



## Part I: Code Amendments at a Glance – Residential Uses and Development Standards (Chapters 19.08):

### A. What is it?

This is a new chapter in the Zoning and Development code addressing residential development standards.

This chapter does not address multifamily residential development of five (5) units or more, or residential development within the following zones: UR3, UR4, MU, NB, B, LI1, or LI2. For these requirements, please see Chapter 19.09.

The following standards are currently found in six different chapters of the zoning code and Title 17, and are addressed in this chapter:

- Small lot single family (from [EMC 19.07.010](#)),
- Accessory dwelling units (from [EMC 19.07.030](#)),
- Residential accessory buildings (from [EMC 19.07.020](#)),
- Home occupations (from [EMC 19.41.080](#)),
- Boarding and rooming (from [EMC 19.39.060](#)),
- Bed and breakfast houses (from [EMC 19.39.050](#)),
- Live/work units (from [EMC 19.39.125](#))
- Temporary encampments (from [EMC 19.41.090.J](#))
- Manufactured homes and recreational vehicles (from [EMC Title 17](#), and [Chapters 19.05](#) and [19.04](#)), and
- Secure community transition facilities (from [EMC 19.41.150.D.3](#)).

The standards for reasonable accommodation would replace a planning director interpretation that was required to fulfill the city’s obligations under the federal Fair Housing Act (FHA) and other federal or state laws.

### B. Type of revision drafted:

- Minor revision to an existing chapter
- Major rewrite and relocation of existing chapter
- New chapter

### C. Key changes from existing code:

The following standards are new and are addressed in this chapter:

- Townhouse and duplexes in the R-S, R-1, R-2 and R-2(A) zones,
- Front porch and entrance requirements,
- Garage requirements,
- Cottage housing,
- Short-term rentals,

- Temporary shelters

## Part II: Analysis of Code Amendments

The following analysis is organized by sections of the draft Chapter 8, Residential Standards. Please refer to that chapter for specific text. The chapter can be found in the Rethink Zoning Library (<https://everettwa.gov/2453/Rethink-Zoning-Library>).

### 19.08.015 Definitions

The section includes definitions specific to this chapter. Two specific definitions to highlight:

- A new definition of “*street-facing dwelling unit façade*” is added. Some lots are not along a street, but are on flag or panhandle lots, or are accessed by an easement. Several standards in this chapter are meant to address what is seen from a public street, so this definition is meant to provide that clarification.
- For purposes of this chapter, “*gross floor area*” is amended from the current zoning code definition to exempt basements that are more than 75% below grade and up to 240 square feet of unenclosed porches.

### 19.08.020 Small Lot Single Family

The section is from existing code provisions in EMC 19.07.010. The following changes were made:

- Duplexes were removed from this section. Duplex standards are now found in the next section of this chapter, 19.08.030.
- An additional floor-to-area bonus of 0.15 is allowed for detached accessory structures

### 19.08.030 Townhouse and Duplexes

These standards apply only to townhouses and duplexes in the R-S, R-1, R-2 and R-2(A) zones.

Under the current zoning code, attached single-family dwellings (i.e. townhouses) are allowed in all the single-family zones (R-S, R-1, R-2 and R-2(A)).

- In the R-S, R-1, and R-2 zones, they are allowed only through the cluster subdivision process at the density allowed in the underlying zone
- In the R-2(A) zone, single-family attached is allowed at 1 unit per 2,900 square feet, and in the R-1(A) zone at 1 unit per 3,600 square feet
- Duplexes have varied standards:
  - In the R-S zone, duplexes are not allowed but a townhouse is (see above)
  - In the R-1 zone, a duplex must be owner-occupied through a subdivision process and the lot must be 12,000 square feet
  - In the R-2 zone, a duplex is allowed on a lot that is 7,500 square feet

The standards in this section maintain the existing requirements for these housing types and coincide with Ch. 5, Uses. **Update (7/13)**: While the current standards allow townhouses, without any limit on the number attached, the single-family zones do not allow multiple family developments, now defined at 3 units or more. This section has been updated to prohibit more than 3 units of townhouses in the R-S, R-1 and R-2 zones. Up to 4-units attached would be allowed in the R-2A zone.

