



Part I: Code Amendments at a Glance – Lots, Setbacks and Residential Densities (Chapter 19.06):

A. What is it?

This chapter establishes the minimum lot standards for each zone and determines where a building may be located on the lot (i.e., building setbacks). It replaces Table 6.1 in the zoning code and consolidates lot area and dimensional standards, in addition to establishing general requirements for new lots created through the land division process and lot exceptions. The current standards are scattered throughout the zoning code (Title 19) and land division code (Title 18). For example, the minimum lot size and dimensional standards are located in Chapter 19.06, while the lot size averaging provisions for land divisions are found in Chapter 19.39. The revised chapter will simplify the application of lot standards for land division applications by placing these standards into one location in the code.

B. Type of revision proposed:

- Minor revision to an existing chapter
- Major rewrite of existing chapter
- New chapter

C. Key changes from existing code:

1. This chapter places all standards related to lot creation (lot size, width, depth, street frontage, etc.) into one location within Title 19. The current standards are distributed through several chapters, including 19.06 (Development Standards), 19.39 (General Provisions) and 18.28 (Land Division – Lot Requirements).
2. Minimum building site requirements have been added. These standards are intended to replace and simplify the detailed lot standards in the land division code and ensure each new lot has sufficient area for a building envelop, yards and parking.
3. A new section has been added allowing exceptions to minimum lot area, width, depth, frontage and lot coverage standards through the land division process. This section consolidates many existing requirements that can be found in the land division code, unit lot code regulations and zoning code. New provisions have been added allowing lot size reductions as part of a transfer of development rights or through unit lot short subdivision (with site plan approval).
4. Consolidation of commercial and industrial zones results in merging of some lot size, dimensional, and setback standards, particularly in the case of the Business, Mixed Urban, and Light Industrial 2 zones. As a result, some minimum standards would change.
5. **Update:** Residential densities have been added to this chapter. [EMC 19.15.020](#) sets permitted multiple-family residential density. The new section does not include maximum densities in multifamily zones, unless within an historic overlay, or in commercial zones other than Neighborhood Business. This change affects areas currently zoned R-3 and R-4, plus and some commercial zones.

Part II: Analysis of Code Amendments:

19.20.010 Minimum Lot Area, Width, Depth, Frontage.

Discussion:

- A. What it does: This section consolidates lot requirements for all zones except WRM and Public Park into a single table. Most standards correspond closely to the current standards in [Chapter 19.06](#) of the zoning code. However, in the case of the **B** and **LI2** zones minimum lot size standards are different due to the consolidation of use zones. This consolidation makes a direct comparison of lot sizes difficult. Minimum lot width, depth, frontage and lot coverage standards are similar to current standards.
- B. Effect of code provision: Changes to the minimum lot size standards could result in slightly smaller lots than allowed under current code standards. The reduction in lot size could **only** be realized in the **B** and **LI2** zones for new/existing lots created/modified through the land division process (see Chapters 19.24 – 19.27).

Code Provision:													
<i>Table 6-1: Minimum Lot Area, Width, Depth, Frontage, Lot Coverage by Building</i>													
ZONE	R-S	R-1	R-2	R-2(A)	UR3	UR4	NB	B	MU	LI1	LI2	HI	AG
STANDARDS ⁽¹⁾ :													
Min. Lot Area	9,000 sf ⁽²⁾	6,000 sf ⁽²⁾	5,000 sf ⁽²⁾⁽³⁾	5,000 sf ⁽²⁾	5,000 sf	5,000 sf	5,000 sf	5,000 sf	5,000 sf	5,000 sf	2.5 acres	1 acre	5 acres
Lot Width, Min.	60'	50'	50'	50'	50'	50'	50'	50'	50'	50'	150'	100'	N/A
Lot Depth, Min.	80'	80'	80'	80'	80'	80'	80'	80'	80'	80'	150'	100'	N/A
Lot frontage Min.	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'
Maximum Lot Coverage by Building	35%	35%	40%	40%	N/A	N/A	N/A	N/A	N/A	N/A	50%	N/A	N/A

19.20.020 Building Setbacks/Building Placement Standards.

Code Provision:

- A. Minimum building setbacks for principal structures. The standards set forth in Table 6-2 below apply to all new development. Also refer to EMC 19.22, Building Height.

Table 6- 2: Minimum Building Setbacks for Principal Structures

ZONE	R-S	R-1	R-2	R-2(A)	UR3	UR4	NB	B	MU	LI1	LI2	HI	AG
Minimum Setback:													
Front	20'	20'	20'	20'	20'	10'	None	None	None	None	20'	None	25'
Rear (with alley)	20'	20'	20'	20'	20'	None	None	None	None	None	None ⁽¹⁾	10' ⁽¹⁾	25'
Rear (no alley)	20'	20'	20'	20'	20'	10' ⁽³⁾	10'	None ⁽²⁾	None ⁽²⁾	None ⁽²⁾	15' ⁽¹⁾	10' ⁽¹⁾	
Side, <i>Street</i>	10'	10'	10'	10'	10'	10'	10'	10'	None	None	20'	None	10'
Side, Interior	5'	5'	5'	5'	5'	5'	5'	5'	None	None	15' ⁽¹⁾	None ⁽¹⁾	10'

Footnotes:

- ⁽¹⁾ 25 feet when abutting lots located in residential zones.
⁽²⁾ 10 feet when abutting lots located in residential zones.
⁽³⁾ 20 feet when abutting lots located in the R-S, R-1 and R-2 zones.

Discussion:

- A. What it does: A new table in the zoning code that addresses setbacks for principal structures (i.e., house, apartment, retail, office building). Retains existing setback standards from [Table 6.1](#) of the existing code. Consolidates and reduces the number of footnotes and special regulations. Adds a clear distinction for rear setbacks abutting and alley vs. not abutting an alley without the need for a footnote.
- B. Effect of code provision: Arranges setback standards into a separate table that will simplify the process of locating and applying the standards. The new table will be relatively large format, as compared with the existing table, making finding specific standards for specific zones easier, with less chance of reading errors.

Building setbacks for properties currently in the M-M zone will increase from 20 feet to 30 feet in the front and from 10 feet to 15 feet in the side interior, but will decrease in the rear from 20 feet to 15 feet. **UPDATE:** The front setbacks in the LI2 zone were changed following planning commission comment on 7-7-20 and after reviewing the proposed zone and land use pattern. The front setback is now 20 feet, which is what the M-M zone currently requires.

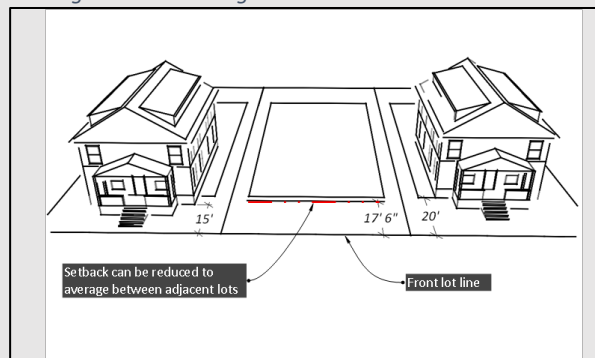
Street side setbacks in the E-1/MUO zones would decrease from 12 feet to 0 feet.

Minimum lot size for properties currently zoned E-1/MUO would decrease from 20,000 square feet to 5,000 square feet when zoning is changed to Business (B). However, 5,000 square feet was the minimum lot size for these properties prior to implementation of the E-1/MUO zoning in 2012.

Code Provision: 19.06.020 Building Setbacks/Building Placement Standards.

- B. Average Front Setback – Residential Structures in Residential Zones. In certain instances, existing residential dwellings do not meet the current front setback standard for the applicable zone district. In such cases, the applicant may use the average of the existing front facade setback of the two nearest and adjacent existing residential buildings on the same side of the street as the minimum required front setback for the lot. For corner lots, the applicant may use the same setback as the adjacent building on the same side of the street. This provision shall apply to principal dwellings only. The resulting setback shall not be less than 50 percent of the required setback standard.

Figure 6- 1: Building Placement



Discussion:

- A. What it does: Creates a new front setback standard for residential dwellings in residential zones. With this standard, the average front setback of the nearest adjacent dwellings may be used, rather than a standard 20-foot requirement.
- B. Effect of code provision: Allows greater flexibility to reduce the front setback where there are existing nonconforming dwellings within a neighborhood. Preserves streetscape continuity and eliminates arbitrary setback standard. Using a different standard is a better fit with the established development pattern.

