

Instructions to reader: This chapter in the Unified Development Code will repeal the existing [Chapter 19.39](#) and replace with the chapter set forth below. For a summary of the effect of this chapter from current standards, please visit the Rethink Zoning Library at <https://everettwa.gov/2453/Rethink-Zoning-Library>.

Chapter 19.39 General Provisions

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19.39.010 User guide.

This chapter contains a variety of regulations and standards that apply to the development and use of land. The regulations of this chapter do not all pertain to the same general subject matter. The regulations are arranged in alphabetical order by topic, so a careful review of the contents of this chapter is important in finding all pertinent regulations.

19.39.020 Animals.

The keeping of animals shall be governed by the provisions of the animal control ordinance (EMC 6.04).

19.39.030 Garbage receptacles, dumpsters and recycle bins—Placement and screening.

The following requirements apply in all areas except single-family zones:

- A. **Placement.** Garbage receptacles, dumpsters, and recycle bins shall be provided in all multiple-family, commercial, industrial and institutional developments and shall not be located in a required front yard setback area, or street side setback area for corner lots. Where an alley abuts a lot in any zone, the garbage receptacles, dumpsters, or recycle bin shall be located adjacent to the alley.
- B. **Screening.** All garbage dumpsters and recycle bins must be screened from view from the street and from adjacent properties. This screening may be done using dense vegetation or by placing the dumpster or recycle bin in a structural enclosure.

19.39.040 Junk in yard.

Except in zones where such uses are specifically permitted by this title in compliance with specific regulations, it is a violation of this title to accumulate junk (scrap or salvage metal, paper, trash, cloth, batteries, rubber debris, scrap wood, junked, dismantled or wrecked vehicles, etc.) or for an owner of property or person in control of property to allow junk to accumulate on property in the city. (See also the minimum maintenance ordinance and the cease and desist ordinance.)

19.39.050 Outdoor use, activity and storage.

- A. **Residential Zones.** Uses and activities normally associated with a residential use are allowed in a residential zone. The outdoor storage of firewood may not be located within front setback areas but may be located in other required setback areas.

B. Commercial and Industrial Zones.

1. General. Subject to the requirements of subsections (B)(2) through (B)(6) of this section, the uses and activities that are allowable on a site in commercial and industrial zones may be conducted out of doors unless individual zones of this title limit outside activity for a particular use in a particular zone. Where there is a conflict in requirements in this chapter and elsewhere in this title, the more restrictive requirements shall apply.
2. Site Plan. The applicant shall submit a site plan for approval by the planning department. The site plan shall be accompanied by an application form provided by the planning department and shall include all information requested on the application form.
3. Specific Use and Development Requirements. The city will review an application for outdoor use, activity and storage using the appropriate review process for the principal use. If the principal use is established, the review process described in Title 15, Local Project Review Procedures, shall be used. The review authority will make a decision based upon the following standards:
 - a. All outdoor use, activity and storage areas must comply with setback requirements for the primary use.
 - b. A solid sight-obscuring fence or other appropriate screening approved by the planning department is required around the outside edges of the area devoted to the outdoor use, activity or storage. The height of outdoor storage abutting public streets or residential zones shall not be higher than the height of the screen device approved by the planning department.
 - c. Except in the LI2 zone, outdoor use, activity or storage areas located adjacent to property in the same zone may be located in the required interior side and rear setback yards. All outdoor use, activity and storage areas located adjacent to residential zones must meet required setbacks for the primary use.
 - d. When gross floor area or lot coverage requirements are applicable, an outdoor use, activity or storage area will be used in calculating the permitted gross floor area or lot coverage of a use or development if this area will be used as an outdoor use, activity or storage area for at least two months in every year.
 - e. If located on an unimproved area of the site, the underlying ground must be improved as required by the department of public works.
4. Exceptions to Outdoor Use, Activity or Storage. The following outdoor uses and activities when located in commercial and industrial zones, are exempt from the requirement of this subsection as stated below:
 - a. Exceptions to subsections (B)(3)(a) through (B)(3)(d) of this section, provided that a temporary certificate of occupancy from the building department is obtained:
 - i. Outdoor Christmas tree lots and fireworks stands if these uses will not exceed forty-five days.
 - ii. Outdoor amusement rides; carnivals and circuses; and parking lot sales which are ancillary to the indoor sale of the same goods and services if these uses will not exceed ten days.
 - b. Exception to subsections (B)(3)(a) and (B)(3)(b) of this section:
 - i. Outdoor dining areas, where permitted.
 - ii. Outdoor display of vehicles for sale or lease provided that they meet all of the standards of Section 19.35.080 of this title.
5. Modification. The applicant may request a modification of the requirements of subsections (B)(2) through (B)(4) of this section by submitting a written request with their site plan to the planning director for review. The planning director may approve a modification using the review process as described in Title 15, Local Project Review Procedures, if:
 - a. The modification will not create a greater impact on any nearby residential use than would be created without the modification; and
 - b. The modification will not detract from the character of nearby uses; and
 - c. The modification will not be injurious to public health, safety or welfare; and
 - d. The modification is consistent with the policies of the Everett general plan; and

- e. Landscaping or other means of screening is provided to reduce the visual impact of the outdoor use, activity or storage areas on surrounding properties and public right-of-way.
- 6. Appeals of Outdoor Use, Activity and Storage Modification Requests. The planning director's determination may be appealed as provided for in Title 15, Local Project Review Procedures, for the applicable review process.

19.39.060 Performance regulations—General.

This section contains general requirements intended to prevent nuisance impacts. Some chapters of this title contain more detailed performance regulations. For example, see EMC 20.08 (Noise).

- A. Light and Glare Regulation. Any artificial surface which produces light or glare which annoys, injures, endangers the health or safety of persons, or interferes with the use of property is a violation of this title.
- B. Heat Regulation. Heat generated by any activity or operation on the subject property which injures or endangers the health or safety of persons or interferes with the use of abutting property or streets is a violation of this title.
- C. Noise Regulation. Noise shall be regulated in accordance with the provisions of the noise regulations in EMC 20.08.
- D. Odor—Air Emissions. Any odor which injures or endangers the health or safety of persons or interferes with the use of abutting properties or streets is a violation of this title. Emissions to air shall comply with the standards of the State Department of Ecology and the Puget Sound Clean Air Agency. See EMC 19.13.070 regarding alcohol production and coffee roasters.
- E. Vibration and Concussion. Except during periods of construction, vibration or concussion resulting from a permitted use on a lot shall not be discernible on other properties without the aid of instruments.

19.39.070 Surveys required.

- A. For all new buildings, additions, or alterations of existing buildings, the planning director and building official shall both have the independent authority to require the applicant to have a survey completed to verify that the setback and height standards of Title 19 are met.
- B. Upon consideration of scope of the proposed project and the materials submitted by the applicant, the planning director or building official, in their sole discretion, may require a full survey, limit the required survey to a determination of specified property corners or a bench mark for elevation, or require additional information which will demonstrate compliance without requiring a survey.
- C. Where the proposed building, addition, or alteration is within one foot of a required setback or within one foot of the maximum allowable height, the planning director and building official should always require a full or limited survey, unless extraordinary circumstances justify otherwise.

19.39.080 Vehicle and equipment repair on residential premises.

Servicing, repairing, assembling, wrecking, modifying, restoring, or otherwise working on any vehicle on any residential premises in any zone district shall be subject to the following:

- A. Work shall be limited to the repair and maintenance of vehicles, equipment, or other conveyance currently registered as specified in the Washington Vehicle Code to the occupant or a member of the occupant's family, which shall be limited to parents, grandparents, spouse, or children related by blood, marriage or adoption. This limitation precludes auto repair on residential premises by any commercial entity.
- B. Such work shall be conducted on no more than one vehicle at any one time.
- C. Such work shall only be done within an enclosed structure (such as a garage) or in an area which is screened from public view.
- D. Such work shall be done only between the hours of eight a.m. and ten p.m.
- E. Such work shall not be done in a public right-of-way.

- F. Storage of parts, equipment, or other supplies needed for the repair of the vehicle on the premises must be kept within an enclosed structure or in an area which is screened from public view.
- G. No such work which creates a nuisance as defined in EMC Chapter 8.20 shall be permitted.
- H. Upon completion of any work allowed by this section, the property shall be cleaned of all debris, oil, grease, gasoline, cloths, rags, and equipment or material used in the work, and shall be left in such a condition that no hazard to persons or property shall remain.
- I. Recycling and disposal of all vehicle and automotive waste products shall be done in accordance with Washington State law.