

ORDINANCE NO. XXXX
CITY OF SUMNER, WASHINGTON

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, UPDATING REGULATIONS FOR SHORT SUBDIVISIONS AND PIPESTEM LOTS IN TITLE 17, AMENDING SECTION 17.04.40 SCOPE; DEFINITIONS AT SECTION 17.04.060 FOR LOT FRONTAGE, PIPESTEM LOT, PRIVATE STREET, FULL SUBDIVISION AND SHORT SUBDIVISION; SECTION 17.12.030 SCOPE RELATED TO SHORT SUBDIVISIONS; SECTION 17.28.195 PIPESTEM LOTS; SECTION 17.28.200 PRIVATE STREETS; AND SECTION 17.28.205 PRIVATE DRIVE AISLES; AND AMENDING TITLE 18 DEFINITIONS AT 18.04.0595 FRONT LOT LINE AND 18.04.0610 PIPESTEM LOT; SECTIONS 18.12.070, 18. 12.075 AND 18.14.070 RELATED TO PROPERTY DEVELOPMENT STANDARDS; SECTION 18.30.110 PRIVATE STREETS, AND AMENDING SECTION 18.56.030 LAND USE PERMITS REQUIRED.

WHEREAS, the City Council finds that increasing the number of single-family lots that can be created through a short subdivision and pipestem lot subdivision can increase housing capacity in Sumner; and

WHEREAS, the City Council finds that streamlining the permit process and reducing infrastructure costs for short subdivisions can reduce barriers to creating infill development; and

WHEREAS, the City Council finds that it is in the public interest to establish standards for short subdivision and pipestem lot developments in order to encourage single-family infill while maintaining neighborhood character, reducing unnecessary access roads, and providing adequate setbacks from adjacent uses; and

WHEREAS, on December 1, 2022 the Planning Commission held study session on the proposed amendments, and a duly-advertised public hearing on February 2, 2023; and

WHEREAS, on _____ the Planning Commission voted by a _____ vote to recommend adoption by the City Council of the proposed regulations updates as set forth in this ordinance; and

WHEREAS, this proposal was forwarded to the Washington State Department of Commerce for the Expedited 15-day State review per the Growth Management Act on _____; and

WHEREAS, the City Council finds the proposed amendments to be consistent with the Sumner Comprehensive Plan and the Sumner Municipal Code criteria for Zoning Code amendments;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. That Sumner Municipal Code Section 17.04.040 Scope is hereby amended to read as follows:

17.04.40 Scope.

- A. This title applies to the division of land of up to ~~four~~nine parcels for short subdivisions, and of ~~five~~ten or more for full subdivisions.
 - B. Property boundary lines separating two or more lots of record may be adjusted only under the specific provisions as set forth in this title.
- [...]

Section 2. That Sumner Municipal Code Section 17.04.060 Definitions, is hereby amended to read as follows:

17.04.060 Definitions.

For the purpose of this title, certain words and terms used in this title are defined as follows:
[...]

“Lot frontage” means the boundary of a lot which is along an existing or dedicated public street, or where no public street exists, along a private ~~street road~~, easement or accessway, and parallel to the front lot line as defined in SMC 18.04.0585. On an interior lot, it is the lot line abutting a street; or, on a pipestem (flag) lot, it is the interior lot line most parallel to and nearest the public street from which access is obtained; On a corner lot the front yard shall be determined by the director to be the yard which best conforms to the pattern of the adjacent block faces. On a “through lot”, both street lines shall be deemed front lot lines.
[...]

“Lot, pipestem (flag lot)” means an interior lot in which the buildable area is not bounded laterally by a public street or private road, and which gains access by means of a lot extension, a shared driveway easement, a private drive aisle, or the terminus of a private road or public street.
[...]

“Private drive aisle” means a road that is not dedicated to the city but is owned in common by all the property owners within, and used as access to, a zero lot line subdivision or zero lot line short subdivision.

“Private ~~streetroad~~” means a street or road that is not ~~dede~~dedicated to the city and is used for access to lots which do not border on a public street. ~~This includes, but is not limited to, access easements, pipestems, and panhandles accessing short subdivisions. This includes shared driveways, private drive aisles, or other private accessways designed for vehicle access to the public street.~~
[...]

