

40.260.110 Residential Infill

A. Purpose.

The intent of this section is to encourage the development of bypassed urban parcels in the R1-5, R1-6 and R1-7.5 zones. The section includes incentives, design criteria and increased public notification standards to encourage infill while also striving to retain neighborhood compatibility.

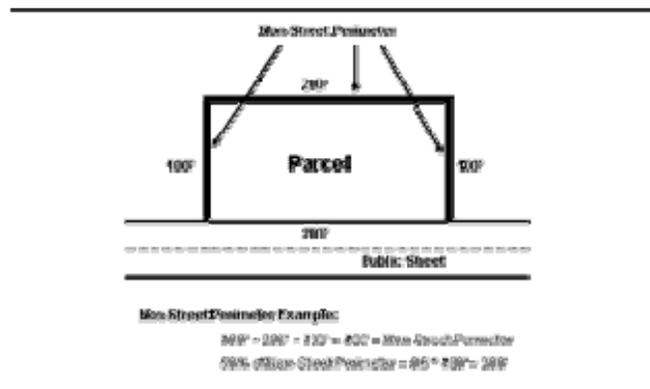
(Amended: Ord. 2008-06-02)

B. Applicability.

1. **Eligibility Criteria.** This section may be applied to parcels created by legal land division, consistent with Chapter 58.17 RCW prior to October 1, 2002, and meet all of the following:

- a. The parcel is within an urban growth area adopted prior to December 31, 1994, and is within the R1-5, R1-6 or R1-7.5 zoning district; and
- b. The maximum gross size of the parcel area is two and one-half (2.5) acres or smaller. In existing subdivisions recorded after December 31, 1961, if all contiguous lots are developed with existing dwellings, the gross size of the parent parcel must be at least 20,000 square feet; and
- c. The proposed development can and will be served by urban services at the time of final plat approval; and
- d. There is urban development abutting the subject site on at least fifty percent (50%) of its non-street perimeter. For the purposes of this section, "non-street perimeter" shall mean that portion of the perimeter of the parcel that is not abutting a public street. Where there is no abutting public street, the entire perimeter is used for measurement.

Figure 40.260.110-1. Illustration of Eligibility Criterion (B) (1) (d), Non-Street Perimeter Example



2. For the purposes of Section [40.260.110](#), “urban services” shall mean public water system and public sewer service. (See Chapter [40.370](#).)

3. For the purposes of Section [40.260.110](#), “urban development” shall mean a parcel that meets at least one (1) of the following criteria:

- a. Parcels two and one-half (2.5) acres or smaller in gross size that have existing residential development; or
- b. All parcels with existing nonresidential or multifamily structures that are currently receiving urban services; or
- c. Tax exempt parcels, regardless of development status; or
- d. All plats which have received final approval and are recorded within the last five (5) years from the date of application for that short plat or subdivision.

(Amended: Ord. 2004-09-02; Ord. 2006-11-07; Ord. 2008-06-02)

C. Applicability of the Standards.

There are two (2) levels of infill standards and incentives: Tier 1 and Tier 2. The Tier 2 infill standards offer greater incentives but require a neighborhood meeting and a larger rear setback. Application of either the Tier 1 or Tier 2 infill provisions of this section is an option available for parcels that meet the eligibility criteria. However, all infill parcels created as a result of the application of this section and the subsequent infill development on those parcels shall be subject to the standards of this section.

D. Definitions.

For the purposes of this section, the following definitions apply:

Infill parent parcel	“Infill parent parcel” is the parcel of land from which infill lots are divided.
Infill land division	“Infill land division” is the division of an infill parent parcel using some or all of the standards of this section. Tier 1 infill land divisions are those divisions that utilize only the Tier 1 standards of this section. Tier 2 infill land divisions are those divisions that utilize one (1) or more of the Tier 2 standards of this section.
Infill lots	“Infill lots” are either parcels that meet the eligibility criteria in Section 40.260.110 (B)(1) or those lots created by the land division of an infill parent parcel through the application of the standards in this section. Tier 1 infill lots are created as a result of Tier 1 Land divisions. Tier 2 infill lots are created as a result of Tier 2 land divisions.
Infill development	“Infill development” is the subsequent residential development on infill parcels or lots.
Infill duplex	“Infill duplex” means a building on a single lot designed or used for residence purposes by not more than two (2) families, and containing two (2) dwelling units.

