program.
- (23) See Section 41.100 for regulations pertaining to outdoor storage.
- (24) Permitted only as an accessory use to a permitted use. See Section 28.020.C for regulations on outdoor storage in the M-M zone.
- (25) Permitted only as an accessory use to a permitted use. See Section 27.020.D for regulations on outdoor storage in the M-1 zone.
- (26) Permitted only as an accessory use to a permitted use.
- (27) Permitted only as an accessory use to a permitted use.
- (28) Within the A-1, R-S, R-1, R-2, B-1 and B-2(B) zones, bed and breakfast houses shall be permitted only in homes individually listed on the National, State or Everett Historical Register. Homes within historic districts which are not individually listed on the National, State or Everett Historical Register are not eligible to become bed and breakfast houses. See Section 39.050 for additional regulations pertaining to bed and breakfast houses.
- (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 15 of this title, and the multiple-family design guidelines, shall apply to mixed-use clinic-medical-residential developments with three or more dwelling units.
- (c) When the property is located in the C or C-O overlay zone, the provisions of Chapter 16 of this title 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.
- (30) If property is zoned P (public part), refer to Chapter 33A. If property is not zoned P, refer to Section 41.150.C and D for additional regulations.
- (31) *Repealed by Ord. 2657-02.*
- (32) Emergency airift landing may be permitted only at existing hospitals, subject to Review Process IIIA. See Section 41.150.D.1.c for special regulations pertaining to this use.
- (33) See Section 41.150.C for general evaluation criteria, and Section 41.150.D.2.b for special regulations pertaining to this use.
- (34) Permitted only as an accessory use to existing cemetery or mortuary.
- (35) See Section 27.040 for regulations applicable to "aggregates extraction, related manufacturing activity" in the M-1 zone.
- (36) See Section 41.150.C for general evaluation criteria.
- (37) See Section 41.150.D.2.c for specific criteria to be used to evaluate this use.
- (38) See Section 39.105 for regulations for jails, Class II group homes, and correctional facilities.
- (39) See Section 41.150.D.2.a for regulations pertaining to school facilities.
- (40) See Section 41.150.D.1.b for regulations pertaining to above ground utility and communications facilities.
- (41) See Section 41.100 for regulations for outdoor uses, activities and storage.
- (42) See Section 22.020.D for development standards for parking lots in the B-3 zone.
- (43) Allowed only in church parking lots in this zone.
- (44) See Section 41.150.C for general evaluation criteria.
- (45) Vehicle service and repair businesses shall comply with the following requirements:
- (a) All vehicle maintenance work shall be performed in an enclosed building when located within one hundred fifty feet of lots located in residential zones. The garage doors of the building may not face toward the residentially zoned properties.
 - (b) Vehicles being serviced shall not be parked on public right-of-way.
 - (c) Inoperable vehicles, used or discarded tires and vehicle parts shall be screened from view by a solid sight-obscuring fence and landscaping as required by Section 41.100.
 - (46) Wrecking and dismantling yards (outdoor storage) are prohibited. Indoor dismantling shall also comply with Special Regulation (45).
 - (47) Shall comply with the landscaping and screening requirements of Section 41.100.

- (48) Permitted only in a multiple-tenant building or development. Shall comply with the requirements of Special Regulation (45).
- (49) Permitted only on Broadway, Evergreen Way, Rucker Avenue and a portion of Everett Mall Way with the following conditions:
- (a) The minimum lot area/size would be one hundred eight thousand nine hundred square feet or 2.5 acres for vehicle sales and related/supportive uses.
- (b) Vehicle sales would be allowed on Everett Mall Way from Evergreen Way on the west and First Place West on the east.
- (c) Parking and landscaping standards would be current standards, except an upgrade on the 100th Street frontage where Type II landscaping would be required.
- (d) At least twenty-five percent of the vehicle sales shall be new car sales.
- (e) Mitigation measures would be applied to restrict noise including the prohibition of exterior speakers for music and/or announcements.
- (50) Boat sales and rental only. No auto or truck sales permitted in this zone.
- (51) Vehicle washing facilities are not permitted within fifty feet of residentially zoned lots.
- (52) Broadcast studio antenna facilities must comply with Section 41.160.D.1.b.
- (53) A Review Process I land use decision is required for projects that are categorically exempt under SEPA. A Review Process III land use decision is required for projects in shoreline jurisdiction with a project area greater than one acre.
- (54) Prohibited on the Multitec tank farm property, except that ATM machines and boat rentals are permitted; and residential uses are permitted in mixed-use commercial-residential buildings in which no dwellings are located on the ground floor of the building.
- (55) Water-dependent governmental and educational scientific research and testing facilities are permitted on the Multitec tank farm property.
- (56) Permitted only in the C-1 zone areas located south of SR 526, and in the two existing hospital facilities currently located in Everett or hospital facilities as defined in this title, that may be established in the future. Only one opiate substitution treatment facility may be established in the city under this provision as a permitted use using Review Process I. In order for any subsequent opiate substitution treatment facility to be established in the city, the city must first adopt an essential public facilities siting ordinance implementing the interlocal agreement to implement common siting process for essential public facilities as essential public facilities under said ordinance, and must comply with said ordinance as well as all other applicable regulations.
- (57) This C-2 zone use is allowed only in that C-1 zoned area bounded by East Marine View Drive to the west, Hayes Street to the north and the M-2 zone to the east and south.
- (58) Includes school bus parking, maintenance, washing and other related activities associated with a school bus facility when located in the M-M zoned area generally bounded by Seaway Boulevard to the west, 75th Street S.W. to the north; Hardeeson Road to the east; and SR-526 to the south.
- (59) See Section 39.024 for regulations pertaining to adult retail businesses.
- (60) See special regulations and design standards for the C-2ES (Everett Station Area) zone in Chapter 25.
- (61) Outdoor sales and outdoor storage, including vehicle storage, are prohibited; provided, that seasonal outdoor farmer's markets are permitted.
- (62) Industrial uses with outside fabrication, processing and/or storage are prohibited.
- (63) Espresso stands shall be oriented to pedestrians. Drive-up windows are prohibited.
- (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.
- (65) Rental only. Outdoor storage of equipment and large trucks is prohibited.
- (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 Walmore Avenue identified in Map 22-2(e), 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 19.22.020(D)(8)(e).
- (67) Boat building and repair are permitted in buildings no larger than forty thousand square feet of gross floor area, and shall comply with the following requirements:
- (a) Boat building and repair shall not be located within one hundred feet of residential uses. Boat building or repair businesses that regularly finish metal and/or use fiberglass resin and varnish as a primary part of their manufacturing activities shall be prohibited within three hundred feet of residential areas unless an air quality study completed by a qualified expert shows the use will not result in odors in the residential area.
- (b) All boat building and repair activities shall be performed within an enclosed building.
- (c) Outdoor storage areas and display areas shall be limited to ten thousand square feet total, and outdoor storage areas shall be screened by landscaping as required by Section 41.100.
- (68) Electric vehicle charging stations—restricted are allowed in this zone only as an accessory use to a permitted residential use, or through Review Process II for a permitted nonresidential use, as defined in this title. In all residential zones, electric vehicle charging stations must meet minimum building setback requirements for accessory structures.
- (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.

Section 8: Section 8 of Ordinance No. 3099-08 (EMC 19.06.030) which reads as follows:

6.030 Off-street parking requirements.

The off-street parking requirements for specific land uses are contained in Chapter 34 of this title, except that the parking standards for the B-3, C-2ES and BMU zones are contained in Chapter 22, 25 and 31A, respectively, of this title.

Is hereby amended to read:

6.030 Off-street parking requirements.

The off-street parking requirements for specific land uses are contained in Chapter 34 of this title, except that the parking standards for the B-3, C-2ES, BMU, E-1 zones are contained in Chapter 22, 25, 31A, and 31B, respectively, of this title.

Section 9: Section 9 of Ordinance No. 3099-08 (EMC 19.06.040) which reads as follows:

6.040 Additional regulations in specific zones.

In addition to the special regulations that accompany the use tables in Chapter 5 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 and BMU zones which are listed in Chapters 22, 25, 27, 28 and 31A 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.

Is hereby amended to read:

6.040 Additional regulations in specific zones.

In addition to the special regulations that accompany the use tables in Chapter 5 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 and BMU zones which are listed in Chapters 22, 25, 27, 28, 31A and 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 10: Continued on next page

Section 11: Section 11 of Ordinance 3099-08, (EMC19.15.010B), which currently reads as follows:

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, or the BMU zone. 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.

Is hereby amended to read:

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 BMU zone, the E-1 or the MUO zone. 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 12: Ordinance 1671-89, as amended, is hereby amended by the addition of the following chapter, Chapter 31B, establishing additional standards and guidelines for the E-1 (Evergreen Way) and MUO (Mixed Use Overlay) zones, which shall read as follows:

31B.010 E-1 (Evergreen Way) Zone and MUO (Mixed Use Overlay) Zone. Two zones are hereby established by this chapter of the Zoning Code. The E-1 Zone applies as the underlying Use Zone within the entire commercial corridor. The MUO is an overlay established in the areas surrounding the Swift Bus Rapid Transit stations. The E-1 regulations apply to the entire corridor, as indicated on the Zoning Map. The MUO applies an additional set of design and development standards as an overlay to the E-1 use zone in those areas designated with the MUO symbol on the Zoning Map, and may limit certain uses that are otherwise permitted in the E-1 zone. This chapter describes standards for both the underlying E-1 zone and the Mixed Use Overlay zone.

31B.015 Applicability.

The design and development standards and guidelines herein apply to new construction and remodeling activities in the E-1 and MUO zones, with the following exceptions:

- A. Major exterior remodels include all remodels within a three-year period whose value exceeds fifty percent of the value of the existing structure, at the time of the initial remodeling, as determined by city of Everett valuation methods. All standards that do not involve repositioning the building or reconfiguring site development, as determined by the city, shall apply to major exterior remodels.
- B. Minor exterior remodels include all remodels within a three-year period with a value of fifty percent of the building valuation or less, as determined by the city of Everett valuation methods. For minor exterior remodels, only the proposed improvements shall meet the standards and/or guidelines of this chapter, and shall not create a greater nonconformance unless approved by the City, when it is infeasible for the remodel to comply with these standards. (For example, if a property owner decides to replace a building facade's siding, then the siding shall meet the applicable exterior building materials standards, but elements such as building modulation would not be required.)
- C. The standards and guidelines do not apply to remodels that do not change the exterior appearance of the building and site. However, if a project involves both exterior and interior improvements, then the project valuation shall include both exterior and interior improvements.

- D. **Designated Side Streets.** “Designated pedestrian oriented side streets” are: 41st Street, 43rd Street, 50th Street, 52nd Street, Pecks Drive, Madison Street, 75th Street, Casino Road, 4th Avenue W, 100th Street SW, and 112th Street SW.
- E. The standards in this chapter apply to areas inside and outside the Mixed Use Overlay (MUO). Where there are special exceptions for areas inside or outside the MUO, they are noted in the text. These standards and guidelines supplement other standards in the zoning code. In the event of a conflict between these standards and other sections of the zoning code, these requirements shall control. In the event of a conflict between the requirements of the E-1 zone and the Mixed Use Overlay in those areas within the MUO zone, the requirements of the Mixed Use Overlay shall apply.

31B.020 Permitted Residential Densities, Density Incentives. The maximum base residential density permitted in the E-1 and MUO zones shall be one dwelling unit per 750 square feet of lot area. Additional residential density above the base residential density can be approved through the use of bonus incentives as stated in this section.

- A. **Density Bonus.** Additional residential density in the E-1 and MUO zones can be established as provided herein. These bonuses may be used in combination with each other except as provided in subsection 3:
1. through the acquisition of Transfer of Development Rights (TDR) credits provided that the applicant shall be permitted to use two development credits in the E-1 or MUO zone for each TDR credit acquired:
 - a. from sites within the City of Everett that are affected by the presence of critical areas, as provided by EMC 19.37.050.B, or EMC 19.33D.400.D; or
 - b. from sites located outside the City as provided in any TDR program the City may establish with other jurisdictions according to the provisions of such a program.
 2. Locating at least 40 percent of the off-street parking required for the multiple family housing development within a below grade parking structure. The applicant shall be allowed to increase the permitted density above the permitted base density by ten percent for each 10 percent of the required residential off-street parking provided in a below grade parking structure.
 3. For mixed-use commercial-residential developments, locating at least 50 percent of the required combined commercial and residential off-street parking in a below grade parking structure. The applicant shall be allowed to increase the permitted base density by ten percent for each 10 percent of the required combined commercial and residential off-street parking provided in a below grade parking structure. This provision may not be used in conjunction with subsection 2 of this Section.
 4. Permanently reserving a minimum of ten percent of the total number of housing units for affordable housing. Affordable housing for purposes of this section is defined as households earning 80 percent or less of the median family income adjusted for family

size for Snohomish County, as reported by the United States Department of Housing and Urban Development. The applicant shall be allowed to increase the number of dwelling units above the permitted base density by:

- a. three additional dwelling units for each one dwelling unit that is affordable to households with a household income at or below 50% of median family income, adjusted for size.
- b. two additional dwelling units for each one dwelling unit that is 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 service. The applicant shall provide assurances to the satisfaction of the City that affordable housing required herein will be permanently reserved for such households.

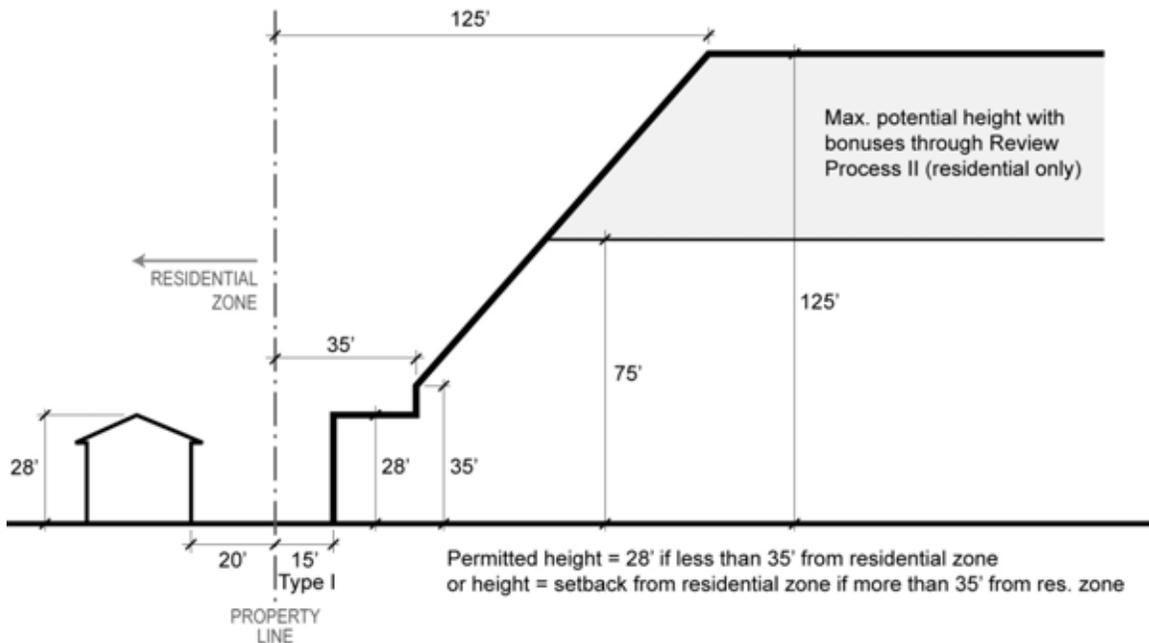
5. Multiple family buildings and /or developments that provide 200 square feet of usable open space per dwelling unit at or near the grade level for either the private use of residents or for general use by residents and customers of mixed-use development on site shall be allowed to exceed the permitted base density by 100 percent. Open space areas shall meet the standards of 31B.050.G.1.a, or 31B.060.D.

