ORDINANCE NO. 3456-15

AN ORDINANCE Amending the Comprehensive Plan and Zoning Code to Allow Residential Use in the Everett Station Area as Part of the 2015-2035 Comprehensive Plan Update, Amending Ordinance No.s 2853-05, 2854-05, 2021-94 and 1671-89, as Amended

WHEREAS, RCW 36.70A.130 (5) requires that cities in Snohomish County take action on or before June 30, 2015 to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of the Growth Management Act; and

WHEREAS, on June 24, 2015, City Council adopted Resolution No. 6872 concluding that the City had completed a great majority of the substantive steps necessary to complete the 2015 update and establishing a schedule for adoption of the Comprehensive Plan update and related regulations by October 28, 2015 provided that the schedule is subject to change as necessary to ensure public review and comment and thorough review by the City Council; and

WHEREAS, the Comprehensive Plan Update, Williams map amendment and rezone, Draft Environmental Impact Statement and related regulations were submitted to the Washington Department of Commerce for 60-day review on July 17, 2015 in accordance with RCW 36.70A.106; and

WHEREAS, following a public involvement process that included issuance of a Determination of Significance and scoping for an environmental impact statement on the update, on December 18, 2013 City Council approved Resolution No. 6685 adopting a Comprehensive Plan Audit and Public Involvement Plan for the update in accordance with RCW 36.70A.130(2); and

WHEREAS, Everett has followed its adopted Public Involvement Plan and provided many opportunities for public comment; and

WHEREAS, staff met with Everett Station Area property owners on June 22, 2015 to discuss the proposed amendments; and

WHEREAS, the City issued a Draft Environmental Impact Statement (DEIS) under State Environmental Policy Act requirements that evaluated the impacts of the proposals on July 20, 2015 and a Final Environmental Impact Statement responding to the comments received on September 4, 2015; and

WHEREAS, the DEIS evaluated two alternative development standards for residential use in the Everett Station Area, the first based on standards for development on Evergreen Way that

specified density limits, and the second based on standards in the B-3 zone that specified floor area ratio limits, but unlimited density; and

WHEREAS, a DEIS commenter proposed an alternative method of regulation based on height limits with no specified floor area ratios or densities; and

WHEREAS, staff prepared and published in the FEIS modified recommended development standards for residential uses in the Everett Station Area that are based on a maximum height limit of 80 feet, unlimited densities, and compliance with the residential design standards in the B-3 zone; and

WHEREAS, the Planning Commission held a public workshop on August 18, 2015 and a public hearing on September 15, 2015 for the proposed amendments to the Everett Station Area policies and regulations and recommended that City Council approve the modified standards discussed in the FEIS; and

WHEREAS, the Everett Station Area is within the expanded Metropolitan Center in the Comprehensive Plan update and the City will conduct a more detailed subarea planning process for the Metropolitan Center after it completes the 2015 10-Year Comprehensive Plan Update, which will further address design and development standards in the Everett Station Area; and

WHEREAS, the City Council finds that the proposed amendments to the policies of the Comprehensive Plan for the Everett Station Area are:

1. Based upon changed circumstances, including new and updated information, PSRC's Vision 2040, and citizen input;
2. That the changed circumstances and new information justify the changes to policies;
3. That the proposed policies promote a more desirable growth pattern for the community as a whole by directing growth to the Metropolitan Center, emphasizing transit-oriented design and improvements to make areas of high density mixed-uses attractive and livable, emphasizing alternatives to travel by single occupant vehicles, and planning for light rail to Everett; and
4. The proposed update is generally consistent with the existing plan policies and known conflicts have been resolved in the update.

WHEREAS, the City Council finds that the proposed amendments to the zoning code for the Everett Station Area:

1. Are consistent with the applicable provisions of the Everett Comprehensive Plan;
2. Bear a substantial relation to public health, safety or welfare; and
3. Promote the best long term interests of the Everett community.

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

SECTION 1: The Overall Vision for the Everett Station Area in Exhibit 1 to Ordinance No. 2853-05, (Everett Station Area Plan), which amended Exhibit A to Ordinance No. 2021-94, as amended (Comprehensive Plan), and which currently reads as follows:

Overall Vision –
The overall vision for the Station Area involves its evolution and enhancement as an employment center. This vision anticipates a variety of businesses involving combinations of technology, research and development, fabrication, sales, storage and distribution. Many companies within the region are looking for locations that provide easy access to transportation but also allow for many different functions to occur within individual buildings. This is sometimes called "flex tech" to reflect the changing nature of such businesses.

It is also expected that the ground floors of buildings will include restaurants and business services to support the employment and operations. Since the type and nature of businesses will vary widely, the type of building form will vary as well, some structures may be much like office buildings, and others may seem more warehouse-like. The live work units are intended to fit into this industrial/office setting and new housing units developed through the Planned Development Overlay process would be designed to fit into the industrial character of the area creating a district which is unique in Everett.

Because there will be many more people using the area on foot during the day and at night and weekends for events, the streets and sidewalks will be considerably more attractive, well-lighted, and landscaped. Over time, it is expected that large areas of outside storage will disappear, as buildings will replace them.

It is expected that Everett Station will continue to dominate the skyline in this area, with most other buildings being 1-3 stories and more spread out, but there may be an occasional new building containing 4-5 stories.

is hereby amended to read as follows:

Overall Vision –
The near to middle term vision for the Station Area involves its evolution and enhancement as an employment center. This vision anticipates a variety of businesses involving combinations of technology, research and development, fabrication, sales, storage and distribution. Many companies within the region are looking for locations that provide easy access to transportation but also allow for many different functions to occur within individual buildings. This is sometimes called "flex tech" to reflect the changing nature of such businesses.

It is also expected that the ground floors of buildings will include restaurants and business services to support the employment and operations. Since the type and nature of businesses will vary widely, the type of building form will vary as well, some structures may be much like office buildings, and others may seem more warehouse-like. The live work units are intended to fit into this industrial/office setting and new housing units would be designed to fit into the industrial character of the area creating a district which is unique in Everett.

Because there will be many more people using the area on foot during the day and at night and weekends for events, the streets and sidewalks will be improved over time to be considerably more attractive, well-lighted, and landscaped. Over time, it is expected that large parking areas and outside storage areas will be replaced by buildings.

It is expected that most commercial and industrial buildings will be 1-3 stories but there may be an occasional new building containing 4-5 stories. Transit oriented mixed use buildings containing multiple-family residential uses on the upper floors may be higher than 5 stories. Views of Everett Station should be preserved from Broadway down the 32nd Street corridor.

A longer term vision will be considered when the City prepares a subarea plan for the expanded Metropolitan Center. The City must consider more significant building heights if it is to accommodate the population and job growth expectations of the Vision 2040 Regional Growth Strategy.