Infill development plan	“Infill development plan” is a plan that is required to be submitted with attached single-family infill development which identifies the existing and proposed lot and building design characteristics.
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E. Relationship to Other Development Standards.

1. All of the provisions of the county code that would apply to a non-infill project shall apply to infill projects except as specifically modified by this section.
2. If there is a conflict between the standards of this section and the provisions of any applicable overlay district, the overlay district standards shall supersede the standards of this section.

F. Procedures.

1. Development on Infill Parcels. All development on infill parcels created pursuant to this Section [40.260.110](#) shall be subject to the standards for infill development. The applicable infill development standards shall be provided in the Developer Covenants to Clark County.
2. Pre-Application Conference. A pre-application conference shall be held prior to submission of a Type II or III application for an infill land division. The pre-application conference may not be waived. In addition to requirements of Chapter [40.510](#) for notification and attendance of meetings, the following shall apply for infill developments.
 - a. Staff shall mail notice of the meeting at least fifteen (15) days prior to the pre-application conference to residents and owners of property within a radius of three hundred (300) feet of the boundary of the subject property. The records of the County Assessor shall be used for determining the property owners of record.
 - b. Members of the public shall be allowed to comment on the proposal during a specified comment period at the meeting.

(Amended: Ord. 2005-04-12)

G. Tier 1 Infill Standards and Incentives.

Tier 1 infill parcels, infill land divisions and the subsequent infill development on Tier 1 infill lots shall be subject to the following standards and incentives:

1. Parcel Area Averaging. Within an infill land division for detached single-family development, the proposed lots must have an average size between the minimum and maximum lot requirements of the underlying zone as long as no parcel is smaller than the minimum parcel area identified in Table 40.260.110-1; and provided, that the proposed land division complies with the minimum and maximum density standards of Table 40.220.010-2. Minimum parcel area shall not be further reduced by a variance procedure in Section [40.550.020](#). However, this shall not preclude variances to other standards.

Table 40.260.110-1.

Minimum Parcel Area for Detached Single-Family Dwellings	
Zoning District	Minimum Parcel Area Detached Single-Family (in square feet)
R1-5	4,000
R1-6	4,500
R1-7.5	6,000

2. Dwelling Type. Only detached single-family dwellings shall be allowed on Tier 1 infill lots.
3. Minimum Parcel Width and Depth. Within an infill land division, lot width or depth standards in Section [40.220.010\(C\)\(1\)](#) shall not apply. However, subsequent development on infill parcels, which were created with less than the minimum width and depth required by the base zone, shall not be granted a variance to the minimum setback or frontage requirements.
4. Setbacks. Infill parcels developed under provisions of this section shall comply with setback requirements of Section [40.220.010\(C\)\(1\)](#), except as follows:
 - a. Minimum Front Setback.
 - (1) Eighteen (18) feet for garage door or carport entrance or other similar vehicular shelter entry.
 - (2) Ten (10) feet for all other structures.
 - b. Minimum Side Setback.
 - (1) Where vehicular access is through the side setback: eighteen (18) feet for garage door or carport entrance or other similar vehicular shelter entry.
 - (2) All other uses shall comply with the standard side setbacks of the applicable zoning district.
 - c. Minimum Rear Setback.
 - (1) Where vehicular access is through the rear setback: eighteen (18) feet for garage door or carport entrance or other similar vehicular shelter entry, except on an alley there may be a minimum five (5) foot setback from the rear property line abutting the alley.
 - (2) All other uses shall comply with the standard rear setbacks of the applicable zoning district.

(Amended: Ord. 2007-06-05)

H. Ineligibility to Use Density Transfer.

Infill developments are not eligible to use Section [40.220.010\(C\)\(5\)](#), Density Transfer.