#### 19.08.040 Design standards for townhouses and duplexes

The design standards in this section include:

- Requiring vehicular access and parking from an alley if available and limiting access points to the street where an alley is not available
- Standards for facades, encouraging better design and fit into neighborhoods
- Standards for roof forms
- Separation of buildings (10 feet) if a lot is big enough to accommodate multiple buildings
- Restriction on exterior stairs on facades facing the street
- Requirements for transparency for facades facing the street
- Open space and landscaping/screening requirements

#### 19.08.050 Front porch and entrance requirements

The design standards in this section are applicable to the following uses, as shown in Subsection A:

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 19.06.030)	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

The design standards in this section include:

- Requiring entrances on the street facing façade open onto an unenclosed porch at the ground floor
- Requiring entrances on each street frontage for corner lots
- Prohibiting fire escapes and exterior stairs to upper levels on a façade
- Setting minimum porch requirements where porches are required

#### 19.08.060 Garage requirements

The design standards in this section are applicable to the following uses, as shown in Subsection A:

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 EMC 19.06.030)	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

The design standards in this section include:

- Requiring a garage to be set back at least 5 feet from the front wall of a building, except along alleys
- Limiting the length of a garage wall to 50% of the length of the street-facing dwelling unit façade unless it is set back 20 additional feet.

#### 19.08.070 Cottage housing

The standards in this section were originally located within the Zoning Code in the Core Residential Area chapter. In 2018, the Core Residential Area standards were repealed and replaced with Metro Everett standards. At the time, cottage housing was only allowed within multifamily and commercial zones. In Chapter 5, cottage housing would be permitted in UR3 and NB zones.

The cottage housing standards include:

- Setting density limits of 1 unit per 1,500 sq. ft.
- Set maximum size and height limits on dwellings
- Set open space requirements

#### 19.08.100 Accessory dwelling units

The standards in this section are now located within [EMC 19.07.030](#). In order to allow more housing types, including accessory dwelling units, the following changes to current standards are included:

- Currently, only single-family dwellings may have an accessory dwelling unit (ADU). New state legislation in 2020 (ESSB 6617) requires the city to consider ADUs with duplexes, triplexes and townhomes. The section includes adding ADUs to all the housing types set forth in ESSB 6617. (A separate requirement of ESSB 6617 does not allow the city to require off-street parking for an ADU within ¼ mile of a major transit stop. See the draft chapter on off-street parking (19.34) for these amendments.)
- Owner-occupancy. Owner-occupancy is currently required for all ADUs, whether in the ADU or in the principal dwelling. The chapter does not include any changes to this requirement.
- Size limits: The size of ADUs is proposed to be amended.
  - Current standards: Under current requirements, you can have a an ADU which is the lesser of 800 square feet or 75% or the gross floor area of the principal dwelling. This standard is inconsistent with another provision in the zoning code that allows up to 1,000 square feet

- for an accessory residential building (see [EMC 19.07.020](#)). This inconsistency creates challenges in future conversions of accessory buildings to an ADU, or the addition of an ADU on top of an existing accessory residential building (e.g. ADU on top of garage).
- Draft standards: The draft standards has two pathways: 1) for single-family ADUs and 2) for duplex, triplex and townhouse ADUs.
    - Single-family ADUs. The size is the lesser of 1,000 square feet, 15% of the total lot area or 75% of the gross floor area of the principal dwelling. This is the same size requirements for accessory residential structures, unless 75% of the gross floor area is less than 1,000 square feet.
    - Duplex, Triplex, and Townhouses. This new option for an ADU to a building that already has multiple units has the same general approach as single-family ADUs but allows half the size of a single-family ADU: the lesser of 7.5% of the lot area, 37.5% of the gross floor area or 440 square feet.
  - Maximum heights. Heights are found in Chapter 19.22. The heights have been changed for ADUs in that chapter to also align with heights of accessory residential structures.
  - Design standards. With the addition of ADUs to 2- and 3-unit dwellings, a requirement that those dwellings comply with the front porch and entrance requirements is drafted. Other design standards from current standards remain the same.
  - Historic overlays. The infill housing within historic overlays has been removed and is now included in this chapter as an ADU. This chapter requires compliance with the historic overlay zone requirements in Chapter 19.26 and review by the city's Historical Commission.

#### **19.08.110 Residential accessory buildings**

The standards in this section are now located within [EMC 19.07.020](#). Changes from current standards include:

- An unenclosed rear porch, less than 180 square feet in area, is not included in the size calculations of gross floor area
- Height limits have moved to Chapter 22, and do include some changes in residential accessory buildings, which are currently limited to 15 feet without a public notice requirement.
- Standards that require roof pitch for buildings larger than 200 square feet are eliminated.
- The requirement to record a covenant regarding the restrictions on accessory buildings is eliminated.
- A requirement to separate accessory buildings from the principal dwelling by 10 feet is added if the accessory building is located within the required rear yard for the principal dwelling
- Consolidation of size requirements between small lots and large lots, and change in size and review process for larger lots:
  - 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.
  - Increase in total accessory building footprint allowed on lots having more than 18,000 square feet, from up to 2,000 square feet to total of 3,000 square feet, through Review Process I.

