

TO: Everett City Council  
FROM: David Stalheim, Interim Planning Director  
DATE: October 15, 2020  
RE: Rethink Zoning  
Amendments Requested and Response to Public Comments

First off, thank you to the public, planning commissioners, mayor, city council and staff that have worked to create the Rethink Zoning proposal. It is a better proposal based on the input that we have received over the past 2+ years.

Over the past two months, our land use permitting staff met weekly with me to get familiar with Rethink Zoning and to test the amendments against real projects. During this review, we have identified a series of corrections that are helpful for implementation of the code and to address issues of consistency. Those corrections are attached to this memo in a summary matrix and in specific language. We ask that the Council include these corrections in any motion to approve CB 2009-52.

We have also updated our response to public comments. Those comments are attached and can be found on our Rethink Zoning website ([www.everettwa.gov/rethink](http://www.everettwa.gov/rethink)) at <https://everettwa.gov/DocumentCenter/View/25953/RESPONSE-TO-PUBLIC-COMMENTS-10-15-20>.

At this point, our recommendations remain to keep the land use process and procedures as drafted. Recent comments on the draft ordinance procedures were previously addressed by staff; the planning commission agreed with our response in their recommendations to the City Council. See a full review of this issue at <https://everettwa.gov/DocumentCenter/View/25952/Memo-to-Planning-Commission-re-Process-8-28-20>.

Finally, if council members have any questions about Rethink Zoning, or any amendments you wish for us to review, please contact myself and/or Nick Harper. You can reach me at 425-257-8736, by email at [dstalheim@everettwa.gov](mailto:dstalheim@everettwa.gov) or a meeting through Teams.

C: Cassie Franklin, Mayor  
Nick Harper, Deputy Mayor

Attachments:

- Rethink Zoning – Additional Amendments Requested
- Response to Public Comments

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**Summary of Staff Requested Corrections to Rethink Zoning Ordinance (CB 2009-52)**

Chapter - Section	Issue	Amendment Requested
Multiple	Existing references to Zoning Code were not changed throughout all chapters	Any reference to Zoning Code should be changed to Unified Development Code
19.04.050	The 2020 Legislature amended the definition of “adult family home” to allow up to 8 adults with approval from the state. Under state law, an adult family home must be a permitted use in all areas zoned for residential or commercial purposes.	Amends the definition of adult family home to be consistent with <a href="#">RCW 70.128.010(1)</a>
19.05.080	In Multifamily and Commercial zones, there are minimum number of residential units that are required by 19.06.100. You can achieve that minimum with a variety of housing types, such as a 1-unit and 2-unit on a lot to meet the 3-unit minimum. The table made it look like that housing type is not allowed	Table 5-1 in Ch. 19.05.080 amended to create a revised special regulation #5 that says a 1-unit or 2-unit dwelling is allowed if meeting the minimum density requirements of EMC 19.06.100.
19.05.080	Table 5-1 in Ch. 19.05.080 incorrectly refers to short-term rental standards in Ch. 19.13 (they moved to Ch. 19.08)	Table 5-1 in Ch. 19.05.080 amended to change special regulation from 19. <del>13</del> .150 to 19. <del>13</del> .150
19.05.080	Temporary shelters 1. Temporary shelters are allowed by state law if owned or controlled by a religious organization. Special regulations were not clear on how they would be reviewed in multifamily and commercial zones (higher level of review). 2. Changes to the table were inadvertently missed for shelters that accommodate over 12 persons in Industrial and AG zones.	Table 5-1 in Ch. 19.05.080 1. Special regulation #9, applicable to religious organizations, removed from zones where the use is permitted as it is not applicable. 2. Table updated to not allow shelters in Industrial and AG zones, consistent with current zoning.
19.05.100	Warehouse and distribution is allowed in the Urban Mixed Zone as an Administrative Use in Metro Everett, except prohibited on the ground floor of TOD or Pedestrian Streets. This use was inadvertently left out of the Use Table in Rethink.	Added as an Administrative Use in Table 5-3 in Ch. 19.05.100 with the same ground floor limitation on TOD or Pedestrian streets.
19.06.020	The new zoning designation of Business (“B”) includes areas previously zoned as B-2, C-1 and E-1. These zones did not have street side or interior side setbacks, with few exceptions. Table 6-2 in the draft 19.06.020 set 10’ street side setbacks and 5’ interior side setbacks. These increased setbacks are not necessary.	Amend Table 6-2 in 19.06.020 to eliminate setback requirements unless abutting lots in residential zones, in which case a 10’ interior side setback would still be required consistent with current standards.
19.06.030	This section includes exceptions to building or structure placement (setbacks). A different section (19.06.090.A) includes exceptions for 1- and 2-unit dwellings on lots without frontage on a public street. The exceptions should be consolidated for ease of reference.	Added subsection (E) to 19.06.030 to reference in 19.06.090.A.
19.09.050	The definition of what is outdoor and common area is not easily found in this section.	Added a section in 19.09.050.B to call out the definitions and added definitions from 19.04.030 to make the section easier to implement.
19.12.100	The street classification for Uses and Design was first established for Metro Everett. In Metro, all the	Modify Table 12-4 in 19.12.100 to make the Undesignated Street standards for