19.06.060 Lot Requirements for Lots Created Through Land Division Process – Short Subdivision, Subdivision, Unit Lots.

Code Provision: C.6. Minimum building site requirements. All new lots shall contain suitable area for a building footprint, setbacks, access and off-street parking in accordance with the standards in this section. Additional open space and design requirements may apply under EMC 19.08 depending on housing type.

- a. Minimum building footprint area: 1,200 square feet, with a minimum dimension of 25 feet.
- b. Setbacks: per underlying zone and Table 6-2.
- c. Access and parking. Driveways and off-street parking shall be provided in accordance with Chapter 19.34 of this title.

Discussion:

- A. What it does:
 1. Moves existing lot standards from the land division code (Title 18) to the zoning code. Clarifies how lot dimensions are measured, as well as street frontage and access requirements. These standards would typically be implemented through review of a land division application, but since they serve to clarify zoning standards, they are being relocated to the zoning code.
 2. Creates a new standard for minimum building site, which consists of adequate building footprint, setbacks, parking and access.
 - B. Effect of code provision: With changes to the residential lot sizes and density standards, this new standard will ensure that new lots created through the land division process will be functional and buildable. The standards will be used together with dimensional and other lot standards to discourage irregular shaped lots with difficult access and/or unusable yard or building sites. This provision will act as a general performance standard to ensure all lots are viable and will not result in the need for variance applications.
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Code Provision: 19.06.080 Land Divisions - Exceptions to Minimum Lot Area, Width, Depth, Frontage and Lot Coverage Standards.

Using the land division process in this Title (Chapters 19.24 - 19.27), certain types of applications may be granted an exception to the lot standards in this chapter. The criteria for an exception depend on the type of land division proposed, as follows:

- A. Binding site plans involving nonresidential uses (or in commercial or industrial zones). Lots created through a binding site plan are not required to comply with minimum requirements for lot area, width, depth of frontage. Other zoning standards for open space and building perimeter landscaping, when required, shall not be reduced under this exception and shall be based on the size of the originating parcel.
- B. Unit lot developments involving a division of land – applicable to single-family detached uses.
 1. Lots created through a unit lot land division process, including short subdivision, subdivision, or cottage housing, may be granted an exception from the following requirements of this chapter:
 - a. Lot area; provided the overall density of the project complies with the underlying zoning requirements and Chapter 19.08.
 - b. Lot width;
 - c. Lot depth;
 - d. Interior side building setbacks, including zero lot line, provided that building construction shall comply with all building and fire code requirements. Setback reductions along the exterior boundary of the parent lot may not be granted.
 - e. Lot frontage;

- f. Lot coverage; and
 - g. Minimum building site standards in this chapter.
2. Evaluation Criteria for Modification of Development Standards.
- a. The director determines through review of a site plan the proposed project design will provide adequate building sites, open space, parking and building setbacks;
 - b. The proposed unit design complies with the requirements of Chapter 19.08.020, “Small lot single-family” development.
- C. Subdivisions and short subdivisions – lot depth. Subdivisions and short subdivisions may request a reduction in lot depth. Such a reduction shall be limited to the following:
- 1. When the originating parcel meets the lot frontage and lot width standards of this chapter;
 - 2. Exceptions that would allow any lot to be less than seventy feet shall not be granted.
 - 3. The lot or lots shall meet all other requirements of this chapter and shall provide a suitable building site, setbacks and off-street parking.
- D. Division of land with more than existing single-family dwelling on one lot. An exception to the lot area, lot width, lot depth and setback standards may be granted subject to the following minimum standards:
- 1. The existing structures shall be single-family dwellings in a single-family zone;
 - 2. All lots and existing structures shall meet minimum fire safety and public utility standards, and minimum maintenance standards as defined by the city;
 - 3. All lots and existing structures shall provide for adequate off-street parking. When existing parking is nonconforming, the division of land shall not result in off-street parking becoming more nonconforming; and
 - 4. All lots must have full frontage on a public street. The use of easement access, panhandle lot or alley frontage is not permitted.
- E. Dedication of public right-of-way. If a proposed land division requires a dedication of right-of-way for an existing public street, one hundred percent of the dedicated area may be credited toward meeting the minimum lot area of the proposed project. The applicant may be required to distribute the credit evenly among all of the lots, rather than to apply all credit toward one lot. The planning director shall have the authority to modify lot area, dimensional requirements and setbacks in applying this requirement through the land division process. For single-family lots, no individual lot shall contain less than four thousand five hundred square feet after the dedication, excluding access easements.
- F. Transfer of Development Rights (TDR). Reductions in minimum lot size, lot width and lot depth may be granted as part of a TDR in accordance with EMC 19.37.050, reasonable use exception.