SECTION 2: Planning and Urban Design Principles No. 4 for the Everett Station Area in Exhibit 1 to Ordinance No. 2853-05, (Everett Station Area Plan), which amended Exhibit A to Ordinance No. 2021-94, as amended (Comprehensive Plan), and which currently reads as follows:

4. Encourage transit-supportive development
The area surrounding the Everett Station can evolve or time into a dense compact district that is friendly to pedestrians and bicyclists, is supportive of business. Some specific objectives are:

- Make multiple use of existing and new parking resources.
- Utilize vacant land for more intensive employee based business.
- Encourage in the areas north and west of the Everett Station area that currently allow residential uses to develop high-density residential development to compliment Everett Station and the businesses immediately surrounding the station area.
- Encourage uses within the station area, which have high visitor/employee densities.
- Discourage new uses within the station area that are auto-oriented uses and uses with low employee densities such as vehicle storage and warehousing.
- Encourage a variety of scale in new development, ranging from two to five stories.
- Encourage street-level activity and pedestrian orientation especially those areas between the station and downtown Everett.
- Minimize conflicts between Everett Event Center/commuter traffic and local traffic and pedestrian activities.
- Maximize on street parking opportunities.

is hereby amended to read as follows:

4. Encourage transit-supportive development
The area surrounding the Everett Station can evolve or time into a dense compact district that is friendly to pedestrians and bicyclists, is supportive of business. Some specific objectives are:

- Make multiple use of existing and new parking resources.
- Utilize vacant land for more intensive employee based business.
- Encourage in the areas north and west of the Everett Station area that currently allow residential uses to develop high-density residential development to compliment Everett Station and the businesses immediately surrounding the station area.
- Encourage uses within the station area, which have high visitor/employee densities.
- Discourage new uses within the station area that are auto-oriented uses and uses with low employee densities such as vehicle storage and warehousing.

- Encourage a variety of scale in new development, ranging from two to five stories for industrial and commercial uses, and taller for mixed-use buildings containing multiple family residential uses on the upper floors.
- Encourage street-level activity and pedestrian orientation especially those areas between the station and downtown Everett.
- Minimize conflicts between Everett Event Center/commuter traffic and local traffic and pedestrian activities.
- Maximize on street parking opportunities.

SECTION 3: Table 5.1 of
Section 36 of Ordinance No. 2397-99. as amended (EMC 19.05 Table 5.1) which reads, in part, as follows:

Table 5.1 Residential uses.

ZONE USE	C-2ES
Accessory dwelling unit (21)	
Adult family home	
Assisted living facility	
Boarding or rooming	
Boardinghouse or roominghouse	
Caretaker, watchman's quarters (4)	I
Congregate care facility	
Convalescent or nursing home	
Dwelling, single-family detached	
Dwelling, single-family attached	
Dwelling, two-family (duplex) (21)	
Dwelling, rear yard infill	
Dwelling, cottage housing	
Dwelling, multiple-family	
Dwelling, live/work	I(22)
Group home, Class I.A	
Group home, Class I.B	
Group home, Class I.C	
Group home, Class II.A, II.B, II.C	
Home occupation	I(14)
Senior citizen housing	
Manufactured home (15)	
Mobilehome park (16)	
Secure community transition facility (19)	
Temporary shelter home	

SPECIAL REGULATIONS FOR ZONING CODE TABLE NO. 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 Chapter 33G of this title for standards that apply to single-family dwellings in the core residential area. Not more than one single-family detached dwelling may be permitted on a lot in the R-S, R-1, R-2, R-3L, R-3, R-4, R-5, B-2, B-2B, C-1, or C-1R zones.

(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 (Chapter 33G), multiple-family development standards (Chapter 15), BMU zone (Chapter 31A) 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 seven thousand five hundred square feet. See Chapter 33G of this title 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) Reserved.

(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 39.125 for regulations for live/work units.

(24) Prohibited on the Mukilteo 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 as follows:

Table 5.1 Residential uses.

ZONE USE	C-2ES
Accessory dwelling unit (21)	
Adult family home	I
Assisted living facility	
Boarding or rooming	
Boardinghouse or roominghouse	
Caretaker, watchman's quarters (4)	I
Congregate care facility	
Convalescent or nursing home	
Dwelling, single-family detached	
Dwelling, single-family attached	
Dwelling, two-family (duplex) (21)	
Dwelling, rear yard infill	
Dwelling, cottage housing	
Dwelling, multiple-family	I(22)
Dwelling, live/work	I(22)
Group home, Class I.A	
Group home, Class I.B	
Group home, Class I.C	
Group home, Class II.A, II.B, II.C	
Home occupation	I(14)
Senior citizen housing	
Manufactured home (15)	
Mobilehome park (16)	
Secure community transition facility (19)	
Temporary shelter home	

SPECIAL REGULATIONS FOR ZONING CODE TABLE NO. 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 Chapter 33G of this title for standards that apply to single-family dwellings in the core residential area. Not more than one single-family detached dwelling may be permitted on a lot in the R-S, R-1, R-2, R-3L, R-3, R-4, R-5, B-2, B-2B, C-1, or C-1R zones.

(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 (Chapter 33G), multiple-family development

standards (Chapter 15), BMU zone (Chapter 31A), Everett Station Area (Chapter 25), E-1 and MUO, 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 where standards and guidelines are not otherwise specified.

(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 seven thousand five hundred square feet. See Chapter 33G of this title 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) Reserved.

(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 39.125 for regulations for live/work units.

(24) Prohibited on the Mukilteo 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.

SECTION 4: Table 6.1 in Section 37 of Ordinance 2397-99, as amended, (Title 19 EMC Chapter 6 , Table 6.1) that reads, in part, as follows:

Table 6.1 Development standards.

ZONE STANDARDS	C-2 C-2ES (14)
Min. Lot Area	5,000 sf (15)
Min. Required Setback:	
Front (3)	None (19)
Rear (3)	None (23)
Side, Street (3)	None (19)
Side, Interior (3)	None (23)

ZONE STANDARDS	C-2 C-2ES (14)
Lot Width, Min.	50′
Lot Depth, Min.	80′
Max. Lot Coverage by Building (37)	N/A
Max. Building Height	65′ (29)
Landscape Category	B
Sign Category	B

SPECIAL REGULATIONS FOR ZONING CODE DEVELOPMENT STANDARDS TABLE NO. 6.1

(1) See Section 39.130 for lot area averaging in plats and the cluster alternative for subdividing for single-family attached dwellings. In the R-2 zone, minimum lot area for single-family dwellings with alley access shall be four thousand five hundred square feet. The minimum required lot area for a duplex in the R-2 zone shall be seven thousand five hundred square feet.

(2) The following standards apply to single-family attached developments of three or more dwellings on a lot in the R-1(A) and R-2(A) zones:

(a) Minimum lot area in the R-1(A) zone shall be eleven thousand square feet. Minimum lot area in the R-2(A) zone shall be nine thousand square feet. There shall be no minimum lot area requirement for individual lots within a single-family attached subdivision.

(b) Minimum interior side setback shall be ten feet, except that it shall be fifteen feet when abutting a lot in the R-S, R-1 or R-2 zone.

(c) Minimum lot width shall be seventy-five feet. There shall be no minimum lot width requirement for individual lots within a single-family attached subdivision.

(d) All developments shall comply with Chapter 15 of this title (multiple-family development standards) and the multiple-family design guidelines adopted by city council Resolution No. 4618.