Chapter - Section	Issue	Amendment Requested
	undesigned streets were not zoned for commercial or industrial purposes. Now, there are industrial and commercial properties that will have a street classification of Undesignated, which limits the length of structured parking to 100 feet. This could impact parking garages for commercial, industrial and public (e.g. light rail) uses.	Structured Parking applicable in Metro Everett only. (The same amendment needs to be done in Ch. 19.33.)
19.25.040	There are several chapters within the body of the Unified Development Code that must be applied to review a proposed division of land. The code provides those references, but it may be easy for staff or the public to miss the requirements.	Added references to the primary code sections that should be reviewed, including 19.06, 19.26, 19.27, 19.30, 19.33, 19.34 and 19.35.
19.33.020 - .030	There are conflicting sidewalk standards in Table 33-1 and 33-2 for streets designated as TOD, Connector or Undesignated.	Table 33-1 in 19.33.020 and Table 33-2 in 19.33.030 are amended to be consistent with each other, plus consistent with city engineer and Metro Everett standards.
19.40.020	The section title refers to barbed wire, razor wire and other similar fence materials. Chain link and electric fences are also included in the standards of this section, both of which could be easily missed looking at section headings alone.	Change title of section to include chain link and electric. Also, separated chain link prohibition in MU, UR4 and HO zones into a separate line to ensure it is not missed.
19.13.160	If Council amends the <b>retail marijuana</b> standards, this section needs to be updated to be consistent with that decision.	No changes until council takes action

## Chapter 19.04 Definitions

### 19.04.050 Use Definitions, Residential.

This section defines Uses set forth in Table 5-1 in EMC 19.05.080.

**“Adult family home”** has the same meaning as RCW 70.128.010, which means a residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services. An adult family home may provide services to up to eight adults upon approval from the department under RCW 70.128.066. ~~twenty-four-hours-per-day residential care is provided for up to four adults by an owner or tenant of the home in which care is provided plus the family of the provider. Under certain circumstances, up to six adults may be accommodated, in accordance with the regulations of the Washington State Department of Social and Health Services.~~

## Chapter 19.05 Uses

### 19.05.080 Table 5-1 (Residential Use Table).

USE	R-S	R-1	R-2	R-2A	UR3	UR4	NB	B	MU	L1 L12	HI	AG	SPECIAL REGULATIONS
Dwelling unit, accessory	P	P	P	P	P	P5	P	P		P		P	See 19.08.100 Accessory Dwelling Units 5 <u>Allowed if meeting the minimum density requirements set forth in EMC 19.06.100.</u> <del>If attached to a single-family (1-unit) dwelling, allowed only on property within a historic overlay zone.</del>
Dwelling, 1-unit	P	P	P	P	<u>P2</u> <u>5</u>	<u>P2</u> <u>5</u>	<u>P5</u>	<u>P5</u>	<u>P5</u>			P	2 Allowed <del>only</del> on property within a historic overlay zone. 5 <u>Allowed if meeting the minimum density requirements set forth in EMC 19.06.100.</u>

USE	R-S	R-1	R-2	R-2A	UR3	UR4	NB	B	MU	L11	L12	HI	AG	SPECIAL REGULATIONS
Dwelling, 2-units	C4	P3	P3	P	P	P2 <u>5</u>	P5	<u>P5</u>	<u>P5</u>				P	<p>See 19.08.030-.040 Townhouse and Duplex Standards in single-family zones and 19.09 for all other zones.</p> <p>2 Allowed <b>only</b> on property within a historic overlay zone.</p> <p>3 See EMC 19.08 for limitations on 2-unit dwellings in the R-1 and R-2 zones.</p> <p>4 Allowed only through the unit lot process for subdividing, as provided by EMC 19.27.</p> <p><u>5 Allowed if meeting the minimum density requirements set forth in EMC 19.06.100.</u></p>
Group housing, Temporary Shelter – shelters which accommodate 12 or fewer persons	9	9	9	9	C <sup>9</sup> 10	C <sup>9</sup> 10	C <sup>9</sup> 10	C <sup>8 9</sup> 10	C <sup>9</sup> 10	8 9 10		9 10	A <sup>9</sup> 10	<p>See EMC 19.08.200</p> <p><sup>8</sup> <u>TOD or Pedestrian Streets:</u> Prohibited use on the ground floor.</p> <p><sup>9</sup> Pursuant to RCW 35.21.915, a religious organization may host the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings, subject to the conditions set forth in EMC 19.08.200 and an Administrative Use Permit (REV II).</p> <p><sup>10</sup> Buildings which provide shelter for persons experiencing domestic violence are allowed as a Permitted Use without a requirement for notice to adjacent property owners.</p>

USE	R-S	R-1	R-2	R-2A	UR3	UR4	NB	B	MU	L1 L12	HI	AG	SPECIAL REGULATIONS
Group housing, Temporary Shelter – shelters which accommodate more than 12 persons	9	9	9	9	C <sup>9</sup>	C <sup>9</sup>	C <sup>9</sup>	A <sup>8</sup> <sub>9</sub>	A <sup>9</sup>	A <sup>8</sup> <sub>9</sub>	A <sup>9</sup>	€ <sup>9</sup>	See EMC 19.08.200 <sup>8</sup> <u>TOD or Pedestrian Streets</u> : Prohibited use on the ground floor. <sup>9</sup> Pursuant to RCW 35.21.915, a religious organization may host the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings, subject to the conditions set forth in EMC 19.08.200 and an Administrative Use Permit (REV II).
Short-term rentals	P	P	P	P	P	P	P	P	P			P	See EMC 19.1308.150 for short-term rental requirements

<sup>5</sup> ~~Allowed if meeting the minimum density requirements set forth in EMC 19.06.100, if attached to a single-family (1-unit) dwelling, allowed only on property within a historic overlay zone.~~

**19.05.100 Table 5-3 (Industrial Use Table).**

USE	R-S	R-1	R-2	R-2A	UR3	UR4	NB	B	MU	L1 L12	HI	AG	SPECIAL REGULATIONS
Warehouse or distribution centers									A <sup>3</sup>	P <sup>3</sup>	P		<sup>3</sup> <u>TOD or Pedestrian Streets</u> : Prohibited use on the ground floor.

**Chapter 19.06 Lots, Setbacks and Residential Densities**

**19.06.020 Building Setbacks/Building Placement Standards.**

Table 6- 2: Minimum Building Setbacks for Principal Structures

<u>ZONE</u>	R-S	R-1	R-2	R-2(A)	UR3	UR4	NB	B	MU	LI1	LI2	HI	AG
<b>Minimum Setback:</b>													
Front	20'	20'	20'	20'	20'	10'	None	None	None	None	20'	None	25'

<u>ZONE</u>	R-S	R-1	R-2	R-2(A)	UR3	UR4	NB	B	MU	LI1	LI2	HI	AG
<b>Minimum Setback:</b>													
Rear (with alley)	20'	20'	20'	20'	20'	None	None	None	None	None	None <sup>(1)</sup>	10' <sup>(1)</sup>	25'
Rear (no alley)	20'	20'	20'	20'	20'	10' <sup>(3)</sup>	10'	None <sup>(2)</sup>	None <sup>(2)</sup>	None <sup>(2)</sup>	15' <sup>(1)</sup>	10' <sup>(1)</sup>	
Side, <u>Street</u>	10'	10'	10'	10'	10'	10'	10'	<del>10'</del>	None	None	20'	None	10'
Side, Interior	5'	5'	5'	5'	5'	5'	5'	<u>5'</u> <sup>(2)</sup>	None	None	15' <sup>(1)</sup>	None <sup>(1)</sup>	10'

**19.06.030 Exceptions to Building or Structure Placement Requirements.**

- E. See EMC 19.06.090.A for building setback modifications for single-family and two-family (duplex) uses on lots without frontage on a public street.

