

EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET

PROJECT TITLE:

An Ordinance Amending the Zoning Code Regarding Development Standards and Unit Lot Subdivisions for Metro Everett and Core Residential Area, Amending Ordinance No. 1671-89 and 3377-14, as Amended

X	Briefing
X	Proposed Action
	Consent
X	Action
X	First Reading
X	Second Reading
X	Third Reading
X	Public Hearing
	Budget Advisory

COUNCIL BILL #	<u>CB1904-17</u>
Originating Department	<u>Planning</u>
Contact Person	<u>David Stalheim</u>
Phone Number	<u>425-257-8731</u>
FOR AGENDA OF	<u>April 10, 2019</u>

Initialed by:
 Department Head _____
 Administration _____
 Council President SB

<u>Location</u>	<u>Preceding Action</u>	<u>Attachments</u>	<u>Department(s) Approval</u>
Metro Everett	Ord. 3377-14 Ord. 3615-18	PC Resolution Ordinance	Planning Legal

Amount Budgeted	-0-	
Expenditure Required	-0-	Account Number(s):
Budget Remaining	-0-	
Additional Required	-0-	

DETAILED SUMMARY STATEMENT:

The amendments to the Zoning Code address issues found after adoption of the ordinances implementing the Metro Everett Plan. There are three parts to this ordinance:

1. Authorize **Unit Lot Subdivisions** in Metro Everett.
2. Eliminate **upper floor modulation** requirements on interior side lots in the Urban Mixed Zone for floors 3-7.
3. Amend reference to a **height map** that was not included in the final ordinance.

RECOMMENDATION (Exact action requested of Council):

Approve Ordinance amending the Zoning Code regarding development standards and unit lot subdivisions for Metro Everett and Core Residential Area.



PLANNING COMMISSION RESOLUTION NO. 19-02

A Resolution Recommending City Council Amend the Title 13 (Streets and Sidewalks), Title 18 (Land Division) and Title 19 (Zoning) regarding ordinances implementing the Metro Everett Plan and Parking, Loading and Access requirements

WHEREAS, the Planning Commission finds the following:

1. The City Council adopted ordinances on August 29, 2018 which adopted development regulations for Metro Everett (Ordinance 3615-18), a new chapter on Parking, Loading and Access requirements (Ordinance 3616-18), and miscellaneous amendments (Ordinance 3617-18 and 3618-18) to various titles to implement these two ordinances; and
2. Since adoption of these ordinances, city staff have identified issues and concerns about internal consistency of these amendments, as well as several minor, but important provisions which should be considered for amendment; and
3. The City has reviewed the potential environmental impacts of the proposed amendments pursuant to the State Environmental Policy Act (SEPA); and
4. Public notice and opportunity to comment on these amendments was provided through electronic and mail notice to interested parties, a legal notice of public hearing published in the Everett Herald on February 16, 2019, notice to the Washington State Department of Commerce on February 14, 2019, and a public hearing held by the Planning Commission on March 5, 2019; and

And, WHEREAS, the Planning Commission concludes the following:

1. The amendments are consistent with the Comprehensive Plan.
2. The public health, safety and welfare will be provided for by these text amendments.
3. The proposed amendments promote the best long term interest of the Everett community.

NOW, THEREFORE, THE PLANNING COMMISSION RESOLVES THE FOLLOWING:

1. The Planning Commission recommends that the City Council amend Title 13 (Streets and Sidewalks), Title 18 (Land Division) and Title 19 (Zoning) regarding ordinances implementing the Metro Everett Plan and Parking, Loading and Access requirements as set forth in attached Exhibit 1.

Kathryn Beck
Planning Commission Chair

3/5/2019
Date

Allen [Signature]
Planning Commission Secretary

For: Commissioner Yanasak, Commissioner Zelinski, Commissioner Tisdell, Commissioner Lavra, and Chair Beck.

