

**BELLINGHAM PLANNING COMMISSION FINDINGS OF FACT,
CONCLUSIONS, AND RECOMMENDATIONS**

I. FINDINGS OF FACT

SUMMARY

Following the public hearing and deliberation on the proposed code amendments regarding structures that may be allowed to project within required yard setbacks and modifying the front yard setback option, the Bellingham Planning Commission has determined that the proposed amendments comply with, and will implement the goals and policies of the Bellingham Comprehensive Plan and should be adopted.

1. Project Description:

The proposal includes amending Title 20 of the Bellingham Municipal Code (BMC) to allow certain structures and architectural features to encroach into a required building setback. The proposal also includes amending the front yard setback option for residential and residential-multi development. The proposed changes are intended to encourage development designs that contribute and conform to the over-all existing character of neighborhoods as well as provide flexibility for better site design and use of land.

The proposal includes:

- The creation of a table that lists certain structures that may project into a required yard (setback). Examples include decks, chimneys, bay windows, and porches in the front yard.
- Amending the Residential front yard setback option to allow an overall average front yard setback in cases where 40% of the buildings on a block have been built closer than the current code requires. Additionally, it is proposed that this provision not apply to garages and carports in order to minimize the presence of garages and carports within the standard front yard setback.
- In combination with the above mentioned code changes, Staff is proposing some non-substantive code format changes, which would re-format existing building/structure setback provisions into a table format within both the Residential Single and Residential Multi development standards.

Proposed amendments to the BMC are shown in the draft ordinance in **Attachment B**.

2. Background Information/Procedural History:

The Planning and Community Development Department has been working on several code changes to improve the City's land use and development code. The changes are intended to provide clear and concise development standards that will improve usability for citizens, professionals, and staff.

1
2 In June 2010, staff held an informational session with the Planning Commission to discuss
3 possible changes to the City's land use and development code, which included new provisions,
4 minor amendments, and code corrections. Since that time, staff has evaluated a majority of the
5 code changes presented to the Commission and grouped the amendments based on common
6 subject matter into a series of consecutive reports for processing. This proposal is part of Wave
7 II being processed this year.

8
9 On April 7, 2011, the City held a focus group meeting to provide an opportunity for feedback
10 and discussion of the proposed amendments with people who frequently use the Land Use
11 Development Code. In general, the participants at the meeting were in favor of the proposed
12 amendments and believed the changes improved the City's land use and development
13 regulations.

14 15 **3. Public Comment:**

16 Notice of the Planning Commission hearing was mailed to neighborhood representatives and
17 associations, Washington State Department of Community, Trade and Economic Development,
18 and other parties with an interest in this topic. The notice was also published in the Bellingham
19 Herald. A citizen focus group was held on April 7, 2011.

20 21 **4. State Environmental Policy Act (SEPA) Determination if applicable:**

22
23 A Determination of Nonsignificance was issued on March 25, 2011.

24 25 **5. Consistency with the Bellingham Comprehensive Plan:**

26
27 The City's Comprehensive Plan identifies guiding policies to preserve and protect the unique
28 character and qualities of existing neighborhoods and references that setbacks should be
29 flexible in older neighborhoods so that in-fill development can be consistent with other existing
30 residential buildings on the block.

31 32 **Chapter 2 – Part 9 – Land Use Polices**

33 34 **Framework Land Use Policies**

35 **FLU-1** It is the City's overall goal to preserve and protect the unique character and qualities of
36 the existing neighborhoods. All policies, proposed development code and zoning changes
37 should be reviewed with this goal in mind.

38 **Section E. Residential Development Policies**

39 **LU - 26** Preserve and protect established residential areas where a definite density, housing
40 type and character prevail.

41 **LU - 39** Setback, parking and lot coverage requirements should be flexible in older
42 neighborhoods with established lots, so that in-fill single family housing can be sited and
43 constructed so as to be consistent with other homes along a block.

