

**Chapter 19.40****DISTRICT PURPOSE AND SUPPLEMENTAL USE REGULATIONS – RESIDENTIAL ZONES**

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**19.40.010 General provisions.**

A. No principal or accessory structure shall be located within the clear view triangle (Chapter 22.70 SVMC).

B. In the districts where the height of buildings is restricted to 35 feet, cooling towers, roof gables, chimneys and vent stacks may extend for an additional height, not to exceed 40 feet, above the average grade line of the building. Water stand pipes and tanks, church steeples, domes and spires and school buildings and institutional buildings may be erected to exceed maximum height requirements; provided, that one additional foot shall be added to the width and depth of front, side and rear yards for each foot that such structures exceed the required height.

C. No structure may be erected to a height in excess of that permitted by applicable airport hazard zoning regulations.

D. Recreational vehicles shall not be used as permanent or temporary dwelling units in any residential zone. Guests may park and/or occupy a recreational vehicle while visiting the occupants of a dwelling unit located on the same lot for not more than 30 days in one consecutive 12-month period. The intent is to accommodate visiting guests and not to allow the recreational vehicle to be used as a dwelling unit.

E. Cargo shipping containers and similar enclosures are not a permitted accessory structure in any residential zone.

F. The following features attached to structures are allowed as exceptions to the setback standards:

1. Minor Projections Allowed. Minor features of a structure, such as eaves, chimneys, fire escapes, bay windows no more than 12 feet long and which cantilever beyond the foundation of the structure, uncovered stairways, and uncovered decks or balconies, may extend into a required setback up to 20 percent of the depth of the setback. However, they may not be within three feet of a lot line when a setback is required. Wheelchair ramps are allowed to project into the setback based on SVMC Title 24, Building Codes. Attached mechanical equipment such as heat pumps, air conditioners, emergency generators and water pumps are allowed to project into the side or rear setback only.

G. Community facilities and public utility distribution facility(ies), except power poles and underground transformers, shall comply with the following conditions:

1. The requirements for landscaping, signage, lighting and other requirements shall apply.
2. Type I landscape screening is required along property line(s) adjacent to a residential use or zone.

H. Public utility transmission facility shall comply with the following conditions:

1. The utility company shall secure the necessary property or right-of-way to assure for the property construction, continued maintenance, and general safety to the property adjoining the public utility transmission facility;
2. All support structures for electric transmission lines shall have their means of access located a minimum of 10 feet above ground;
3. The facilities shall be compatible with the surrounding uses either by distance, landscaping,

buffering, or design, as determined by the director; and

4. The height of any structure above ground does not exceed 125 feet.

I. The following design standards apply to all outdoor lighting in residential zones:

1. All new development shall provide lighting within parking lots, along pedestrian walkways and accessible routes of travel.

2. Lighting fixtures shall be limited to heights of no more than 24 feet for parking lots and no more than 16 feet for pedestrian walkways.

3. All lighting shall be shielded from producing off-site glare, either through exterior shields or through optical design inside the fixture, and shall not emit light above 90 degrees.

4. Street lighting installed by the City of Spokane Valley or other public utilities is exempt from these regulations. (Ord. 09-036 § 2, 2009; Ord. 09-031 § 1, 2009; Ord. 09-017 § 1, 2009; Ord. 08-026 § 4, 2008; Ord. 08-006 § 1, 2008; Ord. 07-015 § 4, 2007).

#### 19.40.020 Residential standards.

A. Residential development shall meet the minimum area and setback requirements and maximum lot coverage and building height requirements shown in Table 19.40-1.

