

Chapter 14.48

DENSITY AND DIMENSIONAL
REGULATIONS

Sections:

- 14.48.010 Minimum Lot Size Requirements
- 14.48.020 Duplexes in Single-Family Zones
- 14.48.030 Minimum Lot Widths
- 14.48.040 Building Setback Requirements
- 14.48.050 Exceptions to Building Setback Requirements
- 14.48.055 Maximum Impervious Surface
- 14.48.060 Building Height Limitations
- 14.48.070 Cluster Subdivisions
- 14.48.080 *Repealed*
- 14.48.090 Density on Lots Where Portion Dedicated to City for Park and Recreational Facilities
- 14.48.094 Minimum Lot Size on Lots Where Right-of-Way is Dedicated to the City
- 14.48.100 Rural Subdivisions

14.48.010 Minimum Lot Size Requirements.

Table 14.48-I indicates the basic minimum lot size required for each zone district, which shall apply to all created lots unless a reduction is otherwise allowed pursuant to a specific regulation contained elsewhere in this title. (Ord. 811, Sec. 55, 2010; Ord. 676, Sec. 43, 2003; Ord. 590, 1998; Ord. 468, 1995)

14.48.020 Duplexes in Single-Family Zones.

Duplexes, two-family conversions, and primary residences with an accessory apartment, in single-family zones, shall be allowed only on lots having at least 150 percent of the minimum square footage required for one dwelling unit on a lot in such district. (Ord. 676, Sec. 44, 2003; Ord. 590, 1998; Ord. 468, 1995)

14.48.030 Minimum Lot Widths.

- (a) No lot may be created that is so narrow or otherwise so irregularly shaped that it would be impracticable to construct on it a building that:
 - (1) Could be used for purposes that are permissible in that zoning district; and
 - (2) Could satisfy any applicable setback requirements for that district.
- (b) Without limiting the generality of the foregoing standard, Table V indicates minimum lot widths that are recommended and are deemed presumptively to satisfy the standard set forth in subsection (a) of this section. The lot width shall be measured along a straight line connecting points A and B, where point A is the midpoint of the shorter side property line and point B is the point on the opposite side property line measured an equal distance from the front property line as point A.
- (c) No lot created after the effective date of this title that is less than the recommended width shall be entitled to a variance from any building setback requirement. (Ord. 468, 1995)

14.48.040 Building Setback Requirements.

- (a) Table 14.48-I sets forth the minimum building and freestanding sign setbacks required from lot lines, ultimate street rights-of-way and street centerlines.
 - (1) If the ultimate street right-of-way line is readily determinable (by reference to the Comprehensive Plan Transportation Plan, a recorded map, set irons, adopted plan, or other means), the setback shall be measured from the ultimate right-of-way line. If it is not so determinable, the setback shall be measured from the actual street centerline.
 - (2) As used in this section, the term “lot boundary line” refers to all easements and lot boundaries other than those that abut streets. Setbacks from access easements and access tracts are considered lot boundary line setbacks.

- (3) As used in this section, the term “building” includes any substantial structure which by nature of its size, scale, dimensions, bulk, or use tends to constitute a visual obstruction or generate activity similar to that usually associated with a building. It also includes any element that is substantially a part of the building, such as eaves, bay windows and chimneys, and not a mere appendage, such as a flagpole. Without limiting the generality of the foregoing, for the purpose of determining setbacks the following structures are to be considered buildings:
- (i) Gas pumps and overhead canopies or roofs;
 - (ii) Fences and hedges taller than 42 inches.
- (b) Whenever a lot in a residential district abuts a nonresidential district, and its required setback is greater than that of the nonresidential lot, the nonresidentially zoned lot shall observe the more restrictive setback. Where a lot zoned General or Light Industrial shares a boundary with a residentially zoned lot, the setback for the industrial property along that common boundary shall be 30 feet.
- (c) In the High Urban Residential District, one five-foot interior side yard setback of a lot may be reduced to a zero feet for portions of the house that shares a common wall with the home on the adjacent lot. Portions of a house which do not share a common wall must be setback a minimum of five feet. The Fire and Building Codes have special building requirements which must be met when setbacks are less than five feet.
- (d) All docks and other permissible overwater structures shall be set back a minimum of 20 feet from side property lines. For the purposes of this section each property line extending into the lake shall be construed as extending perpendicular from the shore from the point at which they leave the shore. (Ord. 796, Sec. 8,

2009; Ord 666, Sec. 8, 2002; Ord. 612, Sec. 1, 1999; Ord. 590, 1998; Ord. 468, 1995)

14.48.050 Exceptions to Building Setback Requirements.

- (a) The following modifications to the setback requirements identified in Section 14.48.040 shall be allowed:
- (1) In the Suburban Residential and Waterfront Residential districts only, where the high point of the roof or any appurtenance of an accessory building exceeds 12 feet in height, the accessory building shall be set back from the rear lot boundary lines an additional one foot for every foot of height exceeding 12 feet.
 - (2) In single-family residential zones, accessory structures may be located within the exterior side yard of a corner lot, provided the accessory structure meets the following conditions:
 - (i) The gross floor area of all accessory structures within the reduced setback area does not exceed 170 square feet.
 - (ii) The height of the accessory structure does not exceed eight feet.
 - (iii) The accessory structure is screened to a minimum height of six feet with an opaque fence or densely planted vegetation.
 - (iv) The accessory structure respects the minimum front yard setback and shall be no closer to the front property line than that of the principal house.
 - (v) The accessory structure is located no closer than 10 feet to the exterior side property line.
- (b) In all single-family residential zones, the building setbacks from the street of the underlying zone may be reduced by five feet for living portions of the principal house only. This

reduction does not apply to garages or other nonhabitable areas.

- (c) In all single-family residential zones, the setback from a critical area buffer may be reduced to five feet for uncovered decks, provided sufficient room is provided to construct and maintain the deck without disturbing the buffer area.
- (d) In all single-family residential zones, unenclosed front porches may be constructed to be as close as 15 feet of the ultimate street right-of-way.
- (e) In all residential zones, fences which do not exceed six feet in height may be located along property lines which do not abut a public right-of-way. No fence may exceed 42 inches in height within the front yard setback abutting a public right-of-way or within 10 feet of an exterior side yard right-of-way. On exterior side yards, the area between the fence and sidewalk shall be maintained by the property owner. (Ord. 811, Sec. 56, 2010; Ord. 741, Sec. 7, 2007; Ord. 676, Sec. 45, 2003; Ord. 666, Sec. 9, 2002; Ord. 595, 1999; Ord. 468, 1995)

14.48.055 Maximum Impervious Surface.

In single-family zone districts, maximum impervious surface shall not exceed 40 percent of the lot for single-family and duplex residential developments. (Ord. 595, 1999)

14.48.060 Building Height Limitations.

- (a) For purposes of this section the height of a building shall be the vertical distance measured from the mean elevation of the finished grade around the perimeter of the building to the highest point of the building.
- (b) Building height limitations in the various zoning districts shall be as listed in Table V.
- (c) The following features are exempt from the district height limitations set forth in subsection (b) of this section, provided they conform

to the standards contained in subsection (d) of this section:

- (1) Chimneys, church spires, elevator shafts, and similar structural appendages not intended as places of occupancy or storage;
 - (2) Flagpoles and similar devices;
 - (3) Heating and air conditioning equipment, solar collectors, and similar equipment, fixtures, and devices.
- (d) The features listed in subsection (c) of this section are exempt from the height limitations set forth in subsection (b) of this section if they conform to the following requirements:
 - (1) Not more than one-third of the total roof area may be consumed by such features.
 - (2) The features described in subsection (c)(3) of this section must be set back from the edge of the roof a minimum distance of one foot for every foot by which such features extend above the roof surface of the principal building to which they are attached.
 - (3) The permit-issuing authority may authorize or require that parapet walls be constructed (up to a height not exceeding that of the features screened) to shield the features listed in subsections (c)(1) and (3) of this section from view.
 - (e) In any zoning district the vertical distance from the ground to a point of access to a roof surface of any nonresidential building or any multifamily residential building containing four or more dwelling units may not exceed 35 feet unless the Fire Chief certifies to the permit-issuing authority that such building is designed to provide adequate access for fire-fighting personnel or the building inspector certifies that the building is otherwise designed or equipped to provide adequate protection against the dangers of fire. A point of access to a roof shall be the top of any parapet wall or the lowest point of a roof's surface,

whichever is greater. Roofs with slopes greater than 75 percent are regarded as walls.