44 45 **Chapter 8 – Part 4 - Community Design**

1 **3.1 General Community Design Goals**

2
3 **CDG-1** Promote improvement in the quality of public, residential, commercial and industrial
4 development and maintain a high quality environment by ensuring that new construction and
5 site development meets high standards.
6

7 **Chapter 8 – Part 4 - Community Design Polices (CDP)**

8
9 **4.6 Residential Design Policies**

10
11 **CDP-48** Encourage more efficient use of the land through devices such as use of substandard
12 lots of record, flexible building setbacks and lot widths. Regulations should promote compatible
13 development in existing neighborhoods.
14

15 **CDP-50** Setback, parking and lot coverage requirements should be flexible in older
16 neighborhoods with established lots, so that infill housing can conform to the existing
17 neighborhood structures. In established neighborhoods, for example, new buildings should be
18 the same distance from the street as neighboring buildings.
19

20 **CDP-53** All buildings should front on a public or private street. Building facades should relate to
21 the street and clear pedestrian entries should be provided from the street.
22

23 **CDP-57** Developments with “snout houses” that contain a series of garages that dominate the
24 streetscape shall be discouraged.
25

26 **PART 8: TRANSPORTATION POLICIES (TP)**

27
28 **General Transportation Policies**

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30 **TP-6** Encourage public and private development proposals to enhance the street side
31 environment to maximize comfort of the transit user and pedestrian.
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33
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35 **II. CONCLUSIONS:**

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37 Based on the staff report and the information presented at the public hearing, the Planning
38 Commission concludes:
39

- 40 1. The proposed code changes are intended to encourage development designs that
41 contribute and conform to the over-all existing character of neighborhoods as well as
42 provide flexibility for better site design and use of land.
43
44 2. The proposed code amendments allow the option of bringing the activity of the
45 residence closer to the sidewalk edge to engage people of the home with people
46 passing by, creating a true ‘neighborhood’ feeling and a strong sense of place.
47
48 3. The proposed code changes are designed to implement the comprehensive goals and
49 policies laid out in the Comprehensive Plan. These code changes are written to enhance
50 the neighborhood qualities that Bellingham relies on to maintain and protect its unique
character.

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III. RECOMMENDATIONS:

Based on the findings and conclusion, the Bellingham Planning Commission recommends that the City Council approve the proposed amendments to the Bellingham Municipal Code as shown in **Exhibit B**.

ADOPTED this _____ day of _____, 2011.

Planning Commission Chairperson

ATTEST: _____
Recording Secretary

APPROVED AS TO FORM:

City Attorney

DRAFT
ORDINANCE NO. _____

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4
5 **AN ORDINANCE AMENDING BELLINGHAM MUNICIPAL CODE 20.10.080, 20.30.040 F.,**
6 **20.32.040 H., 20.32.045 E., 20.32.050 D., TO ALLOW CERTAIN STRUCTURES AND**
7 **ARCHITECTUAL ELEMENTS TO ENCROACH INTO A REQUIRED YARD (SETBACK),**
8 **MODIFY THE FRONT YARD SETBACK OPTION TO ALLOW AN AVERAGED BUILDING**
9 **SETBACK (EXCEPT FOR GARAGES AND CARPORTS) BASED ON MEETING THE 40%**
10 **REQUIREMENT, AND RE-FORMAT THE RESIDENTIAL AND RESIDENTIAL-MULTI**
11 **SETBACK STANDARDS INTO A TABLE FORMAT.**

12
13 **WHEREAS,** The Planning and Community Development Department has been developing a
14 series of code amendments to improve the City's Land Use and Development Code; and

15 **WHEREAS,** the proposed code amendments would allow certain structures and architectural
16 features to encroach into a required building setback for residential and residential-multi
17 development; and

18
19 **WHEREAS,** allowing certain structures and architectural features to encroach into a required
20 yard encourages development designs that contribute and conform to the over-all existing
21 character of neighborhoods as well as provides flexibility for better site design and use of land;
22 and

23
24 **WHEREAS,** eliminating the 6' maximum variation from the front yard setback option and
25 allowing an averaged front yard setback would allow a new residence or addition to 'fit in' with
26 the existing character of the neighborhood block; and

27
28 **WHEREAS,** in order to minimize the presence of a garage or carport within the standard front
29 yard, the front yard setback option would not apply to garages or carports; and

30
31 **WHEREAS,** the proposed amendments are intended to encourages more efficient use of the
32 land within the City by providing flexible setbacks that preserve the current setback pattern of an
33 existing block; and

34
35 **WHEREAS,** reformatting the Residential Single and Residential-Multi setback standards into a
36 table format provides clear and concise setback information; and

37
38 **WHEREAS,** the proposed amendments comply with, and implement the goals and policies of
39 the Bellingham Comprehensive Plan; and

40
41 **WHEREAS,** the responsible official reviewed the proposed amendments under the procedures
42 of the State Environmental Policy Act, and a Determination of Nonsignificance was issued on
43 March 25, 2011; and

