

Community Development Division Director's Administrative Code Interpretation

File No. MIS20-0008

Date Issued: July 15, 2020

Subject: Use of Residential Front Yards for Parking

Code References: ACC 18.02 General Provisions
ACC 18.07 Residential Zones
ACC 18.52 Off Street Parking and Loading

Zoning Designation(s): All relevant Commercial and Industrial Zones

Background:

City staff has received a number of inquiries regarding how residential front yards can or should be used for the parking of vehicles. The specific question pertains to the use of a residential front yard for the purpose of parking a recreational vehicle. In order to remediate a code enforcement case where an RV is parked on an unimproved surface, the landowner seeks to improve their front yard such that the RV can park in the front yard, between the sidewalk and house, and parallel to the house. Title 18 of the Auburn City Code does not provide specific guidance on this matter. However, there are a number of sections of code that, when read collectively, help guide interpretation for situations not specifically addressed. In making this interpretation the analysis and final decision expands beyond RV's to include other vehicles such as boats, box trucks, construction vehicles, semi tractors and other vehicles that are larger than typical passenger vehicles. This interpretation relies on existing definitions and descriptions in making this determination.

Findings of Fact:

1. ACC 18.02.030 defines the purpose of Title 18, the Zoning Code. Subsection A states that the purpose is to "further the purpose of promoting the health, safety, morals, convenience, comfort, prosperity, and general welfare of the city's population and to prevent and abate public nuisances."
2. ACC 18.02.030.B.6 further states that a the zoning regulaitons are designed to "help ensure the safety and security of home life, foster good citizenship, and create and preserve a more healthful, serviceable and attractive municipality and environment in which to live."
3. ACC 18.02.030.C states that zones and regulations are deemed necessary and made with reasonable consideration "as to the character of each zone and its particulare suitability for specific uses, the need for such uses, the common rights and interests of all within the zone as well as those of the general public, and with the view of conserving and encouraging the most appropriate uses of land throughout the city and to prevent and abate public nuisances."

4. ACC 18.02.060 sets forth the rules for administrative interpretations of Title 18. Section A states that “any interpretations regarding implementation of this title shall be made in accordance with the intent or purpose statement of the specific regulations and the comprehensive plan.”
5. ACC 18.02.060.B states that the “planning director may authorize uses in a zone other than those which are listed, if the planning director determines the use is consistent with the intent of the zone and is of the same general character of the uses permitted within the zone.”
6. ACC 18.02.060.C states that administrative interpretations may be appealed to the hearing examiner as prescribed in Chapter 18.70 ACC.”
7. ACC 18.07.010.A states that “this section describes the intent for each of the city’s residential zones. These statements may be used to guide the interpretation of the regulations associated with each zone.”
8. R-5 and R-7 are the predominant single family residential zoning designations in the City of Auburn. ACC 18.07.010.D and E provide the statements of intent for each zone. While each statement is unique, the both include the following passage: “This zone will provide for the development of single-family detached dwellings and for such accessory uses as are related, incidental and not detrimental to the residential environment.”
9. Chapter 18.52 ACC is titled “off-street parking and loading”. This chapter establishes standards for parking on private property.
10. ACC 18.52.005 provides a statement of intent. It states “this chapter establishes regulations which provide for safe, attractive, and convenient off-site parking and loading to ensure that parking areas are compatible with surrounding land uses. The city discourages providing parking in excess of that required by this chapter.”
11. ACC 18.52.020.E states that the minimum number of off street parking stalls for a single family residence is 2.
12. ACC 18.52.050.A.1 states that “nor required residential parking space shall occupy any unimproved area within the required front setback, or side and rear setback, except as allowed by subsection E of this section...”

Analysis:

1. Recreational Vehicles are a common type of vehicle for people to own. It is reasonable to assume that RV’s will be parked in residential areas on residential properties. But the city code does not guarantee that all residential properties will be able to accommodate an RV and the codes clearly attempt to regulate the impacts of the appearance of parking in residential areas. A number of factors will influence the feasibility of parking an RV on a residential property including lot size, lot width, lot depth, size of front yard, location of driveway and curb cuts, dimensions of driveway, CC&Rs, etc. Because of this, RV owners are faced with making decisions about how and where they store their RV. Many RV owners recognize that it is infeasible to store an RV on their residential property and therefore choose to store their RV at a location other than their property.
2. The city code seeks to mitigate the quantity and appearance of parking in all zoning designations. The code discourages parking quantities beyond the minimum required for

the use it serves. The minimum parking requirement for a single family residence is 2 off street parking spaces. The code clearly allows for additional parking to be created but with restriction. Chapter 18.52 ACC limits the amount of additional parking surface that can be added and the location in which the parking is placed. In fact, the code places a specific limitation on additional parking that is placed within the front setback by limiting the square footage and percent of front yard that may be used for parking. This standard is specifically designed to control the appearance of parking in the front yard of residential areas in order to assure that residential areas achieve a certain level of compatibility from one property to the next. Because of this, there is a reasonable assumption that the appearance of parking in traditional single family residential neighborhoods is important.

3. The code language in section ACC 18.02.030.C encourages interpretation of city code in a manner that seeks to preserve and protect the character of each zone. When making such interpretations the code specifically states that “the common rights and interests of all within the zone” should be considered. An appropriate question to ask when considering the appearance of parking vehicles that are larger than a traditional passenger vehicle in a front yard is whether the design, location and layout are what would be typically found within other residential areas.
4. The R-5 and R-7 zoning designations include a statement of intent. That statement encourages an interpretation that would yield an outcome that is “not detrimental to the residential environment.” Similar to item #3 above, it is appropriate to ask the same questions as to whether a specific design, location, layout would be detrimental to the residential environment.
5. The stated intent of the parking standards contained in Chapter 18.52 ACC declare that “this chapter establishes regulations which provide for safe, attractive, and convenient off-site parking and loading to ensure that parking areas are compatible with surrounding land uses.” While not every parking scenario is contemplated within the parking standards, this statement of intent clearly seeks an outcome that avoids incompatible anomalies within residential communities.

Conclusion:

1. The intent of the R-5 and R-7 residential zoning designations is to preserve the character of residential communities which includes evaluating the appropriateness of different types of uses and whether they are compatible with the surrounding area.
2. The city’s parking code seeks to minimize the quantity of parking and the appearance of parking areas.
3. Because not every property can accommodate the full range of RV and trailer sizes the zoning code is not designed to accommodate non-traditional methods for storing an RV on a residential property.
4. Parking an RV (or other large vehicle) within the area that is between the sidewalk and the house such that it is parallel to the home and therefore blocking most of the home from view is a design, location and layout that is virtually non-existent within the city. If allowed, this anomaly would be inconsistent with ACC 18.02.030.C because the residential property would no longer be dominated by the appearance of a home and

would instead be dominated by the appearance of an RV which would in turn adversely impact the common rights and interests of others within the zone.

5. Parking an RV (or other large vehicle) within the area that is between the sidewalk and the house such that it is parallel to the home and therefore blocking most of the home from view is a design, location and layout that is virtually non-existent within the city. If allowed, this anomaly would be inconsistent with ACC 18.07.010.D and E because the outcome would be detrimental to the residential environment due to the transformation of the appearance of a typical residential property.
6. Parking an RV (or other large vehicle) within the area that is between the sidewalk and that house such that it is parallel to the home and therefore blocking most of the home from view is a design, location and layout that is virtually non-existing within the city. If allowed, this anomaly would be inconsistent with ACC 18.52.005 which seeks to ensure that off street parking areas are compatible with surrounding land uses.

Decision:

While parking non-passenger vehicles such as box trucks and RV's are not prohibited in the residential zones, the design, location and layout of the parking area must achieve an outcome that is compatible with the surrounding community and with a residential setting. A design, location and layout that blocks the view of the home transforms the appearance of the property to something other than typical residential and is therefore not consistent with the adopted goals, policies, and regulations that govern the R-5 and R-7 zone. An outcome that is consistent is one where the house is still in full view from the public sidewalk and street which means that driveway and sideyards will be the typical appropriate location to establish parking.

Signature:


Jeff Tate, Director of Community Development

Date Issued:

July 15, 2020

Appeals

Any person aggrieved of this decision may file an appeal with the Planning and Development Director within fourteen (14) days of mailing of the City's written code interpretation. This decision was rendered on July 15, 2020. The appeal must be filed at the Planning and Development Department at second floor, 1 East Main Street, Auburn, WA 98001 prior to 5:00 PM on or before July 29, 2020. The appeal must be accompanied with justification for the appeal required per ACC 18.70.050.E and include the required filing fee payable to the City of Auburn. Once filed, a hearing on the appeal is scheduled with the Hearing Examiner as prescribed in ACC 18.70.050.B.