

Chapter 39

GENERAL PROVISIONS

Sections:

- 39.010 User guide.
- 39.020 Accessory uses, facilities and activities.
- 39.024 Adult retail business regulations.
- 39.025 Adult use business zoning regulations.
- 39.030 Animals.
- 39.040 Antennas and building appurtenances.
- 39.050 Bed and breakfast houses.
- 39.060 Boarding and rooming.
- 39.070 Fences.
- 39.075 Front lot line on corner sites.
- 39.080 Garbage receptacles, dumpsters and recycle bins—Placement and screening.
- 39.090 Hazardous waste treatment and storage facilities.
- 39.100 *Repealed.*
- 39.105 Jails, correctional facilities, Class II group-care homes.
- 39.110 Junk in yard.
- 39.120 *Repealed.*
- 39.125 Live/work units.
- 39.130 Minimum lot area, shape, lot area averaging, lot frontage—Cluster alternative for subdividing.
- 39.140 Performance regulations—General.
- 39.145 Recreational marijuana zoning regulations.
- 39.150 Required setbacks—Exceptions.
- 39.155 Supportive housing.
- 39.160 Vehicle and equipment repair on residential premises.
- 39.165 Transportation compatibility.
- 39.170 Vehicles—Storage in residential zones.
- 39.180 Surveys required.

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. (Ord. 1671-89 (part), 1989.)

39.020 Accessory uses, facilities and activities.

A. General. Accessory uses, facilities and activities normally associated with a use listed as a permitted use in a zone are permitted as part of that permitted use on the same lot as the principal structure. The accessory use, facility or activity must be clearly secondary to the permit-

ted use. The primary use or activity shall be established before or concurrent with the accessory use of activity.

B. Authority of the Planning Director. The planning director is specifically authorized to determine if a particular accessory use, facility or activity is normally associated with a particular permitted use and if a particular accessory use, facility or activity is clearly secondary to the permitted use.

C. Exceptions and Limitations. This title establishes specific limitations and regulations for some accessory uses and facilities for some uses in some zones. Where applicable, those specific regulations supersede the general statement of subsection A of this section.

D. Accessory Dwelling Units. Accessory dwelling units are permitted through Review Process I in the zones in which they are listed in the use-standards table as a permitted use. The following standards and regulations shall apply to all proposed accessory dwelling units:

1. Accessory dwelling units are prohibited on lots within an easement access short subdivision. An accessory dwelling unit may be established in an existing single-family dwelling unit, on lots containing at least five thousand square feet, by any one or a combination of the following methods:

- a. Alteration of interior space of the dwelling;
- b. Conversion of an attic, basement, attached garage, or other previously uninhabited portion of a dwelling or attached accessory structure; or
- c. Addition of attached living area onto an existing dwelling.

2. Each single-family dwelling on a legal building lot shall have not more than one accessory dwelling unit. No accessory dwelling may be located in any detached accessory structure.

3. One of the dwelling units shall be occupied by one or more owners of the property as the owner's permanent and principal residence. "Owners" includes title holders and contract purchasers. The owner shall file a certification of owner-occupancy with the planning department prior to the issuance of the permit to establish an accessory dwelling unit.

4. The floor area of the accessory dwelling unit shall not exceed forty percent of the total floor area of the structure, or eight hundred square feet, whichever is less.

5. The total number of persons who may occupy the principal and accessory dwelling units combined shall not exceed the number of persons that are defined by this title as a "family."

6. Three off-street parking spaces shall be provided for the principal and accessory dwelling units. When the property abuts an alley, the off-street parking space for the accessory dwelling unit shall gain access from the alley, unless topography makes such access impossible.

7. The single-family appearance and character of the dwelling shall be maintained when viewed from the sur-

rounding neighborhood. Only one entrance to the residential structure may be located on any street side of the structure; provided, that this limitation shall not affect the eligibility of a residential structure which has more than one entrance on the front or street side on the effective date of the ordinance codified in this chapter.

8. Only one electric and one water meter shall be allowed for the entire building, serving both the principal and accessory dwelling unit.

9. The secondary and principal dwelling unit shall comply with all applicable requirements of the Uniform Building Code as adopted or amended by the city.

10. The owner of a single-family dwelling with an accessory dwelling unit shall file an owner's certificate of occupancy in a form acceptable to the city attorney no later than April 1st of each year. Any person who falsely certifies that he or she resides in a dwelling unit at the stated address to satisfy the requirements of this section shall be subject to the violation and penalty provisions of Section 41.030 of this title.

11. A permit for an accessory dwelling unit shall not be transferable to any lot other than the lot described in the application.

12. All accessory dwelling units shall also be subject to the condition that such a permit shall automatically expire whenever:

a. The accessory dwelling unit is substantially altered and is thus no longer in conformance with the plans approved by both the planning director and the building official;

b. The subject lot ceases to maintain at least three off-street parking spaces; or

c. The applicant ceases to own or reside in either the principal or the accessory dwelling unit.

13. The applicant shall provide a covenant in a form acceptable to the city attorney and suitable for recording with the county auditor, providing notice to future owners or long-term lessors of the subject lot that the existence of the accessory dwelling unit is predicated upon the occupancy of either the accessory dwelling unit or the principal dwelling by the person to whom the accessory dwelling unit permit has been issued. The covenant shall also require any owner of the property to notify a prospective buyer of the limitations of this section and to provide for the removal of improvements added to convert the premises to an accessory dwelling unit and the restoration of the site to a single-family dwelling in the event that any condition of approval is violated. (Ord. 2720-03 § 9, 2003; Ord. 2146-96 § 11, 1996; Ord. 1849-92 § 47, 1992; Ord. 1671-89 (part), 1989.)

39.024 Adult retail business regulations.

A. An adult retail business shall not be located or maintained within two hundred fifty feet, measured from the nearest property line of the adult retail use establish-

ment to the nearest property line of any of the following uses or zones located inside or outside of the city of Everett:

1. Public library;
2. Public playground or park;
3. Public or private school and its grounds, from kindergarten to twelfth grade;
4. Nursery school or day care center;
5. Church, temple, mosque, synagogue, or other place of religious worship;
6. Lots located in residential zones.

B. An adult retail business shall not be located or maintained within the area designated by the map set forth in Exhibit A at the end of this section.

C. An adult retail business shall not be located within one thousand feet of any other adult retail use establishment or any adult use business.

D. An adult retail business which is operating on June 1, 2005, may continue in operation as a lawful nonconforming use, notwithstanding the provisions of this section, as long as it meets the requirements for a nonconforming use under Chapter 38 of this title.