



ORDINANCE NO. 3483-16

**An Ordinance adding “community center” as a new special property use allowed in all zones, amending Ordinance No. 1671-89, as amended (EMC Title 19).**

WHEREAS, the City of Everett Zoning Code contains regulations for special property uses to allow in certain cases a use in a zone that is not specifically allowed in that zone; and

WHEREAS, it is necessary from time to time to update zoning regulations to provide clarification or create additional standards related to specific uses; and

WHEREAS, the City received a request to amend the Zoning Code to allow consideration of “community center” as a new use to be permitted through the special property use permit process; and

WHEREAS, the proposed amendment to the Zoning Code will provide for additional opportunities for the community to access recreational, educational, social, and cultural activities; and

WHEREAS, the proposed amendments were submitted for the mandatory 60-day state agency review; and

WHEREAS, the Planning Commission held a public workshop on December 1, 2015 and January 5, 2016 to discuss and consider potential amendments to the Zoning Code related to community center as a new use; and

WHEREAS, the Planning Commission held a public hearing on January 19, 2016 to consider public testimony and make a recommendation concerning zoning regulations for community center as a new use; and

WHEREAS, after holding a public hearing, The Planning Commission found that the proposed amendments are consistent with the Compressive Plan Policies; and

WHEREAS, the City Council finds the following:

1. The proposed amendments are consistent with the applicable provisions of the Everett Management Comprehensive Plan; and

2. The proposed amendments bear a substantial relation to the public health, safety and welfare of the Everett community; and
3. The proposed amendments promote the best long-term interests of the Everett community.

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

**Section 1.** Section 4 of Ordinance No. 1671-89, as amended (EMC 19.4.020), is hereby amended by the addition of the following:

- (a) **“Community Center”** means a building or other enclosed structure open to the general public that is owned and operated by a public agency or nonprofit corporation, organization or association registered by Washington State, and that is used primarily for cultural, educational, recreational, or social purposes, and may include other minor supporting uses or activities. Not included in the category of community center as a primary use are those businesses and occupations defined by this title as clinics, medical-related activities, personal services, service businesses, government administrative offices or uses such as churches, schools, private clubs or fraternal organizations.

**Section 2.** Section 5 of Ordinance No. 1671-89, as amended (EMC 19.5, Table 5.2), which reads as follows:

Table 5.2 Nonresidential uses.

ZONE USE	A-1	R-S	R-1(A)	R-3(L)	R-3	R-5	R-4	B-1	B-2	B-2(B)	B-3	BMU E-1	MUO C-1	C-1R	C-2	C-2ES	W-C	M-S	M-M	M-1	M-2	(70)
<b>SPECIAL PROPERTY USES</b> See Section 41.150.C for general evaluation criteria, and Section 41.150.D for specific use criteria																						
Aircraft landing facilities		III (32)	III (32)																III	III		III
Church	III (33)																					
Crematorium		III (34)				III (34)					III (34)								III	III		III
Day care, commercial	III (30)																					

is hereby amended to read:

Table 5.2 Nonresidential uses.

ZONE USE	A-1	R-2	R-S	R-1(A)	R-3(L)	R-3	R-5	B-1	B-2	B-2(B)	B-3	BMU	E-1	MUO	C-1	C-1R	C-2	C-2ES	W-C	M-S	M-M	M-1	M-2	(70)
<b>SPECIAL PROPERTY USES</b> See Section 41.150.C for general evaluation criteria, and Section 41.150.D for specific use criteria																								
Aircraft landing facilities	III (32)		III (32)																		III	III	III	
Church	III (33)	I (66)			I	I	I	I	I	I	III (54)	III	I	I	I	I								
Community Center	III (72)	I (66)		I	I	I	I	I	I	I (54)	I	I	I	I	I									
Crematorium		III (34)				III (34)							I	I	I							I	I	I
Day care, commercial	III (30)	I			I	I	I	I	I	I			I	I	I	I								

**Section 3.** Section 5 of Ordinance No. 1671-89, as amended (EMC 19.5, Table 5.2), is amended by the addition of the following special regulations:

(72) Refer to Section 41.150.D.2.d

**Section 4.** Section 41 of Ordinance No. 1671-89, as amended (EMC 19.41.150), which reads in part as follows:

41.150.D.2. Community Service Facilities.

a. Public and Private Elementary and Secondary Schools, Colleges, Universities and Public Vocational Education Centers.

(1) This section does not apply to private training schools such as beauty schools, business colleges or technical training facilities, which shall be treated as commercial uses by this title.

(2) Elementary and middle schools may be located on local or arterial streets. High schools shall be located adjacent to or within four hundred feet of collector or arterial streets.

(3) Structures shall be located a minimum of twenty-five feet from adjacent residentially zoned properties. Buildings over twenty-five feet in height shall have an additional setback of one foot for each foot over twenty-five feet in height.

(4) Temporary classrooms of any size, and accessory structures smaller than one thousand square feet shall be reviewed using Review Process I.

b. Churches.

(1) New church structures shall be located a minimum of fifteen feet from adjacent residentially zoned properties.

(2) Church buildings shall comply with the height requirements of the zone in which it is located. Steeples may exceed the maximum building height.

(3) Where churches are located adjacent to local residential streets, the parking lot entrances/exits shall be oriented toward the nearest collector or arterial street.

c. Hospital.

(1) Hospitals and directly related hospital functions shall only be located in areas which are designated "Hospital" (2.4) on the Everett general plan.

(2) Hospital-owned or hospital-operated uses which are the same as uses which are permitted in the underlying zone shall be reviewed using Review Process I.

(3) Vehicle, pedestrian and ambulance traffic shall be directed toward the nearest collector or arterial street and away from local residential streets.

(4) Hospitals and hospital-related structures shall be set back a minimum of fifty feet from adjacent residentially zoned lots.

(5) Hospitals and hospital-related uses shall be screened from adjacent residentially zoned lots by the landscaping requirements of Landscape Category B.

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

41.150.D.2. Community Service Facilities.

a. Public and Private Elementary and Secondary Schools, Colleges, Universities and Public Vocational Education Centers.

- (1) This section does not apply to private training schools such as beauty schools, business colleges or technical training facilities, which shall be treated as commercial uses by this title.
- (2) Elementary and middle schools may be located on local or arterial streets. High schools shall be located adjacent to or within four hundred feet of collector or arterial streets.
- (3) Structures shall be located a minimum of twenty-five feet from adjacent residentially zoned properties. Buildings over twenty-five feet in height shall have an additional setback of one foot for each foot over twenty-five feet in height.
- (4) Temporary classrooms of any size, and accessory structures smaller than one thousand square feet shall be reviewed using Review Process I.

b. Churches.

- (1) New church structures shall be located a minimum of fifteen feet from adjacent residentially zoned properties.
- (2) Church buildings shall comply with the height requirements of the zone in which it is located. Steeples may exceed the maximum building height.
- (3) Where churches are located adjacent to local residential streets, the parking lot entrances/exits shall be oriented toward the nearest collector or arterial street.

c. Hospital.

- (1) Hospitals and directly related hospital functions shall only be located in areas which are designated "Hospital" (2.4) on the Everett general plan.
- (2) Hospital-owned or hospital-operated uses which are the same as uses which are permitted in the underlying zone shall be reviewed using Review Process I.
- (3) Vehicle, pedestrian and ambulance traffic shall be directed toward the nearest collector or arterial street and away from local residential streets.
- (4) Hospitals and hospital-related structures shall be set back a minimum of fifty feet from adjacent residentially zoned lots.
- (5) Hospitals and hospital-related uses shall be screened from adjacent residentially zoned lots by the landscaping requirements of Landscape Category B.

d. Community Center.

- (1) A community center shall be located adjacent to or within four hundred feet of collector or arterial streets.
- (2) A community center shall be located within ¼ mile of transit routes.
- (3) Where a community center is located adjacent to local residential streets, the parking lot entrances/exits shall be oriented toward the nearest collector or arterial street. The Review Authority may allow other means of access through the review process to provide for safe circulation and emergency vehicle access.
- (4) Structures shall be located a minimum of twenty-five feet from adjacent residentially zoned properties.
- (5) Community center buildings shall comply with the height requirements of the zone in which it is located, however the Review Authority may consider allowing a greater height provided the additional height is necessary to accommodate the functional needs of the facility and that the facility is designed to be the lowest height that will accommodate the functional needs.
- (6) All freestanding signs shall be monument signs with a maximum height of eight feet and shall include low plantings around the base of the sign to make it a part of the landscape.

**Section 5.** Section 34 of Ordinance No. 1671-89, as amended (EMC 19.34, Table 34-1), which reads in part as follows:

**TABLE No. 34-1**

**Off-Street Parking for All Zones Except the B-3 Zone**

<b>Use</b>	<b>Parking Requirement</b>
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**NONRESIDENTIAL USES**

**SPECIAL PROPERTY USES**

Aircraft landing facilities	See Section 34.030
Church	1 per each 5 seats in nave or chapel
Crematorium	See Section 34.030
Day care, commercial	1 per each 10 children or 1 employee, whichever is greater, plus 1 loading space for each 20 children

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

**TABLE No. 34-1**

**Off-Street Parking for All Zones Except the B-3 Zone**

<b>Use</b>	<b>Parking Requirement</b>
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**NONRESIDENTIAL USES**

**SPECIAL PROPERTY USES**

Aircraft landing facilities	See Section 34.030
Church	1 per each 5 seats in nave or chapel
Community Center	See Section 34.030
Crematorium	See Section 34.030
Day care, commercial	1 per each 10 children or 1 employee, whichever is greater, plus 1 loading space for each 20 children

**Section 6.** 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 7.** 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 8.** 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 9.** General Duty. It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provision or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.

  
Ray Stephanson, Mayor

ATTEST:   
CITY CLERK

Passed: 3-2-2016

Valid: 3-10-2016

Published: 3-12-2016

Effective Date: 3-25-2016