

Chapter 19.09 Multifamily Development Standards

19.09.050 Required outdoor and common areas.

A. *Purpose and Intent.* The required outdoor and common area standards for residential development ensure opportunities for outdoor relaxation, recreation or community gathering places. The standards ensure that some of the land not covered by buildings is of adequate size, shape, and location to be usable for outdoor recreation or relaxation. Required outdoor areas are an important aspect in addressing the livability of a residential property. The standards also allow for common area requirements to be met by indoor community facilities because they also provide opportunities for recreation and gathering.

B. *Outdoor and Common Area Requirements.*

1. Definitions or terms used in this section:

- a. "Outdoor area" may be provided as private open space, such as a patio or balcony, or may be provided as common open space, such as outdoor courtyards and outdoor play area.
- b. "Common area" may include common open space, indoor recreational facilities, indoor community rooms or other community gathering places.
- c. "Common open space" has the same meaning as set forth in EMC [19.04.030](#): "private open space provided within a development which is provided for, and which is permanently accessible to, all residents/tenants of the development."
- d. "Open space" has the same meaning as set forth in EMC [19.04.030](#): "land area not covered by buildings, roads, driveway and parking areas, or outdoor storage areas, including, but not limited to, landscape areas, gardens, woodlands, walkways, courtyards or lawns, and outdoor recreation areas. Except as otherwise provided by this title, open space includes setback areas that meet the requirements defined in this title."
- e. "Private open space" has the same meaning as set forth in EMC [19.04.030](#): "a small parcel of land or outside area (deck, lanai, patio) immediately adjacent to an individual dwelling unit maintained by and for its residents and reserved exclusively for their use."

2. Outdoor and common area is required in the amounts stated below. Outdoor and common area requirements, as set forth below, are based on unit size:

**Table 9-1:
Outdoor and Common Area Requirements**

Unit Size	Area Required:
Studio or 1-bedroom	75 square feet per unit
2+ bedrooms	100 square feet per unit

3. *Required Common Area.* For multifamily residential development with fifty or more units, at least twenty-five percent of the required area subsection [\(B\)\(2\)](#) of this section shall be common area as further set forth below:

- a. At least fifty percent of the required common area must be outdoor open space. Outdoor areas may be passive or active, such as:
 - (1) Passive areas, such as outdoor courtyards, seating areas, or family picnic area with amenities such as landscaping, lighting, weather protection and other features that encourage use year-round;

- (2) Active areas, such as tot-children’s play area, hard surface game court, or outdoor swimming pool.
- b. Up to fifty percent of the required common area may be indoor common area, such as indoor recreation facilities or indoor community rooms.
- c. Common areas shall be centrally located so as to be near a majority of the dwelling units and constructed so as to be accessible to residents and visible from dwellings on the site.
4. *Minimum Size Standards.*
- a. Private open space shall be a minimum of six feet in any direction, no less than thirty-six square feet in area.
- b. Common open space shall be a minimum of twenty feet in any direction, no less than four hundred square feet in area. The common open space must be located to provide convenient and accessible access from the residential units.
5. Top floors and/or roof top decks may be used for up to one hundred percent of required outdoor area provided:
- a. Amenities such as seating areas, landscaping, lighting, weather protection and other features that encourage use year-round, as approved by the planning director, are incorporated.
- b. The space must have hard durable surfacing for all trafficked areas.
6. Off-street parking and loading areas shall not be considered as outdoor or common areas as required by this section.
7. *Expansion of Residential Development.* Where an increase in the number of dwelling units for a residential development is proposed, common area shall be provided in accordance with the requirements of this chapter, minus the amount of common area by which the previous residential development was deficient.
8. When setback areas can be included in calculations:
- a. Private open space located at ground level may extend into the required setback areas, subject to minimum size standards in subsection (B)(4) of this section, but when located within a required street setback, the outdoor area must either be at least two feet above the grade of the closest adjoining sidewalk or separated from the street lot line by a minimum three-foot setback landscaped to create privacy.

Figure 9-7: Example of Private Open Space in Front Setback



- b. Common open space may include:

- (1) Interior side setback areas which are contiguous with other on-site common open space areas;
 - (2) Rear setback areas which are contiguous with other on-site common open space areas and which are not part of a street side setback area on corner lots.
9. Plans for outdoor and common areas shall be submitted for review and approval of the planning director prior to issuance of building permits.
10. A payment in lieu of providing the common or private open space may be approved by the planning director.

a. The fee may be in lieu of up to 50% of the required onsite common or private open space, provided that the fee may be in lieu of up to 100% of the required onsite common or private open space where the subject property is within a half mile of an existing or planned public park or trail consistent with the Everett Parks, Recreation, and Open Space Plan in effect at the time of application.

b. The fee per square foot of common or private open space not provided shall be equal to the average capital cost per square foot of neighborhood parks as identified in the capital facilities element of the comprehensive plan.

c. The payment shall be held in a reserve account by the City and may only be expended to fund a capital improvement for parks and recreation facility identified in the Everett Parks, Recreation, and Open Space Plan in effect at the time of application.

d. The payment shall be expended in all cases within ~~ten~~ five years of collection. Provided that any payment not so expended shall be refunded with interest to be calculated from the original date the deposit was received by the City and at the same rate applied to tax refunds pursuant to RCW 84.69.100; however, if the payment is not expended within ten years due to delay attributable to the developer, the payment shall be refunded without interest.

Table 9-2: Multifamily Open Space Calculation (Example)

Large Project (50+ Units)			
Unit Size	# of Units	Area per Unit (sq. ft.)	Area Required (sq. ft.)
Studio	15	75	1,125
1-bed	15	75	1,125
2-bed	10	100	1,000
3+ beds	10	100	1,000
TOTALS	50		4,250
Common Area Required (25%)			1,063
Outdoor Area (50%)			531
Indoor Area (50%)			531
Private or Common Open Space			3,188
Small Project (<50 Units)			
Unit Size	# of Units	Area per Unit (sq. ft.)	Area Required (sq. ft.)
Studio	10	75	750
1-bed	15	75	1,125
2-bed	10	100	1,000
3+ beds	10	100	1,000
TOTALS	45		3,875

EXHIBIT A-4 *(Revised 10/13/21)*
EMC 19.09.050 – Required outdoor and common areas

Common Area Required			0
Outdoor Area (50%)			0
Indoor Area (50%)			0
Private or Common Open Space			3,875