(e) Lot coverage requirements do not apply to single-family attached developments reviewed under the multiple-family development standards of Chapter 15 of this title and the multiple-family design guidelines.

(f) There shall be no minimum interior side setback requirement for individual lots within a single-family attached subdivision.

(3) See Section 39.150 for exceptions to required setback standards. See Section 7.020 for setback regulations for buildings which are accessory to residential uses.

(4) *Repealed by Ord. 3072-08.*

(5) Minimum setback for multiple-family dwellings shall be twenty-five feet when abutting R-S or R-1 zones, and fifteen feet when abutting R-2 zones. For unit lot subdivisions allowed under Chapter 15A, the minimum interior side setback from the exterior property boundary of the parent lot shall be twenty feet. Building setbacks for buildings which are permitted to exceed thirty-five feet in height shall be an additional five feet for each ten feet or fraction thereof by which the building exceeds thirty-five feet in height for only those portions of the building which exceed thirty-five feet in height.

(6) Agricultural structures may have a maximum building height of fifty feet.

(7) See Section 7.020 for maximum permitted height of accessory buildings.

(8) Twenty-eight feet for any portion of building within fifty feet of lots located in the R-S, R-1, R-2, R-1(A), or R-2(A) zones. In the R-4 and R-5 zones, forty-five feet when located at least fifty feet but less than two hundred feet from lots located in the R-S, R-1, R-2, R-1(A) or R-2(A) zones.

(9) Landscape Category E for single-family detached or two-family (duplex) dwellings. Landscape Category B for permitted nonresidential uses.

(10) Landscape Category B for permitted nonresidential uses. Landscape Category E for single-family detached or two-family (duplex) dwellings.

(11) Sign Category D for permitted nonresidential uses.

(12) Sign Category E for single-family detached and two-family (duplex) dwellings.

(13) See Chapter 22 of this title for additional regulations for the B-3 zone.

(14) See Chapter 27 of this title for additional regulations for the M-1 zone. See Chapter 28 of this title for additional regulations for the M-M zone. See Chapter 25 of this title for additional regulations for the C-2ES zone.

(15) No minimum lot area requirement in commercial and industrial zones for above ground utility and communications facilities.

(16) Except for permitted residential uses, new buildings shall be constructed up to the front property line for a minimum of fifty percent of the length of all facades facing the front property line. Residential buildings shall have a minimum setback of ten feet, except when part of a mixed-use commercial-residential building, minimum setbacks for nonresidential use shall apply. Service stations shall have a setback of ten feet.
(17) The following uses, where permitted, shall have a minimum setback of ten feet along any abutting street frontage, which shall be landscaped with Type III landscaping: vehicle service station; truck, boat and other vehicle sales or rental; vehicle washing facilities; commercial or commuter parking facilities; hotels and motels; residential uses; retail or wholesale uses involving outdoor display and storage areas; and self-service storage.
(18) See Section 22.020.A for setback regulations in the B-3 zone.
(19) Ten feet when abutting Pacific Avenue or East Marine View Drive.
(20) See Section 6.080.
(21) Twenty feet when abutting arterial streets.
(22) No rear setback required when abutting an improved public alley.
(23) Ten feet when abutting lots located in residential zones.
(24) Twenty-five feet when abutting lots located in residential zones.
(25) Ten feet when abutting lots located in residential zones. Five feet for single-family dwellings and duplexes. Ten feet for service stations.
(26) Seventy-five feet when abutting lots located in residential zones.
(27) In this zone, multiple-family dwellings or the residential portions of mixed-use buildings shall be allowed a height of:
(a) Eighty feet when located at least three hundred feet from lots located in the R-S, R-1, R-2, R-1(A) and R-2(A) zones and at least one hundred fifty feet from lots located in the R-3(L) and R-3 zones.
(b) Sixty feet when located at least one hundred fifty feet from lots located in the R-S, R-1, R-2, R-1(A) and R-2(A) zones and at least seventy-five feet from lots located in the R-3(L) and R-3 zones.
(c) Forty-five feet when located at least one hundred feet from lots located in the R-S, R-1, R-2, R-1(A) and R-2(A) zones.
(d) Twenty-eight feet when located less than fifty feet from lots located in the R-S, R-1, R-2, R-1(A) and R-2(A) zones.
(28) See Section 22.020.B for building height regulations in the B-3 zone.
(29) Forty feet when located within one hundred feet of lots located in the R-S, R-1, R-2, R-2(A), R-3(L) or R-3 zones. Multiple-family dwellings or the residential portions of mixed-use buildings, where permitted, shall be allowed a height of:
(a) Eighty feet when located at least three hundred feet from lots located in the R-S, R-1, R-2, R-1(A) and R-2(A) zones and at least one hundred fifty feet from lots located in the R-3(L) and R-3 zones.
(b) Sixty feet when located at least one hundred fifty feet from lots located in the R-S, R-1, R-2, R-1(A) and R-2(A) zones and at least seventy-five feet from lots located in the R-3(L) and R-3 zones.
(c) Forty-five feet when located at least one hundred feet from lots located in the R-S, R-1, R-2, R-1(A) and R-2(A) zones.
(d) Twenty-eight feet when located less than fifty feet from lots located in the R-S, R-1, R-2, R-1(A) and R-2(A) zones.
(30) Thirty-five feet when located within one hundred feet of lots located in the R-S, R-1, R-2, R-1(A), R-2(A), R-3(L) or R-3 zone.
(31) Permitted building height is determined by the distance the building is separated from lots located within residential zones:

Less than 130 feet	=	25 feet
130 feet to 175 feet	=	35 feet
175 feet to 300 feet	=	50 feet
300 feet to 500 feet	=	80 feet
Over 500 feet	=	120 feet

(32) Forty feet when located within one hundred feet of a residential zone. Aircraft manufacturing plants are permitted to have a building height of one hundred sixty feet.
(33) Landscape Category E for single-family detached or duplex dwellings.
(34) Landscape Category E for single-family detached or duplex dwellings. Landscape Category A for single-family attached or multiple-family dwellings.
(35) Street trees and landscaping shall be provided as required by Section 22.020.D.
(36) See Section 27.020.B for additional landscaping requirements in the M-1 zone.
(37) In single-family zones, lots less than five thousand square feet in area shall be permitted to have a maximum lot coverage of fifty percent.

(38) Except on the Mukilteo tank farm, in PDO zones the heights may be increased up to one hundred feet through the public review process.
(39) For properties located within the core residential area, see the development standards in Chapter 33G of this title.
(40) See Section 31A.030.C.2 for ground floor residential setback requirements.
(41) See Section 31A.030.A for building height regulations in the BMU zone.
(42) See Section 31A.040.F for additional street tree requirements.
(43) See Section 31A.040.L for additional sign requirements in the BMU zone.
(44) See also Section 31B.050.A for E-1 and MUO zone regulations.
(45) See Section 31B.030.A for setbacks adjacent to residential zones.
(46) The city may allow a maximum building height for residential buildings or the residential portion of mixed-use buildings to exceed seventy-five feet as provided by Section 31B.030.C.
(47) See special provisions in Section 31B.060 as well as Chapter 35 of this title.
(48) See special provisions in Section 31B.090 as well as Chapter 36 of this title.
(49) See Chapter 15A for development standards for unit lot subdivisions for single-family attached dwelling unit development in this zone.