44
45 **WHEREAS,** as required by RCW 36.70A, notice of the City's intent to adopt the proposed code
46 amendments was sent to the Dept. of Community, Trade and Economic Development on March
47 25, 2011; and

48
49 **WHEREAS,** after mailed and published notice as required by BMC Chapter 21.10, the Planning
50 Commission held a public hearing on April 28, 2011 on the proposed code amendments; and

1
2 **WHEREAS**, the Planning Commission considered the staff report and comments received and
3 thereafter transmitted their recommendation to the City Council; and
4

5 **WHEREAS**, after mailed and published notice as required by BMC 21.10, the City Council held
6 a public hearing on the proposed code amendment on (Date), 2011; and
7

8 **WHEREAS**, the City Council has considered the recommendation of the Planning Commission,
9 the staff report and the public comment and hereby adopt the Findings of Fact and Conclusions
10 of the Planning Commission.
11

12 **NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:**

13
14 **Section 1.** Bellingham Municipal Code, Section 20.10.080, regarding setback encroachments
15 are hereby amended as follows:
16

17 **20.10.080 – Yards- General Provisions**

18
19 **A.** No yard shall be reduced in size so as to make it smaller than the minimum dimension
20 required, except as allowed in the regulatory options found in the Residential Single (RS)
21 and Residential Multi (RM) development standards.
22

23 **B.** At the property owner's option, when 40% or more on a front foot basis, of all lots or parcels
24 on one side of a street between two intersecting streets has been built up with buildings of
25 less "depth" than that required by this ordinance, then the average depth of the front yard
26 may be the required yard for that block face. However, for any one lot, variation of more
27 than 6' from the otherwise required setback shall not be utilized in calculating the average
28 depth of front yard.
29

30 **BC.** No portion of any building or structure shall project into any required yard –except for
31 landscaping structures, unroofed stairways and steps, roof eaves and overhangs or as may
32 be provided in the regulatory options found within the Residential Single and Residential
33 Multi development district. within a Residential Single (RS) or Residential Multi (RM) general
34 use type, except as shown in Table "A" Permitted Yard Encroachments. Similar residential
35 architectural features, structural equipments, and landscape structures not listed in Table A
36 may be approved by the Planning and Community Development Director. Permitted
37 encroachments into any yard are required to meet adopted building codes, and meet
38 minimum vision clearance triangle on a corner lot.
39

TABLE "A" PERMITTED YARD ENCROACHMENTS:

P = Permitted N = Not permitted					
<u>ENCROACHMENTS</u>	<u>FRONT YARD SETBACK</u>	<u>SIDE YARD SETBACK on a FLANKING STREET</u>	<u>SIDE YARD SETBACK</u>	<u>REAR YARD SETBACK</u>	<u>FRONT YARD SETBACK OPTION (1)</u>
<u>Uncovered Accessibility Ramp</u>	P	P	P	P	P
<u>Accessory Building</u> RS per BMC 20.30.100 RM per BMC 20.32.110	N	N	P	P	N

<u>Landscape Arbor or Trellis</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Awning / Canopy for a window, porch or door (4)</u>	<u>P</u> <u>2' maximum</u>	<u>P</u> <u>2' maximum</u>	<u>P</u> <u>2' maximum</u>	<u>P</u> <u>2' maximum</u>	<u>P</u> <u>2' maximum</u>
<u>Cantilevered features such as: (4)</u> <u>Bay Window</u> <u>Green House Window</u>	<u>P</u> <u>2' maximum</u> <u>(5)</u>	<u>P</u> <u>2' maximum</u> <u>(5)</u>	<u>P</u> <u>2' maximum</u> <u>(6) (7)</u>	<u>P</u> <u>2' maximum</u> <u>(5)</u>	<u>N</u>
<u>Chimney/Fireplace (4)</u>	<u>P</u> <u>2' maximum</u>	<u>P</u> <u>2' maximum</u>	<u>N</u>	<u>P</u> <u>2' maximum</u>	<u>P</u> <u>2' maximum</u>
<u>Gas Fireplace (4)</u>	<u>P</u> <u>2' maximum</u>	<u>P</u> <u>2' maximum</u>	<u>P(8)</u> <u>2' maximum</u>	<u>P</u> <u>2' maximum</u>	<u>P</u> <u>2' maximum</u>
<u>Covered front Porch (2)</u> <u>Single story and open on 3 sides</u>	<u>P</u> <u>6' maximum</u>	<u>P</u> <u>6' maximum</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Roof: cornice, eave or overhang less than 4' in depth (4)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Uncovered Deck less than 30" above grade (3)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Uncovered Deck or Balcony, exceeding 30" above grade (3)</u>	<u>P</u> <u>6' maximum</u>	<u>P</u> <u>6' maximum</u>	<u>P</u> <u>2' maximum</u> <u>(6) (7)</u>	<u>P</u> <u>5' maximum</u>	<u>N</u>
<u>Uncovered Stairwell, Stairway or Steps not exceeding 4' above grade (2)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Uncovered Stairway or Steps exceeding 4' above grade</u>	<u>P</u>	<u>P</u>	<u>P</u> <u>2' maximum</u>	<u>P</u> <u>5' maximum</u>	<u>N</u>
<u>Fences and Walls, per BMC 20.12.050</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Hot tub</u> <u>Swimming pool</u> <u>Sport court</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u> <u>4' maximum</u>	<u>N</u>
<u>Mechanical equipment, such as:</u> <u>Air Condition unit,</u> <u>Heat pump unit,</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u> <u>4' maximum</u>	<u>N</u>

