

SECTION 35 LANDSCAPING AND SCREENING REQUIREMENTS

1992 EMC

35.010 User Guide. Sections 5 through 28 of this Ordinance contain the Use Zone charts which refer to a particular landscape category for each specific use. This landscape category is either "A," "B," "C," "D" or "E". This Section establishes the requirements for each landscape category and the minimum landscaping requirements for all uses. It also establishes minimum buffers between certain uses, and provides a method for modification of the requirements of this Section.

35.020 Purpose. The purpose of this Section is to enhance compatibility between land uses and zones; screen undesirable views which have a blighting effect upon adjoining streets and properties; provide a visual buffer and physical separation between land uses of varying intensities on abutting properties; minimize the impacts of noise, light and glare; temper the extremes of microclimates; provide privacy; reduce dust; reduce the visual monotony of large expanses of paved parking lots; implement the policies of the Everett General Plan; reduce storm water runoff and pollution of surface waters, reduce erosion and sedimentation; conserve energy; aid in regulating vehicle circulation; and retain existing natural vegetation and protect and preserve urban wildlife habitat to the extent feasible.

35.030 Application of this Section. The Planning Department shall review and may approve, disapprove or approve with modifications all site/landscape plans for all uses and developments which are required to provide landscaping in accordance with the requirements of individual zones and the provisions of this Section. This Section shall apply under the following circumstances:

- A. **New Development.** All new uses shall provide landscaping in accordance with the requirements of this Section when the Use-Standards Table indicates a particular landscape category applies to that use, or when a particular landscape category and/or additional specific landscaping requirements are imposed as part of a discretionary permit review process.
- B. **Expansions of or Alterations to Existing Uses.** The requirements of this Section shall apply to remodeling or expansion of existing uses when the value of the new construction or alteration occurring within a two year period is equal to or greater than thirty-five (35) percent of the assessed value of the existing structure. Where conformance with this Section would create a nonconformity of parking standards or would conflict with the location of existing buildings on the lot, the Planning Director shall determine how the Code is to be applied (see also Section 38.070.A). In determining how to apply the landscaping requirements in such circumstances, the Planning Director shall use the following criteria in deciding which of the landscaping requirements to adjust, listed in the order of highest importance:

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1. Compliance with street frontage landscaping standards.
2. Compliance with perimeter landscaping standards.
3. Compliance with internal area of parking lot standards.

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4. Compliance with other landscaping standards of this Title.
- C. Change of Use or Occupancy. When the use of a building or lot changes to another use which does not involve expansion or remodeling as provided in Section 35.030.B, such use need not provide additional landscaping except under the following circumstances:
1. Additional off-street parking is required, in which case the landscaping required by Section 35.080 shall be required for all new parking spaces or parking facilities provided.
 2. The use is subject to Review Process II, III, IV, or V, in which case the Review Authority shall establish the minimum landscape requirements for the specific use.
 3. New uses, storage, or other activities which take place outdoors are to occur, in which case the requirements of Section 41.100 shall apply.
 4. The previous use did not comply with the requirements of the landscaping regulations in effect at the time it was established, in which case the new use shall comply with such requirements in effect at the time of establishment of the previous use.

If the location of existing buildings prevents conformance with the requirements of this Section, the Planning Director shall determine how the Code is to be applied.

- D. Difference of Standards. Where there is a difference in the standards listed in this Section and the specific requirements listed in individual zones, the more substantial requirements shall be required. The Planning Director may permit alternative landscaping, as provided in Subsection 35.070 of this Section, when the overall site development plan proposed provides equivalent or better results than required by this Ordinance.
- rd. E. All uses subject to the requirements of this Section shall also be
849-92 designed in accordance with Section 39.165 for Transportation Compatibility, excluding the exceptions listed in Section 39.165.

rd. **35.040 Location of Landscaping.** Landscaping shall be located where
849-92 indicated by Table 35-1. Where required landscape width exceeds the required setback, the landscape width may be reduced to the minimum setback width if the landscape type is increased to the next higher standard (e.g., Type III to Type II), except that where Type III landscaping is required along street frontages, it need not be increased to Type II landscape standards.

35.050 Landscaping Type Requirements.

- A. **Type I: Visual Screen.** Type I landscaping is intended to provide a very dense sight barrier to significantly separate uses and zones. It shall generally consist of a mix of predominantly evergreen plantings including living trees, shrubs and ground covers. The choice and spacing of plantings shall be such that they will form a dense hedge

sufficient to obscure sight through the screen within three years after planting. Where a sight obscuring fence is required, chain-link fencing with slats shall not be considered to be sight obscuring. Type I landscaping shall consist of the following:

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1. A minimum of two staggered rows of evergreen trees planted along the entire length of the required buffer. Trees shall be chosen and spaced so as to form an effective visual screen which creates a solid sight obscuring barrier within three years of planting. Trees shall be a minimum of six (6) feet high at the time of planting.
 2. When a non-residential use abuts a residential use in a residential zone and Type I landscaping is required between uses, Type I landscaping shall include a solid wood fence or masonry wall, or combination of wood and masonry, six feet in height and located along the property line between the residential and non-residential use.
 3. The entire width of the required buffer shall be landscaped. The remaining area which is not planted with the sight obscuring barrier shall be planted with shrubs and ground cover. Shrubs shall be a minimum of twenty-four (24) inches high at the time of planting. Shrubs and ground cover shall be planted to attain a coverage of ninety (90) percent of the planting area within three years.
 4. Lawns may be used to cover up to seventy-five (75) percent of the landscape area which is not used for the sight obscuring barrier.
- B. Type II: See Through Buffer. Type II landscaping is intended to create a visual separation between uses and zones. Type II landscaping shall consist of:
1. A mix of evergreen and deciduous trees, with no more than thirty (30) percent being deciduous, a minimum of six feet in height, and planted at intervals no greater than twenty (20) feet on center.
 2. A mix of evergreen and deciduous shrubs, with not more than thirty (30) percent being deciduous, a minimum of twenty-four (24) inches high at the time of planting, planted at a density of 5 per 100 square feet of planting area, together with other living ground cover planted to attain a coverage of 90 percent within three years of planting.
- C. Type III: Ornamental Effects Landscaping. Type III landscaping is intended to provide a visual separation of uses from streets; and visual separation of compatible uses so as to soften the appearance of the development from public streets and soften the appearance of parking areas, buildings, and other improvements. Type III landscaping shall consist of:
1. Canopy-type deciduous trees or spreading evergreen trees planted in wells or strips with a mix of living evergreen and deciduous ground covers and low shrubs. Up to one-hundred (100) percent of

the trees may be deciduous. Deciduous trees shall have a minimum trunk diameter of one and one-half (1 1/2) inches and a minimum height of six feet at the time of planting. Evergreen trees shall have a minimum height of six feet at time of planting. Trees shall be spaced at intervals no greater than thirty (30) feet on center.

2. Shrubs and living ground cover shall be chosen and planted to attain a coverage of ninety (90) percent within three years of planting. Shrubs shall be a minimum of twenty-four (24) inches high at the time of planting and shall be planted at a density of five shrubs per 100 square feet of that portion of the landscape area which is not planted in lawn. Lawn may be used for up to seventy-five (75) of the required ground cover.
 3. Landscaping located within public rights-of-way shall be approved by the Everett Parks Department, prior to planting, as part of the review of landscape plans required by Subsection 35.100. The Parks Department may require specific types of street trees for planting in public rights-of-way abutting the property for which the landscaping is required. Such street trees shall be selected and planted in accordance with the Parks Department requirements.
 4. Irrigation systems shall not be located within public right-of-way unless approved by the Public Works Department.
- D. Type IV: Soil Stabilizing Vegetation/Landscaping. Type IV landscaping is intended to provide soil stability, prevent erosion, and prevent sedimentation to off-site properties and improvements. Type IV landscaping shall consist of lawn, other living ground cover, shrubs and trees with a root structure which stabilizes soil where necessary to prevent erosion and sedimentation. Type IV landscaping may include other organic and/or inorganic soil stabilizing materials such as rockeries, retaining walls or other similar slope and soil stabilization devices.

Ord. E. Pedestrian walkways shall be permitted to cross required landscape
1849-92 areas.

35.060 Landscape Categories - Application.

- A. Perimeter Landscaping. The following table establishes the type and width of landscaping required along property lines for the landscape category required for a specific use in each individual zone. This chart establishes the minimum requirements for each landscape category. However, additional standards may be required in individual zones or for uses being reviewed under Processes III, IV, and V, when necessary to enhance compatibility between zones and uses. Where a minimum width of landscaping is specified, the actual width of the planting area shall be measured. Curbs, paving or other protective or boundary marking devices shall not be included in the measurement of landscape width.

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TABLE 35-1

Landscape Category	Street Frontage (1) Type	Width	Abutting Zone	Interior Lot Lines (2)	
				Type	Width
A	III	Minimum setback depth (3)	Single family (4)	II	15 feet or width of setback, whichever is less
			Others	III	5 feet or distance between building and lot line, whichever is less.
B	III	10 feet or distance between lot line and building, whichever is less (3)	Residential (5)	II or I	15 feet 10 feet
			Others	III	5 feet or distance between building & lot line, whichever is less
C	III	10 feet or distance between building and lot line, whichever is less (3) (8) (10)	Residential (5)	I	25 feet
			Commercial (6)(11)	II	10 feet
			Industrial (7)(11)	III	5 feet
D	III	20 feet or distance between building and lot line (3) (8) (10)	Residential (5)	I	25 feet
			Commercial (6) or Industrial (7)	II	10 feet
E	IV	(9)	All zones	IV	(9)

(See Footnotes for Table 35-1 on following page.)

Footnotes for Table 35-1:

- (1) All public right-of-way behind the sidewalk shall also be landscaped to Type III standards.
- (2) Interior lot lines which do not abut an alley.
- (3) See Subsection 35.080 for landscaping requirements for off-street parking and outdoor display areas.
- (4) A-1, R-S, R-S-1, R-1, R-2, R-1(A), R-2(A) zones
- (5) A-1, R-S, R-S-1, R-1, R-2, R-1(A), R-2(A), R-3(L), R-3, R-4, R-5 zones
- (6) B-1, B-2, B-2(B), B-3, C-1, C-1R, WC zones
- (7) C-2, M-1, M-2, M-M, M-S zones
- (8) See Subsection 27.020 for additional requirements in M-1 zone.
- (9) See Subsection 35.060 B for application of Type IV landscaping.
- (10) The minimum landscape width for off-street parking areas abutting street right-of-way shall be fifteen (15) feet.
- (11) If lot being developed has an area of five (5) acres or greater, width shall be twenty (20) feet.

B. Application of Type IV Landscaping. Type IV landscaping shall be used in the following circumstances:

1. All uses which are indicated as requiring Landscape Category E in the Use-Standards Tables of individual zones.
2. All interior portions of lots which are not developed with buildings, parking area and uses and which are not regulated by Subsections 35.060.A, 35.080 or 35.090 of this Section, or by other more specific landscape regulations contained in this Ordinance.

35.070 Modification of Landscaping Requirements.

A. The Planning Director may, using Review Process II.B, authorize a reduced width of planting or waive some or all of the landscaping requirements in the following instances:

1. Where, with the exception of the M-1 Zone, the requirement of this Section would require more than 15 percent of the site area (excluding parking lots) to be landscaped, the Planning Director may modify the requirements so that not more than 15 percent of the site area (excluding parking lots) must be landscaped. The Planning Director may require more intensive landscaping if the reduction in the required planting area would reduce the effectiveness of the landscaping to a point where the intent of the landscape type cannot be satisfied.

2. When the inclusion of existing vegetation on the site would result in landscaping equivalent to or better than the requirements of this Section in achieving the intent of the required Landscape Type.
 3. When existing conditions on or adjacent to the site, including, but not limited to, differences in elevation, existing vegetation, location of buildings or utilities would render the requirements of this Section ineffective. Ord. 1849-92
 4. When Type I visual screening is required, an applicant may request to use plantings that can be expected to form a healthy sight-obscuring evergreen hedge within three years in lieu of two rows of trees. In reviewing such a request for modification, the Planning Director shall consider the Applicant's request in light of the intent of Type I landscaping and the nature of the use or development which is being screened.
 5. When the applicant proposes an alternative method of landscaping that would achieve the intent and purpose of the landscaping required in this Ordinance and which the Director determines to provide superior quality through the use of native vegetation existing on site, preservation of groves of trees, preservation of wetlands and/or wildlife habitat, increasing perimeter landscape width in strategic locations, providing unique focal points of interest, or through other means.
 6. When development will occur in phases and development of subsequent phases will result in removal of landscaping required by this Ordinance.
 7. When the subject property abuts railroad right-of-way developed with rail facilities, the Planning Director may modify the landscaping requirements for that portion of the property abutting the railroad right-of-way, if such modification will not reduce the compatibility between the subject property and other properties in the vicinity. Ord. 1849-92
- B. In approving a request for a modification of landscaping requirements, the Planning Director shall issue finding upon which the approval is based. The Director may attach conditions to any such approval of a request for modification of landscaping requirements if necessary to assure that the intent of the landscape type and any modification thereof is maintained. Any decision of the Planning Director's decision approving or disapproving a request to modify landscaping requirements is subject to the Appeals provisions contained in Section 41.

35.080 Outdoor Display and Off-Street Parking Area Landscape Requirements. The following requirements shall apply to landscaping of all off-street parking, outdoor automobile sales and outdoor display areas. The purpose of this section is to provide visual relief along the street frontage of outdoor display and off-street parking areas.

- A. Parking areas, automobile sales lots and other outdoor display areas which front on a street right-of-way shall provide a ten (10) foot wide landscape area along the entire street frontage, except for driveways, planted to Type III standards.

B. The property owner may apply for permission for up to one-half of the landscaping area to be placed within public right-of-way provided that the minimum width of the planting area is at least ten (10) feet. The required landscaping may be installed in public right-of-way only when approved by the Public Works and Parks Departments. Such landscaping on City right-of-way shall be consistent with the City's street tree program when applicable.

C. Plantings used to satisfy the requirements of 35.080.B may be placed on street right-of-way behind the sidewalk line if the property owner provides the City with a written release of liability in a form which is acceptable to the City Attorney for damages which may be incurred to the landscape area by public use of the right-of-way and the landscape area is maintained by the property owner.

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D. The following amounts of landscaping shall be provided in the internal area of parking lots and outdoor sales and display areas, exclusive of the landscaping required to be provided along street frontages and along other lot lines by Paragraph A of this Subsection:

1. If a lot or development site contains a total of 10 or fewer parking spaces, or not more than four-thousand (4,000) square feet of parking and maneuvering area, whichever is less, no landscaping is required in the internal area of parking lots.

2. If the parking area contains more than 10 but not more than 50 parking spaces, at least 17.5 square feet of landscape development must be provided as described in Paragraph E of this Subsection for each parking stall proposed.

3. If the parking area contains more than 99 parking spaces, at least 35 sq. ft. of landscape development must be provided as described in Paragraph E of this Subsection for each parking stall proposed.

4. If the parking area contains more than 50, but less than 100 parking spaces, the Planning Department shall determine the required amount of landscaping by interpolating between 17.5 and 35 sq. ft. for each parking stall proposed. The landscape area must be landscaped as described in Paragraph E of this Subsection.

E. Landscaping of the planting areas located in the interior of parking lots, as required by Paragraph D of this Subsection shall conform to the following standards:

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1. No required landscape area shall be less than sixty-four (64) square feet in area or five feet in width.

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2. There shall be one tree, a minimum of six feet high at the time of planting, planted for each one-hundred (100) square feet of landscape area or fraction thereof. There shall be at least one tree for each landscape area which is less 100 square feet in area. Up to fifty (50) percent of such trees may be deciduous.

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3. Ground cover shall be provided in the required landscape areas. Groundcover shall be selected and planted so as to withstand foot traffic and provide ninety (90) percent coverage within three years of planting. Ord. 1849-92
4. No parking stall shall be located more than fifty (50) feet from a landscape area.
5. Vegetation planted at aisle ends and lane intersections shall be planted and maintained to prevent the obstruction of driver visibility of pedestrians and other vehicles.
6. When off-street parking is located within a parking structure under a building other than a carport, or within an enclosed garage, the landscaping required in the internal area of parking lots by Sections 35.080.D and 35.080.E need not be provided for the parking spaces contained within such structures. When off-street parking is provided under a carport, the landscaping required in the internal area of parking lots by Sections 35.080.D and 35.080.E shall be provided for the parking spaces located under the cover of carports.
- F. Except where a greater landscape width and more substantial landscape type is required by Table 35-1, where outdoor display areas and off-street parking facilities for office, commercial or industrial uses abut residential zones, it shall be separated therefrom by a ten (10) foot wide landscape strip planted with Type I landscaping. The landscape requirement may be reduced to five (5) feet in width and planted with Type II landscaping if a six foot high planted with Type II landscaping if a six foot high screening fence constructed of wood, masonry or a combination of wood and masonry are erected on the property line between the residential zone and the outdoor display area or off-street parking facility. Ord. 1849-92
- G. Where off-street parking facilities for multiple-family uses are located adjacent to single-family zones [R-S, R-S-1, R-1, R-2, R-1(A), R-2(A) and A-1], they shall be separated therefrom by a fifteen (15) foot wide strip landscaped to Type II standards. The landscape strip may be reduced to ten (10) feet if a six foot high solid screening fence constructed of wood, masonry or combination of wood and masonry are erected on the property line between the multiple family use and the single-family zone and Type I Landscaping is provided. Separation between parking areas for multiple family uses and adjoining multiple-family zoned properties shall be as provided in Subsection 15.100 of this Ordinance.
- H. All planting areas bordering driveways and parking areas shall be protected therefrom by curbing, wheelstops, or other similar protective devices. Such protective devices shall be shown on landscape plans.

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35.090 Landscaping Adjacent to Freeways. Where perimeter landscaping is required by this Ordinance for specific uses, and the lot upon which such use is proposed abuts the right-of-way of Interstate 5, SR 526, or SR 2, a landscape strip, a minimum of ten (10) feet in width, shall be planted along the entire length of the lot adjacent to the highway. Said landscape strip shall be planted to Type II standards, unless the use is otherwise required to provide more substantial landscaping by other sections of this Ordinance.

35.100 Landscape Plan Requirements.

- A. The applicant shall submit three sets of landscape plans for review by the Planning Department. The landscape plan may be incorporated into the site development plan or provided separately. No permit for a use which is subject to the requirements of this Section shall be issued until the landscape plan for such use has been approved by the Planning Department.
- B. The landscape plan shall be drawn to a scale which is appropriate to accurately depict the following information:
1. The species names of all plants proposed to be used.
 2. The number, size and spacing of all proposed plants and the height of trees and shrubs at the time of planting.
 3. The lot area and the total area of the lot required to be landscaped.
 4. The area of the lot proposed to be landscaped.
 5. Method of irrigation of required landscape areas and schematic of irrigation system.
 6. Location and dimensions of planting areas.
 7. Details of any required berms or fences.
 8. The location of any proposed or required pedestrian walkways.

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35.110 General Landscape Requirements. The following standards shall apply to all areas which are required to be landscaped by this Section.

A. Trees

1. Deciduous trees shall have a trunk diameter of at least 1 1/2 inches measured at six inches above the ground, and shall be a minimum of six feet in height at the time of planting.
2. Evergreen trees shall be at least six feet high at the time of planting.

B. Shrubs - Non-flowering shrubs shall be at least two gallon size and at least 24 inches high at the time of planting.

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C. Groundcovers

1. Groundcover includes low growing living plant materials such as perennials, grass, ivy and similar plants. For purposes of this Ordinance, chipped wood, bark, similar mulching materials or non-living artificial plant materials are not acceptable substitutes for required ground cover.
2. In order to accomplish 90% coverage of bare soil by groundcover within three years, spacing for ground cover shall be as follows:
 - a. 2 1/2 inch pots - 12 inches on center
 - b. 4 inch pots - 18 inches on center
 - c. 1 gallon pots - 24 inches on center
 - d. alternative spacing of particular species may be approved by the City if documentation concerning the effectiveness of the groundcover is submitted with the landscape plan.

- D. Plant Materials, Size, Characteristics. All plant materials, sizes, and characteristics shall be in accordance with the current American Association of Nurserymen Standards.

35.120 Installation and Security Requirements.

- A. Landscaping required pursuant to this Ordinance shall be installed in accordance with the approved landscape plan prior to the issuance of a Certificate of Occupancy. An applicant may request a temporary Certificate of Occupancy for an exception to this requirement. If a temporary certificate is issued, all required landscaping shall be installed within six months after issuance of the temporary Certificate of Occupancy. The Planning Department shall require a performance assurance device, as described in Section 40, prior to issuing a temporary Certificate of Occupancy.
- B. Prior to issuance of a final Certificate of Occupancy, the Planning Department shall verify that the landscaping is installed in accordance with the approved landscape plan.
- C. If the installation of the required landscaping or screening is not completed within the period specified, the security may be used by the City to contract for completion of the installation. Upon completion of the installation, any portion of the remaining security shall be returned.
- D. The Planning Department shall perform the final landscape and screening inspection prior to any security being returned. Any portion of the landscaping not installed properly shall cause the certificate of occupancy to be withheld or revoked until the project is completed or cause the security to be used by the City.

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35.130 Maintenance and Enforcement.

- A. All landscape areas required by this Ordinance shall be maintained in accordance with the following standards:
1. All landscape areas shall be provided with an irrigation system, except for self sustaining natural growth occurring in the vicinity of the development. The Planning Director may waive the requirement for an irrigation system when existing mature vegetation would be harmed by installation of irrigation system for that portion of the required landscape area where the mature vegetation is located.
 2. All landscaping shall be maintained with respect to pruning, trimming, mowing, watering, insect control, fertilizing, or other requirements to create a healthy growing condition, attractive appearance and to maintain the purpose of the landscape type.
 3. Dead, diseased, stolen, vandalized or damaged plants shall be replaced within three months, with the plants indicated on the approved landscape plan.
 4. All landscaped areas shall be maintained reasonably free of weeds and trash.
 5. All required landscaping which is located within public right-of-way shall be maintained by the abutting property owner.
- B. A maintenance assurance device, as described in Section 40, shall be required by the Planning Department to ensure that landscaping will be installed and maintained for two years, according to the approved plans and specifications.

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39.075 Front lot line on corner sites.

A. When a development site is comprised of more than one platted lot or parcel of land, the planning director shall determine which lot line is to be the front lot line.

B. In making the determination of front lot line the planning director shall use the following criteria:

1. The orientation of the originally created lot or parcel lines;
2. The relationship of the proposed development to existing topography, buildings, and development patterns in the immediate vicinity;
3. The classification of the affected streets (arterial, collector, local, etc.) and how the application of "front lot line" would affect vehicular traffic flow and pedestrian safety;
4. General plan policy language which may designate a particular street as a "gateway" street;
5. The existing development on the lot and how the application of front lot line would impact the existing improvements on the site;
6. Maximizing the use of alleys for access to parking areas and preserving the setback areas for streetscape improvements;
7. Other factors related to the purpose of the zoning code and the zone in which the property is located, environmental impact, and the proposed use of the property.

C. On corner lots which have been developed under a previous zoning code, or which were developed prior to the establishment of a zoning code, the planning director is authorized to determine which side of the lot is to be considered the front lot line for purposes of establishing building setbacks when an addition or expansion is proposed to the existing building on the lot. (Ord. 1849-92 § 50, 1992; Ord. 1729-90 § 28, 1990; Ord. 1671-89 (part), 1989.)

39.080 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. (Ord. 1849-92 § 51, 1992; Ord. 1671-89 (part), 1989.)

39.090 Hazardous waste treatment and storage facilities. Hazardous waste treatment and storage facilities shall be permitted in accordance with the following requirements:

A. Commercial Zones, Institutional Uses in Residential Zones. In the B-1, B-2, B-2(B), B-3, C-1, C-1R, M-S, and W-C zones, and for institutional uses in residential zones, on-site hazardous waste treatment and storage facilities shall be permitted as an accessory use to any activity generating hazardous waste which is lawfully permitted within such zones, provided that such facilities meet the state siting criteria adopted pursuant to the requirements of RCW 70.105.210.

B. Industrial Zones. In the C-2, M-1, M-M and M-2 use zones, on-site and off-site hazardous waste treatment and storage facilities shall be permitted; provided, that such facilities meet the state siting criteria adopted pursuant to the requirements of RCW 70.105.210. (Ord. 1849-92 § 52, 1992; Ord. 1671-89 (part), 1989.)

39.100 Infrastructure requirements.

A. Storm Drainage Facilities-Disposal. Disposal and detention of storm drainage water originating on the subject property shall be detained and/or disposed of in accordance with the requirements of the drainage ordinance.

B. Fire Protection Facilities. Fire flows and fire protection facilities shall be provided in accordance with the requirements of the fire code and fire marshal.

C. Street Improvement Requirements. Street improvements for new construction, additions or remodeling shall be provided in accordance with the requirements of the street improvement ordinance.

D. Water and Sanitary Sewer. Water and sanitary sewer shall be provided to all new developments in accordance with the requirements of the public works director. (Ord. 1671-89 (part), 1989.)

39.105 Jails, Correctional Facilities and Class II Group Homes.

A. Definition. For purposes of the Everett Zoning Code, "jails and correctional facilities" are defined as public or private facilities providing for the confinement of juvenile offenders, for the incarceration, confinement or detention of individuals arrested for or convicted of a crime, or for the punishment, correction and/or rehabilitation of individuals convicted of crimes whose freedom is restricted. The term "jails and correctional facilities" includes those group-care homes, Class II (as defined in EMC

10/30/2017

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Subject: RE: searching for 1992 noise code
From: Megan Munro (MMunro@everettwa.gov)
To: jeanrittmann@frontier.com;
Date: Monday, October 30, 2017 11:34 AM

Jean—

This was the noise code in effect 1978-2016. Section 090 was the public disturbance portion at that time, the same as the current ordinance. One of the significant changes in the new ordinance was to this section. The current wording uses a "plainly audible" standard as well as distances from residential property lines.

Idling delivery trucks are addressed in 20.08.090 (B) (2). It's similar to the current except the old one specified the source had to be in District 1 (residential). The current ordinance removes that requirement.

Intercom noise is in 20.08.090 (B) (5) of the old ordinance and 20.08.090 (B) (3) of the current one. The wording is similar but "unreasonable interference with peace, comfort & repose" was eliminated. Again, the current rule simply uses plainly audible instead.

I'm in class all day tomorrow (Tuesday) in Seattle but am available Wednesday if you have questions for me.

Megan Munro

City of Everett Noise Administrator

(425) 257-8775

mmunro@everettwa.gov

From: jeanrittmann@frontier.com [mailto:jeanrittmann@frontier.com]
Sent: Sunday, October 29, 2017 3:38 PM
To: Megan Munro <MMunro@everettwa.gov>
Subject: searching for 1992 noise code

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Chapter 8.20

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Sections:

- 8.20.010 Definitions.
- 8.20.020 Nuisances—Residential property and nonresidential property.
- 8.20.030 Repealed.
- 8.20.040 Repealed.
- 8.20.050 Repealed.
- 8.20.060 Repealed.

8.20.010 Definitions.

For the purpose of this chapter, the following definitions shall apply:

- A. "Building" means any roofed and walled structure for residential or nonresidential use.
- B. "City" means the city of Everett.
- C. "Front yard" means that portion of property between the street and a primary building.
- D. "Litter" includes but is not limited to rubbish, debris, trash and garbage.
- E. "Maintain or maintenance" means condition on property that exists.
- F. "Owner" means any person owning property, as shown on the last assessment roll for taxes, or the lessee, tenant or other person having control or possession of the property.
- G. "Person" means any individual, partnership, corporation, association or other organization, however formed.
- H. "Primary building" means a building which is the primary use of the property upon which the building is located.
- I. "Property" means all real property including any buildings located thereon.
- J. "Rear yard" means that portion of property between the primary building and the rear property line.
- K. "Side yard" means that portion of property between a primary building and the side property line. (Ord. 1554-89 § 1, 1989)

8.20.020 Nuisances—Residential property and nonresidential property.

No person owning, leasing, renting, occupying or having charge or possession of any property in the city, including vacant lots, shall maintain or allow to be maintained on such property except as may be allowed by any other city ordinance any of the following conditions visi-

ble from any public street, alley or other public or private property:

- A. Junk, trash, litter, boxes, discarded lumber, salvage materials or other similar materials in any front yard, side yard, rear yard or vacant lot;
- B. Attractive nuisances dangerous to children, including but not limited to abandoned, broken or neglected equipment, machinery, refrigerators and freezers, excavations, well or shafts in any front yard, side yard, rear yard or vacant lot;
- C. Broken or discarded furniture, household equipment and furnishings in any front yard, side yard, rear yard or vacant lot;
- D. Shopping carts in any front yard, side yard, rear yard or vacant lot of any property zoned residential by the city;
- E. Dead, decayed, diseased, noxious or hazardous trees, or vegetation or any vegetation (not including vegetation located in flower beds) taller than forty-two inches high or grass taller than twelve inches in height in any front yard, side yard, rear yard or vacant lot;
- F. Graffiti on the exterior of any building, fence or other structure in any front yard, side yard, rear yard or vacant lot;
- G. Vehicle parts or other articles of personal property which are discarded or left in a state of partial construction or repair in any front yard, side yard, rear yard or vacant lot;
- H. Utility trailers or unmounted camper tops located in any front yard except in the driveway or vacant lot. (Ord. 1779-91 § 1, 1991; Ord. 1554-89 § 2, 1989)

8.20.030 Declaration of public nuisance. Repealed by Ord. 2221-97. (Ord. 1554-89 § 3, 1989)

8.20.040 Abatement procedure. Repealed by Ord. 2221-97. (Ord. 1554-89 § 4, 1989)

8.20.050 Lien procedure. Repealed by Ord. 2221-97. (Ord. 1554-89 § 5, 1989)

8.20.060 Violation—Penalty. Repealed by Ord. 2221-97. (Ord. 1554-89 § 6, 1989)

1 For statutory provisions authorizing first class cities to provide for punishment of all practices dangerous to public health and safety, see RCW 35.22.280(36).

Exhibit H p. 16



Planning and Community Development Department
Zoning Code Compliance Notice

August 17, 2011

ZCV11-015

McDonalds Corp. (046-0254)
PO Box 182571
Columbus, OH 43218

Bold Leasing Company, LLC
PO Box 1461
Marysville, WA 98270

RE: North Landscape Buffer located at 2001 Lombard Avenue

Dear Proprietors,

It has come to the attention of the City of Everett's Planning & Community Development Department that landscaping as part of a required buffer separating a neighboring residential property has not been maintained and/or removed without replacement landscaping.

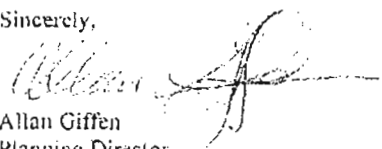
On October 14, 2008 a building permit (B0807-047) was issued for a tenant improvement which included improved landscaping, see enclosed landscape plan. Of particular concern is the 10 foot wide Type I landscape buffer along the north side property line. Two trees, at least 18 shrubs, and most groundcover is or has been removed, dead, diseased, stolen, vandalized or damaged. Everett Municipal Code (EMC) Title 19 Chapter 35.130.A.3 requires said landscaping to be replaced within three months.

One of the following two items must be completed:

1. Replace the required landscaping by November 17, 2011 with plants indicated on the landscape plan.
2. Submit a revised landscape plan with alternative plantings that meet the landscaping requirements by September 16, 2011.

Please contact Niels Tygesen at 425.257.7275 or at ntygesen@ci.everet.wa.us to discuss your proposed timeline to meet the above requirements or to schedule a meeting to discuss the applicable regulations. Thank-you for your attention to this matter.

Sincerely,


Allan Giffen
Planning Director

cc: Code Enforcement
Niels Tygesen, Assistant Planner, Planning & Community Development Department

Enclosures: Exhibit A: Photos 1 & 2
Landscape Plan, dated 9/24/2008

2930 Weimore Avenue, Suite 8-A, Everett, WA 98201-4044 ☎ 425.257.8731, Fax 425.257.8742

Exhibit J

Violation never
replied to, and
went
nowhere

SCALE: 1" = 20'

DATE: 06/29/93

UTILITIES DEPARTMENT

CITY ENGINEER

A PUBLIC WORKING PERMIT IS REQUIRED PRIOR TO STARTING ANY CONSTRUCTION ON THIS PROJECT. APPROVAL FOR THIS PROJECT IS CONDITIONAL PER CURRENT STANDARDS AND EXPIRES 12/31/93 UNLESS PERMIT EXTENSION HAS BEEN ISSUED.

SEC. 20, TWP.