**Table 19.40-1 – Residential Zone Dimensional Standards (In Feet)**

		R-1	R-2	R-3	R-4	MF-1	MF-2	PRD
Minimum	Single-Family Lot Area/Dwelling Unit	40,000	10,000	7,500	6,000	3,600	2,000	Underlying zone
	Duplex Lot Area/Dwelling Unit			6,000	5,000			
	Lot Width	80	80	65 (4)	50	45	20	30
	Lot Depth	100	90	90	80	80	80	50
	Front and Flanking Street Yard Setback (2)(3)	35	15	15	15	15	15	15
	Garage Setback (2)(3)	35	20	20	20	20	20	20
	Rear Yard Setback (1)(3)	20	20	20	20	10	10	15
	Side Yard Setback (1)(3)	5	5	5	5	5	5	5
	Open Space					10% gross area		
Maximum	Lot Coverage	30.0%	50.0%	50.0%	55.0%	60.0%	65.0%	60.0%
	Building Height (In Feet)	35	35	35	35	40	50	Underlying zone
(1)	No accessory structure shall be located in the front or flanking street yard, and shall be set back not less than five feet from any side or rear yard.							
(2)	Attached garages, where the garage door does not face the street, may have the same setback as the principal structure.							
(3)	Setbacks, when adjacent to a private road or driveway easement, are established from the inner edges of the road or driveway and are the same as noted above except the flanking road which would be five feet.							
(4)	Duplex lots in R-3 zones may be a minimum of 60 feet in width.							

1. In zero lot line developments approved as part of a planned residential development, zero

setbacks along one side are allowed, provided a two-foot maintenance easement is recorded as part of the subdivision plat.

a. Attached single-family dwellings, including duplexes and townhouses located on individual lots, shall meet minimum rear, front and side yard requirements (where applicable), minimum area requirements, and maximum lot coverage and building height requirements shown in Table 19.40-1.

Townhouses are subject to the following requirements:

- i. No more than six dwelling units shall be attached in one continuous row or group;
- ii. No townhouse unit shall be constructed above another townhouse unit;
- iii. There shall be a side yard on each side of a contiguous row or group of dwellings of not less than six feet;
- iv. Townhouses included in a condominium development may limit the lot to the building footprint; provided, that the yard area shared in common with all units is equivalent in area to the yard required by the underlying zone.

B. All residential driveways and off-street parking areas shall be paved with asphalt, Portland cement, grasscrete, paver blocks or other equivalent hard surface material.

C. Front Yard.

1. Front and side yards in residential zones adjacent to public or private streets shall be set back in accordance with Table 19.40-1. The setback shall be measured from the property line unless a border easement has been established on the property. In cases where a border easement exists, the setback shall be measured from the border easement.

2. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.

3. Every part of a required yard shall be open and unobstructed except for permitted accessory structures, and the ordinary projections of window sills, belt courses, cornices and other architectural features projecting not more than 12 inches and roof eaves projecting not more than 24 inches.

4. No supporting member of any garage, carport or other automobile storage structure shall be located within the required front yard or within the required yard on a flanking street.

D. Side and Rear Yards. No accessory building or structure may be erected within five feet of any rear or side property line, or be located within any public or private easement.

E. Required open space shall be accessible to all residential units and shall be suitable for active and passive recreational purposes, subject to the following:

1. Open space shall not include required yards, parking areas, required landscaped areas or required spacing between structures;

2. The amount of open space may be reduced by up to 25 percent where at least two of the following amenities are provided:

- a. Play or sports courts;
- b. Playgrounds with equipment;
- c. Trails or pedestrian walkways not required for access to residential units or parking areas;
- d. Swimming pools;
- e. Gazebos; or
- f. Clubhouses;

3. Where stormwater facilities are of sufficient size and designed as amenities, the required open space may be reduced by an additional 25 percent;

4. In no event shall the amount of required open space be reduced by more than 50 percent;

5. Facilities and equipment, for which credit is requested, where provided, shall generally meet all requirements for handicap access. (Ord. 08-026 § 5, 2008; Ord. 07-015 § 4, 2007).

#### **19.40.030 R-1 – Single-Family Residential Estate district.**

Low density residential development intended to preserve the character of existing development and to allow for a limited number of horses and other large animals, and subject to the dimensional standards of this chapter. (Ord. 09-017 § 1, 2009; Ord. 07-015 § 4, 2007).

#### **19.40.040 R-2 – Single-Family Residential Suburban district.**

Low density residential development intended to preserve the character of existing development subject to the dimensional standards of this chapter. (Ord. 07-015 § 4, 2007).

#### **19.40.050 R-3 – Single-Family Residential district.**

Low density residential development intended to preserve the character of existing development subject to the dimensional standards of this chapter. (Ord. 07-015 § 4, 2007).

**19.40.060 R-4 – Single-Family Residential Urban district.**

Low density residential development intended to preserve the character of existing development subject to the dimensional standards of this chapter. (Ord. 07-015 § 4, 2007).

**19.40.070 MF-1 – Medium Density Multifamily Residential district.**

The Medium Density Multifamily Residential (MF-1) designation represents an opportunity to provide a range of housing types to accommodate anticipated residential growth. The increase in population, decline in average family size, and increased cost of single-family homes have created increased demand for new housing types. Multifamily residential zones with densities not to exceed 12 units per acre should be used as transitional zoning between higher intensity land uses such as commercial and office to lower density single-family neighborhoods. Additionally, medium density residential areas should be located near services and high capacity transit facilities or transit routes. (Ord. 07-015 § 4, 2007).

**19.40.080 MF-2 – High Density Multifamily Residential district.**

The High Density Multifamily Residential (MF-2) designation represents an opportunity to provide a range of housing types to accommodate anticipated residential growth with densities not to exceed 22 units per acre. Multifamily residential zones should be used as transitional zoning between higher intensity land uses, such as commercial and office, to medium and lower density single-family neighborhoods. High density residential areas should be located near services and high capacity transit facilities or transit routes. (Ord. 07-015 § 4, 2007).

**19.40.090 Residential accessory uses and structures.**

A. Except for the air conditioning compressors of detached single-family residential, cooling towers and similar accessory structures are required to observe all front, side or rear yards.

B. The combined building footprint of all accessory permanent structures in residential zoning districts shall not exceed 10 percent of the lot area.

C. The vertical wall of an in-ground swimming pool shall be located behind front building setback lines and at least five feet from the property line. All pools must be secured in accordance with the requirements of the adopted building regulations. Temporary fencing is required during excavation. (Ord. 08-006 § 1, 2008; Ord. 07-015 § 4, 2007).

**19.40.100 Accessory dwelling unit (ADU).**

Attached and detached ADUs are permitted in all residential zoning districts and shall adhere to the appearance of single-family residences. An attached ADU is an accessory dwelling unit that has one or more vertical and/or horizontal walls in common with, or attached to, the principal dwelling unit. A detached ADU is a freestanding accessory dwelling unit that is not attached or physically connected to the principal dwelling unit.

**A. Purpose and Intent.**

1. To increase the supply of affordable housing units and encourage housing diversity through better use of the existing housing stock in neighborhoods in a manner that is less intense than new development;

2. To make housing units available to moderate-income people and special populations including the elderly, mentally ill, victims of domestic abuse, persons with disabilities or injuries, and the homeless who might otherwise have difficulty finding homes within the city that support independent living;

3. To provide residents, particularly seniors, single parents and families with grown children, with a means to remain in their homes and neighborhoods by obtaining, through tenants in either the ADU or the principal unit, extra income, companionship, security, and services;

4. To make better use of existing public investment in streets, transit, water, sewer, and other utilities; and

5. To protect neighborhood stability, property values, and the single-family residential appearance of neighborhoods by ensuring that ADUs are installed under the conditions outlined in this code.