Is hereby amended to read as follows:

Table 6.1 Development standards.

ZONE / STANDARDS	C-2 C-2ES (14)
Min. Lot Area	5,000 sf (15)
Min. Required Setback:	
Front (3)	None (19)
Rear (3)	None (23)
Side, Street (3)	None (19)
Side, Interior (3)	None (23)
Lot Width, Min.	50′
Lot Depth, Min.	80′
Max. Lot Coverage by Building (37)	N/A
Max. Building Height	65′ (29)
Landscape Category	B
Sign Category	B (50)

SPECIAL REGULATIONS FOR ZONING CODE DEVELOPMENT STANDARDS TABLE NO. 6.1
(1) See Section 39.130 for lot area averaging in plats and the cluster alternative for subdividing for single-family attached dwellings. In the R-2 zone, minimum lot area for single-family dwellings with alley access shall be four thousand five hundred square feet. The minimum required lot area for a duplex in the R-2 zone shall be seven thousand five hundred square feet.
(2) The following standards apply to single-family attached developments of three or more dwellings on a lot in the R-1(A) and R-2(A) zones:
(a) Minimum lot area in the R-1(A) zone shall be eleven thousand square feet. Minimum lot area in the R-2(A) zone shall be nine thousand square feet. There shall be no minimum lot area requirement for individual lots within a single-family attached subdivision.
(b) Minimum interior side setback shall be ten feet, except that it shall be fifteen feet when abutting a lot in the R-S, R-1 or R-2 zone.
(c) Minimum lot width shall be seventy-five feet. There shall be no minimum lot width requirement for individual lots within a single-family attached subdivision.
(d) All developments shall comply with Chapter 15 of this title (multiple-family development standards) and the multiple-family design guidelines adopted by city council Resolution No. 4618.

(e) Lot coverage requirements do not apply to single-family attached developments reviewed under the multiple-family development standards of Chapter 15 of this title and the multiple-family design guidelines.
(f) There shall be no minimum interior side setback requirement for individual lots within a single-family attached subdivision.
(3) See Section 39.150 for exceptions to required setback standards. See Section 7.020 for setback regulations for buildings which are accessory to residential uses.
(4) *Repealed by Ord. 3072-08.*
(5) Minimum setback for multiple-family dwellings shall be twenty-five feet when abutting R-S or R-1 zones, and fifteen feet when abutting R-2 zones. For unit lot subdivisions allowed under Chapter 15A, the minimum interior side setback from the exterior property boundary of the parent lot shall be twenty feet. Building setbacks for buildings which are permitted to exceed thirty-five feet in height shall be an additional five feet for each ten feet or fraction thereof by which the building exceeds thirty-five feet in height for only those portions of the building which exceed thirty-five feet in height.
(6) Agricultural structures may have a maximum building height of fifty feet.
(7) See Section 7.020 for maximum permitted height of accessory buildings.
(8) Twenty-eight feet for any portion of building within fifty feet of lots located in the R-S, R-1, R-2, R-1(A), or R-2(A) zones. In the R-4 and R-5 zones, forty-five feet when located at least fifty feet but less than two hundred feet from lots located in the R-S, R-1, R-2, R-1(A) or R-2(A) zones.
(9) Landscape Category E for single-family detached or two-family (duplex) dwellings. Landscape Category B for permitted nonresidential uses.
(10) Landscape Category B for permitted nonresidential uses. Landscape Category E for single-family detached or two-family (duplex) dwellings.
(11) Sign Category D for permitted nonresidential uses.
(12) Sign Category E for single-family detached and two-family (duplex) dwellings.
(13) See Chapter 22 of this title for additional regulations for the B-3 zone.
(14) See Chapter 27 of this title for additional regulations for the M-1 zone. See Chapter 28 of this title for additional regulations for the M-M zone. See Chapter 25 of this title for additional regulations for the C-2ES zone.
(15) No minimum lot area requirement in commercial and industrial zones for above ground utility and communications facilities.
(16) Except for permitted residential uses, new buildings shall be constructed up to the front property line for a minimum of fifty percent of the length of all facades facing the front property line. Residential buildings shall have a minimum setback of ten feet, except when part of a mixed-use commercial-residential building, minimum setbacks for nonresidential use shall apply. Service stations shall have a setback of ten feet.
(17) The following uses, where permitted, shall have a minimum setback of ten feet along any abutting street frontage, which shall be landscaped with Type III landscaping: vehicle service station; truck, boat and other vehicle sales or rental; vehicle washing facilities; commercial or commuter parking facilities; hotels and motels; residential uses; retail or wholesale uses involving outdoor display and storage areas; and self-service storage.
(18) See Section 22.020.A for setback regulations in the B-3 zone.
(19) Ten feet when abutting Pacific Avenue or East Marine View Drive.
(20) See Section 6.080.
(21) Twenty feet when abutting arterial streets.
(22) No rear setback required when abutting an improved public alley.
(23) Ten feet when abutting lots located in residential zones.
(24) Twenty-five feet when abutting lots located in residential zones.
(25) Ten feet when abutting lots located in residential zones. Five feet for single-family dwellings and duplexes. Ten feet for service stations.
(26) Seventy-five feet when abutting lots located in residential zones.
(27) In this zone, multiple-family dwellings or the residential portions of mixed-use buildings shall be allowed a height of:
(a) Eighty feet when located at least three hundred feet from lots located in the R-S, R-1, R-2, R-1(A) and R-2(A) zones and at least one hundred fifty feet from lots located in the R-3(L) and R-3 zones.
(b) Sixty feet when located at least one hundred fifty feet from lots located in the R-S, R-1, R-2, R-1(A) and R-2(A) zones and at least seventy-five feet from lots located in the R-3(L) and R-3 zones.
(c) Forty-five feet when located at least one hundred feet from lots located in the R-S, R-1, R-2, R-1(A) and R-2(A) zones.
(d) Twenty-eight feet when located less than fifty feet from lots located in the R-S, R-1, R-2, R-1(A) and R-2(A) zones.
(28) See Section 22.020.B for building height regulations in the B-3 zone.
(29) Forty feet when located within one hundred feet of lots located in the R-S, R-1, R-2, R-2(A), R-3(L) or R-3 zones. Multiple-family dwellings or the residential portions of mixed-use buildings, where permitted, shall be allowed a height of:

(a) Eighty feet when located at least three hundred feet from lots located in the R-S, R-1, R-2, R-1(A) and R-2(A) zones and at least one hundred fifty feet from lots located in the R-3(L) and R-3 zones.
(b) Sixty feet when located at least one hundred fifty feet from lots located in the R-S, R-1, R-2, R-1(A) and R-2(A) zones and at least seventy-five feet from lots located in the R-3(L) and R-3 zones.
(c) Forty-five feet when located at least one hundred feet from lots located in the R-S, R-1, R-2, R-1(A) and R-2(A) zones.
(d) Twenty-eight feet when located less than fifty feet from lots located in the R-S, R-1, R-2, R-1(A) and R-2(A) zones.
(30) Thirty-five feet when located within one hundred feet of lots located in the R-S, R-1, R-2, R-1(A), R-2(A), R-3(L) or R-3 zone.
(31) Permitted building height is determined by the distance the building is separated from lots located within residential zones:

Less than 130 feet	=	25 feet
130 feet to 175 feet	=	35 feet
175 feet to 300 feet	=	50 feet
300 feet to 500 feet	=	80 feet
Over 500 feet	=	120 feet

(32) Forty feet when located within one hundred feet of a residential zone. Aircraft manufacturing plants are permitted to have a building height of one hundred sixty feet.
(33) Landscape Category E for single-family detached or duplex dwellings.
(34) Landscape Category E for single-family detached or duplex dwellings. Landscape Category A for single-family attached or multiple-family dwellings.
(35) Street trees and landscaping shall be provided as required by Section 22.020.D.
(36) See Section 27.020.B for additional landscaping requirements in the M-1 zone.
(37) In single-family zones, lots less than five thousand square feet in area shall be permitted to have a maximum lot coverage of fifty percent.
(38) Except on the Mukilteo tank farm, in PDO zones the heights may be increased up to one hundred feet through the public review process.
(39) For properties located within the core residential area, see the development standards in Chapter 33G of this title.
(40) See Section 31A.030.C.2 for ground floor residential setback requirements.
(41) See Section 31A.030.A for building height regulations in the BMU zone.
(42) See Section 31A.040.F for additional street tree requirements.
(43) See Section 31A.040.L for additional sign requirements in the BMU zone.
(44) See also Section 31B.050.A for E-1 and MUO zone regulations.
(45) See Section 31B.030.A for setbacks adjacent to residential zones.
(46) The city may allow a maximum building height for residential buildings or the residential portion of mixed-use buildings to exceed seventy-five feet as provided by Section 31B.030.C.
(47) See special provisions in Section 31B.060 as well as Chapter 35 of this title.
(48) See special provisions in Section 31B.090 as well as Chapter 36 of this title.
(49) See Chapter 15A for development standards for unit lot subdivisions for single-family attached dwelling unit development in this zone.
(50) Sign category D for residential uses.

SECTION 5: Subsection E of Section 9 of Ordinance 2854-05, which currently reads, in part, as follows:

E. Everett Station Area Design Standards and Guidelines.
1. Applicability. Except as otherwise specified in this title, the design standards and guidelines contained in this chapter shall apply to all development in the C-2ES zone. These requirements supplement the standards contained in the other sections of the zoning code. In the event of a conflict between these requirements and the standards of other sections of the zoning code, these requirements shall control.

Design standards for new residential buildings shall be determined in the planned development overlay zone review process. Residential buildings shall be designed to reflect the industrial character of the area.

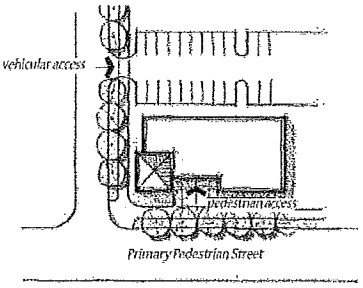
Is hereby amended to read as follows:

E. Permitted residential densities and design standards for residential uses.
1. All multifamily residential uses shall comply with the standards in Chapter 22.020.D.7 (B-3 zone standards for multiple family uses) in addition to the standards in Section F below.
2. Permitted residential density is unlimited.

F. Everett Station Area Design Standards and Guidelines.
1. Applicability. Except as otherwise specified in this title, the design standards and guidelines contained in this chapter shall apply to all development in the C-2ES zone. These requirements supplement the standards contained in the other sections of the zoning code. In the event of a conflict between these requirements and the standards of other sections of the zoning code, these requirements shall control.

SECTION 6: Subsection E.3.A. of Section 9 of Ordinance 2854-05 (EMC 19.25.010.E.3.A), which currently reads as follows:

3. Site Design.
A. Site Access.



SITE ACCESS

INTENT

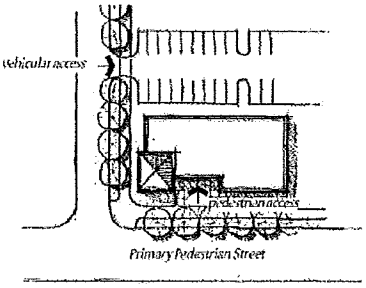
To provide clear and safe pedestrian and vehicular circulation.

GUIDELINES

1. Both vehicular and pedestrian access points should be clearly visible from adjacent streets.
2. Pedestrian access should be provided from sidewalks along 32nd Street and 33rd Street.
3. Vehicular access onto the site should be provided from non-pedestrian streets or alleys unless no other means of access is possible. Alleys should be well-maintained and lighting should be provided in alleys for safety.

Is hereby amended to read as follows:

3. Site Design.
A. Site Access.



SITE ACCESS

INTENT

To provide clear and safe pedestrian and vehicular circulation.

GUIDELINES

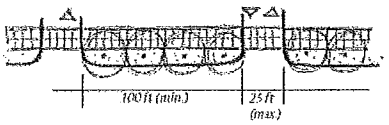
1. Both vehicular and pedestrian access points should be clearly visible from adjacent streets.
2. Pedestrian access should be provided from sidewalks along 32nd Street and 33rd Street.
3. Vehicular access onto the site should be provided from non-pedestrian streets or alleys unless no other means of access is possible. Alleys should be well-maintained and lighting should be provided in alleys for safety.
4. A clear, unobstructed visual line of sight should be provided for all pedestrian pathways to reduce the opportunity for pedestrian isolation.

1.

SECTION 7: Subsection E.3.B. of Section 9 of Ordinance 2854-05 (EMC 19.25.010.E.3.B), which currently reads as follows:

B. Curb Cuts.

CURB CUTS

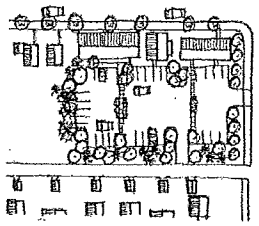


INTENT

To maintain a continuous uninterrupted sidewalk by minimizing the impact of driveways.

GUIDELINES

1. Curb cuts for driveway entrances shall be located no closer than 100 feet apart. (Individually owned parcels narrower than 100 feet may still have a curb cut.)
2. Curb cuts shall not exceed 25' width for combined entry/exits.
3. Curb cuts shall not be located along a designated Pedestrian Street unless no other access is possible.
4. Sidewalk pattern shall carry across the driveway.
5. Adjacent developments should consolidate (share) vehicular driveways where feasible.

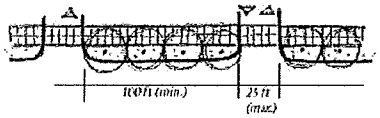


shared driveways between adjacent developments reduce the number of curb-cuts

Is hereby amended to read as follows:

B. Curb Cuts.

CURB CUTS

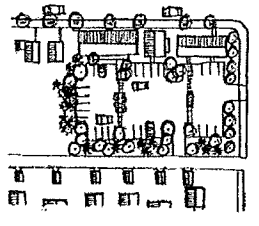


INTENT

To maintain a continuous uninterrupted sidewalk by minimizing the impact of driveways.