Notes:

1. Yard encroachments may be permitted per BMC 21.10.080 B.
2. Uncovered Steps leading into a porch or deck which are not exceeding 4' above grade are not counted towards the 6' front yard encroachment.
3. Lower Decks or Balconies with Decks or Balconies above them are not considered roofed.
4. Cantilevered features, chimneys/fireplace, eaves, cornices, awnings and similar architectural features

- approved by the PCDD shall not be closer than 3 feet to a property line.
5. Individual cantilevered features shall not exceed 12 feet in width and shall be separated from like features by at least an equal width.
 6. Prohibited for Residential Single development.
 7. Prohibited within 7' of a property line for multifamily development.
 8. A wall bump-out for a gas fireplace with direct venting is allowed as follows:
 - i. Limited to the first floor;
 - ii. Maximum width: 6'; and
 - iii. Maximum height: 6' measured from finished floor.

CD. For corner lots, the front yard shall be that yard which abuts a designated arterial. If neither or both of the abutting streets are designated arterials, the builder/owner shall have the option of selecting the front yard. The remaining yard shall be the side yard on a flanking street.

DE. Whenever the right-of-way width is below minimum standards as specified in Ordinance No. 8027, the centerline for setback purposes shall be the farthest edge of the existing right-of-way which was dedicated by the subject property.

Section 2. Bellingham Municipal Code, Section 20.30.040 F., is hereby amended as follows:

F. Minimum Yards

1. Unless more stringent setbacks have been delineated upon a plat as part of an approval requirement, the following setbacks as shown on Table "A" Residential Single Minimum Yards shall be required for main buildings:

Table "A" Residential Single Minimum Yards

<u>Yards</u>	<u>Setbacks</u>	<u>Measurements</u>
Front Yard Setback	50' CL (1) 60' CL if designed street arterial (1) 20' PL if abutting a Cul-de-sac	Setback measured from the centerline (CL) of the street-right-of-way. Setback measured from the front property line (PL).
Side Yard on a Flanking Street	40' CL 50' CL if designed street arterial 10' PL if abutting a Cul-de-sac	Setback measured from the centerline (CL) of the street right-of-way. Setback measured from the property line (PL) abutting the side flanking street.
Side Yard Setback	5' PL	Setback measured from each side property line (PL).
Rear Yard Setback	10' PL	Setback measured from the rear property line (PL).

Note:

1. At the property owner's option, when 40% or more of all lots or parcels on one side of a block between two intersecting streets have been built up with buildings of less depth than that required by this ordinance, then the average depth of the front yards may be the required yard for that block face. For the purpose of calculating the average depth, buildings that exceed the front yard setback shall be calculated to the standard minimum front yard setback. This front yard setback option is not applicable to garages and carports, which shall comply with the standard front yard setback requirement. Yard encroachments may be permitted per BMC 21.10.080 B.