31B.030 Setbacks, Building Height, Separations from Residentially-Zoned Properties, and Upper Story Balconies.

- A, Setbacks. When abutting lots located in residential zones, the minimum setback from the residentially zoned lot shall be 15 feet, landscaped with Type I landscaping and a tree species and size that will reach 20 feet in height within 7 years. A six-foot high solid wood or masonry fence is required along the common property line; however, pedestrian connections through the fence and buffer are permitted. See Figure 31B.030-1.
- B. Except as provided by Subsection C of this Section, building height shall not exceed the lesser of:
 1. a height equal to the distance the building is setback from the abutting residentially zoned lot; or
 2. 75 feet; or
 3. within 35 feet of a residentially zoned lot, the permitted height shall not exceed 28 feet.

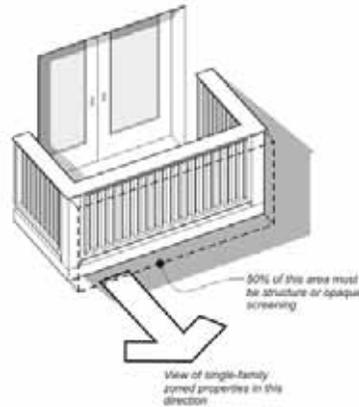
- C. Building Height, Residential buildings. Residential buildings, or the residential portion of mixed-use buildings, may exceed 75 feet in height up to a maximum height of 125 feet using Review Process II, provided that:
1. The City determines that there is no significant adverse impact due to the extra height.
 2. The height of any portion of the building shall not exceed the distance that portion of the building is setback from the residentially zoned lot.
 3. The site includes a minimum of 200 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 31B.020.

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



- B. All balconies located above the ground floor and within 75 feet of and facing a residentially zoned lot shall feature a railing system that is at least 50 percent opaque. That is, 50 percent of the area below the railing must be a sight-obscuring structure. The intent of this requirement is to reduce impacts in the privacy of neighboring residentially zoned properties. See Figure 31B.030-2.

Figure 31B.030- 2
Visibility reduction requirements for balconies and decks facing residential zones



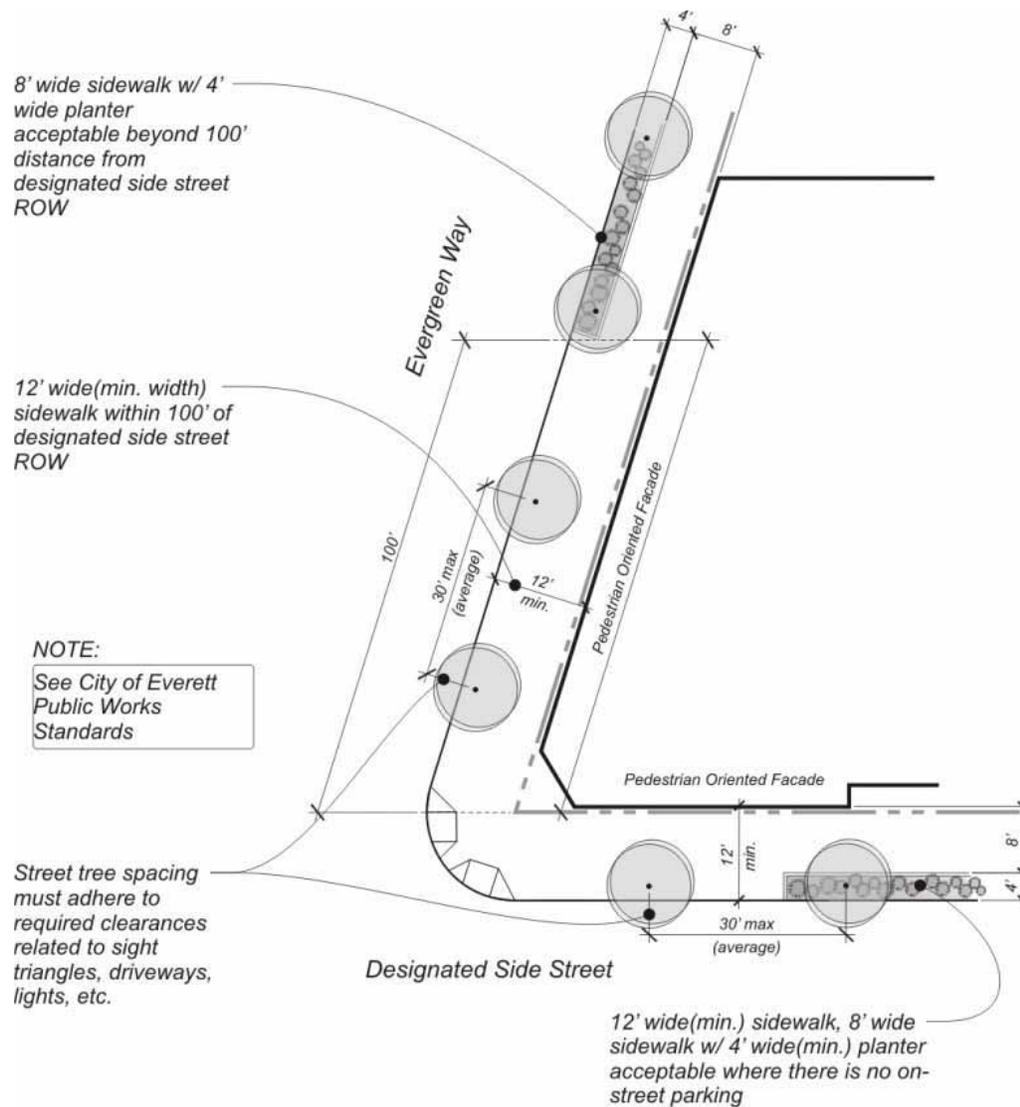
31B.040 Off-street parking standards.

- A. Non-Residential Uses.** Off-street parking shall be provided as required by Table 34-1 in Chapter 34 of the zoning code.
- B. Residential Uses.** Multifamily residential developments inside the Mixed Use Overlay (MUO) shall provide a minimum of one parking space per dwelling unit. All other residential uses shall provide off-street parking as required by Table 34-1.

31B.050 Design standards: street improvements, streetscape amenities and street trees.

- A. Street Improvements for Properties Inside the Mixed Use Overlay (MUO).** The intent of this provision is to provide safe, comfortable sidewalks with amenities that enrich the pedestrian environment and encourage walking, both as a recreational activity and as a means of transportation. All landscaping required by this chapter shall be provided with maintenance irrigation as required by EMC 19.35.130.A. All improvements within public right-of-way that are required by this chapter shall be maintained by the abutting property owner, including but not limited to street trees, landscaping areas, irrigation, sidewalks and walkways, driveways, lighting fixtures, or any other required improvement not specified herein.
 - 1. As part of development, provide sidewalk pavement according to City of Everett Public Works standards. On designated side streets (see Section 31B.010.D) and along Evergreen Way, the sidewalk must be at least 12 feet wide, with street tree pits as required by subsection C of this section. Sidewalk sections along Evergreen Way not adjacent to a transit stop and more than 100 feet from a designated side street right-of-way may provide an 8-foot sidewalk with a 4-foot planter strip in lieu of a 12-foot-wide sidewalk. Sidewalk sections on side streets without adjacent off-street parking or transit stops, and other streets within or adjacent to E-1 zoned properties may provide an 8-foot sidewalk with a 4-foot-wide planting strip in lieu of a 12-foot wide sidewalk.

Figure 31B.050-1
Sidewalk and tree standards for properties inside the MUO



2. Amenities on Evergreen Way and Designated Side Streets inside the MUO. The intent of this section is to reinforce a high-quality pedestrian friendly environment on private property where it meets the Evergreen Way public right-of-way. At least one of the amenities listed below must be included for each 100 lineal feet of public street frontage. Two or more elements of the same type may count as two amenities. Sites with less than 100 feet of frontage shall provide one amenity. The amenities shall be located along the street frontage; they need not be spaced 100 feet apart, but may be located where they can be most appreciated. The amenities must be in addition to those required by other provisions of this Chapter. If the amenities already exist along the property's street fronts, they may satisfy this requirement. Desirable amenities include:
 - a. Pedestrian-scaled lighting (luminaires no taller than 18 feet above the ground).

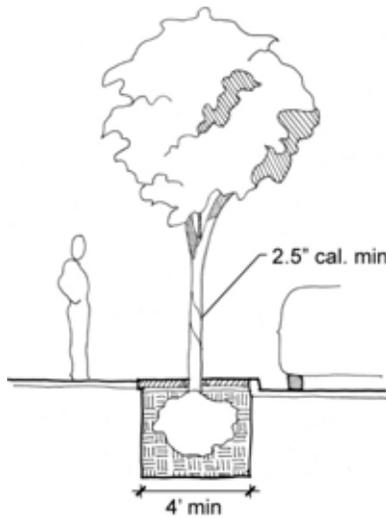
- b. Pedestrian furniture, such as seating spaces, approved trash receptacles, bicycle racks, and drinking fountains. Seating areas and trash receptacles are particularly important where there is expected to be a concentration of pedestrian activity (such as near major building entrances and transit stops).
- c. Planting beds, hanging flower baskets, large semi-permanent potted plants, and/or other ornamental landscaping.
- d. Decorative pavement patterns and tree grates.
- f. Decorative clocks.
- g. Artwork, including pavement artwork.
- h. Other amenities that meet the Intent of this guideline.

B. Street Improvements for Properties Outside the MUO.

1. As part of development of properties outside the MUO, provide sidewalk pavement according to City of Everett Public Works standards. Along Evergreen Way, the sidewalk must be at least 8 feet wide, with an additional 4-foot-wide (minimum) planting strip. Sidewalks on streets other than Evergreen Way shall feature a sidewalk at least 6 feet wide.
2. Provide street trees and planting area landscaping along Evergreen Way street fronts according to Subsection C of this Section.
3. Evergreen trees may be planted along the side yards to substitute for up to 25 percent of the required trees along the street frontage. See 31B.060.B.2.b. That is, 25 percent of the trees required under this standard may be waived if they are provided in an equal number of evergreen trees meeting the standards of 31B.060.B.2.b planted along the side yard in addition to the number of trees that are required by Section 35.060. Evergreen trees shall not be planted where they would create a safety hazard for pedestrians or vehicles, as determined by the City.

C. Street Trees. The intent of this provision is to provide for and maintain a safe, pedestrian friendly and attractive streetscape along Evergreen Way that encourages economic revitalization and promotes transit oriented development in the corridor.

Figure 31B.050-2



Street tree planting

1. Street trees shall be provided between the sidewalk and curb edge within the public right-of-way in a minimum four by six-foot vault or other method as approved by the city to prevent root penetration and sidewalk damage.
2. Spacing of trees shall average not more than 30 feet. Spacing is subject to city of Everett Public Works standard clearances for sight triangles, driveways, lights, and other street features or safety concerns. Tree spacing may be reduced to increase visibility of signs and buildings if approved by the City. Placement of street trees shall take into consideration existing street lighting, adjacent street tree species, signs, and buildings. The City shall maintain a recommended tree list that includes species selection and spacing requirements.
3. Street trees shall be a minimum of two-and-one-half-inch caliper at the time of planting.
4. The topping, shearing or pollarding of street trees is prohibited.
5. All required street trees and landscaping shall be irrigated.
6. Dead, diseased, stolen, vandalized or damaged trees shall be replaced within three months.

31B.060 Design standards: parking area design.

A. Pathways Through Parking Areas. The intent of this provision is to provide safe and convenient pedestrian paths from the street sidewalk through parking areas to building entries in order to encourage pleasant walking experiences between businesses and to provide an inviting, pleasant pedestrian circulation system that integrates with parking and serves as access to nearby businesses.

1. Developments must provide specially marked or paved walkways through parking areas. Generally, walkways should be provided every four rows and a maximum distance of 180 feet shall be maintained between paths. Where possible, align the pathways to connect with major building entries or other sidewalks, pathways, and destinations.

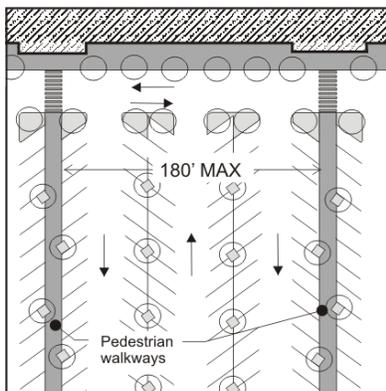
Figure 31B.060.1

Parking area pathway examples



Figure 31B.060-2

Parking area pathway configuration



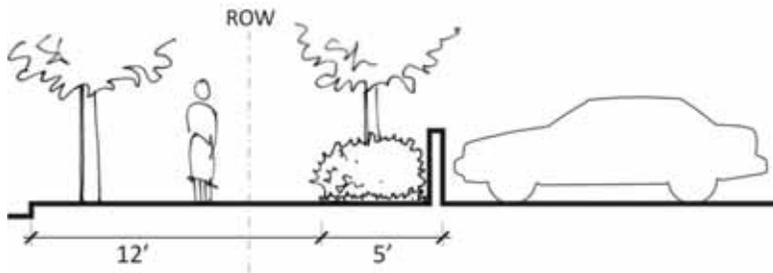
B. Parking Area Landscaping. The intent of this provision is to reduce the visual presence of parking on the E-1 and MUO zone streetscapes and adjacent development, increase the visual quality of the E-1 and MUO zone, increase tree canopy cover for environmental and aesthetic benefits, and improve water quality and improve storm water management.

1. Parking and Outdoor Storage/Sales Area Screening for Properties Within the E-1 and Mixed Use Overlay (MUO) Zones (see also street improvement requirements in 31B.060). Parking area and permitted outdoor storage/sales area screening shall be provided between sidewalks and parking areas within the Evergreen Way zone and within the E-1 and MUO as follows:
 - a. One of the following options shall be used:

- (1) Provide a 5-foot wide planting bed that incorporates a continuous low wall (2 to 3 feet tall). The planting bed shall be on the street side of the wall and feature the following plantings:
 - (a) A mix of deciduous and evergreen trees generally interspersed throughout the landscape strip and spaced to create a continuous canopy.
 - (b) At least 70 percent deciduous trees.
 - (c) Trees provided at one per 30 linear feet.
 - (d) Shrubs provided at the rate of one per 20 square feet of landscape strip and spaced no more than eight feet apart on center.
 - (e) Perennials.
 - (f) Groundcover.
 - (g) No plants included in the Snohomish County Noxious Weed list.
 - (h) Maintain plantings to maintain eye level visibility between the street/sidewalk and parking area for safety. This means that shrubs and other low plantings should be maintained below three feet in height while trees (once they achieve taller heights) should generally be trimmed up to the 8-foot level. (See Figure 31B.060-3.)

The wall shall be constructed of brick, stone, decorative concrete or concrete block, or other permanent material that provides visual interest and helps to define the street edge as determined by the City. Pedestrian openings in the wall are encouraged where they would form a logical pedestrian connection between the public sidewalk and on-site walkways.

Figure 31B.060-3
Five-foot wide planting bed with low wall



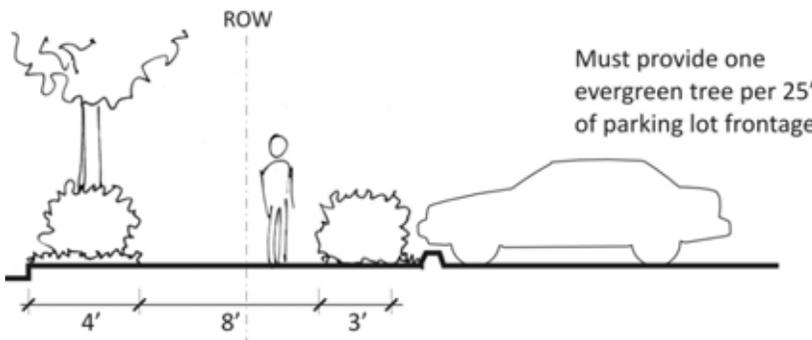
- (2) Provide a landscape strip with elements as in (1) above except that a minimum 8 foot tall trellis with vines within a minimum three foot wide planter may be substituted for the trees. (See Figure 31B.060-4.)

Figure 31B.060-4
Parking area planting buffer with low wall and trellis



2. Frontage Landscaping for Parking and Outdoor Auto Display/Sales Areas. (See also street improvement requirements in 31B.060.B.) Frontage landscaping for outdoor auto display / sales and parking areas, where permitted, shall be provided between sidewalks and parking areas according to any of the options stated below:
 - a. Any of the options in 31B.060.B.1.
 - b. If the development provides one evergreen tree along each of the property's side yards for every 30 feet of parking frontage, then the frontage landscaping may be reduced to three feet in width, with a wheel stop installed two feet from the planting area to protect the plantings (See Figure 1B.060-5). Said evergreen trees shall be in addition to those required by section 35.060 and planted within a 10-foot wide planter along both side lot lines, preferably in the front half of the property but not nearer than 25 feet from the front lot line. If a corner lot, the evergreen trees shall only be required along the interior side lot line. At a minimum, the planting area adjacent to the street frontage must consist of a solid row of dense evergreen shrubs between 2 feet, 6 inches and 3 feet in height. The plantings must be irrigated as approved by the City. Occasional pedestrian openings in the solid row of shrubs are allowed where they would form a logical pedestrian connection between the public sidewalk and on-site walkways.

Figure 31B.060-5
Minimum parking area screening standard for parking and outdoor auto display/sales areas if evergreen trees are substituted for trees in side yards of parking area landscaping



- C. Interior parking lot landscaping shall be provided as required in EMC Chapter 19.35.

31B.070 Design standards: site planning.

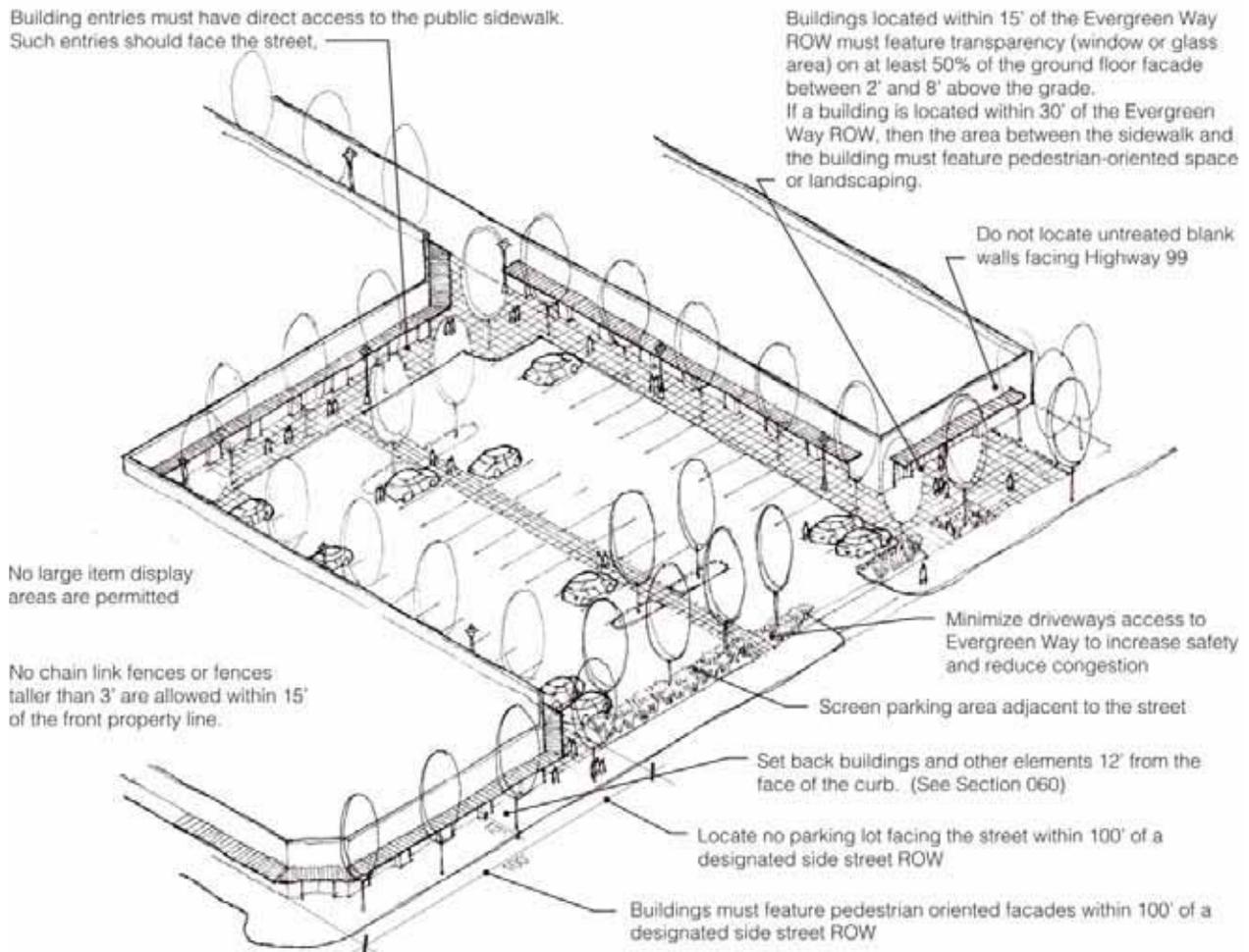
The design standards of this section shall apply to all development within the E-1 and MUO zones. The planning director may allow modification of design standards to permit a design that meets the intent of this chapter and provides a superior design treatment than could be achieved if those standards were strictly applied. The director's review of proposed modifications under this section shall be governed by the procedures established in Title 15 for Review Process II.

A. Relationship to Street Front for Properties Inside the Mixed Use Overlay (MUO). The intent is to enhance commercial areas and to establish visual identity for each area; create an active, safe pedestrian environment, especially at the center of the mixed-use nodes; unify streetscapes, especially on side streets and internal streets; improve circulation, including options for pedestrians, bicycles and vehicles; enhance the visual character of streets within commercial areas; enhance the visibility of commercial uses from the street; and link neighborhoods across Evergreen Way.

1. Frontage Requirements for Properties Fronting on Evergreen Way in the MUO. (See Figure 31B.070-1.)
 - a. Building entries must have a direct pathway to the public sidewalk. Such entries should face the street. Where entries are located on the side of the building they must be visible from the street and connected to the public sidewalk by a pedestrian pathway. Entries on a building wall opposite the street must be connected to the public sidewalk by a pedestrian pathway.
 - b. Parking areas fronting Evergreen Way must be screened according to the options provided in Section 31B.060.B.2.
 - c. No storage areas, untreated blank walls (see 31B.080.G), drive-through windows (where allowed), fences over three feet high, chain-link fences, or large-item displays (e.g., automobiles, lumber) are allowed within 100 feet of the Evergreen Way right-of-way unless that element is separated from all public rights-of-way by a building and not visible from Evergreen Way or any designated side street. See also EMC 19.39.070.B for location of fences in commercial zones.
 - d. If the building is located within 30 feet of the Evergreen Way right-of-way, then the area between the sidewalk and the building must feature pedestrian-oriented space or landscaping. This area may be used for outdoor display or seating, but it may not be used for storage or display when the building is closed to the public. That is, the area may be allowed for merchandise display but may not be fenced off or secured for long-term display or storage.
 - e. Buildings fronting on and located within 25 feet of the Evergreen Way right-of-way must feature transparency (window or glass area) on at least 50 percent of the ground floor façade facing Evergreen Way or any public street between two feet and 8 feet above the grade. (Note: Standard d, directly above, also applies.)

- f. Within 100 feet of a designated pedestrian-oriented side street right-of-way (see Section 31B.010.D) or a BRT station, parking areas are not allowed fronting the Evergreen Way right-of-way. They must be separated from the public right-of-way by an occupied building.
- g. Buildings within 100 feet of designated pedestrian oriented cross streets rights-of-way shall feature pedestrian-oriented facades fronting Evergreen Way. (See Section 31B.080.D.)
- h. Ground floor residential units must be set back at least 20 feet from the Evergreen Way right-of-way.

Figure 31B.070-1
Evergreen Way street orientation requirements in the MUO



- i. Exceptions. Legally occupied buildings and operating businesses as of the date of adoption of this section are excepted from provisions b, d, e, f, g, and h directly above; provided that discontinuation of such business for more than one year shall terminate the exception from the provisions of this section. If a business undertakes a major exterior remodel, then the provisions do apply.

2. Frontage Requirements for Properties in the MUO Fronting on Designated Pedestrian Oriented Side Streets.

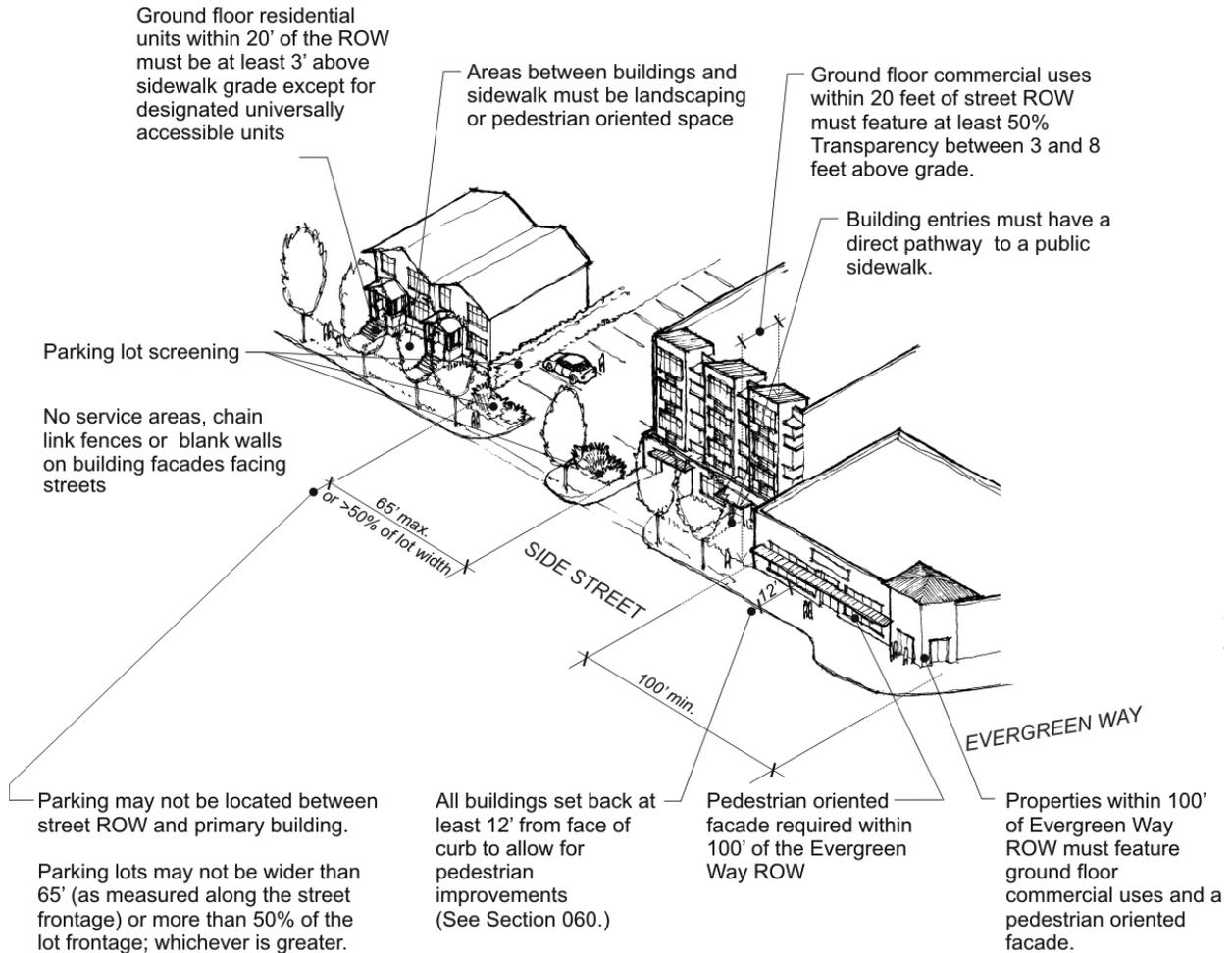
All development for properties fronting on “designated pedestrian oriented side streets” as specified in Section 31B.015.D shall meet the following conditions:

- a. Parking areas must not be located between primary buildings and the designated side streets unless the City determines no other option is feasible. In such cases, the City may allow parking areas to occupy up to 50 percent of the street front, but no more than 65 feet, measured parallel to the street right-of-way.
- b. No parking areas are allowed along the side street right-of-way within 100 feet of the Evergreen Way right-of-way unless the City determines no other option is feasible.
- c. Service areas, drive-through windows, storage areas, large-item display areas, fences over three feet high, chain-link fences, and untreated blank walls (see 31B.080.G) shall not be visible from a designated side street. (The City may require special screening measures to accomplish this requirement.)
- d. Buildings within 100 feet of the Evergreen Way right-of-way shall feature pedestrian-oriented facades facing the side street. (See Section 31B.080.D.)
- e. Buildings with ground floor residential units within 20 feet of the right-of-way must have the ground floor elevation at least three feet above sidewalk grade except for designated universally accessible units. This provision is intended to increase privacy for ground-floor dwelling units.
- f. Parking areas must be screened from pedestrian areas, sidewalks, walkways, and the street right-of-way in accordance with Section 31B.060.B.2.
- g. Buildings with ground floor commercial uses located within 25 feet of the right-of-way must feature transparency (window or glass area) on at least 50 percent of the ground floor façade facing the street between two feet and 8 feet above grade. Residential units on the ground floor and within 15 feet of the right-of-way must feature transparency on at least 20 percent of the ground floor between 5 and 11 feet above grade.
- h. Building entries must have a direct pathway to the public sidewalk. Such entries should face the street.
- i. Areas between the street right-of-way and the front building façade must be a pedestrian-oriented space or landscaped as described in Section 31B.070.C.
- j. The interior of parking lots shall be landscaped as required by EMC Section 19.35.080.

Note: See also Section 31B.070.H, Street Corners.

Figure 31B.070-2

Designated Pedestrian Oriented side street configuration requirements for properties inside the MUO



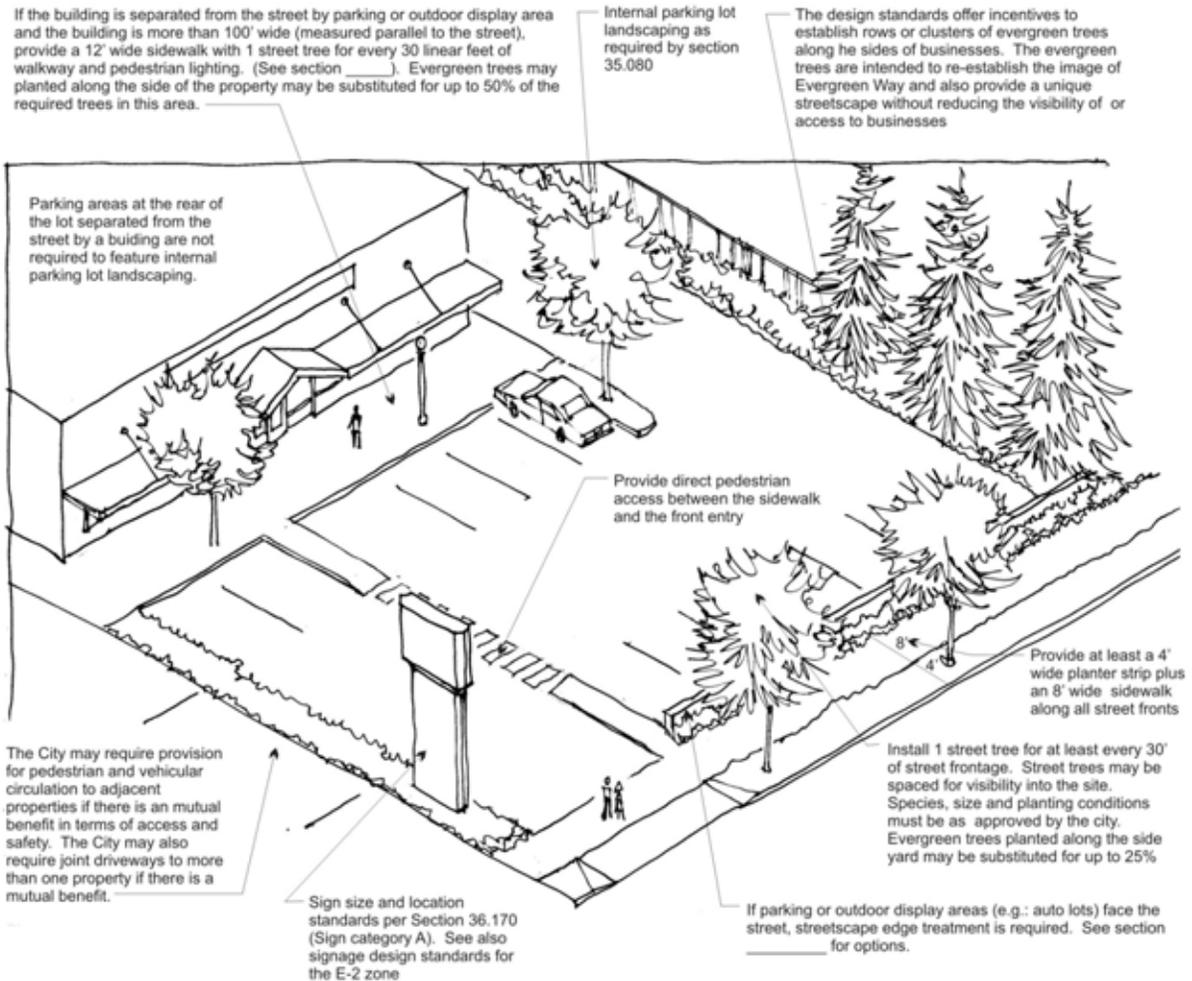
B. Relationship to Street Front for Properties Outside the MUO. The intent is to enhance the overall appearance and identity in the Evergreen Way corridor, increase safety and security, and encourage business development.

1. Building entries must have a direct pathway to the public sidewalk. Such entries should face the street. Where entries are located on the side of the building they must be visible from the street and connected to the public sidewalk by a pedestrian pathway.
2. Parking and outdoor display areas fronting Evergreen Way must be screened according to the options provided in Section 31B.060.B.2.
3. No untreated blank walls or service areas shall be located along Evergreen Way or any public street frontage. (See Section 31B.080.F.)
4. If the building is located within 30 feet of the Evergreen Way right-of-way, then the area between the sidewalk and the building must feature pedestrian-oriented space or landscaping. This area may be used for outdoor display, seating, or product display,

provided that the products are situated on or in a site element specifically designed for that purpose (e.g., a platform, deck, or show area).

5. Buildings located within 15 feet of the Evergreen Way right-of-way must feature transparency (window or glass area) on at least 50 percent of the ground floor façade facing Evergreen Way or any public street between two feet and 8 feet above the grade. (Note: Standard 4, directly above, also applies.)
6. Provide sidewalks, street trees, and planting strips as required by 31B.060A. If the property also abuts a side street, provide a 6-foot-wide sidewalk with curb and gutter along the side street frontage.
7. See Chapter 36 and 31B.090 for sign regulations.
8. Provide internal parking lot landscaping as required by 35.080.

Figure 31B.070-3
Evergreen Way street orientation requirements for properties outside the MUO



9. No storage area, fences over three feet high, or chain-link fences are allowed within 100 feet of the Evergreen Way right-of-way unless that element is separated from all public

rights-of-way by a building. See also EMC 19.39.070.B for location of fences in commercial zones.

C. Circulation.

1. Pedestrian Circulation. The intent of this provision is to improve the pedestrian environment by making it easier, safer, and more comfortable to walk on street sidewalks, to transit stops, between businesses and residences, and through parking areas; provide pedestrian facilities such as sidewalks, crosswalks, and bus shelters connecting to all modes of transportation; provide convenient pedestrian circulation connecting all on-site activities to adjacent pedestrian routes and streets; connect neighborhoods severed by major arterials; and provide access to transit and services.
 - a. Provide pedestrian access onto the site from all streets on which the use is located. Where a use fronts two streets, pedestrian access shall be provided from both streets, unless the City determines such access is not feasible.
 - b. For developments with multiple buildings, provide for pedestrian circulation between all buildings.
 - c. New developments inside the MUO shall provide for the opportunity for future pedestrian connections to adjacent properties (inside and adjacent to the E-1 zone) through the use of pathway stub-outs, building configuration, and/or parking area layout. The City may require that pedestrian access be provided between adjacent lots or two different streets where it determines that such a requirement is within the public interest and would not cause security problems or disadvantage the intended use. This standard is not required for properties outside the MUO.

Note: See also Section 31B.070.J, Design of Internal Pedestrian Paths and Circulation; and Section 31B.070.K, Pedestrian Oriented Open Space Standards, below.

Figure 31B.070-4
Provide pedestrian access to the site from the street



2. Vehicular Access and Circulation. The intent of this provision is to provide safe and convenient vehicular access routes through large areas by connecting public and/or private roadways and accessways; mitigate traffic impacts and to conform to the City's objectives for better traffic circulation; enhance the visual character of interior access roads; minimize conflicts with pedestrian circulation and activity; enhance the safety and

function of public streets; provide access management on Evergreen Way; i.e., to reduce turning movements that increase congestion and reduce safety; and support transit services.

See also Section 31B.060, Design Standards: Parking Area Design.

- a. Driveways shall be limited to one every 200 linear feet of street frontage, unless the City determines no other option is feasible.
- b. Vehicular access to sites at intersections shall be located on the lowest classified roadway and as close as practical to the property line most distant from the intersection, unless the City finds there is a compelling reason to the contrary.
- c. The City shall require that driveways be located to avoid conflicts with transit stops.
- d. The City may require that driveways on abutting sites serve two or more properties and that internal vehicular circulation be coordinated.

D. Lots with Multiple Buildings for Properties Inside the MUO. The intent of this provision is to create integrated development plans and phasing strategies; reduce negative impacts to adjacent properties; enhance pedestrian and vehicular circulation; provide usable open space; create focal points for pedestrian activity for developments; enhance the visual character of the community; and create unique attractions for the Evergreen Way corridor.

Standards 1 through 3 below do not apply to properties outside the MUO.

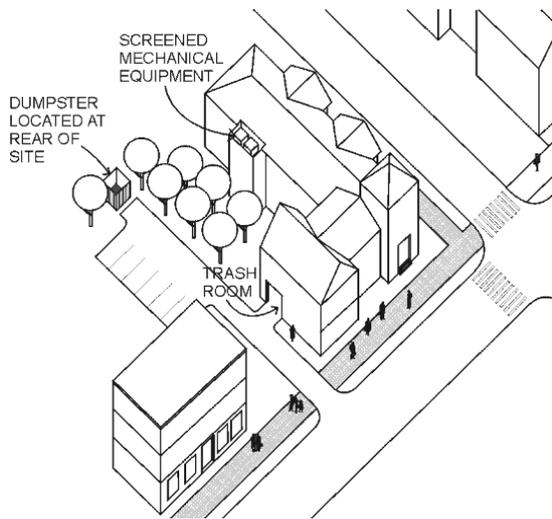
1. Development at sites with two or more buildings shall demonstrate that the project is based on a unifying site planning concept that meets the following criteria:
 - a. Incorporates pedestrian-oriented open space and landscaping as a unifying element.
 - b. Provides pedestrian paths or walkways connecting all businesses and the entries of multiple buildings.
 - c. Provides for safe, efficient internal vehicular circulation that does not isolate the buildings.
 - d. Takes advantage of special on-site or nearby features.
2. In order to achieve better pedestrian connections and a pleasant atmosphere, building entrances must not be focused around a central parking area but be connected by a walkway system and/or open space(s).
3. A development may provide a major public entry serving several shops rather than providing a separate storefront entry for all shops. If the development employs the combined-entry option, then it must be at least 15 feet wide, with special entry features, weather protection, lighting, etc.

See also Sections 31B.060.A, 31B.070.J and K.

E. Service Areas and Mechanical Equipment. The intent of this provision is to minimize adverse visual, olfactory, or auditory impacts of mechanical equipment and service areas at ground and roof levels; provide adequate, durable, well-maintained, and accessible service and equipment areas; and protect residential uses and adjacent properties from impacts due to location and utilization of service areas.

Figure 31B.070-5

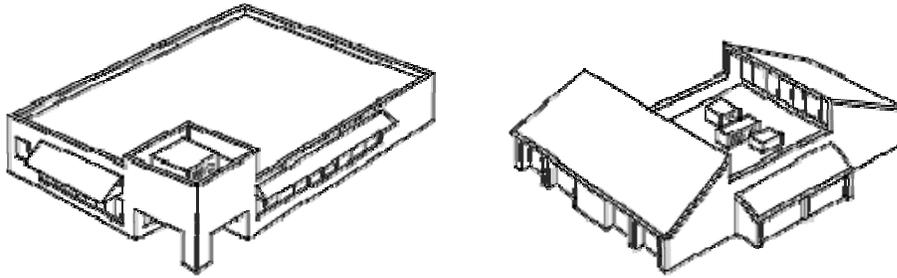
Locate service elements to reduce impacts on the residential and pedestrian environment



1. Service areas (loading docks, trash dumpsters, compactors, recycling areas, and mechanical equipment areas) shall be located to avoid negative visual, noise, odor, or physical impacts on the street environment and adjacent residentially zoned properties and to residential units on the subject property. The City may require evidence that such elements will not significantly impact neighboring properties or public areas. (For example, the City may require noise damping specifications for fans near residential zones.)
2. Service areas must not be visible from the sidewalk and adjacent properties. Where the City finds that the only option for locating a service area is either visible from a public right-of-way or space or from an adjacent property the area must be screened with either landscape or structural screening measures provided in Regulation E.7 below.
3. Ground-mounted mechanical equipment must be located and screened, if necessary, to minimize visual and noise impacts to pedestrians on streets and adjoining properties
4. Roof mounted mechanical equipment must be located and screened so the equipment is not visible within 150 feet of the structure when viewed from the ground level of adjacent streets or properties. Match the color of roof mounted equipment with the exposed color of the roof to minimize visual impacts when equipment is visible from higher elevations nearby.

Figure 31B.070-6

Examples of how to screen roof-mounted mechanical equipment



5. Locate and screen utility meters, electrical conduit, and other service and utilities apparatus so they are not visible from adjoining properties and nearby streets.
6. Other provisions of Section 31B.070.E notwithstanding, service areas used by residents shall be located to avoid entrapment areas and other conditions where personal security is a problem. The City may require pedestrian-scaled lighting or other measures to enhance security.
7. Required structural enclosures for trash, recyclables storage, and other materials shall be constructed of masonry or heavy-gauge metal and have a roof. Where adjacent to a residentially zoned property, the service area shall be completely enclosed on the sides facing those properties. The walls must be sufficient to provide full screening from the affected roadway or use. The enclosure may use overlapping walls to screen dumpsters and other materials. (See Figure 31B.070-7.) Gates shall be made of heavy-gauge, site obscuring metal.
8. Collection points shall be located and configured so that the enclosure gate swing does not obstruct pedestrian or vehicle traffic, or does not require that a hauling truck project into any public right-of-way.

Figure 31B.070-7

Examples of acceptable dumpster enclosures



F. Storm Water Facility Planning. The intent of this provision is to comply with storm water management requirements, integrate storm water management/water quality systems into the site design as an amenity, and reduce the economic burden of storm water management systems on developments.

Note: These guidelines address design issues and are not intended to diminish or alter other requirements in the City’s storm water management regulations.

1. Integrate biofiltration swales, rain gardens, storm water planters, and other storm water management measures into the overall site design. Methods of filtration are listed below in order of preference:
 - a. Incorporate the biofiltration system, including low-impact development (LID) features, as part of the landscape features of the development. If the biofiltration system is incorporated into the landscaping of the site’s open space, then, upon approval of the City, the storm water facility may be counted as part of the required open space.

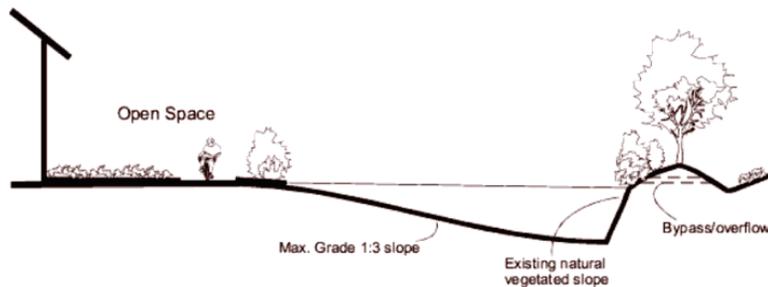
Figure 31B.070-8

The preferred method of handling storm water is through retention systems, such as rain gardens, incorporated as site amenities. Other low-impact development techniques are encouraged



- b. Locate biofiltration swales, ponds, or other approved biofiltration systems as part of a landscape screen. Trees may be planted near the grass swale as long as they do not substantially shade the grass or undermine soil structure within the swale. The swale or pond should be designed so it does not impede pedestrian circulation or shared parking between two or more properties.
- c. Where topography is favorable, locate the biofiltration swale, wet pond, or other approved biofiltration system within the paved parking or service area. The swale or pond should be landscaped as part of the required internal parking area landscaping and oriented so it does not impede pedestrian circulation.

Figure 31B.070-9
Biofiltration swale designed as an amenity



2. Impervious pavement, especially pavement for motor vehicle circulation, shall be used no more than necessary to accommodate the intended use. Other site areas shall be in landscaping or permeable pavements (e.g., unit pavers). (This is not a requirement for permeable pavements. Its intent is to restrict pavement for automobile circulation to the minimum necessary and to landscape those areas not used for circulation or human activity.)

G. Multiple-Family Development Standards.

1. Open Space. All multifamily residential development must provide 100 square feet of on-site open space per dwelling unit as required by Chapter 15 of this title. The design standards below shall supersede the requirements of Chapter 15. Acceptable types of open space include:
 - a. Common Open Space. Where accessible to all residents, usable outdoor open space may count for up to one hundred percent of the required open space. “Usable outdoor open space” includes landscaped courtyards or decks, entrance plazas, gardens with pathways, children’s play areas, or other multipurpose recreational and/or green spaces. Special requirements for common open spaces include the following:
 - (1) Required setback areas shall not count towards the open space requirement, unless it is part of the space that meets dimensional requirements.
 - (2) Space shall have a minimum dimension of fifteen feet measured in any direction to provide functional leisure or recreational activity.
 - (3) Space should feature paths or walkable lawns, landscaping, seating, lighting, play structures, sports courts, or other pedestrian amenities to make the area more functional and enjoyable.
 - (4) Common space shall be separated from ground level windows, streets, service areas and parking lots with landscaping, low-level fencing, and/or other treatments as approved by the city that enhance safety and privacy for both the common open space and dwelling units.
 - (5) The space should be oriented to receive sunlight, face east, west or preferably south, when possible.

Figure 31B.070-10

Good examples of common open space, including street level courtyards (top pictures), a children's play area (lower left), and a pedestrian corridor (lower right)



- b. Balconies. Individual balconies or patios may be used for up to fifty percent of the required open space. To qualify as open space, balconies or patios must be at least thirty-five square feet, with no dimension less than five feet.
 - c. Rooftop Decks and Terraces. May be used to meet up to fifty percent of the required open space, provided the following conditions are met.
 - (1) Space must be accessible (ADA) to all dwelling units.
 - (2) Space must provide amenities such as seating areas, landscaping, and/or other features that encourage use as determined by the city.
 - (3) Space must feature hard surfacing appropriate to encourage resident use.
 - (4) Space must incorporate features that provide for the safety of residents, such as enclosures and appropriate lighting levels.
 - d. On-site indoor recreation areas may be used to meet up to fifty percent of the required open space provided the following conditions are met.
 - (1) Space must be accessible (ADA) and walkable to all dwelling units.
 - (2) The space is designed for and includes equipment for a recreational use (e.g., exercise, group functions, etc.).
2. Setbacks/Privacy. All ground floor residential units shall be set back at least ten feet from the right-of-way, or may be set back five feet if all living units with windows have a floor elevation at least three feet above the sidewalk grade to provide for increased

privacy. The city may approve other design solutions that retain resident privacy while enhancing the pedestrian environment on the sidewalk. (See also Sections 31B.070.A.1.h and 31B.070.A.2.d.)

H. Street Corner Treatment. For properties inside the Mixed Use Overlay (MUO), the intent of this provision is to create and preserve visual identity and spatial reference at street corners and to enhance the pedestrian environment at street corners.

Note: See also guidelines in Section 31B.080.D.3, which address building elements at street corners.

1. All development proposals within the MUO zone at the corners of intersections of Evergreen Way with designated pedestrian oriented side streets specified in Section 31B.015 must include at least one of the design treatments described below (in order of preference):
 - a. Locate a building towards the street corner (within 15 feet of corner of property lines). See also Guidelines 31B.070.A.1.f and g and 31B.070.A.2.c.
 - b. Provide pedestrian-oriented space, as described in Section 31B.070.C, at the corner leading directly to a building entry or entries.

Figure 31B.070-11

This example includes both a building located towards the street corner and a small pedestrian-oriented space



- c. Install substantial landscaping (at least 150 square feet of ground surface area with trees, shrubs, and or ground cover) at the corner of the lot next to the intersection. The space may include a special architectural element, such as a trellis, to add identity or demarcation of the area. Such an architectural element may have a sign incorporated into it (as long as such sign does not identify an individual business or

businesses). A building with a pedestrian-oriented façade must be directly adjacent to the landscaped area.

Figure 31B.070-12

This street corner successfully combines landscaping with architectural elements. Signage demarcates the area, not an individual store



- d. Other element or method if the proposed element or method conforms with the intent of this section as determined by the City.

I. Site Planning for Security. The intent of this provision is to increase personal safety and property security.

1. In site development planning, avoid:
 - a. Entrapment areas, where a person could become trapped with no exit route. Provide two means of egress from all outdoor spaces. Ensure entrapment conditions are avoided in the design of rooftop decks.
 - b. Areas that are dark or not visible from a public space.

Figure 31B.070-13
Avoid entrapment areas

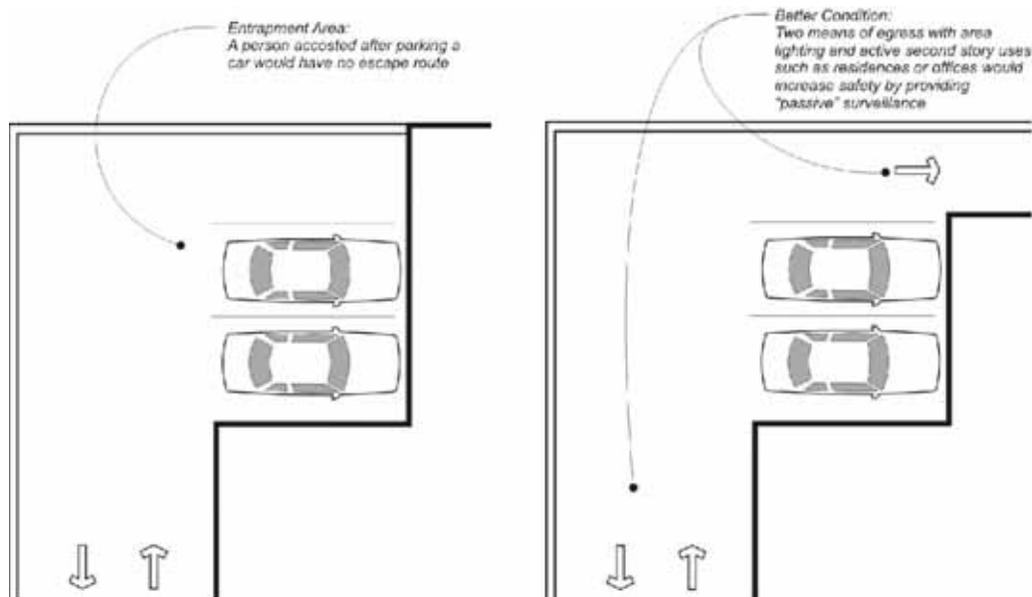
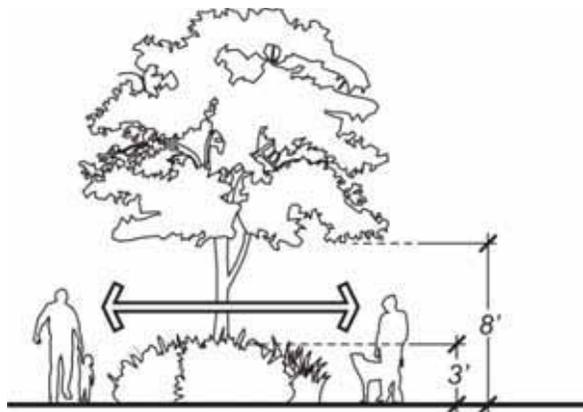


Figure 31B.070-14
Keep landscaping open between 3 feet and 8 feet above grade where there is the need for visibility



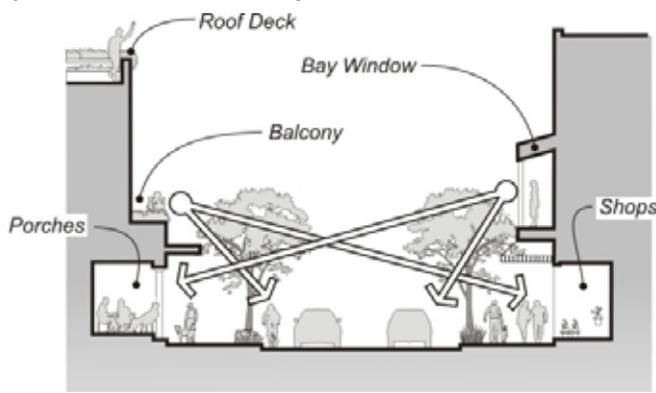
- c. Buildings, vegetation, or other objects (e.g., a storage enclosure) that block visibility into a space or provide places to hide.
- d. Screens or landscaping that blocks motorists' views of pedestrians crossing streets, driveways, and vehicular circulation areas.
- e. Where visibility is necessary to avoid creating an unsafe area to reduce the potential for pedestrian/vehicle collisions, do not plant vegetation that will obstruct views between three feet and 8 feet above the ground. (See Figure 31B.070-14.)

2. In the planning of the site and design of buildings and site elements, to the extent feasible provide for:
 - a. “Passive surveillance,” the ability of people occupying buildings and public spaces to view all parts of accessible spaces.
 - b. Security and pedestrian lighting per Section 31B.070.M.

For multiple family developments, see also Section 19.15.030 and the CPTED principles contained in the Multiple Family Design Guidelines.

Figure 31B.070-15

Passive surveillance, or the ability of people in buildings or traveling along roadways to see outdoor spaces, increases security



J. Design of Internal Pedestrian Paths and Circulation. The intent of this provision is to provide safe and direct pedestrian access that accommodates all pedestrians, minimizes conflicts between pedestrians and vehicular traffic, and provides pedestrian connections to neighborhoods.

Figure 31B.070-16

Examples of an attractive pedestrian connections through large developments

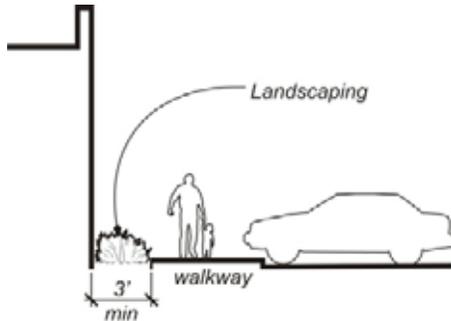


1. For safety and access, landscaping shall not block visibility to and from a path, especially where it approaches a roadway or driveway.

2. Pedestrian walks less than 8-feet wide shall be separated from structures by at least three feet for landscaping except where the adjacent building features a pedestrian-oriented façade per Section 31B.080.D. See Figure 31B.070-17

Figure 31B.070-17

Provide landscaping between walkways and structures



3. Pathways providing access to commercial and mixed-use buildings must be at least 8 feet wide, without obstructions, including overhanging parked cars.
4. In commercial settings where buildings face onto a parking area rather than the street, provide wide pathways adjacent to the façades of retail and mixed-use buildings. Pathways along the front façade of mixed-use and retail buildings 100 feet or more in length (measured along the façade) that are not located adjacent to a street must be at least 12 feet wide with 8 feet minimum unobstructed width. The walkways must also include the following:
 - a. Trees, as approved by the City, shall be placed at an average of 30 feet on-center. Trees spacing may be reduced to provide visibility of entrances, signs, and displays. However, no less than one tree per any 60-lineal-foot section of street frontage must be provided. See Figure 31B.070-18.

Figure 31B.070-18

Example of a successful pedestrian sidewalk between parking lot and storefront



- b. Planting strips may be used between any vehicle access or parking area and the pathway, provided that the required trees are included and the pathway is at least 8 feet in width and the combined pathway and planting strip is at least 12 feet in width. There must be provision for access between the sidewalk and parked cars. (See Figure 31B.070-18.)
- c. Pedestrian-scaled lighting is required, mounted either on posts or building facades, no more than a maximum of 15 feet high and with spacing no greater than 60 feet.

K. Pedestrian-Oriented Open Space Standards. The intent of this provision is to provide a variety of safe, attractive, and usable open spaces that promote pedestrian activity and recreation.