Discussion:

- A. What it does:
- 1. Consolidates all variance and exception standards related to lot requirements and land divisions into a single section of the code. Existing code provisions include:
 - EMC 18.32 – lot variances for division of land with existing structures.
 - EMC 18.28.050.B – modification of lot standards when a dedication of land for right-of-way is required by the city.
 - EMC 19.37.050.B.6.c – modification of lot standards as part of a transfer of development rights.
 - EMC 19.39.130.e – modification of lot standards using cluster subdivision process.
 - 2. Adds new exceptions to provide flexibility for lots within binding site plans and unit lot short subdivisions. These new requirements are applicable only where a land division application includes a detailed site plan to ensure adequate provision is made for, open space, parking and setbacks.
- B. Effect of code provision:
- 1. Consolidation of the lot exception standards will simplify preparation and review of land division applications by making it easier to locate and apply the standards. Because the existing standards are

scattered throughout Titles 18 and 19, it can be challenging to determine what land division options are available. The new format will make it easier to develop lot layout options.

2. Certain lot exceptions will be changed from public hearing process and Hearing Examiner review to administrative review. This includes lot depth variances for short subdivisions and lot size variances under EMC 18.32. The change in review process will streamline and simplify the review process.

19.06.090 Other administrative modifications of development standards

Modification of building setback standards is limited to single-family and two-family (duplex) uses without frontage on a public street. There are existing exceptions that provide significant relief to common requests. If a hardship still exists, a variance can be sought.

19.06.100 Residential Densities – Multiple Family Uses

This section addresses minimum and maximum density for multiple-family uses. Density standards are currently found in [EMC 19.15.020](#).

Code Provision: 19.06.100 Residential Densities – Multiple Family Uses								
<i>Table 6 - 6: Residential Density</i>								
Standard	UR3	UR4	NB	B	MU	LI1 LI2	HI	AG
Minimum # of Residential Units	2	3	None	3 (applicable only where residential occupies more than 50% of gross floor area)			n/a	None
Maximum residential density	None, (see exception in sub-section C below)	None	1 unit per 500 s.f. of lot area	None			n/a	

Discussion:

This section establishes minimum densities for all multifamily and mixed commercial zones. This is an expansion of the requirement from current standards applicable just to Metro Everett.

This section eliminates maximum residential densities for all zones except Neighborhood Business. In addition, for the areas zoned multifamily that are also within an historic overlay zone, a maximum density of 29 dwelling per acre is established – which is current standards.

The elimination of maximum densities would affect those areas currently zoned R-3, R-4, B-2, C-1 and W-C. Any multiple family development would still need to comply with all other development standards, which effectively limits the number of units, including heights, lot coverage, setbacks, off-street parking, and on-site open space. Density limits are usually an artificial standard that requires additional administrative checks without any changes in appearance or performance.

19.06.110 Density and Lot Size – Attached Housing in Single-Family Zones

Code Provision: 19.06.110 Density and Lot Size – Attached Housing in Single-Family Zones

Table 6 - 7: Maximum density and minimum lot size for attached housing in single-family zones

Zone	Maximum Density	Minimum Lot Size
R-S	1 unit per 9,000 sq. ft. of lot area	No lot shall have an area less than four thousand (4,000) square feet except that lots with alley access can have three thousand (3,000) square foot lots.
R-1	1 unit per 6,000 sq. ft. of lot area	Each dwelling may be less than six thousand (6,000) square feet; provided, that twelve thousand (12,000) square feet is provided for both dwelling units
R-2	1 unit per 3,750 sq. ft. of lot area	The minimum lot area for a two-unit dwelling is 7,500 square feet; there is no minimum lot area for individual lots within the development
R-2(A)	1 unit per 2,900 sq. ft. of lot area	The minimum lot area for the development is 9,000 square feet; there is no minimum lot area for individual lots within the development

This section transfers existing density and lot size limits from current code.