

**Instructions to reader:** This is a new chapter in the Unified Development Code. Several sections come from existing code language. For a summary of the effect of the changes, please visit the Rethink Zoning Library at <https://everettwa.gov/2453/Rethink-Zoning-Library>.

## Chapter 19.08 Residential Uses and Development Standards

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#### 19.08.010 General overview

This chapter addresses:

- A. Development standards for small lot development;
- B. Development standards for multi-unit residential uses within the R-S, R-1, R-2 and R-2A zones;
- C. Front porch and entrance requirements for: 1) residential dwellings provided front or side-street setback exceptions; 2) small lot single-family development; 3) two to four-unit dwellings in the R-S, R-1, R-2 and R-2A zones; 4) cottage housing; or 5) any dwelling within an historic overlay zone; and
- B. Development standards for cottage housing, accessory dwelling units, residential accessory buildings, home occupations, boarding and rooming, bed and breakfast houses, short-term rentals, group housing and temporary shelters, secure community transition facilities, manufactured home and RV parks, and reasonable accommodation.
- C. For residential development standards in the UR3 or UR4 zone, or multifamily in Commercial or Industrial zoning districts, please see **EMC 19.09**.

#### 19.08.015 Definitions

The following definitions are used within this chapter. For additional definitions, please refer to EMC **19.04**.

- A. **“Street-facing dwelling unit façade”**, means a ground or first floor of a dwelling unit façade facing, and within thirty (30) feet, of a front or side-street lot line on a public street.
- B. **“Townhouses”**, also called “single-family, attached”, are buildings joined at the side by a common wall. Each dwelling has up to two or three stories and no dwellings are placed over another. Each dwelling has individual and direct pedestrian access to the street and typically contains some private open space in the front and back. A development of townhouses could include two units attached (see EMC 19.05 “Dwelling, 2-unit”) or multiple units attached. This chapter places limits on how many may be attached in the R-S, R-1, R-2 and R-2A zones.
- C. **“Duplex”** contains two dwelling units (see EMC 19.05 “Dwelling, 2-unit”), but unlike a townhouse, a duplex could be two units on separate floors (upper unit and lower unit) or two units joined at the side.
- D. **“Floor area ratio”**, or “FAR”, means a measure of development intensity which is the gross floor area (square footage of the total floor area except parking areas) divided by the lot area. For purposes of this chapter, gross floor area excludes 1) any basement that is more than seventy-five percent (75%) below natural grade and 2) up to 240 square feet of unenclosed porches.

**19.08.020 Small lot single family**

Single-family dwellings to be built on lots having less than five thousand (5,000) square feet in any zone shall meet the development standards contained herein. It is the intent of these development standards that single-family dwellings on small lots be compatible with neighboring properties, friendly to the streetscape, and in scale with the lots upon which they are to be constructed. The planning director is authorized to promulgate guidelines, graphic representations, and examples of housing designs and methods of construction that do or do not satisfy the intent of these standards.

- A. Floor to Area Ratio (FAR). Gross floor area of the dwelling, excluding the garage, shall not exceed fifty percent (0.50 FAR) of the lot area. An additional 0.15 FAR is allowed for detached accessory structures on lots.
- B. A dwelling shall meet the front porch and entrance requirements set forth in EMC 19.08.050.
- C. Any garage shall meet the garage requirements set forth in EMC 19.08.060.

**19.08.030 Townhouse and Duplexes**

**A. Intent, Applicability and Authority**

- 1. Intent. The intent of the standards in this section is to ensure compatibility of townhouse or duplex units into neighborhoods with predominantly detached single family homes.
- 2. Applicability. The standards in this section address townhouse or duplex units when proposed in single family zones (R-S, R-1, R-2 and R-2A). For this housing type in other zones, please refer to the multifamily development standards (EMC 19.09).
- 3. Authority. The planning director or review authority is authorized to condition projects to ensure compatibility.



Figure 1: Example of single family, attached

**B. Where Allowed, Density, FAR and Open Space Standards**

- 1. Townhouses and duplexes are allowed within the R-S, R-1, R-2 and R-2A zones as set forth in Table 8-1 below. Standards for ownership, density, floor area ratio (FAR), open space and heights are also included within the table. See subsection (C) below or design standards in Section 19.08.040 for additional requirements.

Table 8-1: Townhouse or Duplex, Review Process in Single Family Zones

Zone	2-unit townhouse or duplex	3- to 4-unit townhouse
R-S	a) Review Process III b) Ownership opportunity must be created (e.g. condominium or unit-lot subdivision) c) <u>Maximum density and Minimum Lot Area</u> : see EMC 19.06 d) <u>FAR</u> : Maximum 0.5 e) <u>Open Space</u> : 250 sq. ft. per unit f) <u>Height</u> : see EMC 19.22	Not permitted
R-1	a) Review Process I b) Allowed only when each dwelling unit may be owner-occupied, as provided through zero lot line subdivision, condominium, or residential binding site plan. c) <u>Maximum density and minimum lot area</u> : see EMC 19.06.	not permitted a)
R-2	a) Review Process I b) <u>Maximum density and minimum lot area</u> : see EMC 19.06.	not permitted a)
R-2(A)	a) Review Process I b) <u>Maximum density and minimum lot area</u> : see EMC 19.06.	a) Review Process I b) Ownership opportunity must be created (e.g. condominium or unit-lot subdivision) c) <u>Density</u> : 1 unit per 2,900 sq. ft. of lot area d) <u>FAR</u> : Maximum 0.5 e) <u>Open Space</u> : 250 sq. ft. per unit <u>Height</u> : see EMC 19.22

- This housing type is not allowed on easement or panhandle lots unless the city’s fire marshal, city engineer and planning director approve access, off-street parking and fire protection requirements.

**C. General Standards**

Townhouses and duplexes within the R-S, R-1, R-2 and R-2A zones are required to meet the following standards.

- Alley access is required if available.
- See EMC 19.08.040 for Design Standards and Guidelines.
- Front porch and main entrance. Dwellings must meet the front porch and entrance requirements set forth in EMC 19.08.050.
- See EMC 19.08.060 for garage requirements.
- See EMC 19.22 for maximum height requirements.
- See EMC 19.06 for building placement and setback requirements.
- See EMC 19.35 for landscape requirements

**19.08.040 Design standards for townhouses and duplexes**

## A. Applicability

The design standards in this section apply to the 2- to 4-unit townhouse or duplex housing types in the R-S, R-1, R-2 and R-2A zones.

## B. Site Design

1. Design sites to have both an external orientation to the streetscape and an internal orientation to the residential environment with unifying open space and pedestrian pathways.
2. Design emphasis should be given to the pedestrian, rather than the auto environment through placement of parking in a less prominent location.
3. Vehicular access and parking must be from an alley if one is available.
4. No more than one street access point for every two (2) units is allowed, unless on a corner lot.

## C. Facades, Separation, Roofs and Transparency

### 1. Facades

- a) Façades of attached residences within the same project should be distinct and even different, but also should maintain unifying compositional elements such as a common window header or sill line, and/or aligned vertical centerlines of windows and doors between upper and lower floors. See **Figure 1**.
- b) Facades for each dwelling unit must include at least two (2) of the following architectural elements: (1) horizontal modulation (upper level step-backs of at least two (2) feet), (2) bay, bow, or garden windows, (3) building ornamentation such as a frieze, or (4) other architectural element the planning director determines accomplishes the intent. See **Figure 2**.
- c) Attached dwelling units need to employ one of the following methods of vertical modulation:
  - i. Setback variation between dwelling units, with no more than two (2) adjacent dwelling units having the same setback. The setback between units needs to be at least one (1) foot. **(See Figure 3.)**
  - ii. Vertical modulation within each dwelling unit. **(See Figure 4.)**

Figure 1: Facades of units distinct



Figure 2: Facade architectural elements

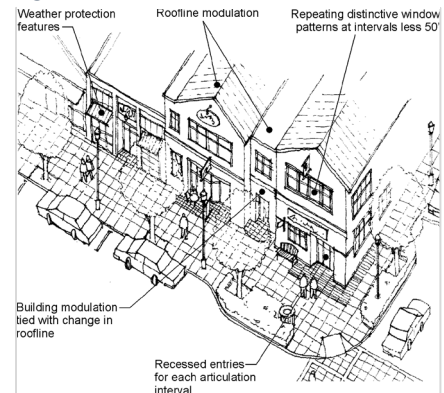


Figure 3: Example of setback variation between units



Figure 4: Example of vertical modulation within unit



2. **Roofs.**
  - a) Roof forms should complement neighboring properties. For example, if gables with pitches greater than 3 in 12 is the most prominent local roof form, then the proposed building should include a gable roof form with similar slope, unless there is a compelling reason to the contrary.
  - b) Roofs must incorporate architectural elements in roof forms, such as vertical or horizontal changes in rooflines; varied roof forms; dormers; deep roof overhangs (more than 24"); rafter tails, brackets, corbels, or other decorative supports; and/or prominent cornice, soffit, or fascia details.
  - c) For 2-unit buildings, the predominant roof pitch must be the same, with roof eaves projecting the same distance from the building wall for each dwelling unit.
3. **Building Separation.** Where the density of the zone allows more than one building to be developed on a lot, a minimum separation of ten (10) feet, not including eaves or other building appurtenances, is required between buildings.
4. **Exterior stairs.** Fire escapes and exterior stairs providing access to an upper floor are not allowed on any façade that faces a street.
5. **Transparency.** At least 15 percent (15%) of the area of each street-facing façade must be windows or main entrance doors. Windows used to meet this standard must allow views from the building to the street. Glass block does not meet this standard. Windows in garage doors do not count toward meeting this standard.

#### D. On-Site Open Space

1. General Requirements
  - a) The amount of open space required per unit is shown in **Table 8-1 in subsection B** above.
  - b) On-site open space may be private or common open space.
  - c) Required front and side street (corner) setbacks and driveways shall not be included in the open space calculation.
  - d) Common open space may include:
    - i. Interior side setback areas which are contiguous with other on-site common open space areas;
    - ii. Rear setback areas which are contiguous with other on-site common open space areas and which are not part of a street side setback area on corner lots.
  - e) Required landscaping or critical area buffers without common access links such as pedestrian trails, do not count toward required open space.
  - f) Open space areas shall not be used for or occupied by driveways, parking, service areas, or any other vehicular use.
  - g) Plans for open space shall be approved by the city.
2. Minimum Size Standards.

- a) Private open space shall be a minimum of 10 feet in any direction, no less than 100 square feet in area. A rear or side yard, which is part of a required setback area, may be counted toward this requirement if it meets the minimum dimensions.
  - b) Common open space shall be a minimum of 20 feet in any direction, no less than 400 square feet in area.
3. Where Located.
- a) Private open space on the ground shall be located to the rear of the unit.
  - b) Each unit should have direct access to on-site open space without travel through parking areas or other open space areas of other units.
  - c) A private deck, porch, balcony, patio, or roof garden may be counted towards the open space requirement provided it has a minimum dimension of 6 feet in any direction.
4. Design Standards.
- a) Open space areas shall be developed with lawn, landscaping, usable active or passive recreation areas, courtyards, seating and walkways.
  - b) Bark or gravel covering of required common open space areas shall not exceed ten percent.
  - c) Pavement covering of open space areas shall be limited to active recreation surfaces, walkways, and courtyard areas.

**E. Landscaping/Screening**

- 1. See EMC 19.35 for landscaping and street tree requirements.
- 2. Screening of waste containers from view of neighboring properties is required.

**19.08.050 Front Porch and Entrance Requirements**

**A. Where Applicable**

The standards in this section apply to any dwelling within thirty (30) feet of a front or side-street lot line along a public street and as required in Table 8-2 below:

*Table 8-2: Front Façade and Entrance Applicability*

Use	Single-Family Zones (R-S, R-1, R-2, R-2A)	UR3	UR4
Any residential dwelling provided a front or side-street setback exception (see EMC 19.06.xxx)	X	X	X
Small lot (4,500 sq. ft. or less) single-family dwelling	X	n/a	n/a
Two-family dwelling unit	X	n/a	n/a
Three- or four-family dwelling	X	n/a	n/a
Cottage housing	n/a	X	n/a
Any dwelling within an historic overlay zone	X	X	X

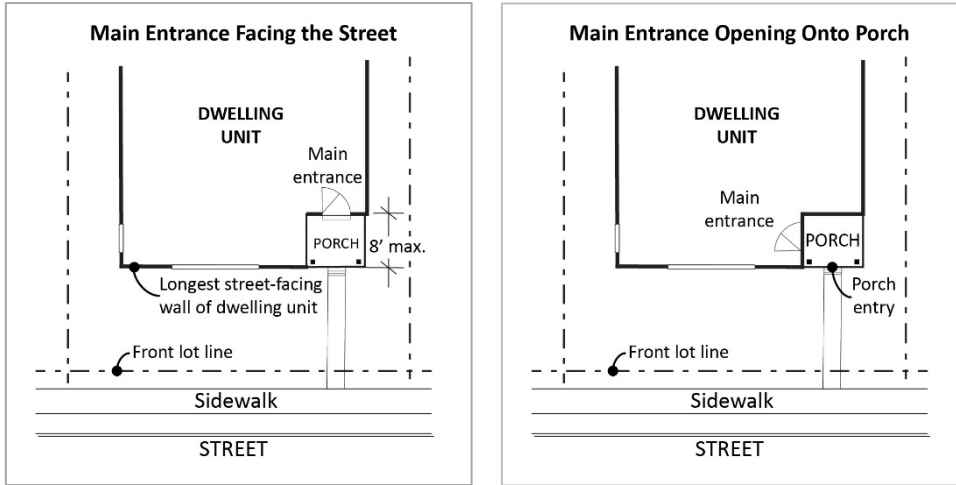
**B. Main Entrance**

- 1. At least one main entrance must be located within eight feet (8') of the street facing façade. (See Figure 5.)
- 2. The entrance must open onto an unenclosed porch that is at least 36 square feet in area.
- 3. The main entrance to each dwelling unit shall be on the ground floor.
- 4. For two-family units allowed on corner lots in the R-S, R-1 or R-2 zones, each entrance must be oriented towards a separate street frontage and have its own address.
- 5. For two- to four-family units, one main entrance with internal access to units is allowed.



6. Fire escapes and exterior stairs providing access to an upper level are not allowed on any street facing façade.

Figure 5: Main Entrance Requirements



### C. Porch Requirements

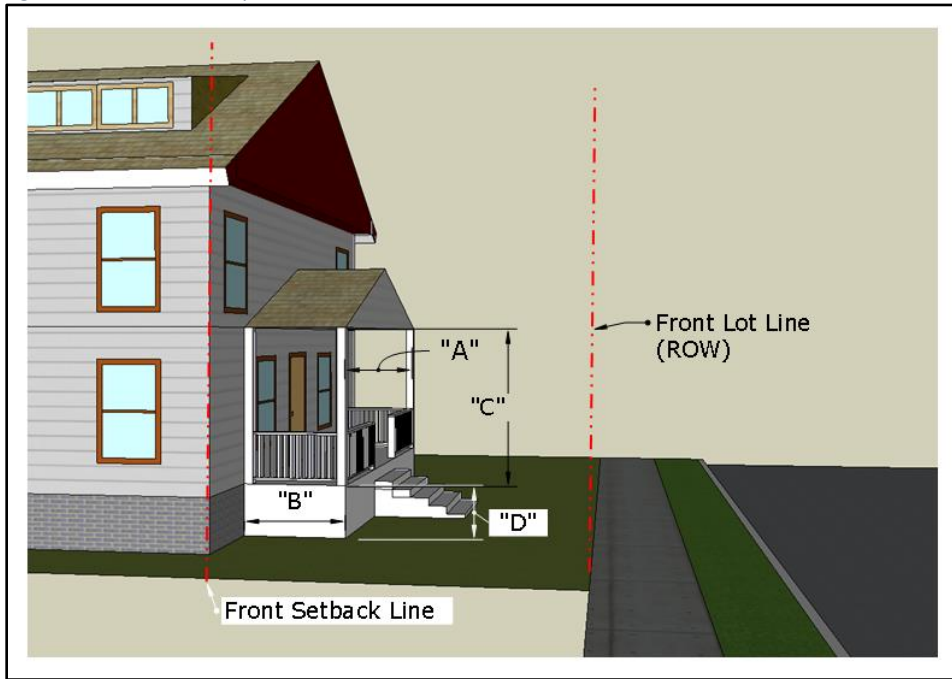
Porches, where required by this chapter or title, shall meet the following requirements:

1. A weather-protective roof is required above the main entrance and required porch.
2. Porches must meet the setback requirements unless otherwise excepted pursuant to EMC 19.06.xxx.
3. Porches shall meet the standards set forth in Table 8-3 below and illustrated in Figure 5.

Table 8-3: Front Porch Requirements

Standard	Figure	Porch
Width, minimum	<b>A</b>	6 feet
Width, maximum		None
Depth, minimum	<b>B</b>	6 feet
Depth, maximum	<b>B</b>	None
Height, minimum	<b>C</b>	8 feet
Height, maximum		1 floor
Finish level above average grade	<b>D</b>	18 inches, minimum 42 inches, maximum

Figure 6: Front Porch Requirements



### 19.08.060 Garage Requirements

#### A. Where Applicable

The standards in this section apply as set forth in [Table 8-4](#) below:

Table 8-4: Garage Requirements, Where Applicable

Use	Single-Family Zones (R-S, R-1, R-2, R-2A)	Multifamily Zones (UR3 & UR4)
Any residential dwelling provided a front or side-street setback exception (see <a href="#">EMC 19.06.xxx</a> )	X	X
Small lot (4,500 sq. ft. or less) single-family dwelling	X	n/a
Two-family dwelling unit	X	n/a
Three- or four-family dwelling	X	n/a
Any dwelling within an historic overlay zone	X	X

#### B. Garage Setbacks and Lengths

The purpose of these standards is to encourage residential character and lessen the visual prominence of garages along street frontages where applicable.

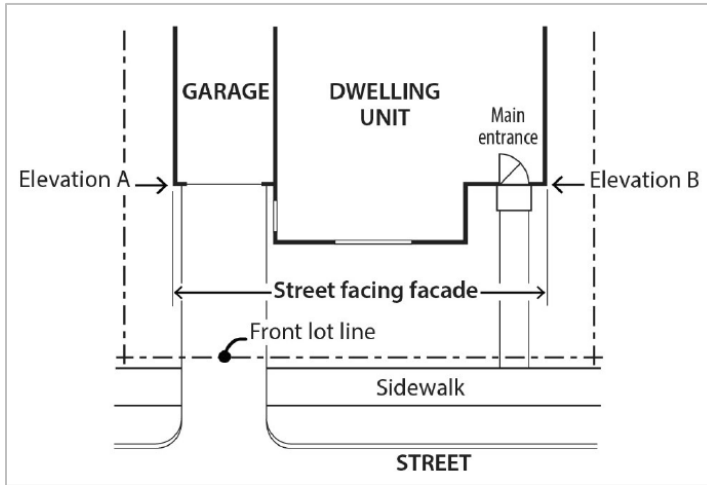
1. See [EMC 19.xx.xxx](#) for access and driveway requirements, including the requirement to obtain access from an alley if available.
2. Except along alleys, all garage wall façades facing the street shall be set back a minimum of five (5) feet behind the front wall of the primary building mass.
3. The length of the garage wall façade facing the street may be up to 50 percent of the length of the street-facing dwelling unit façade, except that a garage wall façade set back a minimum of 20 feet behind the



front façade of the dwelling unit is allowed a two-car wide garage façade of up to 20 feet. (See [Figure 7](#) below.)

- Where the street-facing façade of the dwelling unit is less than 22 feet in length, an attached garage is prohibited as part of that façade.

Figure 7: Garage Setbacks and Lengths



### 19.08.070 Cottage Housing

Cottage housing is a cluster of small detached dwelling units around a common open space.

#### A. Intent

- To provide an opportunity for small detached housing types clustered around an open space.
- To provide centrally located and functional common open space that fosters a sense of community.
- To provide semi-private areas around the individual dwellings to enable diversity in landscape design and foster a sense of ownership.
- To ensure minimal visual impact from vehicular use and storage areas for residents of the cottage housing development as well as adjacent properties, and to maintain a single-family character along public streets.

#### B. Standards and Guidelines

- The standards for cottage housing are pursuant to [Table 8-5](#) below:



Figure 8: Example cottage housing with parking off the alley

Table 8-5: Cottage Housing Standards

Standard	Requirement
1) Density:	1 unit per 1,500 square feet
2) Maximum Gross Floor Area (dwelling):	1,500 square feet per dwelling
3) Maximum Gross Floor Area for Ground or Main Floor:	800 square feet per dwelling
4) Minimum Common Open Space:	250 square feet per dwelling (see <a href="#">subsection 2</a> of this section)

Standard	Requirement
5) Minimum Private Open Space:	200 square feet per dwelling (see subsection 3 of this section)
6) Maximum Height:	25 feet subject to all parts of the roof above 18 feet shall be pitched
7) Setbacks (to exterior property lines):	Same as other residential uses in the respective zoning district
8) Minimum Distance Separating Structures (including accessory structures):	10 feet
9) Minimum Off-Street Parking Spaces:	See EMC 19.34
10) Clustering Groups:	Developments shall contain a minimum of 4 and a maximum of 12 dwellings located in a cluster group to encourage a sense of community among the residents. A development site may contain more than one cluster.

2. Common Open Space Requirements
  - a) Shall abut at least fifty percent of the cottages in a cottage housing development.
  - b) Shall have cottages abutting on at least two sides of the common open space.
  - c) Cottages shall be oriented around and have an entry facing the common open space.
  - d) Cottages shall be within sixty feet walking distance of the common open space.
3. Required private open space shall be adjacent to each dwelling unit and for the exclusive use of the cottage resident(s). The private space shall be:
  - a) Usable (not on a steep slope).
  - b) Oriented toward the common open space as much as possible.
  - c) No dimension less than ten feet.
4. Cottage facades facing the common open space or common pathway shall feature a roofed porch at least eighty square feet in size with a minimum dimension of six feet on any side.
5. Parking shall be:
  - a) Located on the same property as the cottage development.
  - b) Screened from public streets and adjacent residential uses by landscaping or architectural screening.
  - c) Located in clusters of not more than five adjoining spaces (except where parking areas are adjacent to an alley).
  - d) Prohibited in front and interior yard setback areas.
6. A cottage housing development shall be designed to be visually and aesthetically compatible with the neighborhood. Consideration shall be given to review of proposed building materials, roof pitches, building forms, landscaping and open space in the approval process. The city may condition the project to address compatibility with adjoining neighborhood.

### 19.08.100 Accessory Dwelling Units

The regulations in this section shall apply to accessory dwelling units (ADUs), whether attached or detached to a single-family housing unit, duplex, triplex or townhome. The term "ADU" as used in this section shall apply to either attached or detached accessory dwelling units. The term "DADU" as used in this section shall apply only to detached accessory dwelling units. In the event there is a conflict between the provisions of this section or any other provision of the EMC, the provisions of this section shall control.

#### A. General Standards

The following table is a summary of the standards required for ADUs in the single-family (SF) zones (R-S, R-1, R-2, R-2A), and within the UR3 zone if within an area designated as an Everett Historic District or Historic Overlay:

Table 8-6: ADU Standards

Subject	Standard
1) Owner Occupancy:	a) <u>R-S, R-1, and R-2 zones</u> : One of the units must be owner-occupied b) <u>Other zones</u> : Owner occupancy not required
2) Lot Requirements:	a) No minimum lot size required b) Only one ADU per lot c) An ADU may not be segregated from ownership of the principal dwelling
3) ADU size:	a) <u>Single-family dwelling unit</u> . An ADU attached or detached from a single-family dwelling unit shall not exceed a gross floor area the lesser of 1) 15% of the total lot area; 2) 1,000 square feet; or 3) 75% of the gross floor area of the dwelling. b) <u>Duplex, triplex or townhome</u> . An ADU attached or detached from a duplex, triplex or townhome shall not exceed a gross floor area the lesser of 1) 7.5% of the total lot area; 2) 1,000 square feet; or 3) 37.5% of the gross floor area of the dwelling; provided, however, that an ADU is permitted to be no less than 440 square feet.
4) Lot Coverage:	a) See applicable zone. b) An increase of five percent may be allowed, using Review Process I, if necessary to allow a DADU on an existing developed lot that meets all other requirements of this section.
5) Maximum height:	See <b>EMC 19.22</b>
6) Setbacks:	See <b>EMC 19.06.xxx</b>
7) Vehicle access:	See city standards in EMC <b>Title 13</b> and EMC <b>19.34</b>
8) Historic Overlay:	Any ADU located within an Historic Overlay zone must also comply with the design requirements of the historic overlay and be reviewed by the city's Historical Commission with a recommendation to the planning director

## B. Design Standards

An ADU shall meet the design standards in this section. The planning director shall consider the impact that any requested modification will have on abutting properties in terms of aesthetics, privacy, view impacts, and compatibility with the character of other dwellings.

1. Attached ADUs. The appearance and character of the dwelling shall be maintained when viewed from the surrounding neighborhood.
  - a) Single -family (1-unit) and Townhouse dwellings. Only one entrance to the residential structure may be located on any street side of the structure; provided, however, that this limitation shall not affect the eligibility of a residential structure which has more than one entrance on the front or street side on the effective date of the ordinance codified in this section.
  - b) Duplex and Triplex (2- and 3-unit) dwellings. Any ADU attached to a 2- or 3-unit dwelling shall comply with the front porch and entrance requirements set forth in **EMC 19.08.050**.
2. Historic Overlay Zones. On lots located in the historic overlay zone, an attached ADU shall comply with the standards of **subsection 1 (above)** of this section. A DADU shall comply with the development and design standards of the H overlay zone for infill dwelling units.
3. Detached ADUs. The planning director shall promulgate a design manual of examples and best practices for the design of DADUs and compatibility with the surrounding neighborhood. The city shall have the authority to require changes to the design of a DADU that is not consistent with best practices identified in the design manual. In addition:
  - a) The DADU shall be designed to give the appearance that it is secondary to the principal dwelling.
  - b) Siding, roofing, windows and building trim materials shall visually match those used on the principal dwelling.
  - c) The roof pitch shall be similar to the predominant roof pitch on the principal dwelling.

**C. Owner Occupancy, When Required**

1. Either the principal dwelling unit or the ADU shall be occupied by the owner of the property as his or her principal residence when located within the R-S, R-1, or R-2 zones.
2. When required, prior to issuance of a permit for an accessory dwelling unit, the property owner shall submit to the city a signed affidavit affirming that the owner occupies the principal dwelling as his or her principal residence and will occupy either the principal dwelling or accessory dwelling after completion of the accessory dwelling unit.
3. When required, the owner shall record a covenant with the Snohomish County auditor, approved by the director, that shall run with the land as long as the ADU is maintained on the property. The property owner shall submit proof that the covenant has been recorded with the Snohomish County auditor’s office prior to issuance of the building permit.
4. When required, the property owner shall certify to the city no later than April 1st of each year that the owner occupies one of the dwellings as his or her principal residence. Any person who fails to report or falsely certifies that he or she resides in a dwelling unit at the stated address shall be subject to the enforcement and penalty provisions of **Chapter 1.20**.

**D. Modification of Standards**

A property owner may request that the planning director modify the design standards, using Review Process II as set forth in **Title 15** and criteria set forth in **EMC 15.03**.

**19.08.110 Residential Accessory Buildings**

The following requirements apply to all buildings which are accessory to residential uses in the R-S, R-1, R-2, or R-2A zones:

A. Accessory buildings or uses may not be established until the principal dwelling or dwellings are constructed on the lot.

**B. Use of Accessory Buildings**

1. Detached accessory buildings are limited to accessory uses.
2. The following spaces are allowed within a detached accessory building: bathrooms, hobby rooms, home occupations, home offices, recreation rooms, or laundry rooms. The following rooms are not allowed in accessory buildings: bedrooms, dining rooms, or kitchens. (See Section **19.08.100** regarding accessory dwelling units.)

**C. General Standards**

The following table is a summary of the standards required for residential accessory buildings.

Subject	Standard
1) Maximum Size:	a) The footprint shall not exceed the lesser of 1) 15% of the total lot area; 2) 3,000 square feet; or 3) 75% of the gross floor area of the dwelling. I. <u>Exceptions for attached garage</u> . Up to 500 square feet of an attached garage constructed as an integral part of the dwelling and with a minimum attachment of 10 feet to both the garage and the dwelling shall not be included in the size calculations above. II. <u>Porches</u> . Any porch, including any covered decks or patios which are an integral part of the porch, are not considered an accessory building and subject to these provisions. See EMC 19.06 for lot coverage requirements. III. <u>Exceptions for other structures</u> . Up to 200 square feet of the following accessory buildings or structures are not included in the limits of this section: child’s playhouse or treehouse, play structure,

Subject	Standard
	<p>gazebo, doghouses, swimming pool accessory buildings and pump houses, patio or garden trellis.</p> <p>b) The accessory building(s) shall be compatible with the dwelling including roof pitch and building materials.</p> <p>c) If the city finds that the impacts of accessory buildings which are larger than 1,000 square feet will create noise, vibrations or impact privacy to adjoining properties in excess of what a smaller accessory building would create, the city shall have the authority to impose greater setback requirements, landscape buffers, or other requirements as necessary to mitigate the impacts.</p> <p>d) If the principle use is a housing type with maximum floor-to-area ratios (FAR), please see FAR limits that may affect the size of residential accessory buildings.</p>
2) Setbacks, front and side street:	<p>a) Any accessory residential structure located within the rear setback area required for a principal dwelling shall have a minimum separation from the principal dwelling of ten (10) feet, not including eaves or other building appurtenances.</p> <p>b) See EMC 19.06</p>
3) Maximum height:	See EMC 19.22
4) Design Standards:	<p>a) Metal siding or corrugated metal roofing material shall be prohibited on all accessory buildings with a gross floor area larger than two hundred square feet, unless materials similar in appearance are used in the majority of the principal building or if approved by the planning director.</p> <p>b) The planning director, using the review process described in Title 15, Local Project Review Procedures, may allow accessory buildings with metal siding or corrugated metal roofing.</p>
5) Temporary Covers:	<p>Structures that are covered or partially covered with tarps, fabric, metal, plastic or any other similar type of materials shall:</p> <p>a) Be prohibited between any portion of the principal building and abutting streets. This prohibition shall apply to any area of the lot that is located between the street and a line that is parallel to the street and extended from any facade of the principal building that faces the street to the side lot line(s), or to the rear lot line on the street side of a corner lot; and</p> <p>b) Be immediately removed or repaired in the event of disrepair or in the event of damage caused by weather, fire, collision, accident or other forms of damage.</p>
6) Shipping Containers	Shipping containers or other similar storage units do not qualify as accessory buildings under this section and shall be prohibited in residential zones.

### 19.08.120 Home Occupations

- A. Home occupations may be permitted in any residential zone provided such home occupations comply with the requirements of the zone in which the property is located and the following requirements:
1. Home occupations shall not occupy more than twenty-five percent of the total floor area of the residence, or six hundred square feet, whichever is less. Home occupations carried on within a dwelling shall be provided access to the work space through the dwelling only, with no direct access to the outside;
  2. The occupation shall be carried on entirely within a residence or accessory building by the occupant thereof;
  3. The home occupation may be located in the principal dwelling or in the accessory structure. If located in an accessory structure, the following regulations shall apply:

- a) The area devoted to the occupation, as described in subsection (A)(1) of this section, shall be based upon the floor area of the dwelling only, and
- b) Access to the work space may be directly from the outside;
- 4. No noise, dust, smoke, light, glare or odor shall be emitted other than is commonly associated with a residential use;
- 5. The occupation shall be conducted in such a manner as to give no outward appearance of a business nor manifest any characteristics of a business;
- 6. Occupations which shall be prohibited as home occupations include, but are not limited to:
  - a) Veterinarians,
  - b) Clinics,
  - c) Auto repair,
  - d) Auto sale,
  - e) Barber/beauty shops,
  - f) Real estate offices,
  - g) Offices with client visits,
  - h) Retail sales, on premise,
  - i) Any use of a nature which is similar to those listed in this chapter or which creates impacts on surrounding properties which are similar to those created by the uses listed herein;
- 7. There shall be no person other than a resident of the dwelling employed on the premises;
- 8. If the occupation is the type in which classes are held or instruction is given, there shall be not more than five students allowed in any one class or instruction period. Classes shall not exceed a total of twenty hours in any week;
- 9. No stock in trade shall be sold or displayed on the premises, and no equipment or materials shall be stored on any outdoor portion of the premises;
- 10. Parking of student, client or employee vehicles shall not create any hazard or congestion;
- 11. No receipt or delivery of products shall be permitted except as is commonly anticipated in residential areas. Commercial vehicle deliveries shall not exceed two per week. The gross vehicle weight of delivery vehicles shall not exceed eighteen thousand pounds;
- 12. No signs shall be allowed for home occupations; and
- 13. Home occupations shall comply with all other local, state and federal regulations pertinent to the activity pursued, and the requirements of or permission granted by this section shall not be construed as an exemption from such regulations.
- B. Any person engaging in a home occupation shall register as a business with the city treasurer's office and shall be subject to the city business and occupations tax.
- C. Garage sales shall not be considered to be a home occupation.

#### **19.08.125 Live/work units**

- A. Live/work units are built spaces that function as both work spaces and residences.
- B. The multiple-family design guidelines do not apply to live/work units.
- C. No portion of a live/work unit may be rented or sold as a commercial space for a person or persons not living on the premises, or as a residential space for a person or persons not working on the premises.
- D. At least one resident in each live/work unit shall maintain at all times a valid city business license for a business on the premises.

#### **19.08.130 Boarding and rooming**

In the R-S, R-1, R-2 or R-2A zones, rental of rooms for lodging is limited to two roomers. There shall be no separate kitchen facilities in rented rooms.



### **19.08.135 Reasonable Accommodation**

#### **A. Overview**

This section establishes the application and review procedures by which the City will fulfill its obligations under the federal Fair Housing Act (FHA) and other federal or state laws.

1. The federal Fair Housing Act (FHA) requires local governments to make reasonable accommodations in the application of zoning regulations when such accommodations are necessary to afford a disabled individual an equal opportunity to use and enjoy a dwelling. The City is required to consider requests for reasonable accommodation. In addition, other state and federal laws prohibiting housing discrimination may apply under certain circumstances.
2. In the event that a waiver or modification of zoning regulations in a given situation is required by a law other than the FHA, such waiver or modification shall be requested and reviewed using the procedures established in this section.

#### **B. Application Requirements**

1. Requests for reasonable accommodation shall be submitted to the planning director, along with any applications fees required pursuant to **EMC 16.72**, if any.
2. The request shall include information as determined necessary by planning director to make a determination whether reasonable accommodation should be approved. Unless waived by the planning director, the applicant shall submit the following information:
  - a) Name of property owner(s).
  - b) The specific modification(s) of the Zoning Code requirements requested in order to allow the reasonable accommodation.
  - c) The nature of the disability or disabilities of the individual(s) for whom the accommodation is requested, and an explanation why the specific accommodation is necessary based on the disability.
  - d) Such other information as may be determined by the planning director following either a pre-application meeting or review of a request for reasonable accommodation.

#### **C. Planning Director Approval**

1. The following shall be taken into consideration in whether to approve a request for reasonable accommodation:
  - a) Whether any adverse impacts would happen if the request for reasonable accommodation is approved based on the size of the dwelling and lot, traffic and parking conditions on the lot and in the surrounding area including streets, anticipated vehicle usage by residents and visitors, and any other circumstances the planning director determines relevant to determine adverse impacts.
  - b) The applicant's need for accommodation in light of the anticipated land use impacts.
2. If handicap eligibility and need for accommodation are demonstrated, the planning director shall approve an accommodation, unless the requested accommodation would make a dwelling available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.
3. Any decision to grant reasonable accommodation apply specifically to the property identified in the decision, and may not be transferred to any other property.

#### **D. Other Provisions**

1. Approval of reasonable accommodation permits a dwelling to be inhabited only according to the terms and conditions of the applicant's proposal and the Director's decision.
2. If the planning director determines that the accommodation has become unreasonable because circumstances have changed or adverse land use impacts have occurred that were not anticipated, the planning director shall rescind or modify the decision to grant reasonable accommodation.

3. Eligibility for a reasonable accommodation under the Fair Housing Act does not relieve the owner, applicant and residents from the obligation to comply with all building, fire, land use and all other standards and regulations applicable under local, state and federal laws.
4. Any decision on a request for accommodation is unique to the specific circumstances related to the individual request and location. A decision issued for a specific property shall not establish a precedent that would be applicable to any other request for accommodation.

#### **19.08.140 Bed and breakfast house**

The following standards apply to a bed and breakfast house located in a Residential or Agricultural zone.

- A. The bed and breakfast house shall be conducted in such a manner as to give no outward appearance nor manifest any characteristics of a business, in the ordinary meaning of the term, that would infringe upon the right of the neighboring residents to enjoy a peaceful occupancy of their homes. The bed and breakfast house shall be operated within the principal structure and not in any accessory structure.
- B. The owner shall be the operator of the facility and shall reside on the premises.
- C. There shall be no more than five guest rooms for persons other than the members of the immediate family of the operator.
- D. There shall be no cooking facilities permitted in guest rooms.
- E. The maximum stay permitted for guests shall not exceed ten consecutive days.
- F. In considering an application for a bed and breakfast house, the review authority shall consider the impact that noise and traffic from the proposed bed and breakfast house would have on the neighborhood in which the house is located. Within these zones, the review authority shall have the authority to deny an application if the noise or traffic generated by a bed and breakfast house would infringe upon the right of the neighboring residents to enjoy a peaceful occupancy of their homes; or if the street system is not sufficient to provide emergency vehicle access to the bed and breakfast house and other neighboring properties.

#### **19.08.150 Short-Term Rentals**

- A. Short-term rentals are the use of an entire dwelling unit by any person or group of persons to occupy for rent for a period of less than thirty consecutive days. Short-term rentals do not include bed and breakfast inns, hotels and motels.
- B. License Required. A City business license is required to operate a short-term rental. No more than two short-term rental sites may be operated by any individual, marital group, a group of people, or a corporate entity such as an LLC, within the City.
- C. Location. A short-term rental use may be located in a dwelling unit or an accessory dwelling unit. See **EMC 19.08.100** for applicable accessory dwelling unit requirements, including owner-occupancy if applicable.
- D. Number of Guests. The total number of residents and guests occupying a dwelling unit may not exceed eight (8), including any site with an accessory dwelling unit.
- E. Signs. No signs identifying the use as a short-term rental are permitted.
- F. Off-Street Parking. The short-term rental shall have no less than three (3) off-street parking spaces for any site with on-street parking in front of the site, and no less than four (4) off-street parking spaces for any site without on-street parking in front of the site.

#### **19.08.200 Group Housing, Temporary Shelters**

Group housing, temporary shelters shall be subject to the requirements of this section.

##### **A. Applicability.**

1. This section applies to the following “group housing, temporary shelters”:
  - a) Outdoor encampments, including any temporary tent or structure encampment, or both, and “temporary” meaning not affixed to land permanently and not using underground utilities;
  - b) Temporary safe parking areas; or

- c) Temporary tiny home communities.
- 2. This section shall not apply to:
  - a) “Emergency or disaster” situations as defined by RCW 38.52.010(9); provided, however, that the inability of a sponsor or managing agency to locate a site shall not be deemed to constitute an emergency or disaster.
  - b) Placement of a “tiny house” or a “tiny house with wheels” used as a primary residence in a manufactured/mobile home community, provided that each tiny house contains at least one internal toilet and at least one internal shower or the manufactured/mobile home community provides for the toilets and showers.

**B. Standards for temporary outdoor encampments, safe parking areas or tiny home communities**

- 1. Applicability. These standards apply to any temporary outdoor encampment, safe parking area or tiny home community, hereinafter referred to as “temporary encampments”, meeting the frequency and duration standard in subsection **B2** below.
- 2. Frequency and Duration. Temporary encampments may be approved for a period not to exceed eighteen (18) months for every five (5) year period, with the options of one, six-month extension. The temporary use permit shall specify a date by which the use shall be terminated.
- 3. Encampment management responsibility plan. Prior to or upon filing their land use application, the managing agency and sponsor shall prepare an encampment management responsibility plan, which shall be included with their permit application.
- 4. Safe Parking for Religious Organization. Pursuant to RCW 35.21.915, a regional organization may host safe parking efforts at its on-site parking lot without limitations on any other congregationally sponsored uses and the parking available to support such uses during the hosting, except for limitations as follows:
  - a) No less than one (1) space may be devoted to safe parking per ten (10) on-site parking spaces;
  - b) Restroom access must be provided either within the buildings on the property or through use of portable facilities, with the provision for proper disposal of waste if recreational vehicles are hosted; and
  - c) Religious organizations providing spaces for safe parking must continue to abide by any existing on-site parking minimum requirement so that the provision of safe parking spaces does not reduce the total number of available parking spaces below the minimum number of spaces required by EMC 19.34.
- 5. Temporary tiny home communities. In addition to other provisions of this section, the following requirements must be met for a temporary tiny home community:
  - a) The review authority may impose a maximum unit square footage of one hundred twenty (120) square feet, with units set at least six (6) feet apart;
  - b) Electricity and heat, if provided, must be inspected and approved by the city’s building official;
  - c) Space heaters, if provided, must be approved by the city fire marshal;
  - d) Doors and windows must be included and be lockable;
  - e) Each unit must have a fire extinguisher;
  - f) Adequate restrooms must be provided, including restrooms solely for families if present, along with handwashing and potable running water to be available if not provided within the individual units, including accommodating black water; and
  - g) The review authority may recommend that the organization partner with the regional homeless service providers to develop pathways to permanent housing.
- 6. Setbacks.
  - a) The temporary encampment shall be located a minimum of forty (40) feet from the property line of abutting properties containing residential uses; any tent, canopy or membrane structure, as defined in Chapter 19.24 of the International Fire Code, must be located at least twenty (20) feet away from

- any building, parked vehicle, internal combustion engines or other tent, canopy or membrane structure.
- b) The temporary encampment shall be located a minimum of forty (40) feet from the property line of abutting properties in commercial or industrial zones, unless the planning director determines that there is sufficient vegetation, topographic variation, or other site conditions that would justify a lesser setback.
7. Fencing. Sight-obscuring fencing is required around the perimeter of the temporary encampment unless the planning director determines that there is sufficient vegetation, topographic variation, or other site condition such that fencing would not be needed.
  8. Lighting. Exterior lighting must be directed downward and contained within the temporary encampment.
  9. Residents.
    - a) The maximum number of residents within a temporary encampment is one hundred (100).
    - b) All temporary encampment residents must sign an agreement to abide by the code of conduct and acknowledge that failure to do so shall result in the noncompliant resident's immediate and permanent expulsion from the temporary encampment by the managing agency.
  10. Off-street Parking. Parking for five (5) vehicles shall be provided.
  11. Transit Services.
    - a) A transportation plan is required which shall include provision for transit services.
    - b) The temporary encampment shall be located within one-half mile of transit service.
  12. Code of Conduct. A code of conduct is required to be enforced by the managing agency. The code shall contain the following as a minimum:
    - a) No drugs or alcohol are permitted.
    - b) No weapons are permitted.
    - c) No violence is permitted.
    - d) No open flames are permitted.
    - e) No trespassing into private property in the host neighborhood is permitted.
    - f) No loitering in the host neighborhood is permitted.
    - g) Disturbing neighbors is not permitted.
    - h) No verbal abuse, intimidating remarks, yelling or degrading remarks against member(s) of the host or host neighborhood are permitted.
    - i) No verbal abuse, intimidating remarks, yelling or degrading remarks between members of the temporary encampment or managing agency are permitted.
    - j) No littering on the encampment site or in the host neighborhood is permitted; a weekly trash patrol in the host neighborhood shall be required.
    - k) Quiet hours shall be observed daily from nine p.m. to seven a.m.
  13. Inspections.
    - a) The managing agency shall permit inspections of the temporary encampment by the Snohomish health district without prior notice and implement all directives of the health district within the time period specified by the health district.
    - b) The managing agency shall permit access, without prior notice, to the temporary encampment site at all times for the Everett police department and Snohomish County sheriff.
    - c) If the city fire marshal finds that fire-related concerns associated with an indoor overnight shelter pose an imminent danger to persons within the shelter, the city may take action to limit the availability to host indoor overnight shelter for religious organization's or any other entity. In addition, the city may require an organization to enter into a memorandum of understanding for fire safety that includes inspections, an outline for appropriate emergency procedures, a determination of the most viable means to evacuate occupants from inside a site with appropriate illuminated exit signage, panic bar exit doors, and a completed fire water agreement indicated: 1) posted safe means of egress; (2) operable smoke detectors, carbon monoxide detectors as necessary, and fire

extinguishers; (3) a plan for monitors who spend the night awake and are familiar with emergency protocols, who have suitable communication devices, and who know how to contact the fire department

14. Managing Agency Responsibilities.

- a) The managing agency and temporary encampment residents shall ensure compliance with Washington State statutes and the Everett Municipal Code concerning, but not limited to, drinking water connections, solid waste disposal, human waste, electrical systems, and fire-resistant materials.
- b) The managing agency shall appoint a member to serve as a point of contact for the Everett police department. At least one member must be on duty at all times. The names of the on-duty members shall be posted daily.
- c) The managing agency shall take all reasonable and legal steps to obtain verifiable identification from prospective encampment residents and use the identification to obtain sex offender and warrant checks from the appropriate agency. The managing agency will not be conducting the sex offender and warrant checks but will submit to the appropriate agency the verified identification information obtained through such steps. All of the Everett police department's requirements with respect to identified sex offenders or prospective residents with warrants shall be met.
- d) The managing agency shall immediately contact the Everett police department if someone is rejected or ejected from the temporary encampment where the reason for rejection or ejection is an active warrant or a match on a sex offender check, or if, in the opinion of the on-duty member or on-duty security staff, the rejected/ejected person is a potential threat to the community.
- e) The managing agency shall permit inspections of the temporary encampment by the city's code compliance officers, building inspector, permit services manager, fire marshal or their designee without prior notice. The managing agency shall implement all directives resulting from such inspections within forty-eight (48) hours of notice.
- f) Consistent with the Everett building code, the managing agency may not allow in the encampment, without first obtaining a building permit, any structure, other than tents, canopies or other membrane structures, that is greater than one hundred twenty square feet or provides shelter for more than nine persons.
- g) The managing agency and temporary encampment residents shall cooperate with other providers of shelters and services for homeless persons within the city and shall make inquiry with these providers regarding the availability of existing resources.

15. Additional Requirements for Applications Requesting Modification of Standards.

- a) The applicant may apply for a temporary that applies standards that differ from those in this section only where the applicant submits a description of the standard to be modified and demonstrates how the modification would result in a safe temporary encampment under the specific circumstances of the application.
- b) Requests shall be reviewed by the city's hearing examiner at a public hearing. The hearing examiner shall make a decision regarding the issuance of a temporary and modification of standards. The notice of the time and place of the public hearing shall be provided to the applicant and to any person who, prior to the rendering of the decision on the permit, made a written request for notice or submitted substantial comments on the application for the permit. The public hearing procedures shall be as specified in **Title 15**.
- c) In considering whether the modification should be granted, the city shall first consider the effects on the health and safety of residents and the community. The burden of proof shall be on applicant.

