

**Chapter 18.730**  
**EXCEPTIONS TO DEVELOPMENT STANDARDS**

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**18.730.010 Purpose**

- A. Purpose. The purpose of this chapter is to present exceptions to the height and setback standards which apply in various zoning districts as detailed in Chapters 18.510, 18.520 and 18.530. Flexible and/or more stringent setback standards are designed to allow for the maximum use of land and to allow for a varied building layout pattern while ensuring there will be adequate open space, light, air and distance between buildings to protect public health and safety.

**18.730.020 Exceptions to Building Height Limitations**

- A. Projections not used for human habitation. Projections such as chimneys, spires, domes, elevator shaft housings, towers excluding TV dish receivers, aerials, flag poles, and other similar objects not used for human occupancy, are not subject to the building height limitations of this title.
- B. Building height exceptions. Any building located in a non-residential zone may be built to a maximum height of 75 feet; provided:
  - 1. The total floor area of the building does not exceed 1-1/2 times the area of the site;
  - 2. The yard dimensions in each case are equal to at least 1/2 of the building height of the primary structure; and
  - 3. The structure is not abutting a residential zoning district.
- C. Building heights and flag lots.
  - 1. Limitations on the placement of residential structures on flag lots apply when any of the following exist:
    - a. A flag lot was created prior to April 15, 1985;
    - b. A flag lot is created after April 15, 1985 by an approved partition; or
    - c. A flag lot is created by the approval of a subdivision and the flag lot is located on the periphery of the subdivision so that the lot adjoins other residentially-zoned land.
  - 2. The maximum height for an attached or detached single-family, duplex, or multiple-family residential structure on a flag lot or a lot having sole access from an accessway, private drive or easement is 1-1/2 stories or 25 feet, whichever is less, except that the maximum height may be 2-1/2 stories or 35 feet, whichever is less, provided:

- a. The proposed dwelling otherwise complies with the applicable dimensional and height requirements of the zoning district;
  - b. A 10-foot side yard will be preserved;
  - c. A residential structure on any abutting lot either is located 50 feet or more from the nearest point of the subject dwelling, or the residential structure exceeds 1-1/2 stories or 25 feet in height on any abutting lot; and
  - d. Windows 15 feet or more above grade shall not face dwelling unit windows or patios on any abutting lot unless the proposal includes an agreement to plant trees capable of mitigating direct views, or that such trees exist and will be preserved.
3. Where an agreement is made to plant trees capable of mitigating direct views, the agreement shall be deemed a condition of approval under the provisions of Section 18.390.030.D.
  4. The tree planting agreement shall be a condition of Chapter 18.360, Site Development Review, for three or more attached units or a multiple-family residential structure, or, at the time of issuance of building permits, for single detached units, one duplex or two attached residential units. (Ord. 09-13)

#### **18.730.030 Zero Lot Line Setback Standards**

- A. Applicability and limitations. The provisions of this chapter apply to the R-4.5 and R-7 zoning districts and are limited to single-family detached dwelling units. The provisions of this chapter shall be applied in conjunction with:
  1. An application for planned development approval under the provisions of Chapter 18.350, Planned Development;
  2. An application for subdivision approval under the provisions of Chapter 18.430, Subdivisions; or
  3. An application for partitioning approval under the provisions of Chapter 18.420, Partition.
- B. Approval criteria and conditions.
  1. The approval authority shall approve, approve with conditions or deny an application for a zero lot line development based on findings that:
    - a. There shall be a 10-foot separation between each residential dwelling structure or garage;
    - b. No residential dwelling shall be placed on a lot line which is common to a lot line which is not a part of the overall development;
    - c. No structure shall be placed on a lot line which is common to a public or private road right-of-way or easement line; and
    - d. A five-foot non-exclusive maintenance easement shall be delineated on the plan for each lot having a zero setback area:
      - (1) The easement shall be on the adjacent lot and shall describe the maintenance requirements for the zero lot line wall, or deed restrictions must be submitted with the

preliminary plat which addresses the maintenance requirements for the zero setback wall of the detached dwellings; and

- (2) The easement shall be recorded with Washington County and submitted to the City with the recorded final plat prior to the issuance of any building permits within the development.

2. The approval authority requires the following conditions to be satisfied:

a. Deed restrictions shall be recorded with Washington County which ensure that:

(1) The 10-foot separation between the residential structures shall remain in perpetuity; and

(2) The 10-foot separation between the residential structures shall be maintained free from any obstructions other than:

(a) The eaves of the structure;

(b) A chimney which may encroach into the setback area by not more than two feet;

(c) A swimming pool;

(d) Normal landscaping; or

(e) A garden wall or fence equipped with a gate for emergency access and maintenance purposes.

b. Easements shall be granted where any portion of the structure or architectural feature projects over a property line; and

c. The maximum lot coverage for zero lot line shall not exceed the maximum lot coverage for the base zone.

C. Application submission requirements. All applications shall be made on forms provided by the Director in accordance with Chapter 18.350, Planned Developments, Chapter 18.430, Subdivisions, or Chapter 18.420, Partitions, and shall be accompanied by:

1. Copies of the plat plan indicating building and easement location and dimensions, and necessary data or narrative which explains how the development conforms to the standards;

2. A list of names and addresses of all property owners of record immediately abutting the site;

3. All other requirements of Chapters 18.350, 18.430 and 18.420 shall apply.

#### **18.730.040 Additional Setback Requirements**

A. Additional setback from roadways. The minimum yard requirement shall be increased in the event a yard abuts a street having a right-of-way width less than required by its functional classification on the City's transportation plan map and, in such case, the setback shall be not less than the setback required by the zone plus one-half of the projected road width as shown on the transportation map.

B. Distance between multifamily residential structure and other structures on site.

1. To provide privacy, light, air, and access to the multiple and attached residential dwellings within a development, the following separations shall apply:
    - a. Buildings with windowed walls facing buildings with windowed walls shall have a 25-foot separation;
    - b. Buildings with windowed walls facing buildings with a blank wall shall have a 15-foot separation;
    - c. Buildings with opposing blank walls shall have a 10-foot separation;
    - d. Building separation shall also apply to buildings having projections such as balconies, bay windows and room projections; and
    - e. Buildings with courtyards to maintain separation of opposing walls as listed in Subsections B.1—3 above for walls in separate buildings.
  2. Where buildings exceed a horizontal dimension of 60 feet or exceed 30 feet in height, the minimum wall separation shall be one foot for each 15 feet of building length over 50 feet and two feet for each 10 feet of building height over 30 feet.
  3. Driveways, parking lots, and common or public walkways shall maintain the following separation for dwelling units within eight feet of the ground level:
    - a. Driveways and parking lots shall be separated from windowed walls by at least eight feet; walkways running parallel to the face of the structures shall be separated by at least five feet; and
    - b. Driveways and parking lots shall be separated from living room windows by at least 10 feet; walkways running parallel to the face of the structure shall be separated by at least seven feet.
- C. When no yard setback is required. In zoning districts where a side yard or a rear yard setback is not required, a structure which is not to be built on the property line shall be set back from the property line by a distance in accordance with the State Building Code requirements. (Ord. 02-33)

**18.730.050      Miscellaneous Requirements and Exceptions**

- A. When abutting properties have non-conforming front setbacks. If there are dwellings on both abutting lots with front yard depths less than the required depth for the zone, the depth of the front yard for the intervening lot need not exceed the average depth of the front yards of the abutting lots.
- B. When one abutting property has a nonconforming front setback. If there is a dwelling on one abutting lot with a front yard of less depth than the required depth for the zone, the front yard for the lot need not exceed a depth one-half way between the depth of the abutting lot and the required front yard depth.
- C. Storage in front yard. Boats, trailers, campers, camper bodies, house trailers, recreation vehicles or commercial vehicles in excess of 3/4 ton capacity may be stored in a required front yard in a residential zone subject to the following:
  1. No such unit shall be parked in a visual clearance area of a corner lot or in the visual clearance area of a driveway which would obstruct vision from an adjacent driveway or street;

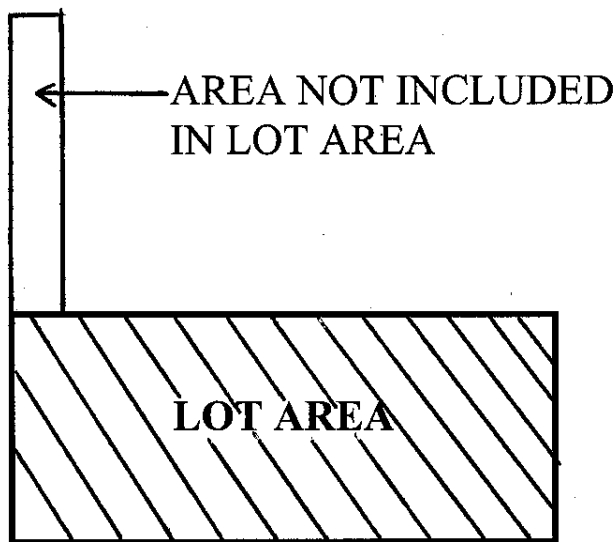
2. No such unit shall be used for dwelling purposes except that one camper, house trailer or recreational vehicle may be used for sleeping purposes only by friends, relatives or visitors on land entirely owned by or leased to the host person for a period not to exceed 14 days in one calendar year, provided that such unit shall not be connected to any utility, other than temporary electricity hookups and provided that the host person shall receive no compensation for such occupancy or use;
3. Any such unit parked in the front yard shall have current state license plates or registration and must be kept in mobile condition.

D. Projections into required yards.

1. Cornices, eaves, belt courses, sills, canopies or similar architectural features may extend or project into a required yard not more than 36 inches provided the width of such yard is not reduced to less than three feet.
2. Fireplace chimneys may project into a required front, side or rear yard not more than three feet provided the width of such yard is not reduced to less than three feet.
3. Open porches, decks or balconies not more than 36 inches in height and not covered by a roof or canopy, may extend or project into a required rear or side yard provided such natural yard area is not reduced to less than three feet and the deck is screened from abutting properties. Porches may extend into a required front yard not more than 36 inches.
4. Unroofed landings and stairs may project into required front or rear yards only.

E. Lot area for flag lots.

1. The lot area for a flag lot shall comply with the lot area requirements of the applicable zoning district.
2. The lot area shall be provided entirely within the building site area exclusive of any accessway (see figure following).



- F. Front yard determination. The owner or developer of a flag lot may determine the location of the front yard, provided no side yard setback area is less than 10 feet and provided the requirements of Section 18.730.010.C, Building Heights and Flag Lots, are satisfied.

(Ord. 02-33) ■