Against: None

Absent: Commissioner Holland, Commissioner McGinn, Commissioner Lark, and Commissioner Finch

Abstain: None

Exhibit 1
Metro Everett and Parking Code Amendments

Amendment #1: When a Transportation demand management plan (TDM) is required.

19.34.080 Transportation Demand Management

A. When a transportation demand management plan (TDM) is required

- 1) A TDM plan must be prepared for the following development projects:
 - a) A TDM plan is required for new construction of a principal building in excess of 50,000 square feet of gross floor area.
 - b) A TDM plan is required for substantial renovation of a principal building with a gross floor area of at least 50,000 square feet and involving a change of use.
 - c) A TDM plan is required for any development with an exception or reduction of parking allowed pursuant to Section 34.050 or Section 34.060.
 - d) A TDM is not required for single-, duplex- or triplex-dwelling units.
- 2) A TDM plan must be reviewed and approved, approved with modifications, or disapproved by the city engineer or designee. A Preliminary TDM plan shall be submitted before a building permit is approved. TDM plans may be written in two steps:
 - a. Preliminary TDM Plan: When a TDM plan is required, a preliminary plan must be submitted along with the development application. The TDM plan should include the requirements outlined in subsections (B), (C) and (D) below. If a preliminary TDM plan is submitted and approved by the city engineer or designee, then a Final TDM Plan is not required until a ~~certificate of occupancy is requested~~building permit is issued.
 - b. Final TDM Plan: A final TDM plan meeting the requirements outlined in subsections (B), (C) and (D) below, is required before a ~~certificate of occupancy~~building permit may be ~~granted~~issued. The TDM plan must be approved by the city engineer or designee.

Amendment #2: Separation of surface parking lots from public right-of-way.

19.34.100 Location of Off-Street Parking

B. Parking location – General requirements for nonresidential uses

- 3) Separation of surface parking lots from public right-of-way.
 - a) Surface parking lots shall not be located between buildings and Broadway or Evergreen Way.
 - b) For all other streets, surface parking lots shall be set back either 10 feet from the public sidewalk, or five feet from the property line, whichever is greater, ~~except where a greater distance is necessary for landscaping of parking lots required by Chapter 35. The intent of this requirement is to provide a minimum 10 foot landscape separation between surface parking lots and public streets in accordance with Chapter 35.~~
 - c) There shall be no setback required from a public alley.

Amendment #3: Parking lot locations in Metro Everett.

19.34.100 Location of Off-Street Parking

C. Parking location requirements, Metro Everett

- 1) Separation of surface parking from public right-of-way. All surface parking lots within Metro Everett shall have a minimum front setback of 40 feet. For corner lots, the minimum setback from a street side lot line shall be five feet. Exception: within the ULI – Urban Light Industrial zone, the minimum front setback for surface parking shall be ~~15-10~~ 15-10 feet. ~~Where surface parking is provided, it shall be separated from any~~

~~public sidewalk by a minimum of five feet to allow s~~Screening/landscaping must be in accordance with Chapter 35 of this title.

- 2) There shall be no setbacks required for rear and side interior lot lines unless otherwise necessary to accommodate landscaping/screening in accordance with Chapter 35 of this title.
- 3) Non-residential uses. Parking for nonresidential uses in Metro Everett shall be located within 1,000 feet of the use for which it is required, measured along the access route.
- 4) Modification of Standards. Parking location standards may be modified with Review Process II described in EMC Title 15, Local Project Review Procedures.

Amendment #4: Parking lot landscaping and screening.

19.34.120 Parking Area Design and Construction

C. Landscaping and Screening

Landscaping and screening for parking lots shall be in accordance with the standards of Chapter 19.35. Parking of trucks or fleet vehicles is considered off-street parking for the purposes of calculating the parking lot interior landscaping required by Chapter 19.35.

19.35.080 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, except as otherwise provided in this title for specific zones. The purpose of this section is to provide visual relief along the street frontage of outdoor display and off-street parking areas, to prevent a monotonous visual experience of large expanses of paving, to create shade and mitigate the heat island effect of paved parking areas, to improve water quality, to improve storm water management, to help control the flow of traffic, and to soften the appearance of parking structures.

A. Parking areas, automobile sales lots and other outdoor display areas which front on a street right-of-way shall provide a ten-foot-wide landscaped area along the entire street frontage planted to Type III standards, except for driveways and pedestrian paths. In addition, all public right-of-way between the sidewalk and the property line must be incorporated into the abutting Type III landscaping. All required trees shall be located on private property.

B. The following amounts of landscaping shall be provided in the internal area of parking lots exclusive of the landscaping required to be provided along street frontages and along interior lot lines by subsection A of this section, and exclusive of street trees required in specific areas of the city such as in the BMU, E-1, MUO, ULI, UM and UR zones. Parking of trucks or fleet vehicles is considered off-street parking for the purposes of calculating the internal area of parking lots in this section. ‡

1. If a lot or development site contains a total of twenty or fewer parking spaces, or not more than six thousand 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 twenty parking spaces or six thousand square feet of maneuvering area, and less than one hundred parking spaces, a minimum of twenty square feet of landscaping shall be planted for each parking stall. Plantings must consist of a mix of trees, shrubs and ground cover. At least one tree shall be planted for every eight parking spaces. Calculations resulting in a fraction larger than one-half shall be rounded up to the next whole number.
3. If the parking area contains one hundred or more parking spaces, a minimum of thirty square feet of landscaping shall be provided for each parking stall. Plantings must consist of a mix of trees, shrubs and ground cover. At least one tree shall be planted for every six parking spaces. Calculations resulting in a fraction larger than one-half shall be rounded up to the next whole number.

4. Outdoor storage areas and vehicle sales do not require interior landscaping; however, such sites shall still provide landscaping along street frontages and other lot lines as required by subsection A of this section and Table 35-1.

Amendment #5: Off-Street parking for multifamily development in the Evergreen Way Mixed-Use Overlay (E-1 MUO).

19.31B.040 Off-street parking standards.

~~A. Nonresidential Uses.~~ Off-street parking shall be provided as required ~~by Table 34-1~~ in Chapter 19.34 of the zoning code.

~~B. Residential Uses.~~ Multifamily residential developments inside the mixed-use overlay (MUO) shall provide a minimum of one parking space per dwelling unit. All other residential uses shall provide off-street parking as required by Table 34-1.

Amendment #6: Parking improvements for new land divisions.

18.28.140 Parking improvements, garages

~~A.~~ All existing and proposed uses for a division of land are required to provide parking to meet the requirements of the Everett zoning code, EMC Chapter 19.34, and this title. ~~All required parking areas and access shall be concrete or paved to city standards and shall meet the width requirements as defined by the Everett zoning code. No parking areas or access will be allowed within the required private open space as defined in the design and development provisions of this chapter. The maximum width of any parking areas located within a front setback shall be twenty feet. The minimum dimensions of any surface parking pad for two vehicles shall be twenty feet by twenty feet.~~

~~B. Garages.~~ With the exception of lots within unit lot subdivisions, as provided by Chapter 19.15A, on all lots created after the effective date of the ordinance codified in this section, a garage shall be constructed as provided by this section:

~~1. The garage shall be a minimum of five feet from any side interior property line and twenty feet from a public street, easement access drive, or rear lot line, except as otherwise provided by this title. The access to the garage shall not exceed twenty feet in width in the front setback area from the public street or from the easement access drive curb face. This area shall be landscaped, screened, and improved per the landscaping provisions of this chapter. As an exception to this requirement an easement access front lot with an existing house and no existing garage will be allowed to provide surface parking for four vehicles in order to meet the parking requirements of this title. The parking pad shall have a minimum dimension of forty feet by twenty feet, and shall not be located between the house and the street, or within the private open space area.~~

~~2. All garages required by this section shall have a minimum exterior dimension of twenty feet by twenty four feet. As an alternative to the twenty feet by twenty four feet dimensions for the garage, a twenty foot by twenty-foot garage may be constructed; provided, that it has an additional one hundred square feet of interior storage area. The requirement for interior storage shall be shown as a condition on the final plat or short plat.~~

Amendment #7: Lot access in new land divisions.

18.28.210 Lot Requirements.

I. Individual lots that take access off a cul-de-sac may be allowed a reduced frontage, but not less than a minimum of twenty feet if the front ~~yard~~ setback is increased to thirty feet., ~~with a twelve-foot tapered driveway.~~

This must be shown on the face of the final division map. The paved driveway may not cover more than forty percent of the front setback area.

Amendment #8: Unit Lot Subdivisions.

19.15A.010 Applicability—Purpose—Definitions.

B. Applicability—New Townhouse Unit Lot Subdivisions. The provisions of this chapter apply to the subdivision of land for new single-family attached dwelling developments in the R-3L, R-3, R-4, R-5, B-2, B-2B, C-1, C-1R, E-1, ~~and E-1~~ MUO, UR, UM and ULI zones.

Amendment #9: Upper Floor Building Modulation.

19.20.300 Building Form Standards

D. Building Modulation and Upper Floorplate Limits

The requirements set forth in Table 20-7 apply to upper floor modulation and upper floorplate area for buildings in Metro Everett and the Core Residential Area. Upper floor modulation is measured from the ground floor façade as placed on the property.

Table 20 -7: Building Modulation and Upper Floorplate Limits

Modulation, Floorplate	Illustration	UR	UM	ULI	CRA
Upper Floor Modulation	20-4				1
Front and Side Street					
Floors 6 – 7	A	10 feet minimum	10 feet minimum	10 feet minimum	10 feet minimum
Floors 8 – 11	B	n/a	No minimums, but subject to Review Process II and compliance with vertical and horizontal modulation/articulation requirements		
Floors 12+	C	n/a	No minimums, but subject to Review Process II and compliance with vertical and horizontal modulation/articulation requirements		
Interior Side					
Floors 3 – 7	D	5 feet minimum	5-foot minimum None	None	5 feet minimum
Floors 8 – 11	E	n/a	No minimums, but subject to Review Process II and compliance with vertical and horizontal modulation/articulation requirements		
Floors 12+	F	n/a	No minimums, but subject to Review Process II and compliance with vertical and horizontal modulation/articulation requirements		
Upper Floorplate Area	20-5				
Floors 12+	G	n/a	12,000 sq. ft. maximum	n/a	n/a

¹ See Upper Floor Modulation requirements in Core Residential Area in Section 20.307

Amendment #10: Driveway approaches, length.

13.16.060 Length-Width of driveway approach apron.

The length-width of a driveway approach apron shall conform to the following dimensions:

- A. For residential driveways, not less than ten feet nor more than ~~twelve-thirty~~ feet ~~for single driveways, and not more than twenty feet for double driveways;~~
- B. For commercial driveways, when one or more driveway approaches serve a given property frontage, no single apron shall exceed thirty feet in length-width, if the property abuts a street where the posted speed limit is twenty-five miles or less per hour, or thirty-five feet where the posted speed limit is above twenty-five but under forty-five miles per hour, or forty feet where the posted speed limit is forty-five or more miles per hour, but any length width in excess of thirty feet is subject to the approval of the city engineer. A safety island of not less than six feet of full height curb shall in all cases be provided between driveway approaches and a safety island of not less than twenty feet of full height curb shall in all cases be provided between driveway approaches serving any one property frontage;
- C. Property frontage referred to herein, includes approach areas directly in front of property owned or under the control of the applicant and such area as may be opposite adjoining property which is used for approach purposes by right of easement or agreement with the adjoining property owner;
- D. No driveway approach shall project beyond the extension of the side property line to the curb, unless the owner of the adjacent property is a co-signer of the application.

Amendment #11: Driveway approaches, general.