I. Tier 2 Infill Standards and Incentives.

In addition to the infill eligibility criteria in Section [40.260.110](#)(B), Tier 2 infill land divisions and the subsequent development on those Tier 2 infill lots shall be subject to the following standards and incentives:

1. **Neighborhood Meeting Required.** A neighborhood meeting shall be held prior to submission of a Type II or III application for a Tier 2 infill land division. The applicant shall hold a public meeting to offer owners of property adjacent to the affected property an opportunity to participate in the development process. A pre-application conference is not a substitute for the required neighborhood meeting. The applicant shall follow the neighborhood meeting guidelines established by the county.

a. The neighborhood meeting shall be held no earlier than ninety (90) days prior to submittal of the application.

b. The applicant shall send a notice of the meeting at least fifteen (15) days prior to the neighborhood meeting to:

(1) The official representative(s) of the county-recognized neighborhood association(s), if applicable, in whose boundaries the affected property is located, based on the list of official neighborhood associations kept by the responsible official; and

(2) Residents and property owners of record of property within a radius of five hundred (500) feet of the subject property. The records of the County Assessor shall be used for determining the property owners of record; and

(3) The responsible official.

c. The notice must identify the date, time and place of the meeting and provide a brief description of the proposed development.

d. A copy of the notice, proposed development plan as presented at the meeting, the mailing list, meeting summary and the sign-in sheet from the meeting shall be submitted with the application.

2. **Minimum Lot Area.**

a. Tier 2 infill lots for detached single-family development shall meet the minimum and maximum lot area and density requirements in Table 40.260.110-2, though parcel area averaging may be used per Section [40.260.110](#)(I)(5)(d). The minimum lot area for attached single-family dwelling developments is shown in Table 40.260.110-2.

Table 40.260.110-2.	
Minimum Average Lot Area and Maximum Density for Tier 2 Detached Single-Family Dwellings	
Zoning District	Minimum Average Lot Area (in sq. ft.) and Maximum Density
R1-5	4,000/10.9 dwelling units/acre
R1-6	4,500/9.7 dwelling units/acre

R1-7.5	6,000/7.3 dwelling units/acre
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b. Minimum lot area shall not be further reduced by a variance procedure in Chapter [40.550](#). However, this shall not preclude variances to other numerical standards, nor shall it preclude parcel area averaging under Section [40.260.110](#)(I)(5)(d).

3. Maximum Lot Coverage. Maximum lot coverage may be sixty percent (60%) in a Tier 2 infill development. An additional ten percent (10%) of lot coverage, for a maximum of seventy percent (70%), may be granted by the responsible official through a Type II process if the responsible official finds that allowing additional lot coverage on the subject site will not result in unmitigatable negative impacts on neighboring properties.

4. Setbacks. Minimum setbacks in all zones shall be as follows:

a. Minimum Front Setback.

(1) Eighteen (18) feet for garage door or carport entrance or other similar vehicular shelter entry.

(2) Ten (10) feet for other buildings as defined in Section [40.100.070](#).

b. Minimum Side Setback.

(1) Single-family attached dwellings – interior side setback between attached buildings may be zero (0) feet.

(2) Where vehicular access is through the side setback: eighteen (18) feet for garage door or carport entrance or other similar vehicular shelter entry.

(3) All other uses shall comply with the minimum side setbacks of the applicable zoning district.

c. Minimum Rear Setback.

(1) Where vehicular access is through the rear setback: eighteen (18) feet for garage door or carport entrance or other similar vehicular shelter entry.

(2) The minimum rear setback shall be ten (10) feet when the rear setback of the proposed infill development abuts parcels with existing single-family dwellings.

(3) All other uses shall comply with the standard rear setbacks of the applicable zoning district.

5. Additional Dwelling Types Allowed. In addition to the dwelling types allowed by Section [40.220.010](#), duplexes and attached single-family dwellings are allowed on infill lots subject to the Tier 2 standards of this section:.

a. Infill developments of three (3) or fewer lots may have a duplex on a maximum of one (1) lot. Infill land divisions which result in more than three (3) lots may have duplexes on a maximum of one-third (1/3) of the lots. When the calculation of minimum density results in a

fraction of a dwelling unit, the applicant must round down to the nearest whole unit. Infill lots for duplex development shall meet the minimum lot area requirements in Table 40.260.110-3 and shall be noted on the face of the plat. The maximum lot area standards of Section [40.220.010](#) shall not apply to infill lots for duplex development.