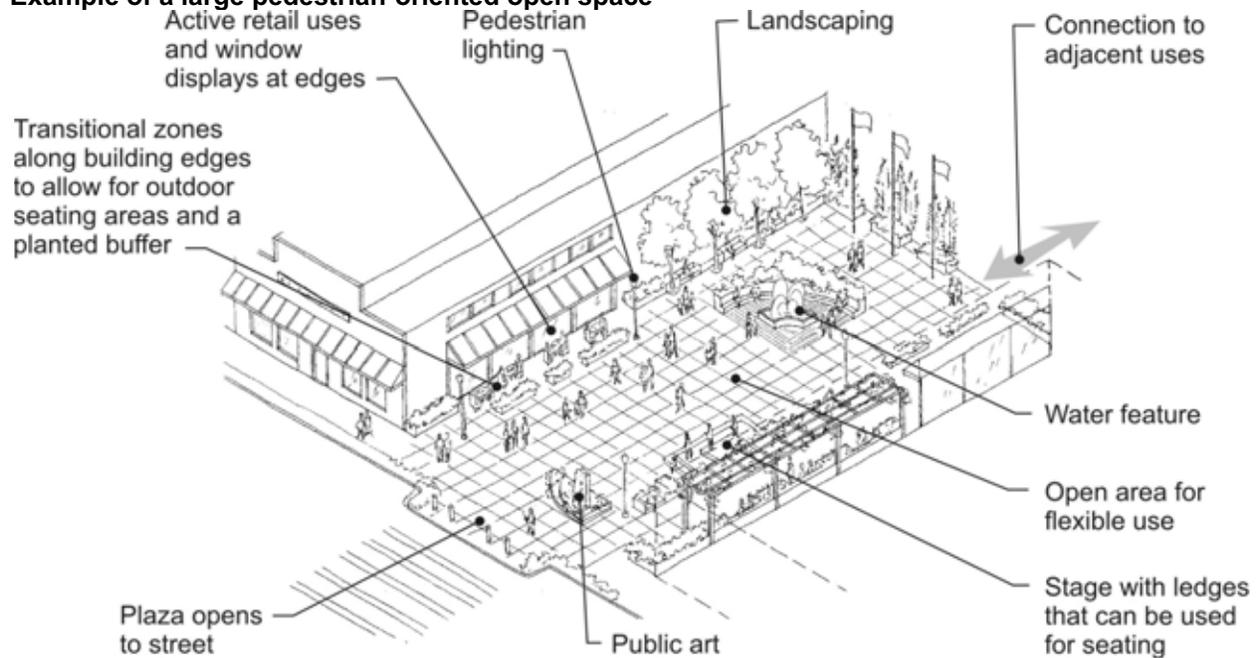
- 1. Where “pedestrian-oriented open space” is required by Section 31B.070.A.1.d, .070.D.1.a, and .070.H.1, design the open space according to the following criteria. If sidewalks are wider than the required minimum width, the additional sidewalk width may be counted as pedestrian-oriented open space.
 - a. Required pedestrian-oriented open space features:
 - (1) Visual and pedestrian access (including handicapped access) into the site from a street, private access road, or non-vehicular courtyard.
 - (2) Paved walking surfaces of either concrete or approved unit paving.
 - (3) On-site pole or building-mounted lighting (fixtures no taller than 15 feet) providing at least 4 foot candles (average) on the ground.
 - (4) Spaces must be located in or adjacent to areas with significant pedestrian traffic to provide interest and security, such as adjacent to or visible from a building entry.
 - (5) Landscaping components that add visual interest and do not act as a visual barrier. This could include planting beds, potted plants, or both.
 - b. Desirable pedestrian-oriented open space. Provide a minimum of two of the following features:
 - (1) Pedestrian amenities, such as a water feature, site furniture, artwork, drinking fountains, kiosks, etc.
 - (2) At least two feet of seating area (a bench or ledge at least 16 inches deep and appropriate seating height) or one individual seat per 60 square feet of plaza area or open space.
 - (3) Adjacent buildings with transparent window and doors covering 75 percent of the façade between two feet and 8 feet above the ground level.
 - (4) Consideration of the sun angle at noon and the wind pattern in the design of the space.

- (5) Pedestrian weather protection, alcoves, seating, or other features along building edges to allow for outdoor seating areas and a planted buffer.
- c. A pedestrian-oriented open space must not have:
- (1) Asphalt or gravel pavement.
 - (2) Adjacent non-buffered parking areas or service areas (e.g., trash areas).
 - (3) Adjacent chain-link fences.
 - (4) Adjacent "blank walls" without "blank wall treatment."
 - (5) Outdoor storage or retail sales that do not contribute to the pedestrian-oriented environment.

Figure 31B.070-19
Example of a small pedestrian-oriented space



Figure 31B.070-20
Example of a large pedestrian-oriented open space

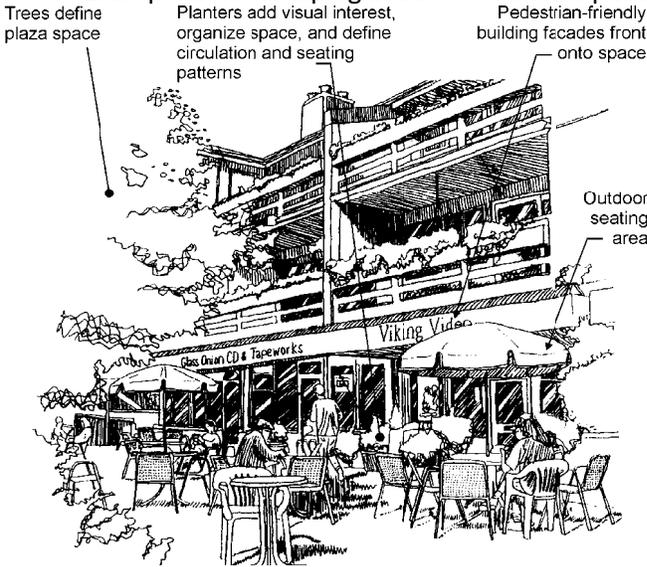


L. Site Landscaping. The intent of this provision is to encourage the use of landscaping in site and development design to improve site aesthetics, enhance the pedestrian experience, and increase environmental quality; reduce surface water runoff by percolating water through landscaped areas; maintain and improve privacy for residential zones; and provide visual relief from roadways, parking areas, and the built environment. (Also refer to Chapter 35 for basic landscaping standards.)

1. Landscaping shall reinforce pedestrian and vehicular circulation, especially parking lot entrances, ends of driving aisles, and pedestrian walkways leading through parking lots.
2. Landscaping plant material, size, variety, color, and texture shall be integrated in accordance with a site landscaping design plan as approved by the City.
3. Landscaping shall provide a variety of seasonal colors, forms, and textures that contrast or complement each other with a mixture of evergreen and deciduous trees, shrubs, groundcovers, and low-maintenance perennials.
4. Evergreen trees planted in the side yard. Where evergreen trees planted along a property's side yard are substituted for required street or landscaping trees, the following shall apply:
 - a. The trees must be located towards the streetfront property line; that is, if a row of trees is provided, the row must start near the front property line.
 - b. Adequate space must be provided for the tree roots and canopy. The City will determine the minimum width of planting area depending on the tree species.
 - c. The mature height of the species selected must be at least 40 feet.
 - d. The trees must be at least 10 feet high when installed.
5. See also 31B.060.B, Parking Area Landscaping.

Figure 31B.070-21

Example of landscaping used to enhance a pedestrian-oriented open space

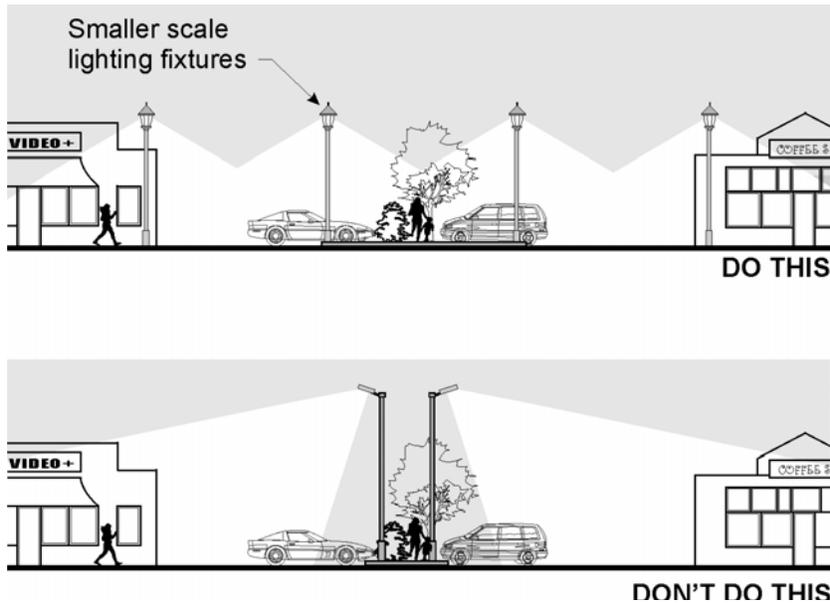


M. Site Lighting. The intent of this provision is to encourage the use of lighting as an integral design component to enhance buildings, landscaping, or other site features; increase night sky visibility and to reduce the general illumination of the sky; reduce horizontal light glare and vertical light trespass from a development onto adjacent parcels and natural features; use lighting in conjunction with other security methods to increase site safety.

1. Site lighting levels. All publicly accessible areas shall be lighted with average minimum and maximum levels as follows:
 - a. Minimum (for low or non-pedestrian and vehicular traffic areas) of 0.5 foot candles;
 - b. Moderate (for moderate or high volume pedestrian areas) of 1-2 foot candles; and
 - c. Maximum (for high volume pedestrian areas and building entries) of 4 foot candles.
2. Lighting shall be provided at consistent levels, with gradual transitions between maximum and minimum levels of lighting and between lit areas and unlit areas. Highly contrasting pools of light and dark areas shall be avoided.
3. Parking area lighting fixtures shall be full cut-off (0% candlepower at 90° horizontal and 10% maximum candlepower at 80° from vertical), dark sky rated, and mounted no more than 30 feet above the ground, with lower fixtures preferable so as to maintain a human scale.
4. All fixtures over 15 feet in height shall be fitted with a full cut-off luminaire.

Figure 31B.070-22

Acceptable and unacceptable parking area lighting



5. Pedestrian-scaled lighting (light fixtures no taller than 15 feet) is encouraged in areas of pedestrian activity
6. Lighting must not trespass onto adjacent private parcels, nor shall a light source (luminaire) be visible at the property line. All building lights shall be directed onto the building itself and/or the ground immediately adjacent to it. The light emissions shall not be visible above the roofline of the building.
7. Surface-mounted building wall parking lot lighting is prohibited.

31B.080 Design standards: building design.

General Notes:

1. Many of these building design guidelines call for a building to feature one or more elements from a menu of items. In these cases, a single element, feature, or detail may satisfy multiple objectives. For example, a specially designed or fabricated covered entry with attractive detailing might be counted toward requirements for human scale, building corners, and building details.
2. The terms “decorative” and “ornamental” are not necessarily meant to mean “characterized by traditional patterns, nonstructural elements, or applied markings.” Elements may be considered “decorative,” “ornamental,” or “special” if they extend beyond the typical level of quality, use materials or forms in an unusual way, or show special architectural consideration. The City shall determine what elements are “ornamental,” “decorative,” or “special.”

A. Building Design – Character. The intent of this provision is to provide building design that has a high level of design quality and creates comfortable human environments, incorporate design treatments that add interest and reduce the scale of large buildings, encourage building design that is authentic and responsive to site conditions, and encourage functional, durable, and environmentally responsible buildings.

1. While a variety of architectural elements and characteristics are desirable to avoid monotonous development, new buildings should not exhibit specifically historical styles and themes such as “Bavarian” or “Colonial” architecture. Traditional building elements, forms and materials may be appropriate, as are contemporary architectural styles and features. Buildings within a multi-building development should generally be designed as a composition so that the buildings’ characters complement one another through the use of similar forms, materials, proportions or other characteristics. Buildings must not include corporate signature building elements (such as McDonald’s light ribs or KFC’s red pyramid roof).

B. Human Scale Elements. The intent of this provision is to encourage the use of building components that relate to the size of the human body and add visual interest to buildings.

1. “Human scale” addresses the relationship between a building and the human body. Generally, buildings attain a good human scale when they feature elements or characteristics that are sized to fit human activities, such as doors, porches, and balconies.

New buildings must incorporate a minimum of three of the following human scale building elements.

- a. Balconies or decks in upper stories, at least one balcony or deck per upper floor on the façades facing streets, provided they are integrated into the architecture of the building. (See Figure 31B.080-1.)
- b. Bay windows or other window treatments that extend out from or are inset in the building face.
- c. At least 100 square feet of pedestrian-oriented space, as described in Section 31B.060.C, for each 100 lineal feet of building façade.
- d. Individual windows, generally less than 32 square feet per pane and separated from the windows by at least a 6” molding.
- e. A porch or covered entry.
- f. Spatially defining building elements, such as a trellis, alcove, overhang, canopy, or other element, that defines space that can be occupied by people.
- g. Upper story setbacks, provided one or more of the upper stories are set back from the face of the building at least 6 feet.
- h. Placement of smaller building elements near the entry of pedestrian-oriented street fronts of large buildings. (See Figure 31B.080-4.)

- i. Landscaping components that meet the intent of the guidelines.
- j. Other element that the City determines meets the intent of this guideline.

Figure 31B.080-1

An example of balconies that have been integrated into the architecture of the building



Figure 31B.080-2

Illustrating a variety of human scale components on a commercial building

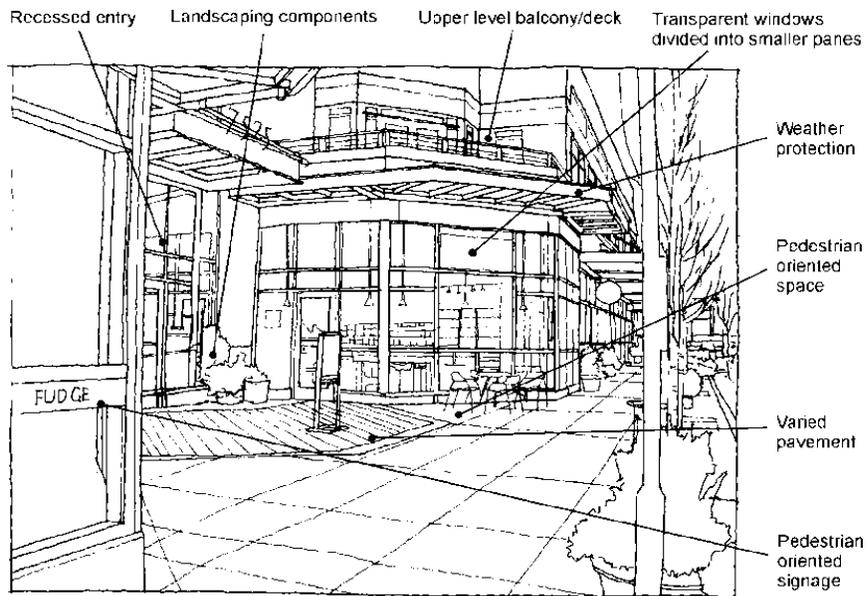


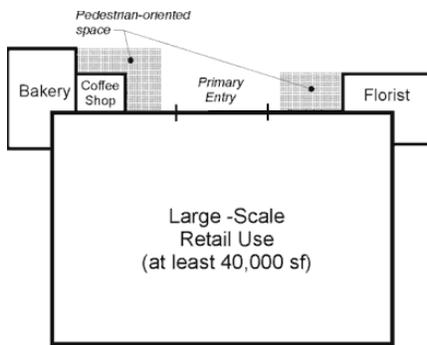
Figure 31B.080-3

This mixed-use building incorporates decks, upper level setbacks, trellises, and landscaping to meet human scale guidelines



Figure 31B.080-4

Examples of arranging smaller building elements near the entry of large buildings



C. Architectural Scale. The intent of this provision is to encourage architectural scale of development that is compatible with nearby areas and add visual interest to buildings.

Definitions:

- “Architectural scale” is the perceived height and bulk of a building relative to that of neighboring buildings. A building has “good architectural scale” if its visual size is relatively similar to its neighbors.
 - “Modulation” is a stepping back or projecting forward of portions of a building face, within specified intervals of building width and depth, as a means of breaking up the apparent bulk of a structure’s continuous exterior walls.
 - “Articulation” is visually breaking up a building façade into intervals by including repetitive features, such as broken rooflines, chimneys, entrances, distinctive window patterns, street trees, and modulation.
1. All new buildings in the MUO over three stories or over 5,000 square feet in gross building footprint or with facades longer than 100 feet measured horizontally shall provide at least three modulation and/or articulation features as described below along any façade that is visible from a public street, residential zone or pedestrian pathway, and have entries at intervals of no more than 60 feet. (See Figure 31B.080-8.)

