ORDINANCE NO. 3484-16

An Ordinance authorizing adaptive reuse of non-residential buildings in residential zones as a special property use permit, Amending Ordinance No. 1671-89, as amended (EMC Title 19) and Chapter 4 of Ordinance No. 2530-01, as amended (EMC 15.16).

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, the City of Everett Zoning Code contains regulations for adaptive reuse of properties located within a historic overlay 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 special property use regulations to allow consideration of a change to existing non-residential uses in residential zones, such as a church, that would otherwise not be permitted; and

WHEREAS, the proposed amendment to the Zoning Code will provide for greater economic feasibility and improve neighborhood stabilization; 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 adaptive reuse of non-residential buildings in residential zones; 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 adaptive reuse of non-residential buildings in residential zones; 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 definitions:

(a) **"Adaptive reuse"** means the process of reusing a building for a purpose or use other than for which it was built or designed.

(b) **"Business incubator"** means an organization designed to facilitate the growth and success of entrepreneurial companies through a variety of business support resources and services that could include physical space, capital, coaching, common services, and networking connections.

(c) **"Redevelopment"** means the process to rebuild, restore or develop an area or property that has previously been developed for a specific use or purpose.

(d) **"Religious facility"** means a place where religious services are conducted as the principal purpose, such as a church, mosque, synagogue or temple, and includes accessory uses in the primary or accessory buildings such as religious education, reading rooms, assembly rooms, and residences for pastoral staff.

Section 2. Section 41 of Ordinance No. 1671-89, as amended (EMC 19.41.150), which reads in part as follows:

41.150.E. Notification. Notification for special property use applications shall be provided according to the required review process, as specified in Title 15, Local Project Review Procedures.

F. Review Authority Decisions.

1. Conditions and Restrictions. If the review authority approves a special property use permit, conditions and restrictions may be applied thereto, which exceed the minimum standards required by this title, when necessary to assure that the proposed use complies with all requirements of this title and is compatible with surrounding land uses.

2. Time Limit on Approval. The effective time period in which the applicant may establish the use proposed by an approved special property use permit shall be five years from the date of the written order granting approval of the permit. The written order may specify a

shorter time period if the review authority determines that it is in the public interest to authorize a shorter period of time in which to establish the use. The planning department may authorize one extension of time for a period of not more than one year if it can be found that circumstances beyond the control of the applicant prevented the establishment of the use.

3. Appeals.

a. Review Process II. The planning director's Review Process II determination may be appealed as provided by Title 15, Local Project Review Procedures.

b. Review Process III. No administrative appeal is provided for Review Process III decisions.

Is hereby amended to read as follows:

41.150.E. Adaptive Reuse of Non-Residential Buildings in Residential Zones.

1. Purpose. The purpose of this section is to allow for adaptive reuse of non-residential buildings in residential zones that are functionally obsolete in order to improve the economic feasibility of a property by considering uses that are not otherwise permitted, but which, if properly designed and managed, would not create unacceptable impacts on surrounding properties or the immediate vicinity in general. This process differs from the unlisted use process listed in EMC Section 19.02.080 in that uses that are not specifically authorized in the underlying residential zone may be considered using the process described herein.

2. Procedures. Any request to allow a use that is not otherwise permitted in the underlying residential zone shall be processed as a special property use. If the property is in or within 500 feet of a single family residential zone, the application shall be reviewed using Review Process III. If the property is more than 500 feet from a single family residential zone but is in or within 150 feet of a multiple family residential zone, the application shall be reviewed using Review Process II. If the property is outside a historic overlay zone but listed on a historic register or as a contributing structure in a historic register district, the historical commission shall review the proposal and make a recommendation to the hearing examiner using Review Process III.

3. Circumstances. The city may allow a use in a residential zone that is not specifically allowed in that zone if it is necessary to encourage adaptive reuse of a building under the following circumstances:

a. It is unlikely that the primary building on the subject property could be preserved if only uses permitted in the underlying zone were allowed.

b. Allowing a different use would enhance the character of the building and immediate vicinity.

c. The use would not have a detrimental effect upon surrounding properties or the immediate vicinity.