- (f) Towers and antennas which exceed the height limit of the zone district are allowed to the extent authorized in the Table of Permissible Uses, use classification 18.000. (Ord. 676, Sec. 46, 2003; Ord. 590, 1998; Ord. 468, 1995)

14.48.070 Cluster Subdivisions.

- (a) In any single-family residential subdivision or short subdivision of six lots or more, a developer may create lots that are smaller than those required by Section 14.48.010 if such developer complies with the provisions of this section and if the lots so created are not smaller than the minimums set forth in Table V.
- (b) The intent of this section is to authorize the developer to decrease lot sizes and leave the land "saved" by so doing as usable open space, thereby lowering development costs and increasing the amenity of the project without increasing the density beyond what would be permissible if the land were subdivided into the size of lots required by Section 14.48.010.
- (c) The amount of usable open space that must be set aside shall be determined by:
 - (1) Subtracting from the standard square footage requirement set forth in Section 14.48.010 the amount of square footage of each lot that is smaller than that standard;
 - (2) Adding together the results obtained in subsection (c)(1) of this section for each lot.
- (d) The provisions of this section may only be used if the usable open space set aside in a subdivision comprises at least 10,000 square feet of space that satisfies the definition of usable open space set forth in Section 14.52.030 and if such usable open space is otherwise in compliance with the provisions of Chapter 14.52.
- (e) The setback requirements of Sections 14.48.040 and 14.48.050 shall apply in cluster

subdivisions. (Ord. 501, Sec. 10, 1995; Ord. 468, 1995)

14.48.080 Architecturally Integrated Subdivisions.

Repealed by Ordinance 579.

14.48.090 Density on Lots Where Portion Dedicated to City for Park and Recreational Facilities.

- (a) Subject to the other provisions of this section, if (1) any portion of a tract lies within an area designated on any officially adopted City plan as part of a proposed public park, greenway, or bikeway, and (2) before the tract is developed, the owner of the tract, with the concurrence of the City, dedicates to the City that portion of the tract so designated, then, when the remainder of the tract is developed for residential purposes, the permissible density at which the remainder may be developed shall be calculated in accordance with the provisions of this section.
- (b) If the proposed use of the remainder is a single-family detached residential subdivision, then the lot size in such subdivision may be reduced in accordance with the provisions of Sections 14.48.070 except that the developer need not set aside usable open space to the extent that an equivalent amount of land has previously been dedicated to the City in accordance with subsection (a) of this section.
- (c) If the proposed use of the remainder is a two-family or multifamily project, then the permissible density at which the remainder may be developed shall be calculated by regarding the dedicated portion of the original lot as if it were still part of the lot proposed for development.
- (d) If the portion of the tract that remains after dedication as provided in subsection (a) of this section is divided in such a way that the resultant parcels are intended for future subdivision

or development, then each of the resultant parcels shall be entitled to its pro rata share of the “density bonus” provided for in subsections (b) and (c) of this section. (Ord. 590, 1998; Ord. 468, 1995)

14.48.094 Minimum Lot Size on Lots Where Right-of-Way is Dedicated to the City.

Where land is dedicated to the City for public rights-of-way for a short plat or a building permit for a single-family house or a duplex, the minimum parcel size may be reduced by an equivalent square footage as that dedicated, not to exceed 10 percent of the required minimum parcel size. (Ord. 590, 1998; Ord. 468, 1995)

14.48.100 Rural Subdivisions.

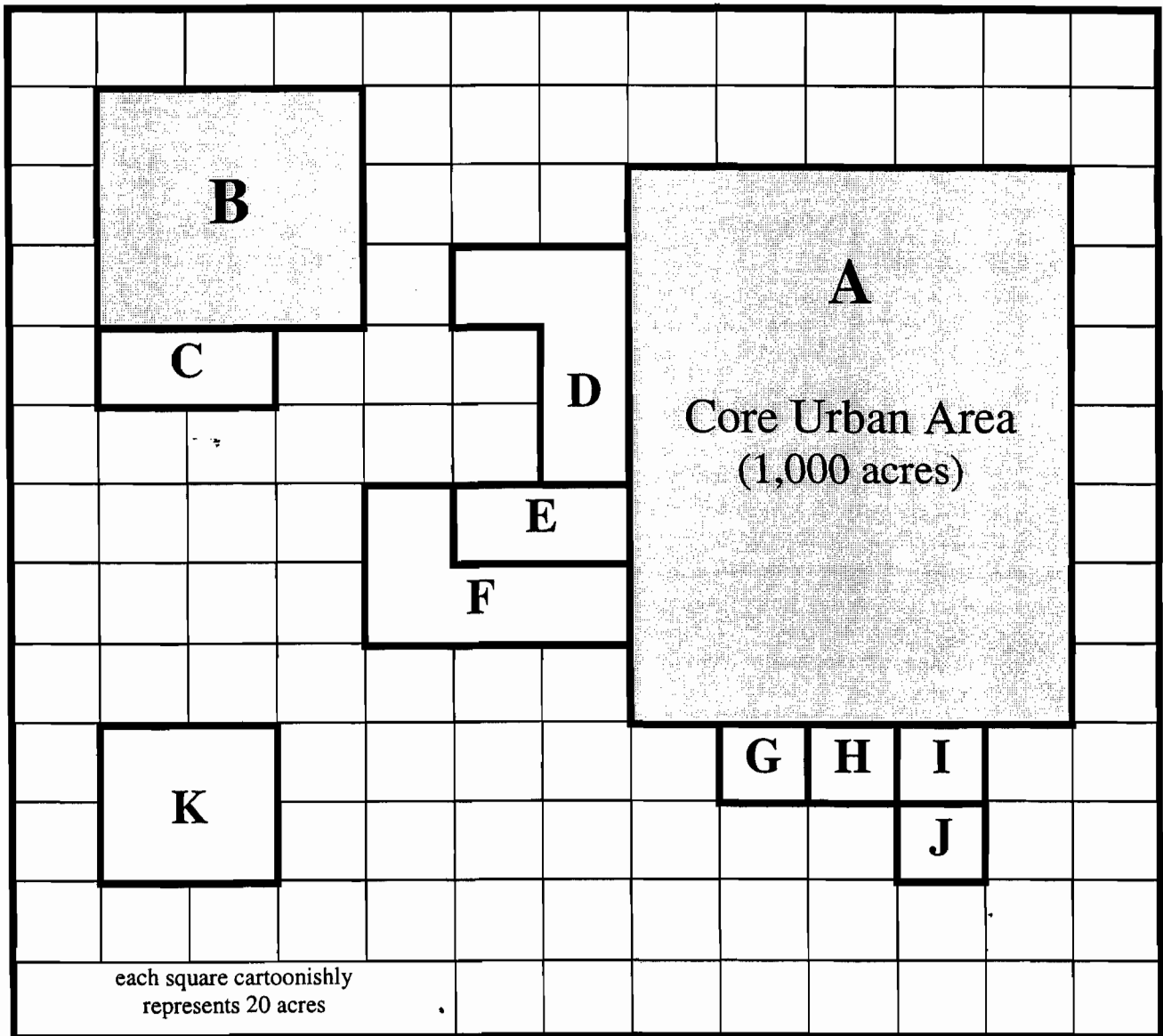
- (a) Except as exempted in subsection (b) of this section, where dual densities/minimum parcel sizes

This page left intentionally blank.

are given for a zone in Table V, the lesser density/larger minimum parcel size prevails unless the decision making authority is able to make all of the below listed findings, in which case the higher densities/smaller minimum parcel size prevails. The intent of the findings is graphically represented in Figure 14.1. The findings needed to be made to allow the higher density/smaller minimum parcel size are:

- (1) The subject parcel(s) or tract(s) proposed for subdivision or development must be adjacent to an area of at least 1,000 acres ("core urban area"), of which at least 20 acres contiguous to the subject property is seventy-five percent (75%) subdivided and/or built at its allowed higher density. For the purpose of this section "adjacent" means sharing a common border for at least twenty-five percent (25%) of the subject property's entire boundary (roads are not considered to separate properties). The net developable area of the 20 acres shall be used in the calculations so that lands permanently dedicated to public uses (open space, schools, Lake Stevens, etc.) do not forestall the ability of a subject property to develop to its higher density. Intervening areas of non-residentially zoned land between the core urban area and the subject property may be counted as part of the developed core urban area regardless of whether or not it is built, since the development of commercial or industrial land often follows residential development.
- (2) All urban services (i.e., sewer, water, roads, other utilities, police, etc.) must be physically and fiscally available. Fulfillment of this finding shall be supported by the applicant providing an analysis of availability, analyzing both costs and benefits to the agencies or districts providing the services.
- (3) All required infrastructure can be provided and provision is made a condition of the subdivision. This infrastructure must be provided consistent with the urban level of service established by the governing jurisdiction.
- (4) Either:
 - (1) The property is annexed to the City OR
 - (2) The governing jurisdiction has passed a resolution stating that it is willing to provide urban services *and* the applicant has signed and recorded an agreement committing the entire property to annex to the City upon the initiation of a request for annexation which encompasses the subject property. The governing jurisdiction's resolution should take into account the special service districts' ability to provide the needed services.
- (b) Exemptions from subsection (a)(1) and which are allowed to develop at their higher densities upon the findings of subsection (a)(2-4) being made include:
 - (1) Those portions of PNDs developed as single-family residential districts.
 - (2) Properties within the City limits.
- (c) For subdivisions into tracts of 5 acres or larger, provision of public improvements to an urban level shall not be required, although some provision may be required to adequately reduce the impacts of the proposed level of development. Specifically, public sewer facilities are not required and roads need only be developed to 28-foot of pavement with 6-foot gravel shoulders. However, dedication of all future rights-of-way as specified in the Transportation Plan of the Comprehensive Plan (or other adopted transportation plan) shall be made a condition of the subdivision. (Ord. 468, 1995)

Figure 14.1: Graphic Representation of the Intent of §14.48.100 (Suburban Subdivisions)



(key on following page)

Key to Figure 14.1

- A = The Urban Core Area of 1,000 acres, developed to its higher density.
- B = An outlying area developed to its higher density, but the overall area contains less than 1,000 acres.
- C = An undeveloped 40-acre tract that could subdivide into five-acre lots, but not to its higher density yet. Even though more than a quarter of its boundary adjoins Area B, which is developed to its higher density, that area is not a “core urban area” (i.e., it is less than 1,000 acres in size).
- D = An undeveloped 80-acre tract that could subdivide to its higher density, as more than a quarter of its boundary adjoins the core urban area.
- E = An undeveloped 40-acre tract that could subdivide into five-acre lots, but not to its higher density until Area D developed to its higher density.
- F = An undeveloped 80-acre tract that could subdivide into five-acre lots, but not to its higher density until Area E developed to its higher density (and thus, not until Area D also developed to its higher density).
- G = An undeveloped 20-acre tract that could subdivide to its higher density, as more than a quarter of its boundary adjoins the core urban area.
- H = An undeveloped 20-acre tract that could subdivide to its higher density, as more than a quarter of its boundary adjoins the core urban area.
- I = An undeveloped 20-acre tract that could subdivide to its higher density, as more than a quarter of its boundary adjoins the core urban area.
- J = An undeveloped 20-acre tract that could subdivide into five-acre lots, but not to its higher density until Area I developed to its higher density.
- K = An undeveloped 80-acre tract that could subdivide into five-acre lots, but not to its higher density until higher density development reached its boundaries.

(Ord. 468, 1995)

Table 14.48-I: Density and Dimensional Standards

Zone	Minimum Lot Size		Minimum Residential Densities (Minimum Square Feet per Dwelling Unit)	Minimum Lot Width (ft.)	Building Setback Requirements Minimum Distance, in feet, from:								Height Limitation (ft.)	
	Standard Subdivision	Cluster Subdivision			Nonarterial Street Right-of-Way Line	Nonarterial Street Centerline*	Ultimate Arterial Street Right-of-Way Line	Lot Boundary Line, Tract or Easement	Lake (Ordinary High Water Mark)	Critical Area Buffer	Building and Freestanding Sign			
Waterfront Residential	9,600 ft ²	7,500 ft ²	9,600 ft ²	50	Building	Freestanding ^g	Building	Freestanding ^g	Building	Freestanding ^g	5	50	10	35
Suburban Residential**	5 acres/ 9,600 ft ²	5 acres/ 7,500 ft ²	5 acres/ 9,600 ft ²	80	25	12.5	55	42.5	25	12.5	5	50	10	35
Urban Residential***	5 acres/ 7,500 ft ²	6,000 ft ²	7,500 ft ²	60	20	10	50	40	20	10	5	50	10	35
High Urban Residential	3,600 ft ²	N/A	3,600 ft ²	40	15	5	45	35	20	5	5	50	10	35
Multi-Family Residential	3,000 ft ²	N/A	0 ft ²	50	0	0	30	30	10	0	0	50	10	60
Neighborhood Commercial	3,000 ft ²	N/A	0 ft ²	0	0	0	30	30	0	0	0	50	10	35
Mixed Use	3,000 ft ²	N/A	0 ft ²	0	0	0	30	30 ft ²	0	0	0	50	10	60
Local Business	3,000 ft ²	N/A	0 ft ²	0	0	0	30	30	0	0	0	50	10	60
Central Business District	3,000 ft ²	N/A	0 ft ²	0	0	0	30	30	0	0	0	50	10	60