## Chapter 19.09 Multifamily Development Standards

**19.09.050 Required outdoor and common areas.**

**B. Outdoor and common area requirements**

1. Definitions or terms used in this section: ~~Outdoor and common area is required in the amounts stated below.~~
  - a. **“Outdoor area”** may be provided as private open space, such as a patio or balcony, or may be provided as common open space, such as outdoor courtyards and outdoor play area.
  - b. **“Common area”** may include common open space, indoor recreational facilities, indoor community rooms or other community gathering places.
  - c. **“Common open space”** has the same meaning as set forth in EMC 19.04.030: “private open space provided within a development which is provided for, and which is permanently accessible to, all residents/tenants of the development.”
  - d. **“Open space”** has the same meaning as set forth in EMC 19.04.030: “land area not covered by buildings, roads, driveway and parking areas, or outdoor storage areas, including, but not limited to, landscape areas, gardens, woodlands, walkways, courtyards or lawns, and outdoor recreation areas. Except as otherwise provided by this title, open space includes setback areas that meet the requirements defined in this title.”
  - e. **“Private open space”** has the same meaning as set forth in EMC 19.04.030: “a small parcel of land or outside area (deck, lanai, patio) immediately adjacent to an individual dwelling unit maintained by and for its residents and reserved exclusively for their use.”
2. Outdoor and common area is required in the amounts stated below. Outdoor and common area requirements, as set forth below, are based on unit size:

## Chapter 19.12 Building Form and Design Standards

### 19.12.100 Design Standards and Street Designations.

Table 12- 1: Structured Parking, Weather Protection, Transparency, Sidewalk Requirements and Building Height by Street Designation

Standard:	STREET TYPE DESIGNATION (see Map 33-1)				
	TOD	PEDESTRIAN	CONNECTOR	RESIDENTIAL MIXED USE	UNDESIGNATED
<b>Structured Parking Frontage Standards</b>	<i>See 19.12.120. Standards below are maximum distance a parking structure at the ground floor may occupy on various street designations.</i>				
Structured parking integrated with other building (accessory use)	10% of front building facade	25% of front building facade	50% of front building facade	50% of front building façade	50% of front building facade <sup>(3)</sup>
Stand-alone parking structure (principal use)	25 feet	25 feet	50 feet	75 feet	100 feet <sup>(3)</sup>

<sup>(3)</sup> Applicable only within Metro Everett.

## Chapter 19.13 Specific Use Standards

### 19.13.160 Marijuana.

#### C. Retailers

13. The maximum number of retail marijuana stores allowed in the city of Everett shall not exceed fiveeight. Any retail marijuana store hereafter established shall be certified as a medical marijuana provider by the Washington State Liquor and Cannabis Board.

## Chapter 19.25 Land Division General Evaluation Criteria

### 19.25.040 Evaluation criteria—Subdivision, short subdivision, unit lot land division, alteration or vacation.

- D. Unified Development Code. The proposed project and design shall meet the requirements of the Everett Unified Development Code, including but not limited to the following:
- Chapter 19.06, Lots, Setbacks and Residential Densities;
  - Chapter 19.26, Land Division Development Standards or Chapter 19.27, Unit Lot Land Divisions;
  - Chapter 19.30, Flood Damage Prevention
  - Chapter 19.33, Streets, Sidewalks and Pedestrian Circulation;
  - Chapter 19.34, Parking, Loading and Access Requirements;
  - Chapter 19.35, Landscaping;

## Chapter 19.33 Streets, Sidewalks and Pedestrian Circulation

### 19.33.020 Street Designations.

Table 33- 1: - Structured Parking, Weather Protection, Transparency, Sidewalk Requirements and Building Height by Street Type

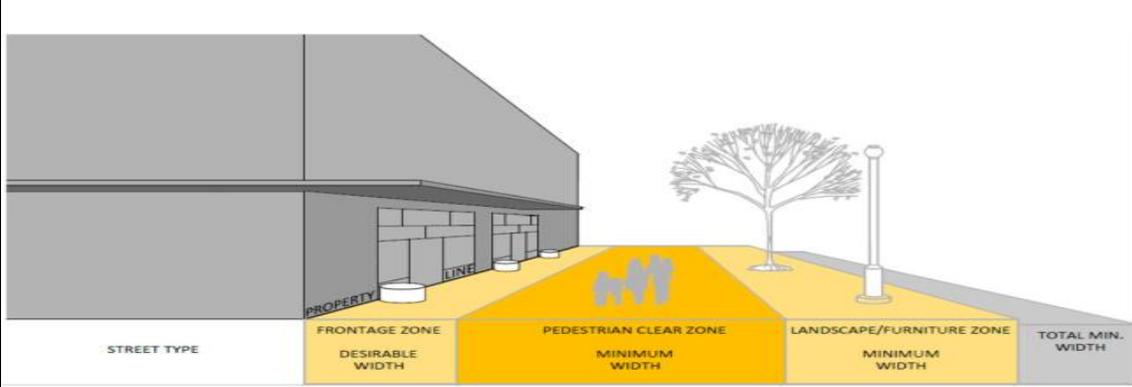
Standard:	STREET TYPE DESIGNATION (see Map 33-1)				
	TOD	PEDESTRIAN	CONNECTOR	RESIDENTIAL MIXED USE	UNDESIGNATED
<b>Structured Parking Frontage Standards</b>	<i>See 19.12.110. Standards below are maximum distance a parking structure at the ground floor may occupy on various street designations.</i>				
Structured parking integrated with other building (accessory use)	10% of front building facade	25% of front building facade	50% of front building facade	50% of front building facade	50% of front building facade <sup>(3)</sup>
Stand-alone parking structure (principal use)	25 feet	25 feet	50 feet	75 feet	100 feet <sup>(3)</sup>
<b>Sidewalk Standards</b>	<i>See 19.33.030</i>				
Frontage Zone Width	2' min 6' desirable	2' minimum 6' desirable	None	None	None
Ped Clear Zone Width	8' minimum 10' desirable	8' minimum	6' min.	per city engineer	per city engineer
Landscape/Furniture Zone Width	6' minimum 8' desirable	6' minimum	6' min.	4' min.	per city engineer
Total Min. Width	16' min.	16' min.	12' min.	10' min.	<del>per city engineer</del> <u>6' min.</u>

Table 33-1 Footnotes:

<sup>(3)</sup> Applicable only within Metro Everett.

**19.33.030 Public sidewalk requirements.**

Table 33-2: Public Sidewalk Widths by Street Designation



STREET TYPE	FRONTAGE ZONE DESIRABLE WIDTH	PEDESTRIAN CLEAR ZONE MINIMUM WIDTH	LANDSCAPE/FURNITURE ZONE MINIMUM WIDTH	TOTAL MIN. WIDTH
<u>STREET TYPE</u>	<u>FRONTAGE ZONE MINIMUM WIDTH</u>	<u>PEDESTRIAN CLEAR ZONE MINIMUM WIDTH</u>	<u>LANDSCAPE/FURNITURE ZONE MINIMUM WIDTH</u>	<u>TOTAL MIN. WIDTH</u>
TOD	2' – 6'	8' – 10'	<del>6' – 8'</del> 8' desirable	16' min
Pedestrian	2' – 6'	8' minimum	6' minimum	16' min
Connector	<del>2'</del> None	6' minimum	<del>6'</del> 4' minimum	12' min
<u>Residential Mixed-Use</u>	None	Per <u>city engineer</u>	4' minimum	10' min

STREET TYPE	FRONTAGE ZONE DESIRABLE WIDTH	PEDESTRIAN CLEAR ZONE MINIMUM WIDTH	LANDSCAPE/FURNITURE ZONE MINIMUM WIDTH	TOTAL MIN. WIDTH
	<a href="#">FRONTAGE ZONE</a> MINIMUM WIDTH	PEDESTRIAN CLEAR ZONE MINIMUM WIDTH	<a href="#">LANDSCAPE/FURNITURE ZONE</a> MINIMUM WIDTH	TOTAL MIN. WIDTH
Undesignated	None	Per <a href="#">city engineer</a>	Per <a href="#">city engineer</a>	6' min

*See public sidewalk treatment requirements below for specific street designations*

## Chapter 19.40 Fences

### 19.40.020 Barbed Wire, Razor Wire, **Chain Link, Electric** and Other Similar **Fence** Materials.

- A. Barbed wire, razor wire and other such materials are not permitted in any residential [zone](#) except for security facilities around utility or communications facilities, or government facilities. In commercial and industrial [zones](#), these fencing materials are permitted only atop a [fence](#) or wall at least six feet in height. For property located within a commercial or industrial zone, these materials are not permitted on any fence [located within 10 feet of a residentially zoned property](#).
- B. ~~Wire~~ **– excluding chain link**, corrugated, non-decorative sheet metal, or other similar type fencing are prohibited along a street fronting lot line in all zones.
- ~~B.C.~~ Chain [link](#) fences are prohibited in the MU and UR4 zones, and in the Historic Overlays.
- ~~C.D.~~ **Electric Fences**. Electric [fences](#) may be installed and maintained in the AG [zone](#) for the purpose of controlling permitted livestock; provided, that no such [fence shall](#) border any public [right-of-way](#) or constitute a lot line [fence](#). Electric [fences](#) are permitted in commercial and industrial [zones](#) using the [review process](#) described in EMC Title 15.02, provided such [fence](#) shall be installed interior to a nonelectric perimeter barrier not less than six feet in height.