~~13.16.100 Public property.~~

~~City street right-of-way may not be used for private commercial purposes. A permit for the construction of driveway approaches shall not be issued unless the vehicles to be served or serviced can be parked entirely within the private property lines.~~

Amendment #12: Driveway approaches, authority.

13.16.120 Replacement or discontinued use.

When, in the judgment of the city council-engineer the continued use of a driveway approach is hazardous to pedestrians or traffic or whenever the use of the driveway shall be discontinued, the owner of the abutting property shall, upon notice from the city council-engineer remove the driveway approach and replace the sidewalk and public property in accordance with city specifications and under the supervision of the city engineer.

Amendment #13: Design standards in E-1 MUO.

19.31B.070.A.1 Design standards—Site planning.

c. No storage areas, untreated blank walls (see Section 19.31B.080.G), ~~drive-through windows (where allowed),~~ fences over three feet high, chain-link fences, or large-item displays (e.g., automobiles, lumber) are allowed within one hundred feet of the Evergreen Way right-of-way unless that element is separated from all public rights-of-way by a building and not visible from Evergreen Way or any designated side street. See also Section 19.39.070.B for location of fences in commercial zones.

Amendment #14: Section Heading for Multifamily Development Standards.

19.15.080 Pedestrian access—~~Vehicular access.~~

ORDINANCE NO. _____

**An Ordinance Amending the Zoning Code Regarding Development Standards and Unit Lot Subdivisions
for Metro Everett and Core Residential Area, Amending Ordinance No. 1671-89 and 3377-14, as
amended**

WHEREAS, the City Council adopted a new subarea plan for Metro Everett; and

WHEREAS, the Metro Everett Subarea Plan and development regulations is intended to encourage more growth through infill within the metropolitan center through changes in heights, density, off-street parking reductions, and focus on community renewal, while also protecting surrounding residential neighborhoods from incompatible development; and

WHEREAS, the City Council passed Ordinance No. 3615-18 on August 29, 2018, adding two new chapters to the Zoning Code regarding Uses and Development Standards for Metro Everett and Core Residential Areas; and

WHEREAS, the City Council passed Ordinance No. 3617-18 on August 29, 2018, amending various city regulations to be consistent with the development regulations for Metro Everett; and

WHEREAS, since passage of these new and amended development regulations, the City has become aware of corrections or clarifications that are needed; and

WHEREAS, public notice and opportunity to comment on these amendments was provided through electronic and mail notice to interested parties, a legal notice of public hearing published in the Everett Herald on February 16, 2019, notice to the Washington State Department of Commerce on February 14, 2019, and a public hearing held by the Planning Commission on March 5, 2019; and

WHEREAS, the Everett Planning Commission, after consideration of public input, has recommended approval of the amendments as set forth in this Ordinance; and

WHEREAS, EMC 19.41.170(C) provides for amendment of the Zoning Code (Title 19) when it finds that:
1) the proposed amendment is consistent with the applicable provisions of the Everett general plan; and
2) the proposed amendment bears a substantial relation to public health, safety or welfare; and 3) the proposed amendment promotes the best long term interests of the Everett community; and

WHEREAS, the proposed development regulations bear a substantial relation to public health, safety or welfare.

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

[Proposed changes are shown with a vertical bar in the left hand margin; words struck through are proposed for deletion; words that are underlined are proposed additions.]

Section 1. Section 3 of Ordinance No. 3377-14, as amended (Zoning, Unit Lot Subdivisions, EMC 19.15A.010), is amended to read as follows:

19.15A.010 Applicability—Purpose—Definitions.

A. Purpose. The primary purpose of these provisions is to allow for the creation of unit lots for townhouse dwellings, while applying only those site development standards applicable to the parent site as a whole. The secondary purpose of these provisions is to allow for the unit lot subdivision process to be applied to townhouse and single-family detached condominium developments for which, as of the effective date of this chapter, either:

1. A condominium declaration and survey had been recorded pursuant to Chapter 64.34 RCW; or
2. (a) A complete application for formal approval of a site development plan had been filed, and (b) the recording of a condominium declaration and survey had been deferred in anticipation of the adoption of this chapter, and (c) the application had accepted by the city, and was still actively being processed by the city.