All new buildings outside the MUO over three stories, or over 10,000 square feet in gross building footprint, or with front facades longer than 200 feet measured horizontally, shall

provide at least three modulation and/or articulation features as described below along any façade that is visible from a street. (See Figure 31B.080-6.)

Figure 31B.080-5

Building articulation example most appropriate inside the MUO

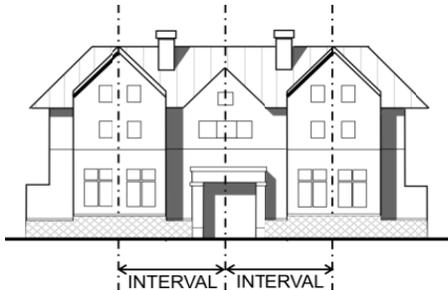


Figure 31B.080-6

The building on the left uses modulation to add both human and architectural scale; the complex on the right employs a variety of façade elements (These examples are appropriate outside the MUO only.)



- a. Horizontal building modulation. The depth of the modulation must be at least two feet when tied to a change in the roofline and at least 5 feet in other situations. Balconies may be used to qualify for this option, provided they have a floor area of at least 40 square feet, are integrated with the architecture of the building, and project at least two feet from the building façade.

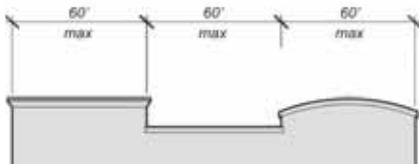
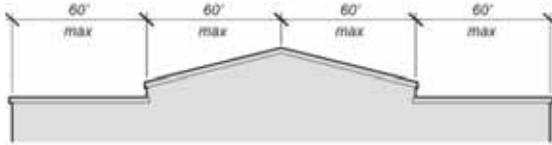
Figure 31B.080-7

This building uses modulation to increase its interest and both human and architectural scale



- b. Modulated roof line. Buildings may qualify for this option by modulating the roof line of all façades visible from a street, park, or pedestrian pathway per the following standards:
- (1) For flat roofs or façades with a horizontal fascia or parapet, change the roofline so that no unmodulated segment of roof exceeds 60 feet. Minimum vertical dimension of roof line modulation is the greater of 2 feet or 0.1 multiplied by the wall height (finish grade to top of wall);
 - (2) For gable, hipped, or shed roofs, a slope of at least three feet vertical to 12 feet horizontal; or
 - (3) Other roof forms such as arched, vaulted, dormer, or saw-toothed may satisfy this design standard if the individual segments of the roof with no change in slope or discontinuity are less than 60 feet in width (measured horizontally).

Figure 31B.080-8
Acceptable means of providing roof modulation



- c. Repeating distinctive window patterns at intervals less than the articulation interval.
- d. Providing a porch, patio, deck, or covered entry for each articulation interval.
- e. Changing the roofline by alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval.
- f. Changing materials with a change in building plane.
- g. Providing lighting fixtures, trellises, trees, or other landscape feature within each interval.

The City may increase or decrease the 60-foot interval for modulation and articulation to better match surrounding structures

Figure 31B.080-9

This development uses a variety of roof forms and heights, different weather protection features, changing building materials and colors, and a modest amount of horizontal building modulation to reduce the overall architectural scale into smaller “storefront” components

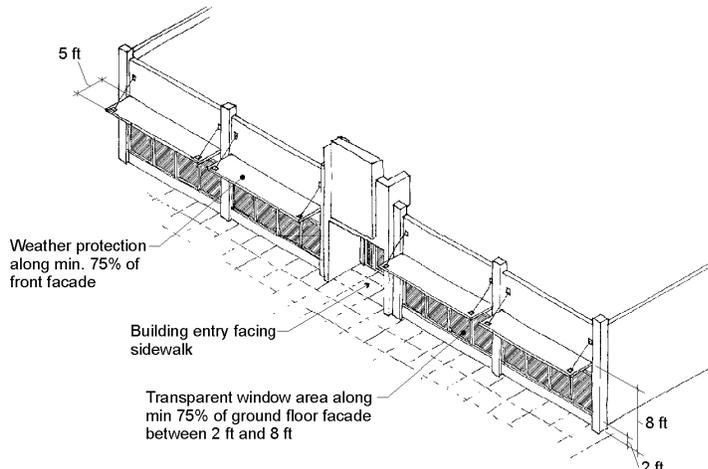


D. Pedestrian-Oriented Facades and Weather Protection. The intent of this provision is to create a safe, attractive, welcoming pedestrian environment and enhance retail activity.

1. Pedestrian-Oriented Facades. In the MUO, the building façade shall include all the following:
 - a. Transparent window areas or window displays or a combination of sculptural, mosaic, or bas-relief artwork and transparent window areas or window displays over at least 75 percent of the ground floor façade between 2 feet and 8 feet above grade.

Figure 31B.080-10

An example of a pedestrian-oriented façade



- b. A primary building entry facing the streetfront.
- c. Weather protection at least 5 feet wide over at least 75 percent of the front facade.
 - (1) Canopies, awnings, or other similar weather protection features shall not be higher than 15 feet above the ground elevation at the highest point or lower than 8 feet at the lowest point.

- (2) The material and configuration of the pedestrian coverings shall be as approved by the City. No fabric, plastic, vinyl, or other non-durable materials are permitted.
- (3) Coverings with visible corrugated fiberglass are not permitted.
- (4) All lettering, color, and graphics on pedestrian coverings must conform to the City's sign code and these guidelines.
- (5) Multi-tenant retail buildings are encouraged to use a variety of weather protection features to emphasize individual storefronts and reduce the architectural scale of the building. Figure 31B.080-11 provides an unacceptable and better example.

Figure 31B.080-11

The continuous canopy on top is monotonous and deemphasizes individual storefronts. The bottom example provides a variety of weather protection features and represents a more desirable example.



E. Building Corners. The intent of this provision is to create visual interest and increase activity at public street corners.

1. Architecturally accentuate building corners at Evergreen Way/designated pedestrian oriented side street intersections. All new buildings within the MUO and located within 15 feet of a property line at the intersection of Evergreen Way and adjacent to a designated pedestrian oriented side street shall employ two or more of the following design elements or treatments to the building corner facing the intersection:
 - a. A corner entrance to courtyard, building lobby, atrium, or pedestrian pathway.
 - b. Bay window or turret.
 - c. Roof deck or balconies on upper stories.
 - d. Building core setback "notch" or curved façade surfaces.
 - e. Sculpture or artwork, either bas-relief, figurative, or distinctive use of materials.
 - f. Change of materials.

- g. Corner windows.
- h. Special lighting.

Figure 31B.080-12

Corner building treatments (Note: Not all treatments must be as expansive.)



- i. Special treatment of the pedestrian weather protection canopy at the corner of the building; and/or
- j. Other similar treatment or element approved by the City.

F. Building Design Details and Materials. The intent of this provision is to ensure that buildings have design interest, enhance the character and identity of the E-1 and MUO zones, enhance the pedestrian environment, encourage creativity in the design of storefronts, and ensure high-quality materials.

1. Design Details. All new buildings and individual storefronts shall include on the façades that face a pedestrian-oriented street, a park, or a pedestrian route at least three of the following design features:
 - a. Distinctive rooflines, such as an ornamental molding, entablature, frieze, or other roofline device visible from the ground level. If the roofline decoration is in the form of a linear molding or board, then the molding or board must be at least 8" wide.
 - b. 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.
 - c. Decorative light fixtures with a diffuse visible light source or unusual fixture.
 - d. Decorative building materials, such as decorative masonry, shingle, brick, or stone.
 - e. Individualized patterns or continuous wood details, such as fancy butt shingles (a shingle with the butt end machined in some pattern, typically to form geometric

designs), decorative moldings, brackets, trim or lattice work, ceramic tile, stone, glass block, carrera glass, or similar materials.

The applicant must submit architectural drawings and material samples for approval.

- f. Use of a landscaping treatment as part of the building's design, such as planters or wall trellises.

Figure 31B.080-13

The use of different building materials, window treatments, and roofline brackets adds to the visual interest of this building



- g. Decorative or special railings, grill work, or landscape guards.
- h. Landscaped trellises, canopies, or weather protection.
- i. Decorative artwork, which may be freestanding or attached to the building and may be in the form of mosaic mural, bas-relief sculpture, light sculpture, water sculpture, fountain, free standing sculpture, art in pavement, or other similar artwork. Painted murals or graphics on signs or awnings do not qualify.
- j. Sculptural or hand-crafted signs.
- k. Special building elements, such as pilasters, entablatures, wainscots, canopies, or marqueses that exhibit nonstandard designs.
- l. Other similar features or treatment that satisfies the Intent of the Guidelines as approved by the City.

Figure 31B.080-14

The building provides a number of details that enhance the pedestrian environment, including decorative lighting, planter boxes, decorative awnings, historical plaques, and decorative façade elements



2. Treatment of Specific Materials. The following materials are allowed only with special detailing, as described below:
 - a. Metal siding. When used as a siding material over more than 25 percent of a building's façade visible from a public street, pathway, or park, metal siding must:
 - (1) Have a matte finish in a neutral or earth tone such as buff, gray, beige, tan, cream, white, or a dulled color, such as barn-red, blue-gray, burgundy, ocher, or other color specifically approved by the City.
 - (2) Include two or more of the following elements:
 - (a) Visible window and door trim painted or finished in a complementary color.
 - (b) Color and edge trim that cover exposed edges of the sheet metal panels.
 - (c) A base of masonry, stone, or other approved permanent material extending up to at least two feet above grade that is durable and satisfies the Intent of the Guidelines. (The intent is to provide more durable materials near grade level.)
 - (d) Other detail/color combinations for metal siding approved by the City, provided design quality and permanence meets the intent of this section.

Figure 31B.080-15
Appropriate use of metal siding



- b. Concrete block walls. Concrete block construction used over 25 percent of a building façade visible from a public roadway, pathway, or park must be architecturally treated in one or more of the following ways:
 - (1) Use of textured blocks with surfaces such as split face or grooved.
 - (2) Use of other masonry types, such as brick, glass block, or tile in conjunction with concrete blocks.
 - (3) Use of decorative coursing to break up blank wall areas.
 - (4) Use of matching colored mortar where color is an element of architectural treatment for any of the options above.
 - (5) Other treatment approved by the City.
- c. Requirements for Exterior Insulation and Finish System (EIFS) and similar troweled finishes:
 - (1) To avoid deterioration, EIFS should be trimmed and/or should be sheltered from extreme weather by roof overhangs or other methods.
 - (2) EIFS may only be used in conjunction with other approved building materials.
 - (3) EIFS is prohibited within 2 vertical feet of the sidewalk or ground level.

Figure 31B.080-16

This storefront effectively combines EIFS and concrete block with wood trim and metal detailing



3. Prohibited Materials. The following materials are prohibited on facades visible from a public right-of-way.
 - a. Mirrored glass.
 - b. Corrugated fiberglass.
 - c. Chain link fencing (except for temporary purposes such as a construction site).
 - d. Crushed colored rock or tumbled glass.
 - e. Any sheet materials, such as wood or metal siding, with exposed edges or unfinished edges, or made of nondurable materials.

G. Blank Walls. The intent of this provision is to reduce the visual impact of large, undifferentiated walls, reduce the apparent size of large walls through the use of various architectural and landscaping treatments, enhance the character and identity of commercial areas, and ensure that all visible sides of buildings provide visual interest.

Figure 31B.080-17

Visual effect of blank walls



1. All blank walls (see Definitions) within 50 feet of the street, pedestrian pathway, park, or adjacent property, and also visible from that street, pedestrian pathway, park, or adjacent property, shall be treated in one or more of the following measures:
 - a. Install a vertical trellis in front of the wall with climbing vines or plant materials. For large blank wall areas, the trellis must be used in conjunction with other treatments described below;
 - b. Provide a landscaped planting bed at least 8 feet wide or a raised planter bed at least two feet high and three feet wide in front of the wall. Plant materials must be able to obscure or screen at least 50 percent of the wall's surface within 4 years;
 - c. Provide artwork (mosaic, mural, sculpture, relief, etc.) over at least 50 percent of the blank wall surface; and/or
 - d. Other method as approved by the City. For example, landscaping or other treatments may not be necessary on a wall that employs high quality building materials (such as brick) and provides desirable visual interest.

Figure 31B.080-18
Blank wall treatments

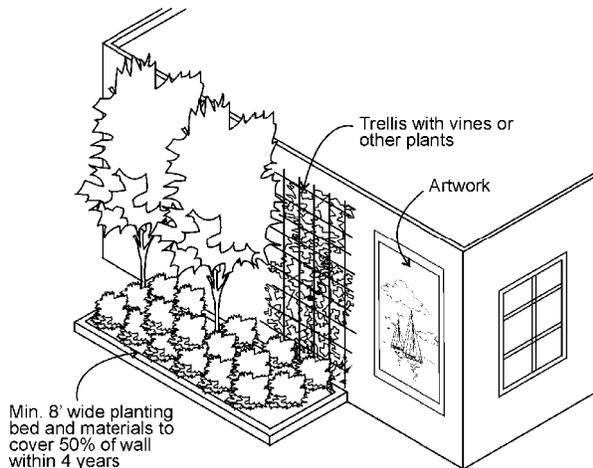


Figure 31B.080-19

A variety of blank wall treatment examples



H. Building Entrances. The intent of this provision is to ensure that buildings and businesses are safe, inviting, and accessible and encourage pedestrian activity.

1. The principal building entrances (i.e., the building entrance used by commercial customers, residents, or visitors) of all buildings shall feature the following improvements:
 - a. Pedestrian Weather Protection. In addition to weather protection along pedestrian-oriented facades in Section 31B.080.D.1, provide pedestrian weather protection at least 5 feet deep over all primary building entries for individual business and individual residences. This may include a recessed entry, canopy, porch, marquee, or building overhang. The weather protection must conform to the requirements of Section 31B.080.D.1.

Figure 31B.080-20

Provide weather protection over building entries



- b. Lighting. Pedestrian entrances must be lit to at least four foot-candles as measured on the ground plane for commercial buildings and two foot-candles for residential buildings.
 - c. Building or business name. Entries must be identified with respect to building and/or business.
 - d. Visibility. Building entrances must be visible from the roadway and/or major public pedestrian pathway.
 - e. Transparency. Entries must feature glass doors, windows, or glazing (window area) near the door so that the visitor and occupant can view people opening the door from the other side (not required for entries leading directly to a single residential dwelling).
 - f. Security. To the extent feasible, entries must be visible from areas with high pedestrian activity or where residents can view the entry (passive surveillance).
 - g. Architectural or artwork enhancements. Building entrances must be enhanced by one or more of the following measures. Entrances on pedestrian-oriented streets must feature two of the following measures.
 - (1) Special or ornamental doors, windows, or other architectural elements.
 - (2) Special paving or materials (e.g., decorative tile work).
 - (3) Special architectural lighting.
 - (4) Landscaping.
 - (5) Artwork.
 - (6) Adjacent pedestrian-oriented space.
 - (7) Other similar features approved by the City.
2. Secondary Public Access for Commercial Buildings. Businesses that have a secondary public entrance or access (for example, access from a parking lot) shall comply with the following measures to enhance secondary public access. This regulation applies only to entries used by the public.
- a. Weather protection at least three feet deep is required over each secondary entry.
 - b. A sign may be applied to the awning provided that the sign complies with other regulations and guidelines.
 - c. There must be at least two foot-candles illumination on the ground surface.
 - d. Two or more of the design elements noted in Section 31B.080.H.1 above must be incorporated within or adjacent to the secondary entry.

Figure 31B.080-21

Example of secondary public access. Note the planters, window sign, and awning



I. Parking Garage Design. The intent of this provision is to minimize negative visual impacts of parking garages.

1. Parking garages must be designed to obscure the view of parked cars at the ground level.
2. Where the garage wall is built to the sidewalk edge, the façade shall incorporate a combination of artwork, grillwork, special building material or treatment/design, and/or other treatments as approved by the City that enhance the pedestrian environment. Small setbacks with terraced landscaping elements can be particularly effective in softening the appearance of a parking garage.
3. Upper-level parking garages must use articulation treatments that break up the massing of the garage and add visual interest.

See Figures 31B.080-22 through 31B.080-24 for example parking garage treatments.

Figure 31B.080-22

The side of this parking garage includes some storefront retail space (left), decorative grillwork, and a raised brick planter to enhance the pedestrian environment



Figure 31B.080-23

This building uses openings on its second level parking area to resemble windows



Figure 31B.080-24

Design parking garages to obscure the view of parked cars. Note the landscaping that separates the garage from pedestrians



31B.090 Design standards: Signs

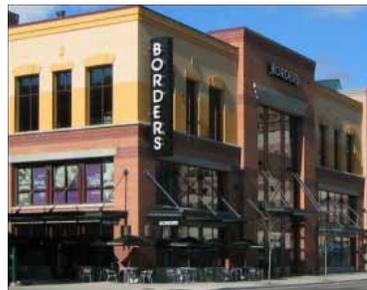
The provisions of Chapter 36, Signs, shall apply unless otherwise stated in this section. Where there is a conflict between Chapter 36 and this section, the standards in this section shall apply unless otherwise determined by the City.

Figure 31B.090-1

Illustration of different sign types



Wall signs for multiple businesses



Vertical projecting sign example



Under-canopy sign example

The intent of this section is to encourage signage that is both clear and of appropriate scale for the project; enhance the visual qualities of signage through the use of complementary sizes, shapes, colors, and methods of illumination; encourage quality signage that contributes positively to the character of Evergreen Way; and minimize light and glare impacts of signage on surrounding uses.

A. Sign Illumination. See Section 36.080 and:

1. Permitted Sign Illumination.

- a. Signs with individual back-lit letters. Such signs may consist of individual letters mounted on a wall (containing necessary wiring through the wall) or individual letters placed on a raceway, where light shines only through the letters.
- b. Opaque signs with back-lit letters or logos. In such signs, light only shines through letter or logo openings.
- c. Back-lit cabinet fascia signs are not permitted in MUO areas.
- d. Shadow lighting, where letters are backlit, but light shines only through the edges of the letters.
- e. Neon signs (letters and accessory graphics).
- f. Externally lit signs. Lighting shall not create a glare problem or be directed towards the sky.
- g. Service Stations. Electronic digital gas prices are permitted on wall-mounted signs.
- h. Electronic changing message signs, consistent with the standards of 31B.090.B.

Other types of sign lighting not mentioned above are prohibited.

Figure 31B.090-2
Permitted illumination types



Example of a sign with individual back-lit letters



An opaque sign with illumination through letter openings



A sign with individual neon letters

B. Electronic Signs. See Section 36.155 and:

1. Electronic changing message displays are not permitted on free-standing signs.

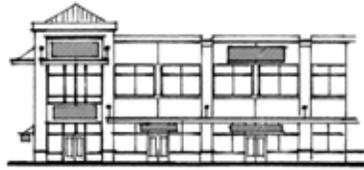
2. No transition between displayed messages is allowed. No flashing lights or special effects such as fireworks or moving images are allowed. Messages shall not change more frequently than once every five seconds.

Figure 31B.090-3
Sign types

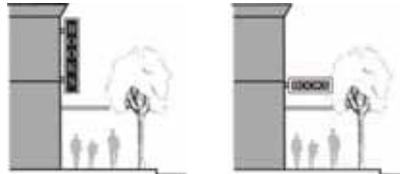
Monument Signs



Wall Signs



Projecting Signs



Marquee or Awning Sign



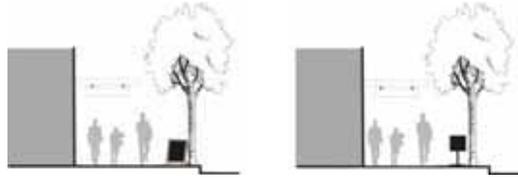
Under-Canopy Signs



Window Signs



A-Frame and Standing Signs



C. Free-Standing Signs in the Mixed Use Overlay (MUO). Monument signs are the only type of permanent freestanding sign allowed in the MUO. See Section 36.170.A and:

Figure 31B.090-4
An acceptable monument sign



1. Free-standing (monument) signs in the MUO must not be taller than 6 feet above grade.
2. Free-standing monument signs in the MUO shall not have a sign area greater than 40 square feet per side.
3. Permitted number of signs. One sign is permitted per frontage, per property. Additional monument signs are permitted on a property with multiple driveways provided signs are at least 200 feet apart.
4. Monument signs for individual businesses are encouraged to include the street address number.
5. Materials and design. Monument signs shall utilize materials and architectural design elements that are consistent with the architecture of the buildings. The materials and design features must be a prominent visual element of the overall sign.
6. If the whole sign face is illuminated, then the background color must be darker than the lettering and logo to avoid glare.

D. Free-Standing Signs Outside the Mixed Use Overlay (MUO).

Figure 31B.090-5

Acceptable freestanding signs



1. Minimum lettering.
 - a. A minimum of lettering height of 6 inches for the primary business name and three inches for secondary business names is required for readability.
 - b. Free-standing signs for individual businesses are encouraged to include the street address number.
2. Materials and design. Freestanding signs shall utilize materials and architectural design elements that are consistent with the architecture of the buildings. Freestanding signs must have a substantial base that is at least half as wide and thick (measured horizontally) as the sign itself. Sign bases must have an architectural treatment that incorporates materials similar to the sign and/or the business's building. (Note that the City may relax the dimensional requirements for the base if it is a sculptural element such as in the right-hand photo of Figure 31B.090-5.)
3. For back-lit sign panels, the background color must be darker than the lettering or logo.
4. Landscaping. Install one square foot of landscaping at the base of the sign per one square foot of sign face, and:
 - a. Landscaping includes a decorative combination of ground cover and shrubs to provide seasonal interest in the area surrounding the sign.
 - b. Landscaping should be well maintained at all times of the year.
 - c. The City may reduce the landscaping requirement where the signage incorporates stone, brick, or other decorative materials.

E. Wall Signs (Building-Mounted Signs). See Section 36.170.A and:

Figure 31B.090-6

Example wall sign configuration for a building with multi-story commercial uses. Note how signs are centered on architectural features of the façade.



Figure 31B.090-7

Wall signs for multiple businesses



Figure 31B.090-8

Wall sign advertising second-story dental office is proportional and centered on the façade



1. Permitted number of signs.
 - a. Tenants are allowed a maximum of one wall sign per façade that is visible from a street or customer parking lot.
 - b. Businesses may include additional smaller signs describing the types of products and/or services that the business offers, provided the sign areas collectively comply with maximum size requirements.

- c. Commercial tenants on upper levels may include window signs or wall signs placed on the façade above the business, provided the permitted sign area shall be shared with the tenant below.
2. Location and design.
 - a. Wall signs shall be centered, proportional, and shaped to the architectural features of the buildings.
 - b. Wall signs shall not cover windows, building trim, or ornamentation. This includes blank areas above canopies, areas between vertical piers or columns, blank areas on a gabled roof, or upper reaches of a false-fronted building. Photo examples in Figures 31B.090-7 and 090-8 show acceptable examples.
 3. Maximum height. Wall signs may not extend above the building parapet, soffit, the eave line or the roof of the building.
 4. Mounting.
 - a. Building signs should be mounted plumb with the building, with a maximum protrusion of 1-foot unless the sign incorporates sculptural elements or architectural devices.
 - b. The sign frame shall be concealed or integrated into the building's architectural character in terms of form, color, and materials.

F. Projecting and Banner Sign Standards.

Figure 31B.090-9
Projecting sign standards

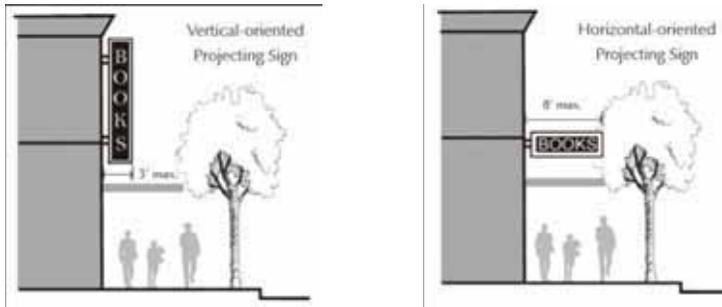


Figure 31B.090-10
Vertical projecting sign example



1. Projecting signs may be used in conjunction with walls signs. Projecting signs meeting the following conditions (a-f) are allowed for commercial uses adjacent to and facing a street.
 - a. Clearance. Shall clear sidewalk by 8 feet.
 - b. Projection.
 - (1) Horizontal oriented signs: No more than 8 feet.
 - (2) Vertically oriented signs: No more than 3 feet.
 - (3) Signs may project into a public right-of-way for storefront buildings, subject to a right-of-way use permit.
 - c. Number of signs. One primary sign advertising business on each frontage. Additional smaller secondary signage may be included on each frontage provided the combined signage meets applicable size limits below.
 - d. Height. Shall not extend above the building parapet, soffit, the eave line or the roof of the building, except for theaters.
 - e. Location. Projecting signs shall not be located directly over windows or in conflict with other signs or architectural features of the building as determined by the City.

G. Marquee or Awning Signs.

Figure 31B.090-11

Sign placed on front of marquee



Figure 31B.090-12

Sign placed on canopy



Figure 31B.090-13

Sign placed on top of marquee



Figure 31B.090-14

Canopy sign example



1. Marquee or canopy signs may be used in place of permitted wall signs, provided they meet the following conditions:
 - a. Location. Marquee signs may be placed on the front, above, or below the marquee/canopy.
 - b. Clearance. Signs shall be placed a minimum of 8 feet above the sidewalk or walkway.
 - c. Back-lit awning signs are prohibited.

H. Under-Canopy Signs.

Figure 31B.090-15

Under-canopy sign standards

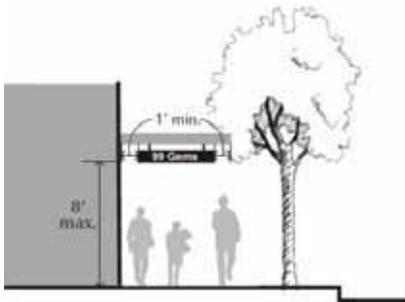


Figure 31B.090-16

Under-canopy sign example



Figure 31B090-17

Neon symbols (projecting sign) like this are desirable



1. Signs placed under canopies meeting the following conditions are allowed for commercial uses:
 - a. Projection. Under-canopy signs shall have 1-foot minimum between the sign and the outer edge of the marquee, awning, or canopy and between the sign and the building facade.
 - b. Clearance. Under-canopy signs shall maintain a minimum clearance of 8 feet between the walkway and the bottom of the sign.
 - c. Dimensions. Under-canopy signs shall not exceed 2 square feet in area.

I. Window Signs.

Figure 31B.090-18

Window sign standards



1. Window signs meeting the following conditions are allowed for commercial uses:
 - a. Maximum size. Permanent and temporary window signs are limited to a maximum of 25 percent of the window area. Every effort should be made to integrate window signs with window display.

- b. Materials. Window signs constructed of neon, stained glass, gold leaf, cut vinyl, and etched glass are allowed. Painted signs shall display the highest level of quality and permanence as determined by the City.
- (c) Internally lit neon or stained glass window signs are allowed provided they meet the above sign standards and there are no more than one sign for each 15 feet of building frontage.

Figure 31B.090-19

Acceptable (top) and unacceptable (bottom) window signs



J. Portable Signs.

- 1. A-frame signs meeting the following conditions are allowed for commercial uses:
 - a. Signs must be within 20 feet of the applicable building entrance.
 - b. Signs must be located to maintain at least 8 feet of horizontal clearance on the sidewalk for pedestrian movement.
 - c. Each business shall not have more than one portable sign.
 - d. Signs shall be removed during non-business hours.

- e. Portable signs shall not exceed 8 square feet in area or 42 inches in height. No lighting of portable signs is permitted.

K. Prohibited Signs. Prohibited signs include:

1. Pole-mounted freestanding signs.
2. Signs employing video footage.
3. Signs employing moving or flashing lights.
4. Signs employing exposed electrical conduits.
5. Visible ballast boxes or other equipment.
6. Roof-mounted signs.
7. Fabric awning signs.

Figure 31B.090-20

Pole-mounted freestanding signs are prohibited



Section 13: Section 13 of Ordinance No. 3099-08 (EMC 19.34.020) which reads as follows:

34.020 Required off-street parking.

Every building hereafter constructed, reconstructed, expanded or occupied, or use of property hereafter established or modified, shall be provided with off-street parking in accordance with the requirements of this title, as listed in Table #34-1, or as otherwise provided by this chapter when not specifically listed in Table #34-1. The number of parking spaces stated shall be the minimum required. Where parking requirements are based upon square footage of a building, the gross floor area of the building shall be used. See Section 22.020.E of this title for off-street parking requirements in the B-3 zone. See Section 25.010.C of this title for parking requirements in the C-2ES zone. See Section 31A.030.B(2) of this title for parking requirements for residential uses in the BMU zone.

Is hereby amended to read:

34.020 Required off-street parking.

Every building hereafter constructed, reconstructed, expanded or occupied, or use of property hereafter established or modified, shall be provided with off-street parking in accordance with the requirements of this title, as listed in Table #34-1, or as otherwise provided by this chapter when not specifically listed in Table #34-1. The number of parking spaces stated shall be the minimum required. Where parking requirements are based upon square footage of a building, the gross floor area of the building shall be used. See Section 22.020.E of this title for off-street parking requirements in the B-3 zone. See Section 25.010.C of this title for parking requirements in the C-2ES zone. See Section 31A.030.B(2) of this title for parking requirements for residential uses in the BMU zone. See Section 31B.040B for parking requirements for residential uses in the MUO zone.

Section 14. 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 15. 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 16. 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 17. 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:

Shaun Marks
CITY CLERK

Passed: 4/18/12

Valid: 4/24/12

Published: 4/28/12

Effective Date: 5/10/12