**19.08.210 Manufactured homes, mobile homes, tiny homes and recreational vehicles**

## A. Definitions

1. The definition of “manufactured home”, “mobile home”, “mobile home park subdivision”, “manufactured housing subdivision”, “mobile home park”, “manufactured housing community” or “manufactured/mobile home community” shall have the same meaning as set forth in [RCW 59.20.030](#).
2. The definition of “designated manufactured home” or “new manufactured home” has the same meaning as set forth in [RCW 35.63.160](#).
3. “Recreational vehicle” means a vehicle which is a) built on a single chassis; b) four hundred (400) square feet or less when measured at the largest horizontal projection; c) designed to be self-propelled or permanently towable by a light duty truck; and d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
4. “Tiny home”, “tiny house” or “tiny house with wheels” has the same meaning as set forth in [RCW 35.21.686](#), which is a dwelling to be used as permanent housing with permanent provisions for living, sleeping, eating, cooking, and sanitation built in accordance with the state building code.
5. “Tiny house communities” has the same meaning as set forth in [RCW 35.21.686](#), which is real property rented or held out for rent to others for the placement of tiny houses with wheels or tiny houses utilizing the binding site plan process in [RCW 58.17.035](#).

## B. Where allowed

1. Manufactured homes, new or designated. A new or designated manufactured home may be placed on any lot within the City in the same manner and meeting the same design and development standards as site built homes, factory built homes, or homes built to any other state construction or local design standards, subject to the following:
  - a) The manufactured home must be set upon a permanent foundation, as specified by the manufacturer, and the space from the bottom of the home to the ground must be enclosed by concrete or a concrete product approved by the planning director which can be either load bearing or decorative;
  - b) The manufactured home is thermally equivalent to the state energy code; and
  - c) The manufactured home meets all other requirements for a designated manufactured home as defined in [RCW 35.63.160](#).
2. Manufactured homes or mobile homes. A manufactured home or mobile home may be placed in a mobile home park subdivision, manufactured housing subdivision, mobile home park, manufactured housing community or manufactured/mobile home community that were legally in existence before June 12, 2008 as set forth in [RCW 35.21.684](#).
3. Recreational vehicles or tiny houses.
  - a) A recreational vehicle or tiny house may be used as a primary residence in a manufactured/mobile home community which was legally in existence before June 12, 2008 as set forth in [RCW 35.21.684](#) if the recreational vehicle or the tiny house meets the following requirements:
    - i. The recreational vehicle or tiny house meets fire, safety and other requirements of the City Building Official and Fire Marshal;
    - ii. The recreational vehicle or tiny house contains at least one internal toilet and at least one internal shower, or the manufactured/mobile home community provides toilets and showers for use of the recreational vehicle or tiny house’s occupants.
  - b) A recreational vehicle or tiny house may be used as temporary where allowed pursuant to **EMC 19.05**.
  - c) A recreational vehicle or tiny house may not be used as a primary residence within the city except as otherwise allowed above.
4. Tiny house communities. See **EMC 19.05** to see where tiny house communities are permitted.

## 19.08.220 Secure Community Treatment Facilities



**A. Essential Public Facilities.**

A secure community transition facility (“SCTF”) is an essential public facility. In addition to complying with the city’s requirements for a conditional use permit, the applicant for a SCTF shall comply with the city’s siting process for essential public facilities.

**B. Maximum Number of Residents.**

No SCTF shall house more than twelve persons, excluding resident staff.

**C. Siting Criteria.**

1. No SCTFs shall be allowed in or within the line of sight of the following specified uses, whether such uses are located within or outside the city limits. In or within the line of sight of any “risk potential activity” as defined in RCW 71.09.020, as amended, include, but are not limited to:
  - d) Public and private schools;
  - e) School bus stops;
  - f) Licensed day care and licensed pre-school facilities;
  - g) Public parks, publicly dedicated trails, sports fields and playgrounds;
  - h) Recreational and community centers;
  - i) Churches, synagogues, temples and mosques;
  - j) Public libraries; and
  - k) Others risk potential activities identified by the Department of Social and Health Services.
2. The distance provided for line of sight shall be measured by following a straight line from the nearest point of the property parcel upon which the secure community transition facility is to be located, to the nearest point of the parcel of property or land use district boundary line from which the proposed land use is to be separated.
3. In order to assist in providing equitable distribution, there shall be a separation of one mile between an SCTF and any existing SCTF, jail, correctional facility, mental health facility, work release, pre-release or similar facility. (A “similar facility” includes, but is not limited to, Madison House, Everett Gospel Mission Men Shelter, Everett Gospel Mission Women and Children Shelter, Green House, Evergreen Manor and establishments providing similar services.)

**D. Review Process III (Special Property Use/Conditional Use Permit)**

A conditional use permit Review Process III application for SCTF shall comply with all the permitting and procedural requirements pertaining to a conditional use permit Review Process III including those found under **Title 15** of this code.

**E. Existing SCTFs.**

In the event a SCTF is legally sited in accordance with the provisions of this title, this does not preclude any subsequent siting of any risk potential activity described in subsection C.1 of this section within the line of sight.

F. When evaluating an application for a SCTF consideration shall also be given to those siting provisions provided in RCW 71.09.250(8).

**19.08.300 Administrative Modification of Development Standards**

**A. General**

An applicant may propose and the planning director, using the review process described in **Title 15**, Local Project Review Procedures, may allow an applicant to deviate from the development standards, provided the proposal satisfies the evaluation criteria of this subsection. In evaluating such a proposal, the planning director, using the criteria in subsection (C) below, shall determine if the alternative design or plan provides superior results to that which would be required by compliance with the development standards of this chapter.

## **B. Development Standards that can be modified**

1. The following development standards in this chapter can be modified:
  - a) Any design or development standard regarding façade, window, door, roof, entrance or siding requirements.
  - b) Lot width requirements.
  - c) Landscape requirements.
  - d) Minimum size, location and design standards for on-site open space.
2. The following development standards cannot be modified:
  - a) Minimum lot size requirements
  - b) Maximum density requirements
  - c) Lot coverage requirements
  - d) Floor-to Area Ratio (FAR) requirements
  - e) Setback requirements
  - f) Land division or owner occupancy requirements
  - g) Home occupations prohibited

## **C. Evaluation Criteria for Modification**

See **EMC 15.03**.

### **19.08.400 Design Review**

The planning director may engage the services of a licensed architect, or other licensed design professional when the director deems it appropriate and in the public interest, to provide recommendations in connection with the review of any project that:

(A) is subject to any design standard or guideline established in this chapter; or

(B) involves discretionary design-related decisions, such as a modification of design standards, authorized in this chapter; or

(C) involves design-related decisions to implement building façade requirements set forth in **EMC 19.08.040** of this chapter.

Recommendations of the architect or design professional shall be advisory only and shall not otherwise limit the director's authority to require changes in any project design to meet the design requirements of this title or the director's discretion to approve or deny requested modifications or apply discretionary design criteria.

### **19.08.500 Authority of Planning Director**

The planning director shall have the authority to disapprove, approve with conditions, or require the applicant to make design changes if he/she determines the design does not meet the design standards, guidelines or evaluation criteria of this title.