Table 40.260.110-3.	
Minimum Lot Area for Duplex Dwellings	
Zoning District	Minimum Lot Area (sq. ft.)
R1-5	6,000
R1-6	8,000
R1-7.5	10,000

b. Procedures. Attached single-family development proposals using the provisions of this section shall be subject to the following procedures:

- (1) Land divisions shall be reviewed in accordance with Chapter [40.540](#).
- (2) Infill development shall require submittal of an infill development plan. Where land is to be subdivided, development proposals must receive approval of an infill development plan demonstrating how the proposal complies with this chapter and all other applicable requirements. The infill development plan consistent with Section [40.260.110\(I\)\(5\)\(b\)\(6\)](#) shall be submitted and reviewed in conjunction with the land division application.
- (3) Preliminary plats may not be approved without approval of the submitted infill development plan. Both the infill development plan and preliminary plat must be fully consistent with standards of this and all other applicable regulations.
- (4) Preliminary plats may be approved only where conditions of approval are established to ensure that subsequent development on the resultant lots shall occur consistent with the approved infill development plan.
- (5) Building permits may only be approved where fully consistent with the approved infill development plan and land division for all units with common walls.
- (6) Developments meeting all requirements of this section are exempt from review under [40.520.040](#), Site Plan Review, pursuant to Section [40.520.040\(A\)\(4\)\(f\)](#); however, all elements required for a proposed development plan as listed in Table 40.510.050-1, items 9 – 12 shall be submitted at the time of infill land division application. These elements shall be considered the infill development plan.

c. Building Mass Supplemental Standard. The maximum number and width of consecutively attached single-family attached (i.e., with attached walls at property line) shall not exceed four (4) units.

d. Lot Area Averaging. Within an infill land division for attached single-family development, the minimum/maximum lot area may be averaged as long as no lot is smaller than the minimum lot area identified in Table 40.260.110-4; and provided, that the proposed land division

complies with the minimum and maximum density standards in Table 40.260.110-2. Minimum lot area shall not be further reduced by a variance procedure in Section [40.550.020](#). However, this shall not preclude variances to other standards, except as indicated in Section [40.260.110\(G\)\(2\)](#).

Zoning District	Minimum Lot Area for Attached Single-Family (in square feet)
R1-5	3,000
R1-6	4,000
R1-7.5	5,000

e. Alley Access. Single-family attached subdivisions (creation of four (4) or more lots for single-family attached dwellings) shall receive primary vehicle access from a rear alley if a public alley exists within or adjacent to the subdivision. Existing or new alleys on site that meet, at a minimum the standards of Table 40.350.030-4, Infill B Private Roadway, may use the design and construction standards in Infill B Private Roadway and Drawing 18 of the Standard Details Manual. All other alleys must meet the design and construction standards of Infill A Roadways, Drawing 17 of the Standard Details Manual, regardless of the number of units, as long as a primary access road also serves the development site.

f. Pedestrian Pathways. As necessary, the county shall require dedication of right-of-way or easements and construction of pathways between single-family attached lots (e.g., between building breaks) to provide for pedestrian connectivity.

g. Common Areas. If provided, common areas (e.g., landscaping in private tracts, shared driveways, private alleys, and similar uses) shall be maintained by a homeowners association or other legal entity. A homeowners association may also be responsible for exterior building maintenance. A copy of the applicable covenants, conditions and restrictions shall be provided to the county for review prior to final plat approval and recorded concurrently to the final plat.

h. Design Requirements for Duplexes and Attached Single-Family Dwellings. In order to encourage the compatibility of new infill duplex and attached single-family development with the surrounding neighborhood, all new infill duplexes and infill attached single-family dwellings shall utilize at least four (4) of the following design features:

- (1) Dormers;
- (2) Recessed entries;
- (3) Cupolas;
- (4) Bay or bow windows;
- (5) Attached garage;
- (6) Window shutters;

- (7) A roof with a pitch greater than nominal eight to twelve (8:12);
- (8) Off-sets on building face or roof (minimum twelve (12) inches);
- (9) Gables;
- (10) Covered porch or entry with pillars or posts;
- (11) Eaves (minimum six (6) inches);
- (12) Tile or shake roof;
- (13) Horizontal lap, shingle, shake, brick or stone masonry siding. Lap siding, shingles, and shakes shall be exposed a maximum of six (6) inches to the weather. Brick, or stone masonry when used as a veneer material, must be at least two and one-half (2 1/2) inches thick;
- (14) Garage set at least ten (10) feet behind the front face of the primary dwelling unit;
- (15) Exterior window trim that is a minimum of four (4) inches in width;
- (16) Other design features which reflect the architectural character of residences within five hundred (500) feet of the proposed development.

(Amended: Ord. 2004-06-11; Ord. 2004-09-02)