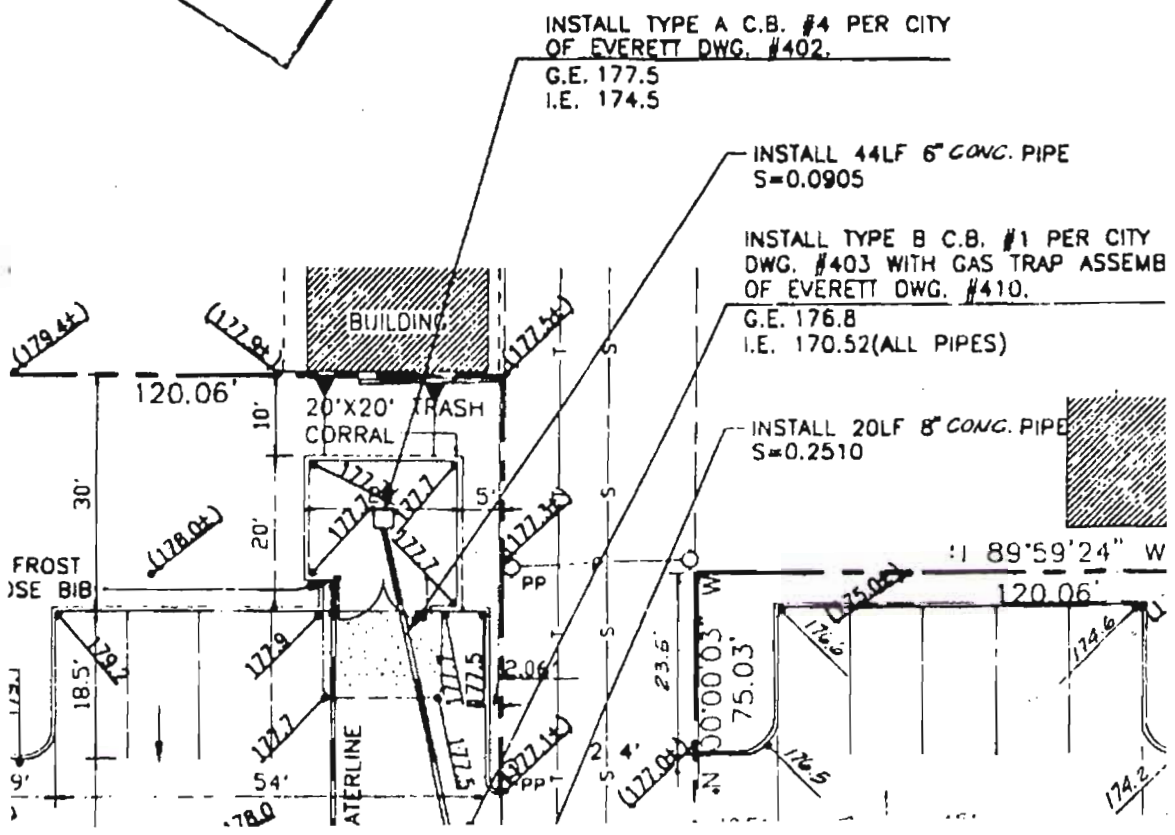
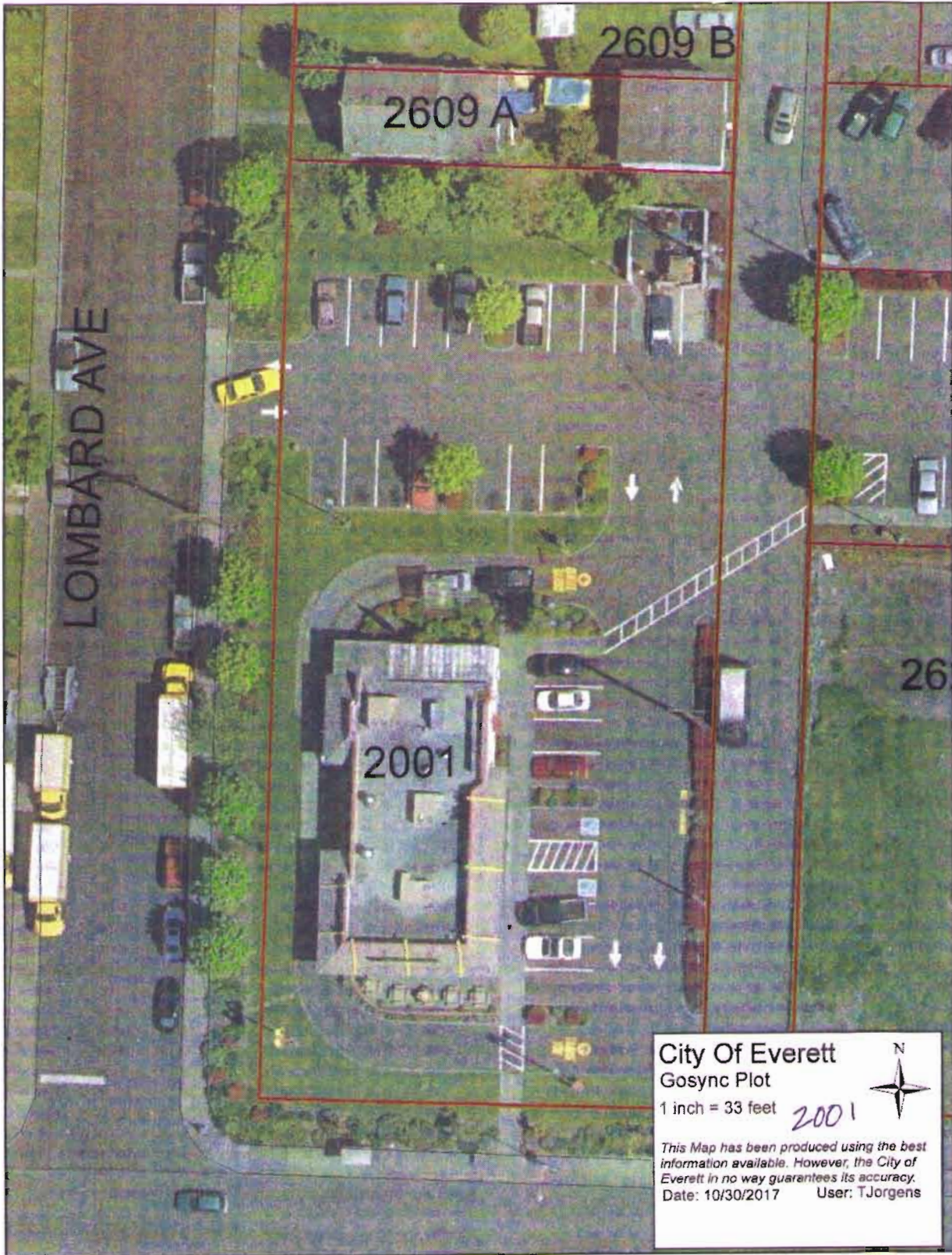


Exhibit L



LOMBARD AVE

2609 A

2609 B

2001

26

City Of Everett
Gosync Plot

1 inch = 33 feet



2001

This Map has been produced using the best information available. However, the City of Everett in no way guarantees its accuracy.
Date: 10/30/2017 User: TJorgens

Exhibit M