

30,000 square feet and up to 10 % of the lot area for parcels exceeding 30,000 square feet. The intent of the rule was primarily to accommodate long driveways on large lots.

In the subject application, the 35-acre parcel is in the Agricultural Production District and is under farmland preservation covenant. The covenant limits the area allowed to be taken out of tillage to 5 %. The applicant is proposing a house, garage, fill pad and driveway totaling about 40,000 square feet. In addition, the applicant intends to actively farm the remainder of the property. The assumption is that the entire site is a wetland.

Discussion

The reasonable use rule establishes guidelines that proposals must meet. In this case, the project is a 35-acre parcel in the APD. Per the rule, 3 1/2 acres would be allowed to be disturbed. The concern is that large parcels could disturb the site well in excess of one acre. Over one acre of disturbance is believed to be in excess of the minimum necessary to allow for reasonable use of the property. Typically, the minimum necessary is locating the residence close to the road, resulting in a shorter driveway. The garage is attached to the residence and a 15-foot building setback around the building(s.)

Discussion focused around the fact that the existing rule states:

"if the subject property is a lot of 30,000 square feet or greater, no more than ten percent of the site may be disturbed by a structure or other land alteration, not including an area used for an on-site sewage disposal system." (emphasis added.)

Conclusion

It was determined that the current rule gives enough flexibility to limit site disturbance to one acre on the site as it is within the 10 % maximum site disturbance range.

- 2. What constitutes "common wall construction" when adjacent buildings are staggered or have "shared" courtyards? Should we consider only the physically attached wall area as "common wall construction" or can the footprint of the envelope of the entire building be considered "common wall construction" for applying the provisions of K.C.C. 21A.14.030?**

In addition to eaves, which are allowed to project over property lines per K.C.C. 21A.12.170.D.3, can other building features such as footings, roof drains, siding, veneer, and similar building appurtenances be allowed to project over property lines? If so, can DDES accept construction and maintenance easements that allow such encroachments?

For "zero lot line" subdivisions, in order to implement K.C.C. 21A.14.030.A.4, should DDES require easements for construction and maintenance at time of plat recording, or can the easements be deferred to the building permit phase? When easements are not required, should DDES require CC & Rs to address maintenance issues prior to recording or issuance of building permits?

The code is silent regarding driveways being allowed for zero lot line developments. The Road Standards require residential driveways to be located 5 feet from the property line. If a structure (garage) can be located within the required setback, then it makes sense to allow the driveway serving the garage to be allowed in the required setback as well.

Background

Staff has raised questions regarding the requirements for an easement for residential projects within a "zero lot line development". Also, questions have been raised regarding potential conflicts between the Zoning Code and the Building Code.

K.C.C. 21A.14.030 allows zero lot line residential development within a subdivision or short subdivision in urban residential zones, subject to a number of conditions. Pursuant to K.C.C. 21A.14.030.A, building within such zero lot line developments may have buildings located within a normally required interior setback when:

- 1) an easement is provided on the abutting lot of the subdivision that is wide enough to ensure a 10-foot separation between the walls of structures on adjoining lots, except as provided for *common wall construction* (emphasis added);
- 2) the easement area is free of permanent structures and other obstructions that would prevent normal repair and maintenance of the structure's exterior;
- 3) a building utilizing the reduced interior setback cannot have doors that open directly onto the private areas of the abutting property. Furthermore, windows in such building cannot be oriented toward such private yard areas unless opaque materials are used, and cannot be capable of being opened, except for clerestory-style windows or skylights; and
- 4) the final plat or short plat shall show the approximate location of buildings proposed to be placed in a standard setback.

Note: The terms "zero lot line development" and "common wall construction" are not defined in the Zoning Code. In addition to the provisions in K.C.C. 21A.14.030, the only other reference to "zero lot line development" found in the Zoning Code is at K.C.C. 21A.12.170.D.3 which allows eaves to project no more than 18 inches across a lot line in a zero lot line development. The Building Code has no similar provision for allowing encroachments over a property line creating a conflict with the Zoning Code.

Zero lot development provides an opportunity for unique, innovative and diverse design of the residential housing stock within the County's Urban Growth Area. There are a variety of possible design options for buildings within such developments, including, but not limited to:

- 1) complete attachment along the entire length of two abutting buildings along a common lot line;
- 2) attachment along only a portion of two abutting buildings along a portion of a common lot line, either in a staggered or "shared courtyard" configuration; and
- 3) abutting buildings on separate lots, not attached, but located at varying widths within the normally required interior setback.

Discussion

The Zoning Code provisions for zero lot line development have been in place for many years. The Building Code has no similar provision for allowing encroachment over a property line, which conflicts with the Zoning Code. Other issues have been raised, including the fact that building features in addition to eaves would logically project over property lines if the wall was to the property line; these may include footings, root drains, etc. The Zoning Code is silent regarding driveways for zero lot line developments, although the King County Road Standards require a setback. The 5-foot setback from the property is required for driveways.

The discussion determined that many builders are using the zero lot line provisions and that questions are being raised as a result.

It made sense that building appurtenances such as footing drains, siding, etc. would project over the property line for a zero lot line development; similarly, a driveway would also logically run along the property line for a zero lot line garage.

Conclusion

Amend K.C.C. 21A to allow eaves and other building features to project over the property line; any combustible overhangs must be built to one-hour construction standards. Driveways should also be allowed along or within 5 feet of the property line for zero lot line garages.

K.C.C. 21A should also be amended to require easements for the maintenance of zero lot line structures at time of plat recording.

Finally, common wall construction was determined to be the smallest rectangle that includes the buildings on the lots.