**B. Conditions and Limitations.**

1. The design and size of the ADU shall conform to all standards in the building, plumbing, electrical, mechanical, fire, health, utilities and any other applicable codes;

2. An ADU may be developed in conjunction with either an existing or new residence;

3. One ADU, attached or detached, is allowed per lot as an accessory dwelling unit;

4. The ADU must be a complete, independent housekeeping unit;  
 5. The combined footprint of all accessory structures shall not exceed 10 percent of the lot area;

6. Home professions shall be allowed only within the principal dwelling unit, not the ADU;

7. The owner, as established by the titleholder, must occupy either the principal dwelling unit or the ADU as their permanent residence, but not both, for six months or more of the calendar year, and at no time receive rent for the owner-occupied unit; and

8. Approval of an ADU will be revoked if the ADU is no longer in compliance with the development standards and criteria outlined in subsection C of this section.

C. Development Standards and Criteria.

1. All ADUs, both attached and detached, must meet the following requirements:

a. One paved off-street parking space shall be required for the dwelling unit in addition to the off-street parking required for the main residence;

b. The ADU may not exceed 50 percent of the habitable square footage of the principal dwelling unit, nor be less than 300 square feet;

c. The total number of individuals that reside in the ADU shall not exceed the number of persons that are defined as a family;

d. The ADU shall be a complete, separate housekeeping unit;

e. The entrance to the ADU shall be located on the side or in the rear of the structure or in such a manner as to be unobtrusive in appearance when viewed from the front of the street, and only one entrance may be located on the facade of the principal dwelling unit in order to maintain the appearance of a single-family residence;

f. The ADU unit shall not have more than two bedrooms; and

g. The ADU shall be designed to meet the appearance of a single-family residence and must be the same or visually match the principal dwelling unit in the type, size and placement of the following:

i. Exterior finish materials;

ii. Roof pitch;

iii. Trim;

iv. Windows, in proportion (relationship of width to height) and orientation (horizontal or vertical).

2. Additional Development Standards for Detached ADUs.

a. Shall be located behind the front building setback line and placed on a permanent foundation;

b. Shall preserve all side yard and rear yard setbacks for a dwelling unit, as established in SVMC 19.40.020, Residential standards;

c. Shall not be allowed on lots containing a duplex, multifamily dwelling or accessory apartment contained within the principal structure; and

d. Existing detached accessory structures may be converted into detached ADUs; provided, that all development standards and criteria are met, including side yard and rear yard setbacks.

D. Application Process.

1. Application for an ADU permit shall be made to the department of community development in accordance with the permit procedures adopted by the department;

2. Shall include a letter of application affirming that one legal titleholder will live in either dwelling unit, meeting the requirement of owner occupancy;

3. An ADU application shall also be filed as a deed restriction with the Spokane County department of records and elections to indicate the presence of an ADU, the requirement of owner occupancy, and other standards for maintaining the unit as described in this code; and

4. Cancellation of an ADU's registration may be accomplished by the owner filing a letter with the department of community development for recording at the department of records and elections, or may occur as a result of an enforcement action. (Ord. 09-036 § 3, 2009; Ord. 08-006 § 1, 2008; Ord. 07-015 § 4, 2007).

**19.40.110 Other accessory structures.**

A. Tower, private (ham operator) provided:

1. A building permit for the private tower is obtained from the City, reviewed and approved by the community development department – planning division;

2. The applicant shall furnish a site plan showing the height and location of the private tower;

3. The applicant shall furnish a copy of the tower manufacturer's construction and erection

specifications;

4. The private tower shall be erected in accordance with the manufacturer's specifications;

5. The applicant shall show the impact area (that area in all directions equal to the tower's height above grade) completely on his/her property. Up to one-half of the tower's impact area in distance may be administratively approved if located on adjacent property pursuant to the administrative exception process contained in Chapter 19.140 SVMC; or, the applicant has secured the appropriate easements for all property within the tower's impact area if not entirely within his/her ownership. Such easements shall be recorded with the Spokane County auditor with a statement that only the City of Spokane Valley community development department can remove the recordation;

6. That generally a residence has to be on the same site as the private tower, except for a private repeater facility or remote base operations; and

7. That the height limitation of the zone is not exceeded without approval of a variance or administrative exception as respectively pertains.

