

**Department of Community and Economic Development
 Planning Division
 ADMINISTRATIVE POLICY/CODE INTERPRETATION**

ADMINISTRATIVE POLICY/CODE INTERPRETATION #: CI-76

MUNICIPAL CODE SECTIONS: 4-2-110.A

REFERENCE: ORD 5759

SUBJECT: RMF Yard Setbacks

BACKGROUND: The RMF Zone was recently amended by Ordinance 5759, which updated Title IV in response to the Comprehensive Plan update. Because the RM-U and RM-T zones were being eliminated and many properties with either zoning were being rezoned to RMF, staff attempted to merge the development standards of all three zones, which were then merged with the remaining residential zones (RC through R-14). Staff attempted to maintain the voluminous RMF standards in a concise format, and consequently the reduced verbiage is unclear.

Additionally, the RMF zone was amended to include development standards that are more appropriate for townhouse-style development. The currently codified side setback in the RMF Zone is five feet, and although detached housing is prohibited, it could be construed to require side setbacks for the attached sides of townhouses.

JUSTIFICATION: The current RMF standards for the rear yard, side yard, and side yard along a street setbacks are shown below with condition #13, which was created for Ordinance 5759 to preserve RMF standards.

Minimum Rear Yard ^{4, 31}	Townhouse Development: 10 ft. ¹³ Other Attached Dwellings: 15 ft. ¹³
Minimum Side Yard ^{4, 31}	Nonconforming Lot Width: 5 ft. ¹³ Lot Width Exceeding Minimum: setback is increased by one foot (1') (not to exceed 12') for every 10' of lot width beyond 50' ¹³
Minimum Side Yard ^{4, 5, 31}	Nonconforming lot width: 10 ft. ^{11, 13}

(along a Street)	Conforming lot width: 20 ft.
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13. a. Additional setbacks for structures greater than thirty five feet (35') in height: The entire structure shall be set back an additional one foot (1') for each ten feet (10') of height in excess of thirty five feet (35') to a maximum cumulative setback of twenty feet (20').

b. Additional setbacks for lots abutting Single Family Residential Zones (RC thru R-14): twenty five feet (25') along the abutting side(s) of the property.

Condition #13 was evidently applied to the Minimum Rear Yard and Minimum Side Yard Along Street in error because these additional setback provisions did not apply previous to Ord. 5759.

The side yard requirement for lots with conforming widths is unclear because the only setback distance provided is for lots with nonconforming widths. A five feet setback should be required regardless of whether or not the lot has conforming width. Furthermore, because a five feet setback is required for townhouse development, the strict interpretation of the side setback requirement would preclude townhouse development as attached dwelling units if each unit was located on a legal lot (as opposed to townhouse condominiums).

In addition to the required five feet setback, there are three provisions that can increase the minimum side yard; 1) increase based on superfluous lot width, 2) increase based on structure height above 35 feet, and 3) increase if abutting lower-density residential zones (RC thru R-14). All three provisions applied to the three RM zones prior to Ord. 5759. Increasing side setbacks purely due to excess lot width is in contrast to the pattern of development standards that generally results in decreased setbacks as dimensional minimums decrease, and therefore the provision should be deleted. Increasing side setbacks for buildings above 35 feet is unnecessary now that the maximum height allowed in the zone is 35 feet, and therefore the provision should be deleted. And finally, requiring a side setback of 25 feet if abutting a residential neighborhood is egregious considering the side setback for commercial zones is only 15 feet if abutting a residential zone and therefore the requirement should be reduced to 15 feet.

A Minimum Side Yard Along Street setback for lots with nonconforming lot widths did not exist previous to Ord. 5759, and therefore should not apply now. Because 20 feet is the minimum setback for side yards along streets, condition #11 is unnecessary as it stipulates a 20 feet setback for garages.

DECISION: Amend the City’s development standards for the RMF zone as described above.

ADMINISTRATOR APPROVAL: _____
C. E. “Chip” Vincent

DATE: October 1, 2015

APPEAL PROCESS: To appeal this determination, a written appeal--accompanied by the required filing fee--must be filed with the City's Hearing Examiner (1055 South Grady Way, Renton, WA 98057, 425-430-6515) no more than 14 days from the date of this decision. Your submittal should explain the basis for the appeal. Section 4-8-110 of the Renton Municipal Code provides further information on the appeal process.

CODE AMENDMENTS NEEDED TO IMPLEMENT DETERMINATIONS:

4-2-110A DEVELOPMENT STANDARDS FOR RESIDENTIAL ZONING DESIGNATIONS (PRIMARY AND ATTACHED ACCESSORY STRUCTURES)

Minimum Rear Yard ^{4, 31}	Townhouse Development: 10 ft. ³³ Other Attached Dwellings: 15 ft. ³³
Minimum Side Yard ^{4, 31}	<u>Attached Units: 5 ft. for unattached side(s), 0 ft. for the attached side(s).</u> ¹³ Nonconforming Lot Width: 5 ft. ¹³ Lot Width Exceeding Minimum: setback is increased by one foot (1') (not to exceed 12') for every 10' of lot width beyond 50' ¹³
Minimum Side Yard ^{4, 5, 31} (along a Street)	Nonconforming lot width: 10 ft. ^{14, 13} Conforming lot width: 20 ft.

4-2-110D CONDITIONS ASSOCIATED WITH DEVELOPMENT STANDARDS TABLE FOR RESIDENTIAL ZONING DESIGNATIONS

13. a. Additional setbacks for structures greater than thirty five feet (35') in height: The entire structure shall be set back an additional one foot (1') for each ten feet (10') of height in excess of thirty five feet (35') to a maximum cumulative setback of twenty feet (20').

~~b. Additional setbacks for the lots abutting a Single Family Residential Zones (RC thru R-14), twenty five feet (25')~~ if the lots abutting a Single Family Residential Zones (RC thru R-14), a fifteen feet (15') setback shall be required along the abutting side(s) of the property.

STAFF CONTACT: Paul Hintz, x7436