B. Applicability—New Townhouse Unit Lot Subdivisions. The provisions of this chapter apply to the subdivision of land for new single-family attached dwelling developments in the R-3L, R-3, R-4, R-5, B-2, B-2B, C-1, C-1R, E-1, ~~and E-1~~ MUO, UR, UM and ULI zones.

C. Applicability—Townhouse and Single-Family Detached Condominiums in Existence as of the Effective Date of the Ordinance Codified in this Chapter. The provisions of this section apply to single-family attached developments, and/or single-family detached condominium developments for which, as of the effective date of this chapter, either:

1. A condominium declaration and survey had been recorded pursuant to Chapter 64.34 RCW, in which all property owners apply to subdivide existing condominium dwelling units into unit lot subdivisions; or
2. (a) A complete application for formal approval of a site development plan had been filed, and (b) the recording of a condominium declaration and survey had been deferred in anticipation of the adoption of this chapter, and (c) the application had accepted by the city, and was still actively being processed by the city.

D. Conflict. In the event of a conflict between this chapter and any other provisions of this title (Zoning) or Title 18 (Land Division), the requirements of this chapter shall control.

E. Definitions. For purposes of this chapter, the following terms shall be defined as provided herein.

1. "Association" or "homeowners' association" means a corporation, unincorporated association, or other legal entity, each member of which is an owner of an individual lot within the unit lot subdivision.
2. "Board" or "board of directors" means the body, regardless of name, with primary authority to manage the affairs of the association.
3. "Common areas" means portions of the subdivision not subdivided for individual lots or not dedicated to the city as public streets, utility systems or other public areas or facilities.

4. "Condominium" means a development subjected to Chapter 64.32 or 64.34 RCW.
5. "Dwelling, single-family attached" shall have the same definition as stated in Chapter 19.04.
6. "Lot, unit" or "unit lot" means a subdivided lot within a development approved through the unit lot subdivision process of this chapter.
7. "Owner" means the owner of a lot, but does not include a person who has an interest in a lot solely as security for an obligation. "Owner" also means the vendee, not the vendor, of a lot under a real estate contract.
8. "Parent site" means a parcel of land which may be subdivided into unit lots through the unit lot subdivision process of this chapter.
9. "Townhouse" or "dwelling, townhouse" shall have the same definition as "dwelling, single-family attached" as defined in this section.
10. "Unit lot subdivision" means a subdivision of land authorized by Chapter 19.15 as an alternative to conventional subdivision processes of Title 18.

Section 2. Section 2 of Ordinance No. 3615-18, as amended (Zoning, Metro Everett and Core Residential Area Development Standards, EMC 19.20.300.B), is amended to read as follows:

19.20.300 Building Form Standards

B. Building Modulation and Upper Floorplate Limits

The requirements set forth in Table 20-7 apply to upper floor modulation and upper floorplate area for buildings in Metro Everett and the Core Residential Area. Upper floor modulation is measured from the ground floor façade as placed on the property.

Table 20-7: Building Modulation and Upper Floorplate Limits

Table 20-7: Building Modulation and Upper Floorplate Limits					
Modulation, Floorplate	Illustration	UR	UM	ULI	CRA
Upper Floor Modulation	20-4				1
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Floors 6 – 7	A	10 feet minimum	10 feet minimum	10 feet minimum	10 feet minimum
Floors 8 – 11	B	n/a	No minimums, but subject to Review Process II and compliance with vertical and horizontal modulation/articulation requirements		
Floors 12+	C	n/a	No minimums, but subject to Review Process II and compliance with vertical and horizontal modulation/articulation requirements		
Interior Side					
Floors 3 – 7	D	5 feet minimum	5 feet minimum minimum None	None	5 feet minimum
Floors 8 – 11	E	n/a	No minimums, but subject to Review Process II and compliance with vertical and horizontal modulation/articulation requirements		

Modulation, Floorplate	Illustration	UR	UM	ULI	CRA
Floors 12+	F	n/a	No minimums, but subject to Review Process II and compliance with vertical and horizontal modulation/articulation requirements		
Upper Floorplate Area	20-5				
Floors 12+	G	n/a	12,000 sq. ft. maximum	n/a	n/a

¹ See Upper Floor Modulation requirements in Core Residential Area in Section 20.307

Illustration 20 - 1: Upper Floor Modulation

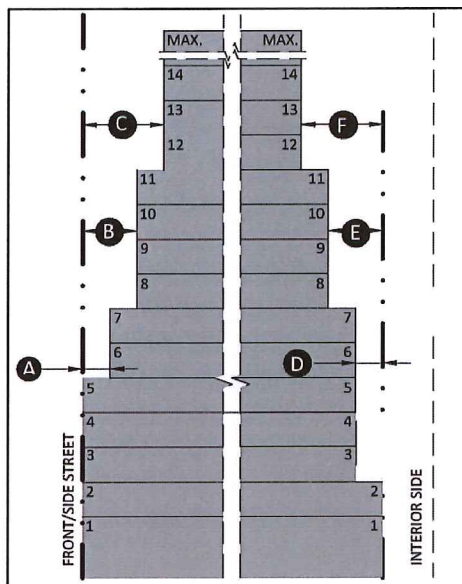
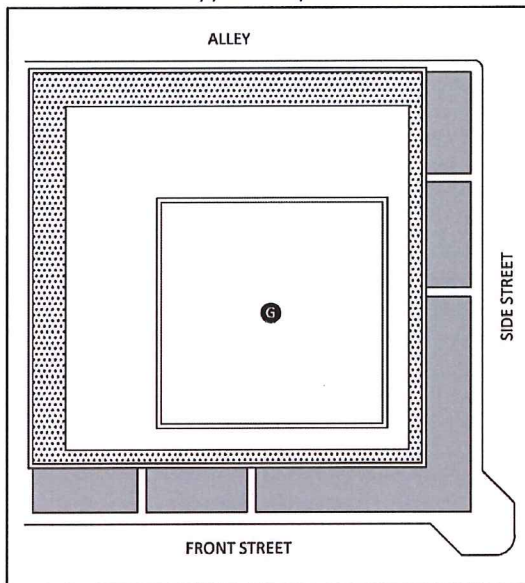


Illustration 20 - 2: Upper Floorplate Area



Section 3. Section 2 of Ordinance No. 3615-18, as amended (Zoning, Metro Everett and Core Residential Area Development Standards, EMC 19.20.400), is amended to read as follows:

19.20.400 Maximum building heights, general overview.

This article contains information about building heights in Metro Everett and core residential area.

A. Maximum Building Heights. Maximum building heights for principal buildings are set forth in Maps 20-5 and 20-7. Where Map 20-5 includes a range of maximum building heights (e.g., five to eight floors), the lower number is referred to as the “base height maximum” and the higher number is referred to as the “incentive height maximum.” A building may build to the base height maximum without application of the development heights incentive program. For accessory building height limits, please see Chapter 19.07.

B. Incentive Height Maximums. Building heights shown on Map 20-5 may be increased to the incentive height maximum through a Review Process II set forth in Title 15, Local Project Review Procedures, evaluation criteria set forth in Section 19.20.900, standards in the development height incentives program (Section 19.20.440) and the requirements listed in Section 19.20.450.

Section 4. Severability. Should any section, paragraph, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulations,

this shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 5. **Conflict.** In the event there is a conflict between the provisions of this Ordinance and any other City ordinance, the provisions of this Ordinance shall control.

Section 6. **Corrections.** The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection number and any references thereto.

Section 7. **General Duty.** It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provision or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.

Cassie Franklin, Mayor

ATTEST:

CITY CLERK

Passed: _____

Valid: _____

Published: _____

Effective Date: _____