4. Uses. The following uses may be considered for adaptive reuse of an existing building in a residential zone:

a. Dwelling units. Density based on underlying zoning plus one additional dwelling unit;

b. Assisted living facilities;

c. Libraries;

d. Museums and art galleries;
e. Social service facilities;
f. Public services;
g. Business incubator;
h. Artist studios;
i. Music venue;
j. Cafes and bistros;
k. Live-work units;
l. Bed & Breakfast
m. Other uses not listed above if determined through the review process to be compatible with surrounding properties and the immediate vicinity.

5. Review Criteria. The following criteria shall be used as the basis for determining compatibility with surrounding uses and approving, denying, or conditionally approving a request to allow the adaptive reuse of a non-residential building in a residential zone:

a. General evaluation criteria of 41.150.C.
b. The adaptive reuse would promote or aid in the preservation or rehabilitation of the primary building.
c. No significant adverse impacts to public safety.
d. Compliance with building and fire codes.
e. Hours of the day of proposed use or activity.
f. Proposed management and operational procedures to minimize and mitigate potential impacts.
g. Expansions to the primary building shall not exceed 10% of the existing footprint or 500 square feet, whichever is greater, and will not detrimentally affect the outside character of the building.
h. Other factors not specified herein that would create adverse impacts to the immediate vicinity.

6. Any proposal that would adversely affect properties in the immediate vicinity shall be denied. The city shall retain the right to revoke a permit issued under this section that fails to comply with any conditions of approval of said permit, or which operates in a manner inconsistent with representations made in the application, pursuant to EMC Title 1 Chapter 1.20.

F. Notification. Notification for special property use applications shall be provided according to the required review process, as specified in Title 15, Local Project Review Procedures.

G. Review Authority Decisions.

1. Conditions and Restrictions. If the review authority approves a special property use permit, conditions and restrictions may be applied thereto, which exceed the minimum standards required by this title, when necessary to assure that the proposed use complies with all requirements of this title and is compatible with surrounding land uses.

2. Time Limit on Approval. The effective time period in which the applicant may establish the use proposed by an approved special property use permit shall be five years from the date of the written order granting approval of the permit. The written order may specify a shorter time period if the review authority determines that it is in the public interest to authorize a shorter period of time in which to establish the use. The planning department

may authorize one extension of time for a period of not more than one year if it can be found that circumstances beyond the control of the applicant prevented the establishment of the use.

3. Appeals.

a. Review Process II. The planning director's Review Process II determination may be appealed as provided by Title 15, Local Project Review Procedures.

b. Review Process III. No administrative appeal is provided for Review Process III decisions.

Section 3. Section 3B of Chapter 4 of Ordinance No. 2530-01, as amended (EMC 15.16.080), which reads as follows:

Decisions included.

A. Review Process II applications include the following administrative decisions:*

1. Alteration of a designated significant feature within an historic overlay zone;

2. Alteration of category II and III streams as provided by Section 19.33D.500(B)(2);

3. Atrium appurtenance approval as provided by Section 19.39.040(B)(2);

4. Buffer width reduction for streams (Sections 19.33D.490(D) and 19.37.170(C)) or wetlands (Sections 19.33D.450(E) and 19.37.110(C)) or alteration of geologically hazardous areas or standard buffer (Section 19.37.080(C)) if proposal is not categorically exempt under SEPA;

5. Change or expansion of a nonconforming use (up to twenty-five percent) as provided by Section 19.38.030(C) and (D);

6. Comprehensive design plan permits as provided by Section 19.36.210;

7. Design guideline approval, when proposal includes modification of development standards and design guidelines and for projects not categorically exempt under SEPA;

8. Determination of proportionality for correctional facilities;

9. Determination of prohibited heavy manufacturing uses with potentially noxious impacts in M-1 and M-M zones as provided by Sections 19.27.020(G)(19) and 19.28.020(D)(18);

10. Development of nonconforming lots which do not meet minimum lot area or building area requirements as provided by Section 19.38.080(C);

11. Development of previously altered ESAs when the proposal is not categorically exempt under SEPA as provided by Sections 19.33D.580(B)(1) and 19.37.250(B)(1);

12. Deviation from historic overlay zone standards and guidelines;

13. Driveway access from public street for multiple-family structures as provided by Section 19.15.080(B);

14. Extension of amateur radio tower or antenna beyond sixty-five feet (Section 19.39.040(A)(3));

15. Exterior finish for buildings in M-1 zone located within three hundred feet of residentially zoned properties (Section 19.27.020(A));

16. Final PDO development plan as provided by Section 19.29.110;

17. Floodplain development permit application when a shoreline permit is not required (Section 19.30.060(B));

18. Land divisions, as follows:
    a. Preliminary binding site plan;

    b. Preliminary binding site plan with site plan approval;

    c. Preliminary residential condominium binding site plan;

    d. Preliminary short subdivision alteration or vacation;

    e. Preliminary short subdivision of nine lots or less;

    f. Preliminary short subdivision with nonconforming structures;

    g. Preliminary subdivision of fifty lots or less;**

    h. Preliminary subdivision alteration or vacation;

    i. Subdivision or short subdivision variance as provided in Section 18.32.010;

19. Land uses in WRM zone consistent with adopted management plan when not categorically exempt under SEPA (Section 19.30A.020);

20. Minor expansion of an existing special property use;

21. Outdoor use, activity, and storage: modification of standards;

22. Parking modification of ten percent or less if supported by parking analysis and modification does not involve residential use parking standards as provided by Section 19.34.070(A);

23. Parking reduction with transportation management plan (Section 19.34.070(D));

24. Phase approval and development approval implementing an institutional overlay zone master plan or approval of minor revisions (cannot change use or character or allow increase in intensity of development) as provided by Section 19.33B.060;
25. Public park development not part of or in conformance with an adopted master plan or which exceeds the city's SEPA thresholds for categorical exemptions as provided by Section 19.33A.030;

26. Conceptual site plan review for projects that do not otherwise require a land use permit and are not categorically exempt under SEPA;

27. Project review for public projects that are not categorically exempt under SEPA;

28. Proposals required to be reviewed by the historic commission in the historic overlay zone per neighborhood conservation guidelines and historic zoning overlay standards (not including those listed under administrative review by staff, which is Review Process I);

29. Reasonable use determinations with modification of zoning standards (under Chapter 19.37);

30. Reestablishment or change in use of nonconforming grocery store as provided by Section 19.38.100(B);

31. Shoreline permits (less than one acre of the project footprint area is within shoreline jurisdiction);

32. Stream and wetland filling, modification, and mitigation as provided for in Chapter 19.37;

33. Transfer of development rights under Section 19.33D.400(D) or 19.37.050(B)(3);

34. Wetland alteration for category I, category II and Silver Lake watershed as provided by Sections 19.33D.460(B)(1), (2), and (5) and 19.37.120(B)(1), (2), and (3);

35. Wetland mitigation banking approval as provided by Sections 19.33D.460(C)(10) and 19.37.120(C)(12);

36. Clinic- and medical-related activities as provided by Section 19.16.040(C);

37. All other review processes listed in the zoning code as Review Process II;

38. All Review Process I and project permit applications that are not categorically exempt under SEPA;

39. Alternative best available science decisions as provided by Section 19.37.050(E);

40. Accessory buildings over two hundred square feet which have metal siding or corrugated roofing as provided by Section 19.07.020(K);

41. Accessory buildings which exceed one thousand square feet in area as provided by Section 19.07.020(M);

42. Accessory buildings which exceed fifteen feet in height as provided by Section 19.07.020(J);

43. Rockeries and retaining walls retaining soil (fill) four feet or greater in height in required building setback areas, as provided by Section 19.39.150(C)(5)(d);

44. Use of basement or other building spaces for uses not specifically listed as permitted use in the B-3 as provided by Section 19.22.030;

45. Buffer management as provided by Section 19.37.060(B)(2);

46. Removal of nonhazardous trees as provided by Section 19.37.060(B)(3)(c).

* SEPA threshold determinations frequently include mitigation requirements as provided for in the SEPA ordinance (Chapter 20.04). Any SEPA condition based on SEPA substantive authority as provided for in the SEPA ordinance (Chapter 20.04) shall be identified in the land use permit decision, as provided in this integrated local project review process.

** An open public hearing may be required under the following circumstances, in which case the application shall be processed under Review Process III: (i) a public hearing is required by Title 18; (ii) any affected person files a written request for a hearing with the planning department within twenty-one days of the notice of application (public comment period); or (iii) either prior to or within the public comment period, the director or the city engineer and/or their designees require an open public hearing.

Is hereby amended to read as follows:

Decisions included.

A. Review Process II applications include the following administrative decisions:*

1. Alteration of a designated significant feature within an historic overlay zone;

2. Alteration of category II and III streams as provided by Section 19.33D.500(B)(2);

3. Atrium appurtenance approval as provided by Section 19.39.040(B)(2);

4. Buffer width reduction for streams (Sections 19.33D.490(D) and 19.37.170(C)) or wetlands (Sections 19.33D.450(E) and 19.37.110(C)) or alteration of geologically hazardous areas or standard buffer (Section 19.37.080(C)) if proposal is not categorically exempt under SEPA;

5. Change or expansion of a nonconforming use (up to twenty-five percent) as provided by Section 19.38.030(C) and (D);

6. Comprehensive design plan permits as provided by Section 19.36.210;

7. Design guideline approval, when proposal includes modification of development standards and design guidelines and for projects not categorically exempt under SEPA;

8. Determination of proportionality for correctional facilities;

9. Determination of prohibited heavy manufacturing uses with potentially noxious impacts in M-1 and M-M zones as provided by Sections 19.27.020(G)(19) and 19.28.020(D)(18);

10. Development of nonconforming lots which do not meet minimum lot area or building area requirements as provided by Section 19.38.080(C);

11. Development of previously altered ESAs when the proposal is not categorically exempt under SEPA as provided by Sections 19.33D.580(B)(1) and 19.37.250(B)(1);

12. Deviation from historic overlay zone standards and guidelines;

13. Driveway access from public street for multiple-family structures as provided by Section 19.15.080(B);

14. Extension of amateur radio tower or antenna beyond sixty-five feet (Section 19.39.040(A)(3));

15. Exterior finish for buildings in M-1 zone located within three hundred feet of residentially zoned properties (Section 19.27.020(A));

16. Final PDO development plan as provided by Section 19.29.110;

17. Floodplain development permit application when a shoreline permit is not required (Section 19.30.060(B));

18. Land divisions, as follows:
    a. Preliminary binding site plan;

    b. Preliminary binding site plan with site plan approval;

    c. Preliminary residential condominium binding site plan;

    d. Preliminary short subdivision alteration or vacation;

    e. Preliminary short subdivision of nine lots or less;

    f. Preliminary short subdivision with nonconforming structures;

    g. Preliminary subdivision of fifty lots or less;**

h. Preliminary subdivision alteration or vacation;

i. Subdivision or short subdivision variance as provided in Section 18.32.010;

19. Land uses in WRM zone consistent with adopted management plan when not categorically exempt under SEPA (Section 19.30A.020);

20. Minor expansion of an existing special property use;

21. Outdoor use, activity, and storage: modification of standards;

22. Parking modification of ten percent or less if supported by parking analysis and modification does not involve residential use parking standards as provided by Section 19.34.070(A);

23. Parking reduction with transportation management plan (Section 19.34.070(D));

24. Phase approval and development approval implementing an institutional overlay zone master plan or approval of minor revisions (cannot change use or character or allow increase in intensity of development) as provided by Section 19.33B.060;

25. Public park development not part of or in conformance with an adopted master plan or which exceeds the city's SEPA thresholds for categorical exemptions as provided by Section 19.33A.030;

26. Conceptual site plan review for projects that do not otherwise require a land use permit and are not categorically exempt under SEPA;

27. Project review for public projects that are not categorically exempt under SEPA;

28. Proposals required to be reviewed by the historic commission in the historic overlay zone per neighborhood conservation guidelines and historic zoning overlay standards (not including those listed under administrative review by staff, which is Review Process I);

29. Reasonable use determinations with modification of zoning standards (under Chapter 19.37);

30. Reestablishment or change in use of nonconforming grocery store as provided by Section 19.38.100(B);

31. Shoreline permits (less than one acre of the project footprint area is within shoreline jurisdiction);

32. Stream and wetland filling, modification, and mitigation as provided for in Chapter 19.37;

33. Transfer of development rights under Section 19.33D.400(D) or 19.37.050(B)(3);

34. Wetland alteration for category I, category II and Silver Lake watershed as provided by Sections 19.33D.460(B)(1), (2), and (5) and 19.37.120(B)(1), (2), and (3);

35. Wetland mitigation banking approval as provided by Sections 19.33D.460(C)(10) and 19.37.120(C)(12);

36. Clinic- and medical-related activities as provided by Section 19.16.040(C);

37. All other review processes listed in the zoning code as Review Process II;

38. All Review Process I and project permit applications that are not categorically exempt under SEPA;

39. Alternative best available science decisions as provided by Section 19.37.050(E);

40. Accessory buildings over two hundred square feet which have metal siding or corrugated roofing as provided by Section 19.07.020(K);

41. Accessory buildings which exceed one thousand square feet in area as provided by Section 19.07.020(M);

42. Accessory buildings which exceed fifteen feet in height as provided by Section 19.07.020(J);

43. Rockeries and retaining walls retaining soil (fill) four feet or greater in height in required building setback areas, as provided by Section 19.39.150(C)(5)(d);

44. Use of basement or other building spaces for uses not specifically listed as permitted use in the B-3 as provided by Section 19.22.030;

45. Buffer management as provided by Section 19.37.060(B)(2);

46. Removal of nonhazardous trees as provided by Section 19.37.060(B)(3)(c).

47. Adaptive reuse of non-residential buildings in residential zones as provided by Section 19.41.150.E.

* SEPA threshold determinations frequently include mitigation requirements as provided for in the SEPA ordinance (Chapter 20.04). Any SEPA condition based on SEPA substantive authority as provided for in the SEPA ordinance (Chapter 20.04) shall be identified in the land use permit decision, as provided in this integrated local project review process.

** An open public hearing may be required under the following circumstances, in which case the application shall be processed under Review Process III: (i) a public hearing is required by Title 18; (ii) any affected person files a written request for a hearing with the planning department within twenty-one days of the notice of application (public comment period); or (iii)

either prior to or within the public comment period, the director or the city engineer and/or their designees require an open public hearing.

Section 4. Section 4B of Chapter 4 of Ordinance No. 2530-01, as amended (EMC 15.16.110), which reads as follows:

Review Process IIIA.

A. Review Process IIIA applies to the following actions for which the examiner issues a final decision on the application after an open public hearing:

1. Appeals of Review Process I and II planning director decisions, including appeals of the application of development standards by the director;

2. Clinic and medical related activities overlay and office overlay as provided by Section 19.16.020(B) and 19.16.040(B);

3. Change in manufacturing activities which do not comply with M-1 zone uses and standards as provided by Section 19.27.040(C);

4. Commercial daycare in all residential zones and A-1 and B-1 zones;

5. Conditional use permits;

6. Detached accessory building which exceeds fifteen feet in height or one thousand square feet in area as provided by Section 19.07.020(K);

7. Expansion of a nonconforming use (greater than twenty-five percent);

8. Jails and correctional facilities siting in the B-3 and C-1 zones as provided by Section 19.39.105;

9. Land divisions, as follows:
   a. Preliminary cluster subdivision or cluster short subdivision;

   b. Preliminary subdivision of more than fifty lots;

   c. Preliminary subdivision of fifty lots or less if an open public hearing is required (see footnote on Review Process II, Section 15.16.080);

   d. Subdivision or short subdivision alteration or vacation if an open public hearing is required (see footnote on Review Process II, Section 15.16.080);

10. Land uses in WRM zone consistent with adopted management plan located in areas subject to a city shoreline substantial development permit as provided by Section 19.30A.020;

11. Parking modification requests for Review Process III projects (Section 19.34.070(A)(1)) and quantity and location of parking for Review Process III projects as provided by Section 19.34.060(F);

12. Public utility and infrastructure exception under Sections 19.33D.400(E) and 19.37.050(C);

13. Shoreline permits (one acre or more of the project footprint is within shoreline jurisdiction);

14. Shoreline permits requiring a shoreline variance or shoreline conditional use permit;

15. Special property use permits listed as Review Process III in city ordinance;

16. Time extension for nonconforming adult use business as provided by Section 19.39.025(B)(3);

17. Variances in accordance with Section 19.30.080, 19.41.130, 19.34.070(A)(2), or 20.08.180;

18. Waivers, exceptions, variances, and appeals from the city's street and sidewalk codes and commute trip reduction ordinance;

19. All other review processes listed in the zoning code as Review Process III;

20. Any other action not explicitly listed herein which the examiner is given jurisdiction over and for which a review process is not identified shall be processed using Review Process III.

Is hereby amended to read as follows:

Review Process IIIA.

A. Review Process IIIA applies to the following actions for which the examiner issues a final decision on the application after an open public hearing:

1. Appeals of Review Process I and II planning director decisions, including appeals of the application of development standards by the director;

2. Clinic and medical related activities overlay and office overlay as provided by Section 19.16.020(B) and 19.16.040(B);

3. Change in manufacturing activities which do not comply with M-1 zone uses and standards as provided by Section 19.27.040(C);

4. Commercial daycare in all residential zones and A-1 and B-1 zones;

5. Conditional use permits;

6. Detached accessory building which exceeds fifteen feet in height or one thousand square feet in area as provided by Section 19.07.020(K);

7. Expansion of a nonconforming use (greater than twenty-five percent);

8. Jails and correctional facilities siting in the B-3 and C-1 zones as provided by Section 19.39.105;

9. Land divisions, as follows:

a. Preliminary cluster subdivision or cluster short subdivision;

b. Preliminary subdivision of more than fifty lots;

c. Preliminary subdivision of fifty lots or less if an open public hearing is required (see footnote on Review Process II, Section 15.16.080);

d. Subdivision or short subdivision alteration or vacation if an open public hearing is required (see footnote on Review Process II, Section 15.16.080);

10. Land uses in WRM zone consistent with adopted management plan located in areas subject to a city shoreline substantial development permit as provided by Section 19.30A.020;

11. Parking modification requests for Review Process III projects (Section 19.34.070(A)(1)) and quantity and location of parking for Review Process III projects as provided by Section 19.34.060(F);

12. Public utility and infrastructure exception under Sections 19.33D.400(E) and 19.37.050(C);

13. Shoreline permits (one acre or more of the project footprint is within shoreline jurisdiction);

14. Shoreline permits requiring a shoreline variance or shoreline conditional use permit;

15. Special property use permits listed as Review Process III in city ordinance;

16. Time extension for nonconforming adult use business as provided by Section 19.39.025(B)(3);

17. Variances in accordance with Section 19.30.080, 19.41.130, 19.34.070(A)(2), or 20.08.180;

18. Adaptive reuse of non-residential buildings in residential zones as provided by Section 19.41.150.E.

19. Waivers, exceptions, variances, and appeals from the city's street and sidewalk codes and commute trip reduction ordinance;

20. All other review processes listed in the zoning code as Review Process III;

21. Any other action not explicitly listed herein which the examiner is given jurisdiction over and for which a review process is not identified shall be processed using Review Process III.

Section 5. 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 6. 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 7. 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 8. 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

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