“Street, public” means an approved street, whether improved or unimproved, held in public

ownership and intended to be open as a matter of right to public vehicular travel.
[...]

“Subdivision, full” means the division or redivision of land into ~~five~~ten or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.

“Subdivision, short” means the division or redivision of land into ~~four~~nine or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership.

Section 3. That Sumner Municipal Code Section 17.12.030 Scope, is hereby amended to read as follows:

17.12.030 Scope.

Any land being divided into ~~four~~nine or fewer parcels, lots, tracts, or sites, any one of which is less than 20 acres in size, and which land has not been divided in short subdivision within the previous five years, shall meet the requirement of this chapter; provided, that the land in the short subdivision may not be further divided in any manner within a period of five years without the filing of a final plat, except that when the short plat contains fewer than ~~four~~nine parcels, the owner of the short plat may file an alteration within a five-year period to create up to ~~four~~nine lots within the boundaries of the original short plat and the parcel is not held in common ownership with a contiguous parcel which has been subdivided within the preceding five years.

Section 4. That Sumner Municipal Code Section 17.28.195 Pipestem lots, is hereby amended to read as follows:

17.28.195 Pipestem lots.

~~A. “Pipestem lot (flag lot)” means an interior lot in which the buildable area is not bounded laterally by a public or private road, and which gains road access by means of a lot extension, a driveway easement, or the terminus of a private or public road.~~

A. Pipestem lots are allowed the following number of contiguous lots through subdivision:

1. Up to four lots are allowed behind an existing lot with street frontage or divided from a parent parcel; or
2. Up to five lots are allowed if an existing dwelling unit is preserved as part of the subdivision.

B. Pipestem lots shall be served by a strip of land not less than 15 feet wide ~~for up to 4 lots and not less than 25 feet wide for 5 lots;~~ and designed for the purpose of providing access to ~~one lot, tract, or parcel~~ the buildable area of the lot or tract.

C. Pipestem lots may access the street network by way of shared driveways or private drive aisles as provided in SMC 17.28.200 and SMC 17.28.205.

- D. In no case shall a pipestem or panhandle lot be separated from a public street by more than four lots.

Section 5. That Sumner Municipal Code Section 17.28.200 Private streets, is hereby amended to read as follows:

17.28.200 Private ~~streets~~roads.

~~A. Private streets shall serve no more than one lot; provided, that the private street shall have a minimum width of 30 feet. In no case shall the front lot line of a pipestem or panhandle lot be separated from a public street by more than one lot.~~

A. Short subdivisions may be served by a private road as follows:

1. For up to 4 lots, a shared driveway is allowed, a minimum of 15 feet wide, with an 11-foot-wide paved travel surface and two 2-foot-wide shoulders.
2. For 5 or more lots, a private drive aisle in conformance with the standards in SMC 17.28.130 or a public street is required pursuant to SMC 17.28.130(B).

B. Private ~~streets~~roads shall be improved or guaranteed to the standards considered appropriate to the situation by the city engineer and fire marshal, ~~but in all cases and~~ shall meet the ~~minimum applicable~~ requirements of the ~~fire marshal and~~ city's Development Specifications and Standard Details.

Section 6. Sumner Municipal Code Section 17.28.205 Private drive aisles, is hereby amended to read as follows:

17.28.205 Private drive aisles.

A. Applicability. The provisions of this section apply exclusively to the zero lot line subdivision and zero lot line short subdivision of land for attached single-family dwellings, For the purposes of this section, the term subdivision includes zero lot line subdivision and zero lot line short subdivision.

B. Access to individual dwelling units within a zero lot line subdivision may be provided by a private ~~street road~~ or private drive aisle, except that a public street shall be required whenever the city engineer or his or her designee finds that any of the conditions listed in SMC 17.28.130(B) Access for Short Subdivisions apply.

[...]

Section 7. That Sumner Municipal Code Section 18.04.0585 Definitions, Lot line front, is hereby amended to read as follows:

18.04.0585 Lot line, front.

“Front lot line” means that boundary of a lot which is along an existing or dedicated public street, or where no public street exists, along a private road, ~~shared driveway easement~~ or accessway. On an interior lot, it is the lot line abutting a street. ~~;~~ ~~or~~; On a pipestem (flag) lot

where only one pipestem lot is present, it is the interior lot line most parallel to and nearest the street from which access is obtained. On a pipestem lot where multiple pipestem lots are present as allowed in Title 17 SMC, it is the interior lot line most directly facing the shared driveway or private access tract by which the lot accesses the public street. On a corner lot, the front yard shall be determined by the director, to be the yard which best conforms to the pattern of the adjacent block faces. On a “through lot,” both street lines shall be deemed front lot lines.