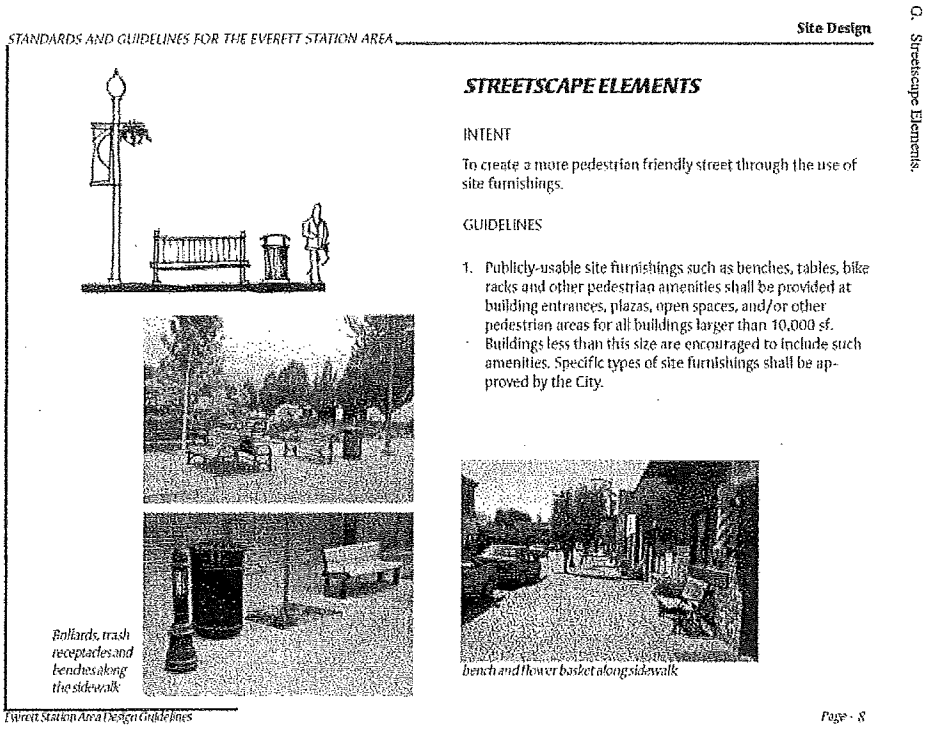
GUIDELINES

1. On sites with alley access, a maximum of one curb cut per development may cross the public sidewalk. All additional access must be alleyways to minimize pedestrian/vehicle conflicts. Where alley access is unavailable, curb cuts for driveway entrances shall be located no closer than 100 feet apart (individually owned parcels narrower than 100 feet may still have a curb cut).
2. Curb cuts shall not exceed 25' width for combined entry/exits.
3. Curb cuts shall not be located along a designated Pedestrian Street unless no other access is possible.
4. Sidewalk pattern shall carry across the driveway.
5. Adjacent developments should consolidate (share) vehicular driveways where feasible.



shared driveways between adjacent developments reduce the number of curb-cuts

SECTION 8: Subsection E.3.G. of Section 9 of Ordinance 2854-05 (EMC 19.25.010.E.3.G), which currently reads as follows:



STANDARDS AND GUIDELINES FOR THE EVERETT STATION AREA

Site Design

G. Streetscape Elements.

STREETSCAPE ELEMENTS

INTENT

To create a more pedestrian friendly street through the use of site furnishings.

GUIDELINES

1. Publicly-usable site furnishings such as benches, tables, bike racks and other pedestrian amenities shall be provided at building entrances, plazas, open spaces, and/or other pedestrian areas for all buildings larger than 10,000 sf. Buildings less than this size are encouraged to include such amenities. Specific types of site furnishings shall be approved by the City.

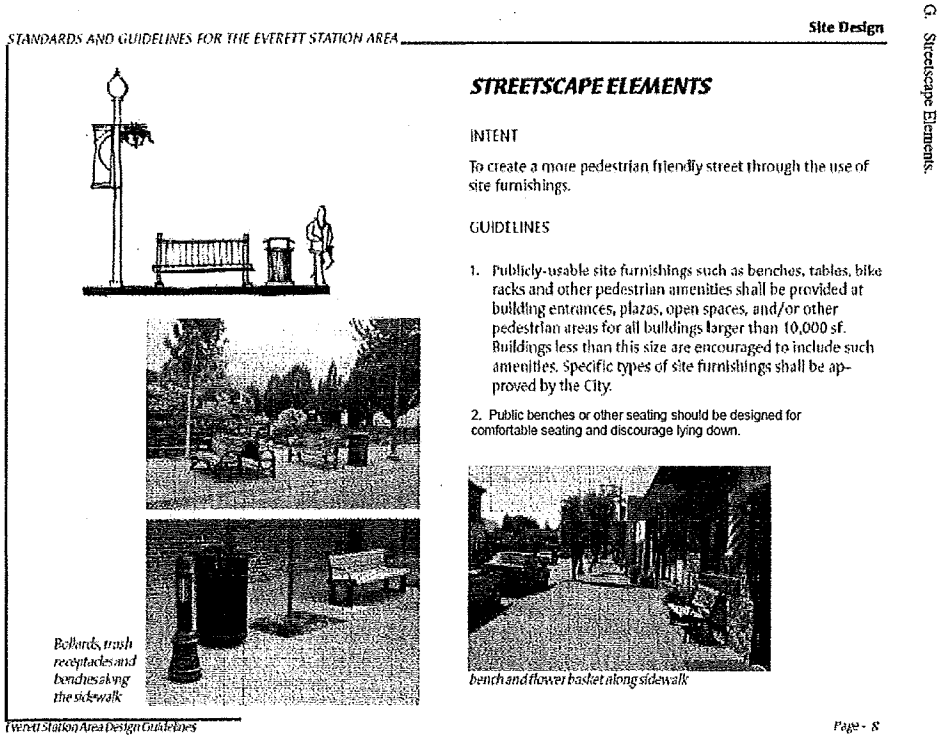
Bollards, trash receptacles and benches along the sidewalk

bench and flower basket along sidewalk

Everett Station Area Design Guidelines

Page - 8

Is hereby amended to read as follows:



STANDARDS AND GUIDELINES FOR THE EVERETT STATION AREA

Site Design

G. Streetscape Elements.

STREETSCAPE ELEMENTS

INTENT

To create a more pedestrian friendly street through the use of site furnishings.

GUIDELINES

1. Publicly-usable site furnishings such as benches, tables, bike racks and other pedestrian amenities shall be provided at building entrances, plazas, open spaces, and/or other pedestrian areas for all buildings larger than 10,000 sf. Buildings less than this size are encouraged to include such amenities. Specific types of site furnishings shall be approved by the City.

2. Public benches or other seating should be designed for comfortable seating and discourage lying down.

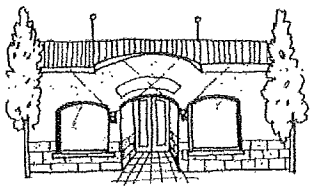
Bollards, trash receptacles and benches along the sidewalk

bench and flower basket along sidewalk

Everett Station Area Design Guidelines

Page - 8

SECTION 9: Subsection E.4.A. of Section 9 of Ordinance 2854-05 (EMC 19.25.010.E.4.A), which currently reads as follows:



recessed entrance

PROMINENT ENTRANCE

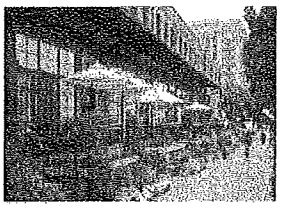
INTENT

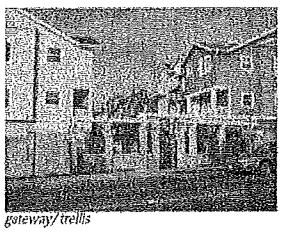
To ensure that building entrances are easily identifiable and clearly visible from streets and sidewalks.

GUIDELINES

1. The principal entry to a store / building shall be marked by at least one of the following:
   - Recessed entrance (recessed at least 3 ft)
   - Protruding entrance (protruding at least 3 ft)
   - Canopy (extending at least 5 ft)
   - Portico (extending at least 5 ft)
   - Overhang (extending at least 5 ft)
   - Gateway/ trellis

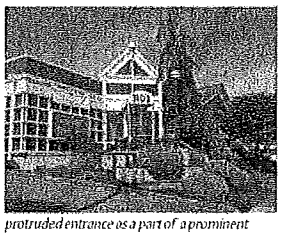
   and ornamentation around the door.





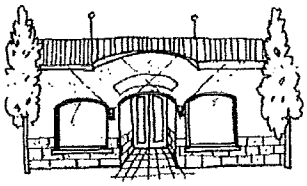
gateway/ trellis

overhang/ canopy entrance



protruded entrance as a part of a prominent structure

Is hereby amended to read as follows:



recessed entrance

PROMINENT ENTRANCE

INTENT

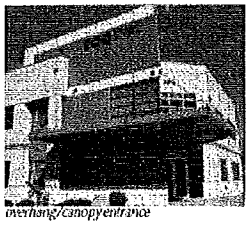
To ensure that building entrances are easily identifiable and clearly visible from streets and sidewalks.

GUIDELINES

1. The principal entry to a store / building shall be marked by at least one of the following:
   - Recessed entrance (recessed at least 3 ft)
   - Protruding entrance (protruding at least 3 ft)
   - Canopy (extending at least 5 ft)
   - Portico (extending at least 5 ft)
   - Overhang (extending at least 5 ft)
   - Gateway/ trellis

   and ornamentation around the door.

gateway/ trellis

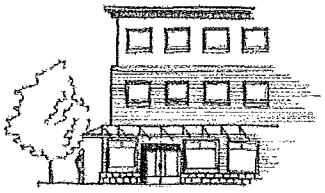


overhang/ canopy entrance

protruded entrance as a part of a prominent structure

SECTION 10: Subsection E.4.B. of Section 9 of Ordinance 2854-05 (EMC 19.25.010.E.4.B), which currently reads as follows:

MASSING AND SCALE

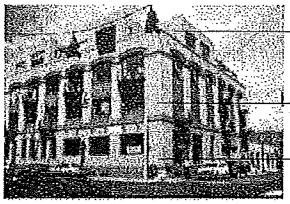


INTENT

To encourage architectural expression that suggests an urban-industrial character and reduces the apparent bulk of the building into a pedestrain frinedly proportion.

GUIDELINES

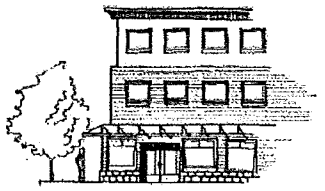
1. Buildings should have a distinct "base" at the ground level, using articulation and materials such as stone, masonry, or decorative concrete.
2. The "top" of the building should be treated with a distinct outline with elements such as a projecting parapet, cornice, or projection.



breaking down the mass-articulation of façade

Is hereby amended to read as follows:

MASSING AND SCALE

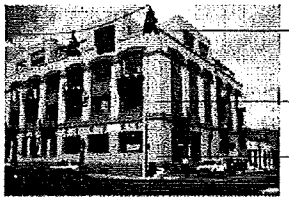


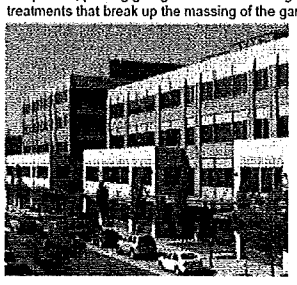
INTENT

To encourage architectural expression that suggests an urban-industrial character and reduces the apparent bulk of the building into a pedestrain frinedly proportion.

GUIDELINES

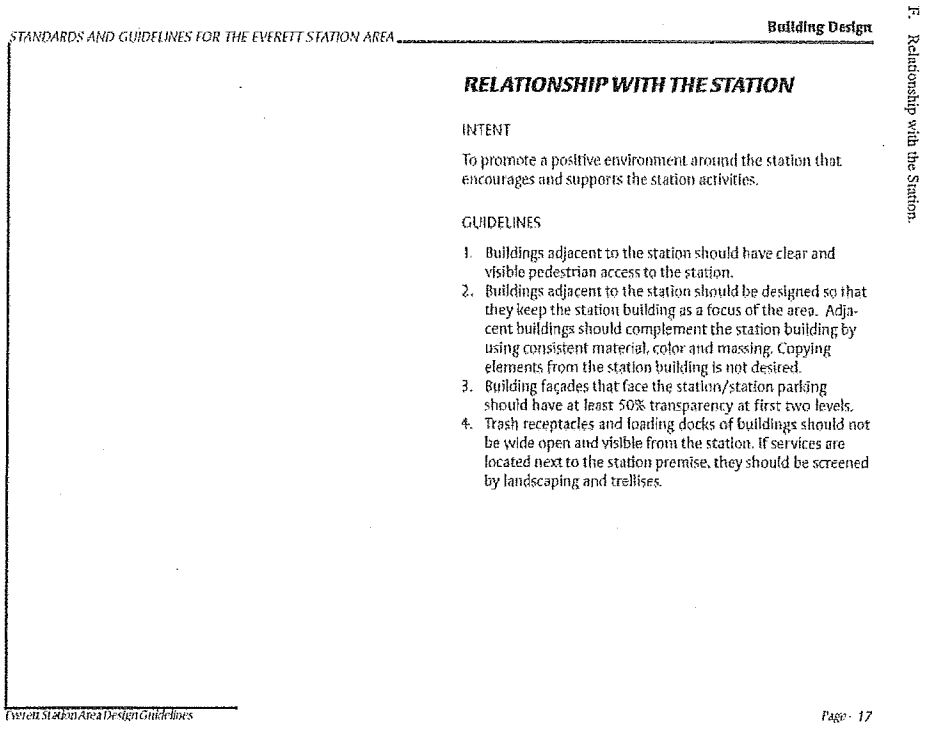
1. Buildings should have a distinct "base" at the ground level, using articulation and materials such as stone, masonry, or decorative concrete.
2. The "top" of the building should be treated with a distinct outline with elements such as a projecting parapet, cornice, or projection.
3. In addition to screening parking structures, in accordance with the standards in Chapter 35, parking garage levels above the ground floor shall use articulation treatments that break up the massing of the garage and add visual interest.





breaking down the mass-articulation of façade

SECTION 11: Subsection E.4.F. of Section 9 of Ordinance 2854-05 (EMC 19.25.010.E.4.F.), which currently reads as follows:



RELATIONSHIP WITH THE STATION

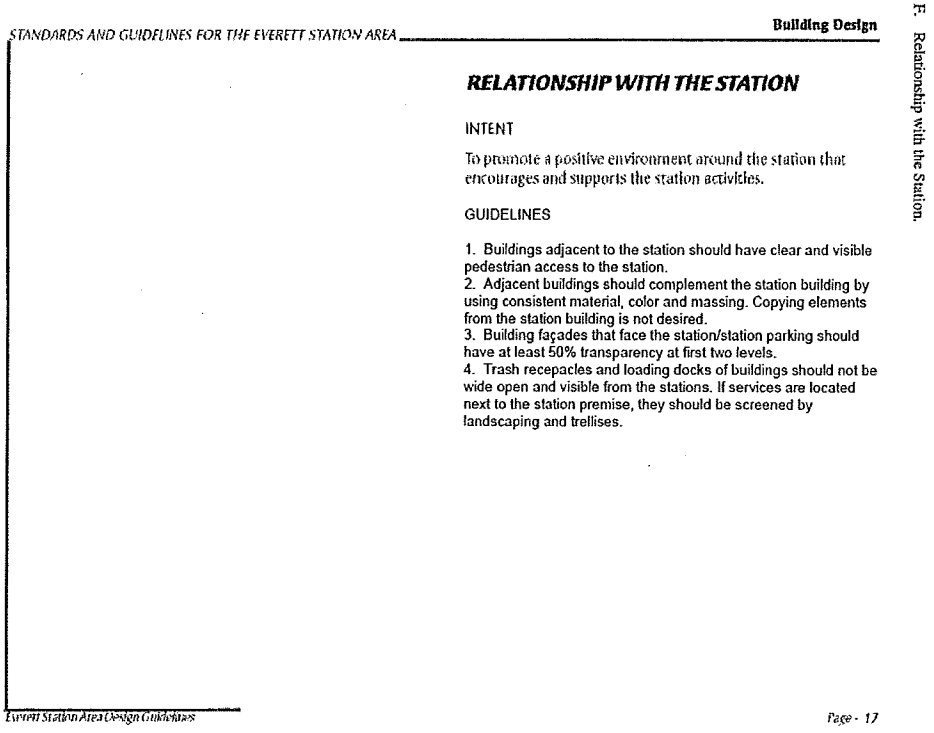
INTENT

To promote a positive environment around the station that encourages and supports the station activities.

GUIDELINES

1. Buildings adjacent to the station should have clear and visible pedestrian access to the station.
2. Buildings adjacent to the station should be designed so that they keep the station building as a focus of the area. Adjacent buildings should complement the station building by using consistent material, color and massing. Copying elements from the station building is not desired.
3. Building façades that face the station/station parking should have at least 50% transparency at first two levels.
4. Trash receptacles and loading docks of buildings should not be wide open and visible from the station. If services are located next to the station premise, they should be screened by landscaping and trellises.

Is hereby amended to read as follows:



RELATIONSHIP WITH THE STATION

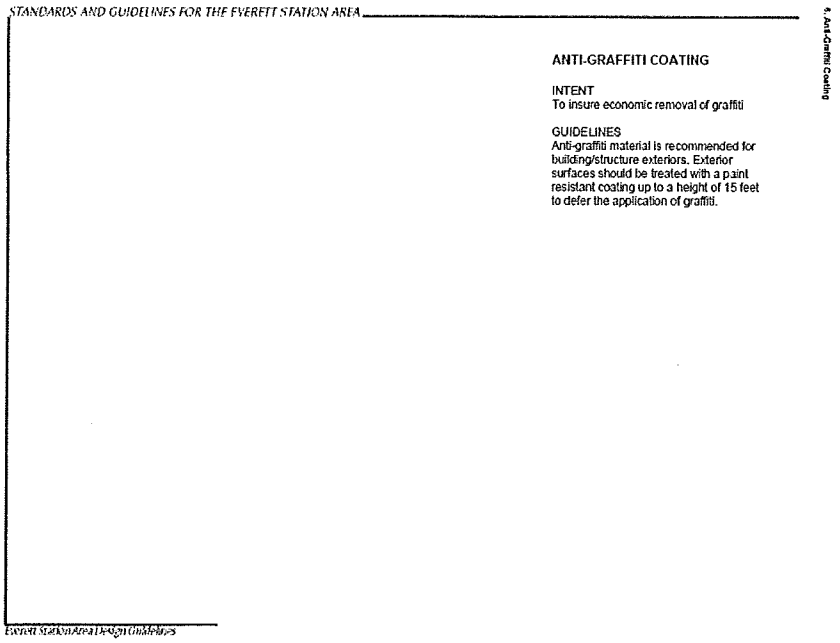
INTENT

To promote a positive environment around the station that encourages and supports the station activities.

GUIDELINES

1. Buildings adjacent to the station should have clear and visible pedestrian access to the station.
2. Adjacent buildings should complement the station building by using consistent material, color and massing. Copying elements from the station building is not desired.
3. Building façades that face the station/station parking should have at least 50% transparency at first two levels.
4. Trash recepacles and loading docks of buildings should not be wide open and visible from the stations. If services are located next to the station premise, they should be screened by landscaping and trellises.

SECTION 12: Subsection E of Section 9 of Ordinance 2854-05 (EMC 19.25.010.E) is hereby amended by the addition of the following to be codified as EMC 19.25.010.E.6:


STANDARDS AND GUIDELINES FOR THE EVERETT STATION AREA

6. Anti-Graffiti Coating

ANTI-GRAFFITI COATING

INTENT
To insure economic removal of graffiti

GUIDELINES
Anti-graffiti material is recommended for building/structure exteriors. Exterior surfaces should be treated with a paint resistant coating up to a height of 15 feet to defer the application of graffiti.

Everett Station Area Design Guidelines

SECTION 13: Authority. In addition to the authority provided by Chapter 36.70A RCW, the City adopts the comprehensive plan and zoning amendments set forth in this ordinance under its general land use authority, Washington State Constitution, Article XI, Section 11 and Chapter 35.63 RCW.

SECTION 14: Pending actions. The enactment of this Ordinance shall not affect any case, proceeding, appeal or other matter currently pending before the City or in any court.

SECTION 15: 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 16: 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 17: 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 18: 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 provisions or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.

Ray Stephanson, Mayor

ATTEST:

CITY CLERK

Passed: 10/21/2015

Valid: 10/26/2015

Published: 10/30/2015

Effective Date: 11/10/2015