**Update (7/13)**: There have been interpretation challenges about whether porches or covered decks and patios attached to a dwelling are included in the limits of accessory buildings. Accessory building is defined as "...a building which is subordinate and incidental to the permitted principal building, located

on the same lot with such principal building, and erected or established only after or in conjunction with the establishment of the principal building. An accessory building includes, but is not limited to, garages, carports, storage buildings, and other similar buildings.” This definition does not include porches or decks and patios that are attached. However, due to past practices, adding a statement of intent is intended to provide clarification that they are not included in the calculation of accessory building lot coverage limits, but are included in the overall lot coverage limits.

A **second update** to this section is to provide an additional exception for other common accessory buildings that have been a challenge at times, including child’s playhouse or treehouse, play structure, gazebo, doghouses, swimming pool accessory buildings and pump houses, patio or garden trellis. Up to 200 square feet of these buildings would be exempt from the accessory building lot coverage limits.

A **third update** is to calculate size limits based on the dwelling’s building footprint, rather than 75% of the gross floor area of the dwelling. Calculating the gross floor area of a dwelling is challenging for implementation; the update helps address this challenge.

#### **19.08.120 Home occupations**

The standards in this section are now located within [EMC 19.41.080](#). There are no changes to the current standards in the draft.

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

The standards in this section are now located in [EMC 19.39.125](#). There are no changes to the current standards in the draft.

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

The standards in this section are now located within [EMC 19.39.060](#). There are no changes to the current standards in the draft.

#### **19.08.135 Reasonable accommodation**

This is a new section but follows the same standards set forth in a Planning Director interpretation #08-02 to make reasonable accommodations of zoning regulations when such accommodations are necessary to afford a disable individual an equal opportunity to use and enjoy a dwelling.

#### **19.08.140 Bed and breakfast houses**

The standards in this section are now located within [EMC 19.39.050](#).

#### **19.08.150 Short-term rentals**

These are new standards. Short-term rentals are the use of an entire dwelling by any person or groups of persons to occupy for a period of less than 30 consecutive days. These rentals can be found on different platforms, such as Air BNB, or VRBO.

When the ordinances to implement the Metro Everett Plan were adopted in August 2018, short-term rentals were added to the list of uses. Outside Metro Everett, this use is not allowed except as a bed and breakfast house or where two roomers are allowed. This use is permitted in most zoning districts (see Chapter 5) subject to the standards of this section.

The standards in this section address the basic nuisance issues that a short-term rental could generate. The standards include:

- Requiring a business license and limiting the number of rentals one person or group can operate within the city.
- The short-term rental can be in a dwelling unit or accessory dwelling unit (ADU), although if in an ADU, the principal dwelling unit may be subject to owner-occupancy requirements.
- The number of guests is limited to eight (8), the same number defined as “family” within the zoning code.
- So signs identifying the use as a short-term rental would be allowed.
- There would need to be at least 3 off-street parking spaces available, and where there is no on-street parking, 4 off-street spaces would be required.

#### **19.08.200 Group housing, temporary shelters**

The standards in this section expand on the temporary encampment provisions now located within [EMC 19.41.090.J](#). This section addresses temporary tent encampments, temporary safe parking areas or temporary tiny home communities. Other than making it clear that this section addresses several different approaches to temporary shelters, the changes also amend the frequency and duration of a temporary shelter from 90 days in any one (1) year to 18 months in every 5 years.

**Update:** the 2020 Legislature passed [ESHB 1754](#) which made significant changes to statutes that limit the ability of the city to regulate homeless encampments operated by religious organizations. This section has been updated to be consistent with that legislation.

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

Some of these standards and definitions are currently found within [EMC Title 17](#), [EMC 19.05](#) and [EMC 19.04](#).

The 2019 State Legislature added requirements ([ESSB 5383](#)) for tiny houses that the city must comply with; these provisions are incorporated into this section, Ch. 13 (Specific Uses), and chapters 51-55 of this title (land division requirements).

The city cannot prohibit adopt any regulations which has the effect of discriminating against the placement or use of a home that is not applicable to all homes, including manufactured homes. ([RCW 35.21.684](#)) The city may require that homes be set upon a permanent foundation and comply with all design standards applicable to all other homes within the neighborhood.

This section has the following standards:

- Manufactured homes must be on a permanent foundation, be thermally equivalent to the state energy code, and meet other requirements of [RCW 35.63.160](#).
- Recreational vehicles or tiny houses can be used as a primary residence in a manufactured/mobile home community in existence before June 12, 2008 if the unit meets fire, safety and other requirements of the building official and fire marshal; contains at least one internal toilet and internal shower, or the community provides toilets and showers for their use.

- Recreational vehicles or tiny houses may not be otherwise used as a primary residence in the city.
- Tiny house communities are not allowed in Chapter 5, Uses, except as a temporary community (see Chapter 13, Specific Uses, for standards).

**19.08.220 Secure community treatment facilities**

The standards in this section are now located within [EMC 19.41.150.D.3](#). There are no substantive changes in the standards.