Section 8. That Sumner Municipal Code Section 18.04.0610 Definitions, Lot pipestem, is hereby amended to read as follows:

18.04.0610 Lot, pipestem.

“Pipestem lot “Lot, pipestem (flag lot)” means an interior lot in which the buildable area is not bounded laterally by a public street or private road, and which gains ~~road~~vehicle access by means of a lot extension, a shared driveway-~~easement~~, a private drive aisle, or the terminus of a private road or public-~~road~~-street.

Section 9. That Sumner Municipal Code Section 18.12.070 Property development standards for LDR-6, LDR-7.2, LDR-8.5, and LDR-12, is hereby amended to read as follows:

18.12.070 Property development standards for LDR-6, LDR-7.2, LDR-8.5, and LDR-12.

A. Lot area.

1. Minimum lot area per building site in square feet:

LDR-6:	6,000
LDR-7.2:	7,200
LDR-8.5:	8,500
LDR-12:	12,000

2. At least 80 percent of the lots in a subdivision shall meet the ~~above~~-minimum lot sizes of the applicable district in Subsection A(1) of this section. Pipestem lots are not eligible for this or other lot size reductions. To encourage a mix of lot sizes, the other 20 percent of the lots may have reduced sizes, to the following lot size standards, in square feet; provided, in no case shall the reduction in lot sizes be combined with the reduction in lot sizes allowed in SMC 16.40.140(A) or (B):

LDR-6:	4,800
LDR-7.2:	6,000
LDR-8.5:	7,200
LDR-12:	8,500

In no case shall the reduction in lot sizes be combined with the reduction in lot sizes allowed in SMC 16.40.140(A) or (B);

B. Lot width

1. Minimum lot width in feet:

LDR-6:	60
LDR-7.2:	70
LDR-8.5:	80
LDR-12:	100

2. For the subdivisions that include a percentage of smaller lots as allowed in subsection A of this section, the minimum lot widths for the smaller lots shall be as follows, in feet:

LDR-6:	50
LDR-7.2:	60
LDR-8.5:	70
LDR-12:	80

C. Front yard setback in feet: 15 (LDR-12 front yard setback in feet: 25);

D. Rear yard setback in feet: 30;

E. Rear yard setback in feet, for existing home being retained in the creation of pipestem lots through a short subdivision: 15;

~~E.~~ F. Interior side yard setback in feet, lot with one interior side yard: five;

~~F.~~ G. Total interior side yard setback in feet, lot with two interior side yards; 15; provided, that one interior side yard is not less than five feet;

~~G.~~ H. Street side yard setback in feet: 12;

~~H.~~ I. Maximum building height in feet: 30;

I. J Lot coverage

1. Maximum lot coverage, in percent:

LDR-6:	40 percent
LDR-7.2:	35 percent
LDR-8.5:	35 percent
LDR-12:	35 percent

2. Maximum lot coverage for single-story residential structures:

LDR-6:	45 percent
LDR-7.2:	40 percent
LDR-8.5:	40 percent
LDR-12:	40 percent

~~J. K.~~ Required off-street parking spaces: two;

~~K. L.~~ Minimum street frontage in feet: 15;

~~L. Maximum building height for pipestem lots with a lot size less than 20,000 square feet: one story and 16 feet;~~

M. Minimum yard setbacks in feet for pipestem lots created after February 1, 2023 are as follows:

1. Front yard setback in feet: 15, which may include the access driveway, private drive aisle, or the access easement or tract, provided the remaining front yard setback is no less than 10 feet;
2. Exterior (perimeter) setback, as measured from the original lot lines of the parent lot: 15;
3. Side yard and rear yard setbacks, when internal and adjacent to other lots within a short subdivision: five;
4. ~~At least two yard setbacks shall be a minimum of 15 feet with remaining yard setbacks allowed a minimum of five feet;~~

~~N. Minimum lot size for pipestem lots in LDR-6 in square feet: 10,000.~~

Section 10. That Sumner Municipal Code Section 18.12.075 Property development standards for LDR-4, is hereby amended to read as follows:

18.12.075 Property development standards for LDR-4.

[...]