B. Tower (does not include wireless communications support tower) provided:

1. A conditional use permit pursuant to Chapter 19.150 SVMC is approved;

2. The tower base shall be enclosed by a fence not less than six feet in height with a locking gate;

3. The tower shall have a locking trap door or the climbing apparatus shall stop 12 feet above the ground;

4. The tower collapse or blade impact area shall lie completely within the applicant's property or within an adjacent property for which the applicant has secured and recorded an easement(s) for all property in the tower's impact area; and

5. Before issuance of a conditional use permit, the applicant shall have demonstrated all the applicable requirements of the Federal Communications Commission, Federal Aviation Administration and any required aviation easements can be satisfied. (Ord. 07-015 § 4, 2007).

#### **19.40.120 Manufactured housing.**

A. Pursuant to the requirements of Chapter 35.21 RCW, the City does not discriminate against consumers' choices in the placement or use of a home that is not equally applicable to all homes. This section applies only to manufactured housing units placed on individual lots.

B. Homes built to 42 U.S.C. 7 Sections 5401 through 5403 standards (as they may be amended) are regulated for the purposes of siting in the same manner as site-built homes, factory-built homes, or homes built to any other state construction or local design standard; provided, however, that the manufactured home shall:

1. Be a new manufactured home; and

2. Be set upon a permanent foundation, as specified by the manufacturer, and that the space from the bottom of the home to the ground be enclosed by concrete or an approved product which can be either load-bearing or decorative; and

3. Comply with all local design standards, including the requirement for a pitched roof with a slope of not less than 3:12, applicable to all other homes within the neighborhood in which the manufactured home is to be located; and

4. Be thermally equivalent to the state energy code; and

5. Otherwise meet all other requirements for a designated manufactured home as defined in RCW 35.63.160.

C. This section does not override any legally recorded covenants or deed restrictions of record.

A "new manufactured home" means any manufactured home required to be titled under RCW Title 46, which has not been previously titled to a retail purchaser, and is not a used mobile home as defined in RCW 82.45.032(2).

A "designated manufactured home" is a manufactured home constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes, which:

1. Is comprised of at least two fully enclosed parallel sections each of not less than 12 feet wide by 36 feet long; and

2. Was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of nominal 3:12 pitch; and

3. Has exterior siding similar in appearance to siding materials commonly used on conventional site-built International Building Code single-family residences.

D. An existing single wide manufactured home may be replaced with a new single wide manufactured home when replacement is initiated within 12 months of the date of damage which represents less than 80 percent of market value, or removal of existing habitable manufactured home. (Ord. 08-026 § 3, 2008; Ord. 07-015 § 4, 2007).

**19.40.130 Manufactured home parks.**

A. Manufactured home parks shall require approval of a binding site plan, which includes a detailed site development plan in compliance with the development standards of this code.

B. The site development plan will be reviewed and approved for compliance with ordinances and standards by the Spokane County utilities department, Spokane County regional health district and other appropriate agencies.

C. Manufactured housing parks shall not exceed seven units per acre with a minimum of 3,600 square feet per space.

D. The maximum building coverage for each manufactured home space shall be 50 percent; provided, that open patio covers, awnings, and/or carports shall not be considered buildings when calculating this coverage.

E. Each manufactured home space shall be a minimum of 45 feet in width with direct frontage on a public or private road.

F. The minimum setbacks for manufactured homes at park perimeter are as follows:

1. Twenty-five feet from all public rights-of-way.
2. Side yard: 10 feet from park perimeter at the overall site lot side line.
3. Rear yard: 10 feet from park perimeter at the overall site lot rear line. Three feet for any

accessory structure such as patio covers, awnings and/or carports.

G. Minimum setbacks for individual in-park spaces:

1. Front and flanking yards: four feet.
2. Side and rear yard: five feet.
3. Accessory structures such as patio covers, awnings, and/or carports: three feet. (Ord. 07-015 § 4, 2007).

**19.40.140 Home occupations.**

A. Applicability. Any person, group or entity conducting a "for profit" enterprise from a location whose primary use is a residence must obtain a home occupation permit. Businesses may be exempt from the home occupation permit fee, as established by the master fee schedule, if all of the following criteria are met:

1. There are no proposed exterior alterations to the residence or any accessory structure(s) which change the residential character of the property;
2. Goods and commodities associated with the business are not delivered to the premises;
3. There are no business customers visiting the premises;
4. There are no signs or window displays on the property related to the business; and
5. Any employees engaged in the business must live in the residence (no outside employees).

B. Home occupations are permitted as accessory uses, except as indicated by subsection C of this section, incidental to the property's principal use as a residence, subject to the following requirements:

1. Property shall retain a residential appearance and character;
2. All storage shall be enclosed within the residence or accessory structure;
3. There shall be a limit of two employees not residing on the premises engaged in the home occupation;
4. One unlighted sign placed flush against the exterior wall of the principal structure not exceeding four square feet in area is permitted;
5. There shall be no window display nor shall sample commodities with the exception of flowers and produce grown on the premises be displayed outside the building(s);
6. The hours of operation of a home occupation are limited to 7:00 a.m. to 10:00 p.m.;
7. The home occupation use shall not create electronic interference including, but not limited to, interference with radio, satellite reception, telephone or television reception, nor generate measurable levels at the property line of noise, dust, smoke, odor or glare. The home occupation activity shall not generate solid waste in volume or type which is not normally associated with residential use unless specifically permitted;
8. Loading docks and mechanical loading devices are not permitted;
9. No traffic or parking of vehicles shall be generated by a home occupation in greater volumes than normally expected in a residential neighborhood and any need for parking must be accommodated within the required off-street parking for the dwelling unit; and
10. Uses which are detrimental to the existing residential appearance and character are not allowed as home occupations.

C. Specific uses which are not permitted as home occupations include, but are not limited to, the following: adult retail use establishment, adult bookstore or adult entertainment establishment; auto

repair; welding or metal plating shops; large appliance/electronics or equipment repair or service; small engine repair; truck hauling and/or tow storage yard; vehicle sales; cabinet making; manufacturing and/or related storage; kennel or stables; wholesale or retail sales; and restaurants/drinking establishments. (Ord. 09-036 § 4, 2009; Ord. 07-015 § 4, 2007).

**19.40.150 Animal raising and keeping.**

Where permitted, the keeping of poultry and livestock (excluding swine) is subject to the following conditions:

- A. The lot or tract must exceed 40,000 square feet in area;
- B. The keeping of swine is not permitted;
- C. Beekeeping for noncommercial purposes is limited to 25 hives;
- D. Any building or structure housing poultry or livestock including, but not limited to, any stable, paddock, yard, runway, pen, or enclosure, or any manure pile shall be located not less than 75 feet from any habitation;
- E. No building or structure housing poultry or livestock including, but not limited to, any stable, paddock, yard, runway, pen, or enclosure, or any manure pile shall be located within the front yard nor be closer than 10 feet from any side property line;
- F. The keeping of animals and livestock is limited as follows:
  - 1. Not more than three horses, mules, donkeys, bovine, llama or alpacas shall be permitted per gross acre; or
  - 2. Not more than six sheep or goats shall be permitted per gross acre; or
  - 3. Any equivalent combination of subsections (F)(1) and (F)(2) of this section;
- G. Small Animals/Fowl. A maximum of one animal or fowl, including chicken, duck, turkey, goose or similar domesticated fowl, or rabbit, mink, nutria, chinchilla or similar animal, may be raised or kept per 3,000 square feet of gross lot area. In addition, a shed, coop, hutch or similar containment structure must be constructed prior to the acquisition of any small animal/fowl; and
- H. Structures, pens, yards, enclosures, pastures and grazing areas shall be kept in a clean and sanitary condition. (Ord. 07-015 § 4, 2007).

**This page of the Spokane Valley Municipal Code is current through Ordinance 10-004, passed February 23, 2010.**

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