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a. Front Yard:

- ~~i. For lots abutting a street other than a cul-de-sac, the front yard setback shall be 50' measured from the centerline of the street right of way to the foundation of the structure; provided however that if said street is a designated arterial then the front yard setback shall increase to 60'.~~
- ~~ii. For lots abutting a cul-de-sac the required front yard setback shall be 20' measured from the front lot line to the foundation of the structure.~~
- ~~iii. At the property owner's option, when 40% or more on a front foot basis, of all lots or parcels on one side of a street between two intersecting streets has been built up with buildings of less "depth" than that required by this ordinance then the average depth of the front yard may be the required yard for that block face. However, for any one lot, variation of more than 6' from the otherwise required setback shall not be utilized in calculating the average depth of front yard.~~

b. Side Yard on a Flanking Street:

- ~~i. For lots abutting a flanking street there shall be a side yard on a flanking street setback of 40' measured from the centerline of the right of way to the foundation line of the structure; provided however that if the street is a designated arterial the setback shall increase to 50'.~~
- ~~ii. For lots abutting a flanking cul-de-sac there shall be required a 10' setback measured from the property line to the foundation of the structure.~~

~~c. Interior Side Yard. A 5' side yard setback shall be provided; measured from the side property line to the foundation of the structure.~~

~~d. Rear Yard. There shall be a 10' rear yard setback; measured from the rear property line to the foundation of the structure.~~

2. Landscaping structures and unroofed stairways or steps may protrude into a required yard. A balcony and/or deck may also protrude into a required yard if it is unroofed, unwallled and has a floor surface with spacing between members to allow the elements (sun, rain, snow, etc.) to pass through to the ground. Exception. Permitted yard encroachments identified in BMC 20.10.080 B. may extend into a standard required yard, provided that the encroachments meet the adopted building codes and minimum vision clearance triangle on a corner lot.

Section 3. Bellingham Municipal Code, Section 20.32.040 H., is hereby amended as follows:

H. Minimum Yards

1. ~~Front and Side Yard on a Flanking Street.~~ Residential Multi proposals shall meet the following building setbacks as shown in Table "A" Residential Multi Minimum Yards:

Table "A" Residential Multi Minimum Yards

<u>Yards</u>	<u>Setbacks</u>	<u>Measurements</u>
<u>Front & Side Yard setback on a Flanking Street</u>	<u>40' CL (1)</u> <u>50' CL if designed street arterial (1)</u>	<u>Setback measured from the centerline (CL) of the street right-of-way.</u>
<u>Side Yard Setback</u>	<u>10' PL - first story</u> <u>12.5' PL - second story</u> <u>15' PL - third story</u> <u>17.5' PL - fourth story</u>	<u>Setbacks measured from each side property line (PL) to the wall of the subject story. (2)</u>
<u>Rear Yard Setback</u>	<u>20' PL - first story</u> <u>25' PL - second story</u> <u>30' PL - third story</u> <u>35' PL - fourth story</u>	<u>Setbacks measured from the rear property line (PL) to the wall of the subject story. (2)</u>

Notes:

1. At the property owner's option, when 40% or more of all lots or parcels on one side of a block between two intersecting streets have been built up with buildings of less depth than that required by this ordinance, then the average depth of the front yards may be the required yard for that block face. For the purpose of calculating the average depth, buildings that exceed the front yard setback shall be calculated to the standard minimum front yard setback. This front yard setback option is not applicable to garages and carports, which shall comply with the standard front yard setback requirement. Yard encroachments may be permitted per BMC 21.10.080 B.
2. Applicable setbacks shall be determined by the number of stories facing subject property line.

a. ~~A 40' setback measured from the centerline of the street right of way to the foundation of the structure shall be provided. However, if said street is a "designated arterial" then the setbacks shall increase to 50'.~~

b. ~~At the property owner's option, when 40% or more on a front foot basis, of all lots or parcels on one side of a street between two intersecting streets has been built up with buildings of less depth than that required by this ordinance, then the average depth of the front yards may be the required yard for that block face. However, for any one lot, variation of more than 6' from the otherwise required setback shall not be utilized in calculating the average depth of front yard.~~

2. ~~Interior Side Yard.~~ A 10' side yard setback shall be provided for the first story, 12.5' for the second story, 15' for the third story and 17.5' for the fourth story measured from each side property line to the wall of the subject story. The applicable setback shall be determined by the number of stories facing the subject property line.

1 ~~3. **Rear Yard.** A 20' rear yard setback shall be provided for the first story, 25' for the second~~
2 ~~story, 30' for the third story and 35' for the fourth story measured from the rear property line~~
3 ~~to the wall of the subject story. The applicable setback shall be determined by the number of~~
4 ~~stories facing the subject property line.~~

5
6 ~~**2.4.Exceptions.** Landscaping structures and unroofed stairways or steps may protrude into a~~
7 ~~required yard. Balconies and decks may also protrude into a required yard if unroofed,~~
8 ~~unwalled and have a floor surface with spacing between members to allow the elements~~
9 ~~(sun, rain, snow, etc.) to pass through to the ground. Permitted yard encroachments~~
10 ~~identified in BMC 20.10.080 B. may extend into a standard required yard, provided that the~~
11 ~~encroachments meet the adopted building codes and minimum vision clearance triangle on a~~
12 ~~corner lot.~~

13
14 **Section 4.** Bellingham Municipal Code, Section 20.32.045 E., is hereby amended as follows:

15
16 **20.32.045 - Duplex/Attached Single Family Duplex Regulations**

17
18 **E. Minimum Yards.**

19
20 1. **through 4.** [No change]

21
22 ~~5. **Exceptions.** Landscaping structures and unroofed stairways or steps may protrude into a~~
23 ~~required yard. Balconies and decks may also protrude into a required yard if unroofed,~~
24 ~~unwalled and have a floor surface with spacing between members to allow the elements~~
25 ~~(sun, rain, snow, etc.) to pass through to the ground. Permitted yard encroachments~~
26 ~~identified in BMC 20.10.080 B. may extend into the standard required yards, provided that~~
27 ~~the encroachments meet the adopted building codes and minimum vision clearance triangle~~
28 ~~on a corner lot.~~

29
30 **Section 5.** Bellingham Municipal Code, Section 20.32.050 D., is hereby amended as follows:

31
32
33 **20.32.050 - Optional Development Regulations**

34
35 **D. Minimum Yards Option:**

36
37 1. Front Yard and Side Yard on a Flanking Street shall meet standard building regulations.

38
39 2. Interior Side Yard.

40
41 a. Walls without windows, eaves, and decks may extend into the standard interior side yard
42 to 3.5' from the side property line if a one story building or to within 5' if a two story
43 building provided:

44
45 i. The building height does not exceed two stories within the standard side yard.

46
47 ii. The lot abutting the reduced yard does not contain an existing building with a window
48 facing and within 10' of the proposed building line.

49
50 iii. The subject property is not abutting or across an alley from property designated
51 residential single (except when abutting Areas 3 and 9 of the Lettered Streets
52 Neighborhood).
53

1 iv. The total length of the building wall within the standard interior side yard constitutes
2 no more than 40% of the total side lot line length. (See Figure 19)
3

4 b. "Window" walls may extend into the standard interior side yard provided:
5

6 i. Such wall is not closer than 10' to the side property line or 7' if facing a screen or
7 proposed screen at the subject lot line.
8

9 ii. The length of such wall within the side yard setback does not constitute more than
10 40% of the total side lot line length.
11

12 c. Door sections may extend into interior side yards but not closer than 10' to the
13 side property line.
14

15 **3. Rear Yards.**
16

17 a. Door sections, and walls without windows, eaves, and decks may extend into the
18 standard rear yard setback to within 10' of the rear property line provided:
19

20 i. The subject property is not abutting or across an alley from property designated
21 residential single (except when abutting Areas 3 and 9 of the Lettered Streets
22 Neighborhood).
23

24 ii. The total length of the building wall within the standard rear yard constitutes no more
25 than 40% of the total rear lot line length.
26

27 iii. The building height does not exceed two stories within the standard rear yard. (See
28 Figure 20)
29

30 b. Window walls may extend into the standard rear yard setback provided:
31

32 i. Such wall on the first story is not closer than 10' to the rear property line or 20' on the
33 second story.
34

35 ii. The building height does not exceed two stories within the standard rear yard.
36

37 iii. The subject property is not abutting or across an alley from property designated
38 residential single (except when abutting Areas 3 and 9 of the Lettered Streets
39 Neighborhood).
40

41 iv. The length of such wall within the rear yard setback does not constitute more than
42 40% of the total rear lot line.
43

44 **4. Exception.** Permitted yard encroachments identified in BMC 20.10.080 B. may extend into
45 the minimum yards required by Section 20.32.050 D., provided that the encroachments meet
46 the adopted building codes and minimum vision clearance triangle on a corner lot.
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PASSED by the Council this _____ day of _____, 2011.

Council President

APPROVED by me this _____ day of _____, 2011.

Mayor

ATTEST: _____
Finance Director

APPROVED AS TO FORM:

Office of the City Attorney

Published:
