



## Part I: Code Amendments at a Glance – Building and Structure Heights (Chapters 19.22):

### A. What is it?

This is a new chapter in the Zoning and Development code. Building and structure height requirements were previously found in ten different chapters of the zoning code, often with conflicting provisions. The chapter addresses:

- heights for principal and accessory buildings,
- where height reductions are required,
- how heights are measured,
- exceptions for heights in industrial zones,
- a development height incentives program,
- other accessory structures and appurtenance height limits,
- modification of building heights and
- building height maps.

### 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:

Heights in single family zones remain unchanged from current standards (28' maximum height from base elevation)

The primary changes from current requirements are as follows:

- Consolidates standards into one chapter
- Maps heights throughout the city
- Makes some changes to the way heights are calculated
- There are some areas of the city where heights are drafted to be decreased
- There are some areas of the city where heights are drafted to be increased, including:
  - accessory structures
  - height incentives
- There is a new method to transition heights from residential zones to other zones

## Part II: Analysis of Code Amendments

The following analysis is organized by sections of the draft Chapter 22, Building and Structure Heights. 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>) or by clicking this link: [Ch. 19.22](#).

### 19.22.020 Heights for Principal Buildings

The new building heights table (22-1) sets height standards for each zoning district. All heights are mapped (see 19.22.150) for ease of reference, but the single-family zones (R-S, R-1, R-2, R-2(A)) and one multifamily zone (UR3) have heights set based on the zoning boundary.

The proposal extends what the city did in Metro Everett by describing height limits by floors. The public can better visualize how tall a building is when described in floors than in feet. When looking at the maps, you can start to visualize what 28' in single family zones might look like and 7 floors along parts of Evergreen Way.

In some zones, the maximum height is set based on both floors and feet. A building must meet both the floor limit and maximum height in feet.

#### **Single Family Heights**

Current maximum height limits in the single-family zones is 28' without any limit on the number of floors. No changes to these standards are within the draft chapter.

#### **Multifamily Heights**

Current maximum heights for multifamily ranges from 45' (4 floors) to 80' (8 floors). The draft height for the UR3 zone is increased slightly to 50' but limited to 4 floors. All other heights are mapped and are intended to approximate existing maximum height requirements.

#### **Commercial and Industrial Heights**

The new height maps are intended to be consistent with existing height requirements. However, in some circumstances, heights were adjusted. The following are areas where the heights are different from current standards:

- **B-2 zones** – areas currently zoned B-2 (community shopping) have a standard maximum height of 35'. Footnote 27 allows for the height to increase to 80' for multifamily development if located at least 300 feet from a single-family zone or 60' if located 150' from a single-family zone. Some examples of areas where this change can be found:
  - *Lowell* – the business area along 2<sup>nd</sup> Avenue is reduced from a theoretical height of 7 floors to 4 floors.
  - *W Mukilteo and Olympic Blvd* – this is a neighborhood corner that includes a church, car wash, gas station and other small business, none of which exceed the 4 floors drafted.
  - *East side of Silver Lake* – this area includes a mix of business and residential zoning. The business heights are generally not achievable due to proximity to the lake or residential zoning. A consistent approach to heights – 4 floors, is drafted in this area.
- **Industrial Zones** – there are pockets of industrial zones that are shown to have a higher maximum height limit but are further restricted due to proximity to adjacent residential zones. Some of the areas where changes to the base height have been drafted include:

- *Delta Train Yard/Snohomish River* –The base height of the M-2 zone (heavy manufacturing) allows for 80' (7-8 floors) but is restricted to 40' when within 100 feet of a residential zone. The draft height maps reduce these areas to 4 floors, but a provision has been added to allow another 2 floors if necessary to support water dependent industrial activities (see 19.22.070).
- **Other Commercial Zones** – there are pockets of commercial zones that are shown to have a higher maximum height limit but are further restricted due to proximity to adjacent residential zones or have been developed as residential. Some of the areas where changes to the base height have been drafted include:
  - *E. Marine View Drive* –The base height of the C-1 zone allows for 50', but up to 80' can be achieved if 300 feet away, or up to 60' if 150' away from single family zones. The draft height maps reduce these areas to 3-4 floors, more consistent with what is possible under current standards and more appropriate to protect views.
  - *Glennwood/Kenwood* – This is a property that is near a single-family neighborhood. The draft height maps reduce this area to 4 floors, about the same as the base heights would allow.
  - *Greenfield Park* – A townhome development just south of Everett Mall is on property currently zoned C-1R (regional commercial office). Since this property is recently developed as townhomes, the draft height maps reduce this area to 4 floors. This area is also identified for a potential land use change from commercial to residential to reflect the actual land use that is expected over the next 20 years or more.
  - *Huntington Park* – A multifamily development just north of Everett Mall is on property currently zoned C-1 (general commercial). Since this property is recently developed as multifamily, the draft height maps reduce this area to 4 floors. This area is also identified for a potential land use change from commercial to residential to reflect the actual land use that is expected over the next 20 years or more.
- **Evergreen Way** – heights developed as part of the Evergreen Way plan are complicated. There are basically 3 height standards:
  - The lesser of 75', a height equal to the distance set back from residential lot, or 28' within 35' of a residential lot
  - 45' along Rucker and Evergreen Way north of 45<sup>th</sup>
  - 75' to 125' south of 45<sup>th</sup> subject to height stepbacks

The draft building height chapter looks at the corridor a bit differently.

- While the code does indicate that up to 125' is possible, you would not be able to achieve that height for 125' from the adjacent residential zone. Most of the Evergreen Way corridor is a narrow strip, with few properties that have enough depth to accomplish a building that tall. We have revised much of this corridor to 7 floors, with another 2 floors possible through height incentives. (See description of height incentives later.)
- There are situations where the zoning along the back side of Evergreen Way (E-1) requires a building that would be lower than what is allowed in the adjacent residential zone. For example, parts of the E-1 zone abut multifamily zones (R-3) that allow buildings to be 45' tall. An R-3 development could build taller than an E-1 development when they abut each other, even though the E-1 zone is meant to allow for taller

buildings. The draft concept address this by allowing a building to have the same height as an abutting residential zone. See the description of this later in this memo.

**19.22.020 Heights for Accessory Buildings**

One of the more challenging code issues for city staff are the height standards for accessory structures or accessory dwelling units. Many discretionary land use permits are required as a result of the height standards. Challenges include:

- Height limited to 15 feet and 6:12 pitch if structure over 200 sq. ft. To build taller requires a discretionary land use permit.
- You can build a detached dwelling unit 24’ tall on an alley, but not a garage

The draft does not distinguish between detached accessory buildings and detached accessory dwelling units. The following table is what is drafted.

- On alley lots in single family zones, you could build up to 2 floors or 24’ with a 6:12 pitch roof; 18’ or 1 ½ floors with a flatter roof
- In a multifamily zone, you could build up to 2 floors or 28’ in height
- On non-alley lots in single family zones, you could build up to 1 ½ floors or 18’

If an accessory building or dwelling is constructed as an integral part of the principal building and with a minimum attachment of 10’, the accessory building or dwelling may be constructed to the maximum height of the zone if it meets the setback requirements for the principal building.

**19.22.020 Heights for Principal Buildings – Minimum Building Heights**

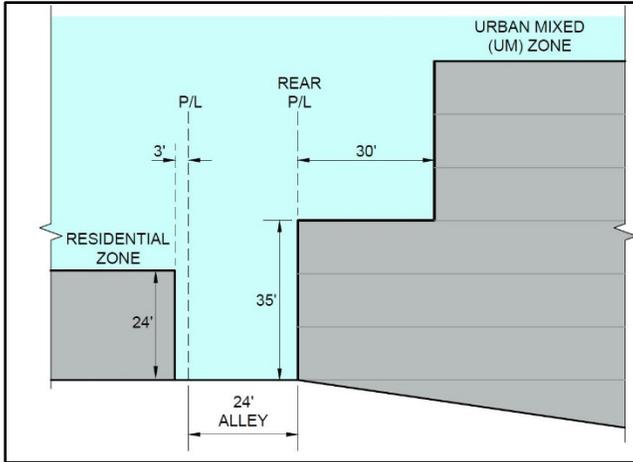
Minimum building heights were first introduced in the Metro Everett development codes. The proposal includes minimum building heights in the multifamily and Mixed Use zones, or along streets designated as Transit Oriented Development (TOD).

Building Type	Zone or Street Designation			
	UR3	UR4	MU	TOD Streets
Principal Building	2 floors	2 floors	2 floors	4 floors
Accessory Building	No minimum	No minimum	No minimum	No minimum

**19.22.030 Where Height Reductions Are Required**

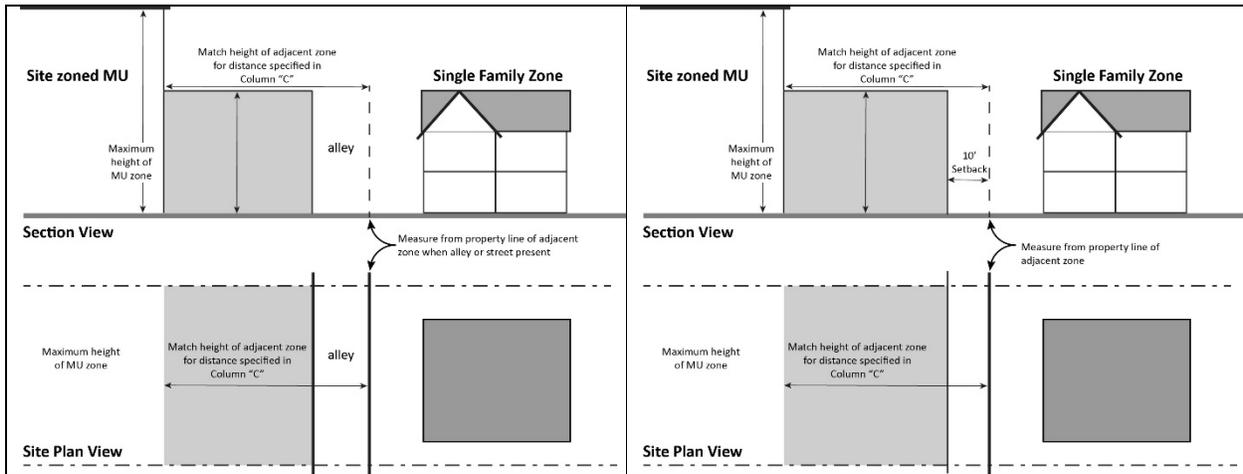
There are several different approaches for how heights are currently regulated when they abut a residential zone:

- *Evergreen Way* - The height of any portion of the building shall not exceed the distance that portion of the building is set back from the residentially zoned lot; within 35’, the permitted height shall not exceed 28’.
- *Broadway Mixed Use* - No portion of a structure within fifty feet of any lot within a zoning district having a lower height limit shall exceed the height limit for the adjacent district
- *Metro Everett* - Development of property within an Urban Mixed (UM) zone, which abuts a residential zone along the rear property line with height limits thirty-five feet (35’) or less, may not exceed thirty-five feet (35’) in height within thirty feet (30’) from the rear property line.



The draft chapter uses an approach which is similar in nature to the Broadway Mixed Use Zone.

- Building heights adjacent to a residential zone must match the maximum height of that zone for a distance ranging from 35' to 150' (see Table 22-4)
- The distance to match heights is dependent on the zone of the development site, with industrial uses requiring greater distance than a multifamily development adjacent to single family zones (see Table 22-4)



*This illustration shows the point of measurement with an alley*

*This illustration shows the point of measurement when the building abuts a single family zone without an alley. Ch. 12 requires the building to be set back 10' from the single family zone, as well.*

### 19.22.060 How Heights are Measured

There are four different ways where maximum heights are measured from currently in Everett.

- Base Elevation<sup>1</sup> – Most areas of Everett use this way of height measurement.

<sup>1</sup> An amendment to the definition of “Base elevation” is proposed (see [Chapter 19.04, Definitions](#)) as follows: **“Base elevation”** means the average elevation of the approved topography of a parcel at the midpoint on each of the four sides of the smallest rectangle which will enclose the proposed structure, excluding all eaves and decks. The approved topography of a parcel is the natural topography of a parcel or the topographic conditions approved by the city prior to January 1, 1988, or as approved by a subdivision, short subdivision, binding site plan, shoreline substantial development permit, ~~filling and grading permit,~~ or SEPA environmental review issued after January 1,

- Metro Everett - measured from the average sidewalk elevation at the front lot line or, where no sidewalk exists, the average of the record profile grade elevation of the street abutting the principal frontage of the building, as determined by the public works department.
- Central Waterfront Planning Area - the applicant shall propose and the planning director approve a reasonable base elevation that will accommodate future sea level rise.
- Historic Overlays – depending on location, heights can be measured from:
  - The highest point of the sidewalk at the entrance of the building.
  - On sloping sites, such as some parts of Rucker and Grand Avenues, the height calculation will follow the land contour. If the property slopes away from the avenue, the height shall be determined from the highest point of the sidewalk at the entrance to the building. If the property slopes up from the avenue, the height may be determined from the base elevation of the building footprint.

The draft height chapter continues to use the base elevation method as the primary way of determining maximum height. Building off Metro Everett, the measurement of height from the sidewalk elevation is drafted to be expanded to all commercial zones and historic overlay zones. There are two exceptions to where buildings are measured from:

- Alley access accessory buildings – heights measured from alley
- Steeper sites – any site that uses the sidewalk as the point of measurement but where the site has a difference in grade of 5 feet or more, then the height measurement is from base elevation.

#### **19.22.070 Exceptions for Heights in Industrial Zones**

Some of the marine and river shoreline areas zoned for industrial uses were changed to have a lower base height elevation. In order to ensure that water-dependent industrial activities are not unduly obstructed by this height change, a provision that allows for an additional two (2) floors is in the draft chapter. This increase in height would be subject to view analysis and public input.

Another exception for height increases, which exists in the current zoning code, is to allow up to 160' for aircraft manufacturing near Paine Field.

#### **19.22.080 Heights for Principal Buildings – Incentive Heights**

The Metro Everett Plan provided height incentives in exchange for some public benefits. The benefits included providing affordable housing, historic building preservation, green building, public parking, public art and agricultural land preservation. The draft building heights chapter maintains this program and expands it as follows:

- Expanded it to include the frequent transit corridors (e.g. Broadway, Evergreen Way, Everett Mall, Casino Road).
- Height incentives for public parking are limited to Metro Everett, where no parking is required for non-residential development
- A new height incentive program is added for parks, outdoor and common areas

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1988. On any lot exhibiting evidence of an unapproved fill, a soils analysis may be required to determine the approved topography. An approved bench mark will establish the relative elevation of the four points used to establish the base elevation.

### **19.22.090 Other Accessory Structures and Appurtenance Height Limits**

These standards for antennas, other building appurtenances, places of worship and steeples, flags, signs, and towers for above ground utility and communication facilities, is transferred from existing code provisions and inserted into this chapter.

### **19.22.100 Modification of Building Heights.**

#### **B. Building Height Standards that can be modified**

1. The following development standards in this chapter can be modified:
  - a. Minimum building heights
  - b. How heights are measured, provided, however, that a view analysis is required if visible from adjoining properties