

TO: Planning Commission  
 FROM: David Stalheim, Long Range Planning Manager  
 DATE: June 25, 2020  
 RE: Rethink Zoning

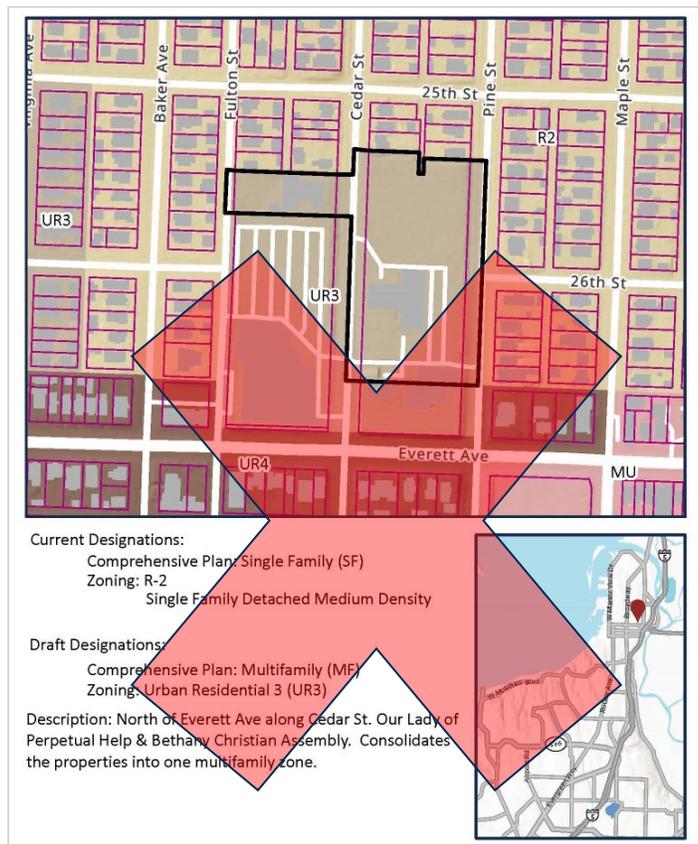
At the next Planning Commission meeting, we will be reviewing additional chapters and revisiting chapters we previously discussed. The following is a synopsis of the items we would like to discuss:

**Land Use Designation Map Amendments:**

We have previously briefed the Planning Commission on 29 land use changes. After further review, two of the land use changes we had drafted could result in a significant land use change – one a downzone and the second an upzone, that we have decided to remove from the list. The updated report of all land use changes can be found at

<https://everettwa.gov/DocumentCenter/View/23602/Land-Use-Change-Report-6-08-20?bidId=>

- Riverside Neighborhood – we had initially proposed to change the land use designation from single family to multifamily for property north of Everett Avenue along Cedar Street (see map below). Two religious facilities (Our Lady of Perpetual Help and Bethany Christian Assembly) have their properties split with land use designations and zoning. However, making this land use and zoning change would allow more housing types, densities and potentially building height. This was not a request of those property owners and has thus been removed from the list for consideration.



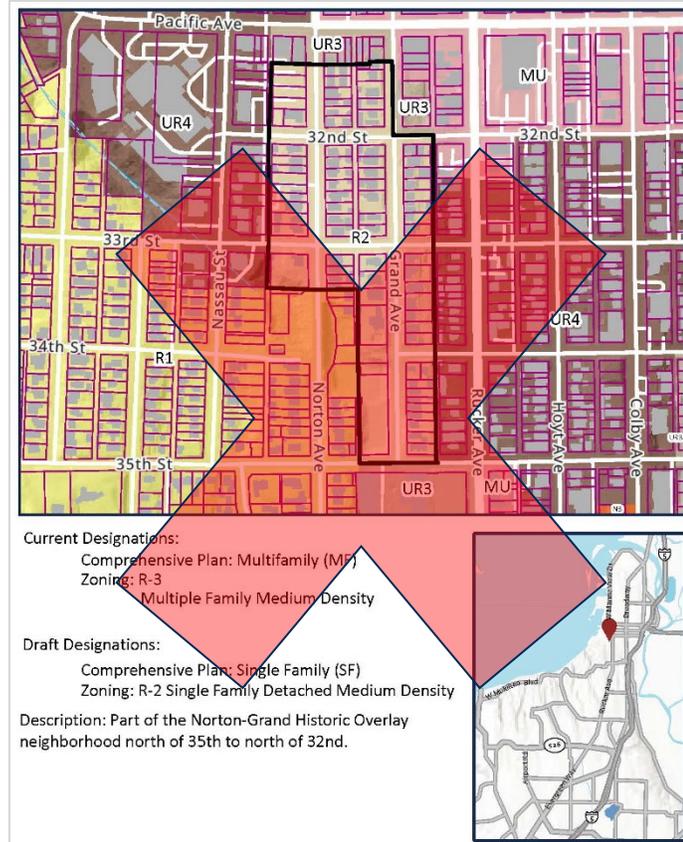
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- Norton Grand Neighborhood*** – we had initially proposed an area of the Norton-Grand neighborhood to change from multifamily to single-family on the Land Use Designation map (see map at right). In conjunction with that change, we had drafted a zoning map amendment for the area to be UR2 with a Transit Overlay, the effect of which would have been nearly identical to current standards. With the new Rethink Zoning, we are limiting changes to single-family zoning, so the effect of this land use and zoning change would have been a significant downzone in that area. No one had requested this change, so we are eliminating this proposal from changes.



**New chapters for review:**

The following chapters have been drafted and we would appreciate your review and feedback:

- Chapter 2, Legal Effect and Applicability*** – the most pertinent issue in this chapter for review is Section 19.02.100, Repeal of Contract Rezones. The Chapter Summary in the document library (<https://everettwa.gov/2453/Rethink-Zoning-Library>) includes links to map books that outline those contract rezones being repealed and those that would remain in place.
- Chapter 4, Definitions*** – most of the existing definitions in the Zoning Code are transferred into this chapter, which is reorganized to be able to find definitions easier. There are several amended or new definitions which are discussed in the Chapter Summary document found in the document library: <https://everettwa.gov/2453/Rethink-Zoning-Library>.
- Chapter 34, Off-Street Parking*** – some minor amendments to Chapter 34 are drafted to coincide with new Land Uses in Chapter 5 and to be consistent with recent amendments to the Growth Management Act (GMA).
- Chapter 35, Landscaping*** – the chapter required amendments to address the consolidation of multifamily, commercial and industrial zones. Additional minor amendments were included and summarized in the Chapter Summary document found in the document library: <https://everettwa.gov/2453/Rethink-Zoning-Library>.

Not all of the chapters that will be presented to the public and Planning Commission for public hearing are scheduled to be briefed. All of the chapters and summaries can be found in the document library: <https://everettwa.gov/2453/Rethink-Zoning-Library>. The following chapters will be available:

- *Chapter 1, Introduction to Unified Development Code* – user guide
- *Chapter 3, Zoning Districts and Maps* – an overview of the zones and overlays, along with a zoning map. The zoning map has been presented to the Planning Commission previously, and can be found on the Rethink Zoning Maps page: <https://everettwa.gov/2509/Maps>
- *Chapter 29, Planned Development Overlay* – this chapter will consolidate the Planned Residential Development Overlay chapter with the Planned Development Overlay. No substantive changes in standards are proposed.
- *Chapter 31, Institutional Overlay* – this chapter includes some technical fixes to the chapter but are not considered substantive changes.
- *Chapter 38, Nonconformities* – this chapter includes minor clarification of criteria.
- *Chapter 40, Fences* – this chapter clarifies fence standards in the city, but without substantive changes from current provisions.
- *Chapter 41, General Authority and Requirements* – existing code provisions are consolidated in this chapter.
- *Chapter 43, Environmental Policy* – two changes in this chapter include raising the exemption from State Environmental Policy Act (SEPA) review to 200 dwellings in the Urban Residential 4 (UR4) zone and the Mixed Urban (MU) zone, and eliminating a requirement for posting and notice for projects that are not subject to SEPA. The SEPA exemption for 200-dwelling units is allowed under state law (infill development) and is currently the threshold in Metro Everett; this exemption would expand to other areas zoned UR4 or Mixed Urban.

#### **Revisit of chapters:**

The following chapters were previously briefed with the Planning Commission. Since that time, additional changes are a result of legislation, public input or staff review.

- *Chapter 5, Uses* – a few amendments to this chapter have been drafted:
  - We have eliminated the option for 3- to 4 units in the R-S, R-1, and R-2 zones. The current Zoning Code does not allow multifamily in those zones, which is currently defined as 3 units or more.<sup>1</sup> However, those zones do allow townhomes without any limits on how many homes could be attached, but still subject to density limits. At this time, we think it is clearer to just allow up to two units to be attached in those zones, which is more consistent with current expectations of those zones.
  - New legislation on homeless encampments was adopted in 2020, so some changes are made in the Use Table and in Chapter 8.
- *Chapter 6, Lots, Setbacks and Residential Densities* – we briefed the Planning Commission on Lot and Building Placement standards on June 2<sup>nd</sup>. Our original intention was to have a separate chapter on Residential Densities. After looking at the code reorganization, we think placing residential densities into Chapter 6 makes more sense.

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<sup>1</sup> Chapter 4, Definitions, includes a proposal to change the definition of multiple family dwellings from three units to five units.



- Multiple family densities are found in 19.06.100. For most areas, there are not any limits proposed on residential densities. The limit to development is based on setbacks, lot coverage, heights, and off-street parking. The exception drafted is to have density limits within historic overlays and within the Neighborhood Business zone. Currently, density limits apply only in the R-3 zone.
- Density limits for attached housing in single-family zones is found in 19.06.110. These are the same standards in the current Zoning Code.
- A revision to this chapter eliminates the ability to request setback modifications. There are a list of setback exceptions in the chapter (see 19.06.030). We think we have found the most frequent requests and provided a path for that consideration. If a hardship remains, then an applicant can apply for a variance.
- An amendment is added to address Planning Commission input to not allow an average front setback if the result is less than 50% of the required setback standard.
- Chapter 8, Residential Standards – we briefed the Planning Commission on May 19<sup>th</sup> and June 2<sup>nd</sup>. Changes drafted include:
  - 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. Section 19.08.200 has been updated to meet the requirements of that legislation.
  - Density and lot area standards for attached housing in single-family zones amended to reference Chapter 6.
  - Minor amendments to 19.08.110 have been added to address interpretation and implementation issues with residential accessory buildings. The definition of “accessory building” does not include a porch attached to a building, but it has long been interpreted that the lot coverage limits for accessory buildings include porches. Language has been added, together with a revised definition of porch in Chapter 4, to make clear that porches are not counted in the limits for accessory buildings but are still subject to overall lot coverage requirements. In reviewing this section, another 200 square feet is exempted for children’s playhouse, treehouse, play structure, gazebo, dog houses, swimming pool accessory buildings and pump houses, patio or garden trellis – issues that often come up in zoning questions to staff.
- Chapter 12, Building Form and Design Standards – we briefed the Planning Commission on May 19<sup>th</sup> and June 2<sup>nd</sup>. [EMC 19.26](#), M-2 Zone, is proposed for repeal with the industrial zone consolidations. There were some additional lighting and glare requirements pertinent to the Central Waterfront Planning Area in that chapter that were added to 19.12.210.D.