M. Maximum building height for pipestem lots ~~with a lot size less than 10,000 square feet:~~ 30 feet one story and 16 feet;

N. Yard setbacks for pipestem lots ~~shall be as found in 18.12.070(M).~~ are as follows:
a. ~~At least two yard setbacks shall be a minimum of 15 feet with remaining yard setbacks allowed a minimum of five feet;~~

[...]

Section 11. That Sumner Municipal Code Section 18.14.070 Property development standards, is hereby amended to read as follows:

18.14.070 Property development standards for MDR/HDR.

The following Table 18.14.070 sets forth the required development standards applicable to properties located in the MDR and HDR zones:

Table 18.14.070

	MDR	HDR
A. Minimum lot area per building site in square feet ¹	5,000	5,000
Minimum lot area in square feet for developments utilizing the “detached single-family dwelling” option of the city of Sumner design and development guidelines in square feet	4,000	4,000
Minimum lot area for zero lot line detached dwellings <u>(per dwelling)</u>	3,000	3,000
Minimum lot area for zero lot line dwellings <u>(per dwelling)</u>	N/A ³	N/A ³
<u>B. Maximum lot area per building site in square feet, detached single-family dwellings</u>	<u>6,000</u>	<u>6,000</u>
<u>C. Maximum development density in dwelling units per net acre</u> [...]	15	25
<u>P. Pipestem lot width, setbacks and building height shall be as provided in 18.12.070 SMC for detached dwelling units.</u> [...]		

¹ Variation of Minimum Lot Size. Except for lots to be occupied by zero lot line dwelling units, lots created through ~~long-full~~ subdivision in the MDR and HDR zones must vary lot sizes in the following manner. A maximum of 60 percent of lots may be platted at the minimum lot size allowed. At least 20 percent of platted lots must be no less than 150 percent of the minimum allowed lot size (1.5 times) and at least 20 percent of platted lots must not be less than 200 percent of the minimum allowed lot size (2.0 times). For purposes of meeting this requirement, lot counts may be rounded to the nearest full lot.

Section 12. That Sumner Municipal Code Section 18.30.110 Private streets and driveways, is hereby amended to read as follows:

18.30.110 Private ~~roads streets and driveways~~ (ESUV).

Private ~~streets roads and driveways~~ shall be configured in such a manner as to promote a gridded street pattern of development that allows these private ~~streets roads and driveways~~ to function similar in character and scale as public streets, reducing distance between blocks and maintaining pedestrian scale and walkability. Said private ~~street road or driveway~~ shall remain ungated unless: (A) it can be demonstrated, to the satisfaction of the director, that a gate is needed for the safety and security of the residents; and (B) that a gate does not inhibit overall connectivity of the larger neighborhood; and (C) where it is determined such connectivity would be inhibited a development shall contain an ungated pedestrian access that traverses the site.

Section 13. That Sumner Municipal Code Section 18.56.030 Land use permits required, is hereby amended to read as follows:

18.56.030 Land use permits required.

D. The following decisions are Type III.a decisions which require no public notice and are appealable to the hearing examiner:

1. Short subdivisions up to 4 lots;
2. Revocation of a land use permit pursuant to SMC 18.56.230;
3. Approvals pursuant to the resource, wildlife and hazard areas, chapter 16.40 SMC;

[...]

G. The following decisions are Type III.d decisions which shall require public notice and be reviewed administratively and are appealable to the hearing examiner:

1. Administrative use permit;
2. Administrative variance;
3. Application of IDEA district overlay;
4. Short subdivisions of 5 or more lots.

[...]

Section 14. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 15. Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

Section 16. Effective Date. This ordinance shall become effective five (5) days after its passage, approval and publication as provided by law.

Passed by the City Council and approved by the Mayor of the City of Sumner, Washington, at a regular meeting thereof this ____ day of _____, 2023.

Mayor Kathy Hayden

Attest:

Approved as to form:

City Clerk Michelle Converse

City Attorney Andrea Marquez

First Reading:
Date Adopted:
Date of Publication:
Effective Date: