



The city is conducting this public meeting using a hybrid model. The public is welcome to attend tonight's meeting in-person at City Hall (Council Chambers), or virtually by using the meeting access link below.

CALL TO ORDER

The public is welcome to attend this meeting in-person at Sumner City Hall Council Chambers 1104 Maple Street, or virtually by using the meeting access link below.

Join Zoom Meeting:

<https://sumnerwa-gov.zoom.us/j/84922454873>

Meeting ID: 849 2245 4873 Or call in by phone: 1 253 215 8782 (Tacoma)

MEMBERS OF THE PUBLIC: PLEASE REMEMBER TO MUTE YOUR DEVICE

ROLL CALL

Elfers, Fochtman, Isaacs, Locke, Moody, Stoneking, Walden

Public Comment

The public may comment on topics that are not on the meeting agenda, virtually or in person. The public is strongly encouraged to submit comments via email to annsi@sumnerwa.gov no later than 5:00pm on the day prior to the meeting. Your comments will be read into the record and limited to 3 minutes.

APPROVAL OF MINUTES

1. Minutes from June 2022
2. Minutes from August 2022

NEW BUSINESS

1. Zero Lot Line Dwellings/Subdivisions Code Update - Public Hearing

OLD BUSINESS

1. Zero Lot Line Dwellings/Subdivisions - Discussion

COMMISSION COMMENTS

STAFF COMMENTS

Staff members: Ryan Windish, CD Director; Ann Siegenthaler, Senior Planner

ADJOURNMENT



**SUMNER PLANNING COMMISSION
Regular Meeting**

**Thursday, June 09, 2022
6:00 p.m.
Sumner City Hall
1104 Maple Street**

CALL TO ORDER

HYBRID MEETING WAS CALLED TO ORDER AT 6:07 P.M. BY CHAIR ELFERS.

ROLL CALL

Commissioners Present (in-person): Elfers, Locke, Walden, Stoneking, Issacs
Commissioners Present (virtually): Fochtman, Moody

APPROVAL OF MINUTES

Commissioner Locke motioned to approve the meeting minutes for May 5, 2022, as presented, seconded by Commissioner Stoneking. All were in favor.

PUBLIC COMMENT

None before the Commission.

NEW BUSINESS

A. Training on Council Chambers hybrid meeting- *Discussion*

Staff provided planning commissioners guidance and training to conduct hybrid meetings. Discussion items include ensuring microphone is on during speaking, how to participate virtually, and public comment options.

Brief discussion ensued.

B. Election of Vice Chair – *Action*

Commissioner Locke motioned to elect Commissioner Fochtman to serve as Vice Chair for the remainder of 2022, seconded by Commissioner Isaacs. All in favor.

C. Accessory Dwelling Units- *Public Hearing*

Chair Elfers opens the public hearing at 6:27pm

Staff introduced planning consultant Matt Covert, with LDC Inc., who has worked with staff on implementing strategies identified in the Housing Action Plan. Presentation before the Planning Commission covered proposed code updates to expand where accessory dwelling units can be built.

No comments were submitted prior to the public hearing. There was no public in attendance to submit any comments during this time.

Public hearing closed at 6:40pm

OLD BUSINESS

A. Accessory Dwelling Units - Discussion

Chair Elfers opened up discussion for Commissioners to ask questions regarding the proposed accessory dwelling units code change. Questions were raised regarding required parking spaces and expanding the parking waiver for properties within ½ mile of the public train station.

Brief discussion ensued

Commissioner Moody motioned to approve recommendations on the accessory dwelling units for Council, seconded by Commissioner Issacs. All were in favor.

COMMISSION COMMENTS

Commissioner Moody attended the last council meeting Monday for the newly appointed Planning Commissioners and shared about the many projects he learned is going on in the city.

Chair Elfers thanked the Planning Commissioners for their ongoing participation, for asking good questions and is looking forward to increasing public participation.

STAFF COMMENTS

Planner Siegenthaler appreciated the Commissioner's questions and concerns. Shared with the Commission on upcoming training for new commissioners.

Community Development Director Windish welcomed the new commissioners and noted that the Planning Commission is now full. Discussed the Spring Open house held also virtually and shared about access to the Sumner Connects page to stay informed of ongoing city projects.

ADJOURNMENT

Commissioner Locke motioned to adjourn the meeting, Commissioner Stoneking seconded. With no further business in front of the Commission, Chair Elfers ended the meeting. **MEETING ADJOURNED AT 7:10 P.M.**

Minutes Submitted by: Chrissanda Walker



**SUMNER PLANNING COMMISSION
Regular Meeting**

**Thursday, August 04, 2022
6:00 p.m.
Sumner City Hall
1104 Maple Street**

CALL TO ORDER

HYBRID MEETING WAS CALLED TO ORDER AT 6:21 P.M. BY CHAIR ELFERS.

ROLL CALL

Commissioners Present (in-person): Elfers, Locke, Walden, Moody, Issacs (arrived 6:44 pm)
Commissioners Present (virtually): Stoneking (arrived 7:02 pm)
Excused Absences: Fochtman

APPROVAL OF MINUTES

None at this time.

PUBLIC COMMENT

None before the Commission.

NEW BUSINESS

A. Zero Lot Line Homes/Unit Lot Subdivisions Code Update - Study Session

Presentation before the Planning Commission made by Matt Covert, LDC Inc., who is working with City staff proposing to streamline the zero-lot line subdivision permit process and make them easier to develop. Strategies and concepts being explored include improve the permit process; reduce minimum lot sizes from typical single-family home; require privately owned open space; update rules for access to allow small private roads. Updates presented include subdivision code revisions to SMC Title 17, addition of open space requirements from the design guidelines; clarify parking and make more flexible; allow for reduced standards for access such as private drive aisles; and adjusting lot development standards, such as minimum lot size, setbacks and number of units per structure.

Commissioners raised several clarifying questions.

Discussion ensued.

Planner Ann Siegenthaler mentioned the next step is to set a public hearing on this draft ordinance and continue further discussion before moving towards a planning commission recommendation.

Chair Elfers recommended that the zero-lot line ordinance apply a minimum width. Several commissioners asked questions about how this type of development is/is not affected by similar condominium defect laws and liabilities.

Commissioners recommended that staff investigate incentives (such as financial and bonuses) to attract this type of development and incentivize it over leased units.

Brief discussion ensued.

OLD BUSINESS

None before the Commission

COMMISSION COMMENTS

None before the Commission.

STAFF COMMENTS

Staff shared the information on short courses for local planning to support the planning commissioners. They were encouraged to attend and access resources on the Department of Commerce website.

Planner Siegenthaler confirmed with the planning commission availability for the next regular scheduled planning commission meeting September 1, 2022.

Community Development Director Windish mentioned that the city is hosting Nights on Ryan and community events this weekend.

ADJOURNMENT

Commissioner Moody motions to adjourn the meeting, Locke seconded. With no further business in front of the Commission, Chair Elfers ended the meeting. **MEETING**

ADJOURNED AT 8:05 P.M.

Minutes Submitted by: Chrissanda Walker

SUBJECT: Zero Lot Line Dwellings/Subdivisions Code Update - Public Hearing

CATEGORY: Ordinance

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Staff Report -Zero Lot Line Subdivisions
2. Ordinance-Zero Lot Line Subdivisions

STAFF CONTACT: Ann Siegenthaler, Senior Planner

SUMMARY BACKGROUND:

Sumner's 2021 Housing Action Plan (HAP) examined housing needs in Sumner and identified gaps in available housing and affordable housing. The City Council has ranked the HAP strategies/actions into priorities, and adopted their Priorities for Action. City staff is working on implementing the Council's housing priorities, which include reducing barriers to Zero Lot Line Subdivisions.

Description: A zero lot line subdivision is method of creating zero lot line homes, a type of single-family home that shares a common wall with another. Zero lot line homes can take various forms, such as a townhouse, attached cottages or duplex/fourplex. But unlike condominiums, the homeowner has separate ownership of the unit, the ground beneath, and often ownership of a private front and back yard. Zero lot line homes are created by subdividing the land into small "unit lots" slightly larger than the size of the unit. This special subdivision process creates single-family attached housing units that are sold fee-simple, like a single-family home, making this a more affordable option for home ownership.

What is proposed: Staff, working with consultant LDC Inc., is proposing to streamline the zero lot line subdivision permit process and make them easier to develop. Strategies and concepts being explored include:

- Improve the permit process
- Reduce minimum lot sizes from typical single-family home
- Require privately owned open space
- Update rules for access to allow small private roads

The Planning Commission reviewed the proposed code at a study session in August 2022 and is holding a public hearing in September 2022.

COUNCIL COMMITTEE/STUDY SESSION: Commission study session

MEETING/STUDY SESSION DATE: 8/4/2022

COMMITTEE RECOMMENDATION: n/a

STAFF RECOMMENDATIONS/MOTION:

Conduct public hearing; after close of hearing, provide discussion and comments.



STAFF REPORT

DATE: August 15, 2022
TO: Planning Commission
FROM: Ann Siegenthaler, Senior Planner
RE: **ZERO LOT LINE SUBDIVISIONS – Code Update**

I. BACKGROUND / WHY THE AMENDMENTS ARE BEING PROPOSED

The 2021 Sumner Housing Action Plan (HAP) examined housing needs in Sumner and identified gaps in available housing and affordable housing. The HAP identifies Zero Lot Line Subdivisions as an important housing option for Sumner. One of the City Council's adopted housing priorities is reducing barriers to Zero Lot Line Subdivisions.

A zero lot line subdivision is a way to create zero lot line homes, a type of single-family home that shares a common wall with another. Zero lot line homes can take various forms, such as a townhouse, attached cottages or duplex/fourplex. But unlike condominiums, the homeowner has separate ownership of the unit, the ground beneath, and often ownership of a private front and back yard. Zero lot line homes are created by subdividing the land into small "unit lots" slightly larger than the size of the unit. This special subdivision process creates single-family attached housing units that are sold fee-simple, like a single-family home, making this a more affordable option for home ownership.

The Planning Commission reviewed the proposed Zero Lot Line Subdivision code at a study session in August 2022 and is holding a public hearing in September 2022.

II. DESCRIPTION OF PROPOSAL

Sumner already allows zero lot line subdivisions (ZLLS) and zero lot line (ZLL) dwellings, but the process is cumbersome and existing code is vague. Further, developers and builders find the typical condominium-style development is increasingly difficult to finance, sell and administer. City staff, working with consultant LDC Inc., is proposing to streamline the zero lot line subdivision permit process and make them easier to develop. Below is a summary of the proposed changes. The draft ordinance is attached as EXHIBIT B.

A. Zones allowed

The proposal will allow zero lot line subdivisions (ZLLS) in Medium Density Residential and High Density Residential zones. This type of subdivision is not proposed for Low Density Residential zones due to the small lot sizes and resulting density. The code update also ensures that "townhomes" (fee-simple) are allowed in addition to existing "townhouse condominiums." In the East Sumner neighborhood, ZLLS would also be allowed in Medium- and High Density Residential. Where affordable senior housing is allowed in General Commercial, the code would allow some of the units to be ZLL homes.

B. Zero Lot Line Subdivision standards in Subdivision Code

The code would update Sumner's Subdivision Code to clarify requirements for ZLLS. A new section in the Subdivision Code would be created, that would:

- Consolidate the requirements for ZLLS, streamlining the process for design and permitting.
- Outline development and subdivision standards for ZLLS including parking, driveways, open space, easements, and common ownership and maintenance provisions.

C. Lot dimensions and configuration

Existing lot dimensions (width, lot area, setbacks, etc.) do not allow small lots or shared lot line dwellings in a ZLL subdivision. The proposal will update these dimensions in the Zoning Code, summarized below.

- Lot width (i.e. width of the unit) is one of the most important factors in the feasibility of a ZLL project. The Planning Commission asked about establishing a minimum lot/unit width. Unit widths in a ZLL development may depend on the desired living area in the building, driveway or garage widths, or the economics of the project including price range, buyer expectations, etc. The more that the code limits width, it will limit the ability to achieve the allowed density, which will be a disincentive for ZLL single family projects. A middle-ground approach, discussed with consultants and developers, is to set a narrower width for interior units and wider for exterior (end) units. In the updated code, staff has proposed a minimum unit width of: 16-foot width for interior units and 20-foot width for end units. Allow minimum lot width to be the minimum required for the unit plus required private open space.
- Number of structures allowed per block would be eliminated as a standard. The maximum number of units per structure would also be increased to 6 units. These changes would allow clusters of more units, creating greater flexibility for the ZLLS developer. ZLLS will go through Sumner's Design Review guidelines to ensure adequate building modulation and variety.
- Lot coverage limit waived. Lot coverage is the amount of structure compared to the size of its lot. To allow a ZLL subdivision where a lot is the same size as its building (home), lot coverage needs to be waived/eliminated.
- Setbacks. Reduce the setbacks to match what is currently allowed for townhomes. However, the rear yards in a ZLL development must be at least 15 feet deep to provide for a private backyard.

Some example site plans of lot layout and access drives are shown in EXHIBIT A attached.

D. Private open space and common open space

- The proposed code would require both common and private open space in a ZLLS project. The minimum amount required is the same as for townhouse condominiums in Sumner's design guidelines.
- There would also be a waiver from the common open space requirement under certain conditions. The ZLLS would have to be 12 units or less and located within a quarter mile of a public park; or would need to provide extra private open space on site. The intent is to provide an incentive for ZLLS and reduce costs for the housing.

E. Parking

Current code requires 2 parking spaces per single family dwelling. In single-family zones (versus multifamily zones), one stall is required to be covered. For ZLLS, which will be allowed only in medium- and high-density zones, the code proposes the same 2 spaces but does not require them to be covered. One-third of the required stalls could be designed for tandem parking. This approach provides flexibility in the building design and homeowner options.

In a typical single-family detached subdivision, visitors park in a parking lane on the public street. With narrower private drive aisles in a ZLLS, visitor parking will not always fit along the drive. The proposed code would require a ZLLS to provide visitor parking on site at 0.25 stalls per unit, but would also allow this required visitor parking to be on an adjacent public street.

F. Access and private drive aisle standards

The code would clarify what type of access is allowed/required for ZLLS. Further, all ZLLS would be

allowed to have private drive aisles as access, versus requiring full private street or full public street.

Access to and within ZLLS is an important factor in how feasible a development may be. Sumner's current road standards require either a public street or a private street that meets public street standards (e.g. a 60-foot width, public street construction methods, amenities such as City standard streetlights, etc.). Such improvements can be costly and a barrier to more-affordable ZLL homes. The proposal will revise access requirements for ZLLS to reduce street costs but still provide safe access. The code includes provisions that:

- Create a "private access aisle" access type and access standards for ZLLS.
- Allow 30-foot wide private drive aisle when connecting to a public street, but narrower 25-foot drive aisle allowed on site interior.
- Allow access that is more to scale for the development, especially on tight infill sites
- Maintain the existing criteria for when a public street is still required (e.g. location aligns with adopted public street grid).

G. Design guidelines

Most new construction in Sumner is subject to the Sumner Design and Development Guidelines through the Design Review process. Examples include detached single family subdivisions of 10 or more lots, townhouse condominiums, duplexes and apartments. The requirements for ZLLS review are not clear. While there is no specific requirement for ZLLS, the dwellings in a ZLLS, such as townhouses, would be subject to Design Review.

The proposed code would update the Design Review code section (SMC 18.40.020) to clarify requirements for various reviews, clarify when ZLLS dwelling types (e.g. townhomes and multiplexes) must be reviewed, and clarify that smaller projects are allowed to go through an administrative design review. This will help clarify and streamline the process.

The typical ZLLS will consist mostly of townhouse-style dwellings. The subdivision layout, such as lot sizes and access, will follow the standards in the subdivision code and standards in Table 18.14.070 in the Zoning Code; however, the townhouse buildings will follow the design guidelines. The design guidelines help ensure that buildings are constructed with quality materials, have design features such as porches and window trim, and adequate façade modulation for variety. The design guidelines are not being updated as part of this code.

H. Updated definitions

Various definitions are to be updated, such as:

- Clarification that zero lot line dwelling means a single-family dwelling.
- Duplexes and multiplexes may also be considered zero lot line dwellings.
- Adding a new definition for private drive aisles for ZLL subdivisions.

I. Incentives for Zero Lot Line Subdivisions

The Planning Commission asked about possible incentives for ZLLS. Development incentives often take the form of "bonuses" in lot development standards, or financial incentives such as a multifamily tax exemption or reduced permit fees.

Staff again reviewed development standards in the code, looking for additional incentive options. The proposed standards for ZLLS provide the most likely incentives for this type of development. These include:

- Allowing townhouses outright (in addition to townhouse condominiums)
- Allowing private drive aisles versus costly public streets (a major incentive)
- Creating flexible lot standards/dimensions
- Allowing administrative Design Review for smaller ZLL projects.
- Providing a waiver of required open space if located near a public park.

Beyond that, there is no effective way for the City to incentivize one type of ownership (zero lot line single family) over another type of ownership (townhouse condos) or instead of leased townhouses.

The Planning Commission also asked about condominium defect laws and liabilities relative to ZLLS. Condo liability laws don't apply to ZLLS, since they are fee-simple ownership, not condos. Therefore, the issues seen for larger condo projects are not issues for ZLL developments, so this does not create a disincentive for ZLLS. Staff has heard from developers that they prefer ZLL development because it does not have the same liability and financing issues, nor the same risk as condos. In any case, the City cannot write detailed local codes to reduce this risk, as most of the issues are related to the State condominium act. Ultimately, developers and the market will decide whether to build ZLLS or condominiums. Even in cities that have ZLLS codes, people still build condos.

III. ANALYSIS

The proposed Zoning Code amendments are consistent with the intent and policies of the Comprehensive Plan, specifically the policies discussed below.

Land Use Element

The proposed code update will allow another development option for affordable housing. It also includes development standards to minimize impacts of increased density and to apply design review to ZLLS, consistent with the following policies:

- 1.1 "Ensure that appropriate transitions so that more intensive uses do not adversely impact adjacent uses.
 - 1.1.1 Maintain the design guidelines and ordinances to achieve compatible and attractive new residential, commercial, and industrial uses.
 - 1.1.2 Maintain zoning and subdivision regulations to ensure adequate setbacks, landscaping, and buffering are required where land use conflicts and impacts may occur."
- 1.2 "Encourage infill development on vacant properties with existing public services and public utilities, and new development in areas with existing or planned public facilities."

Land Use Element - Land Use Designations

The Comprehensive Plan establishes a density range for Medium- and High Density Residential districts of 15 to 25 dwelling units per acre. Zero lot line structures are included as a primary use. The proposed code is consistent with the purpose, uses and densities anticipated in these residential districts.

Community Character Element

The proposed code update will expand housing types allowed in the medium- and high density residential districts, while applying development standards to minimize impacts to community character, consistent with these policies:

- 1.1 "Encourage development which enhances the human, pedestrian scale, creating a sense of community and place."
- 2.6 "In recognition of the need for a variety of housing, allow through the Comprehensive Plan and Zoning Code a mix of residential uses as appropriate to the neighborhood character."
- 6.1 "Promote a compact development pattern that exhibits variety in building types and scale. Historic and vernacular architectural styles should be respected. Both sides of the streetscape should complement each other."

Housing Element

The proposed code update will increase the variety of housing available at all life stages and will help meet Sumner's housing targets, consistent with the following policies:

- 1.6 "Multi-family housing outside the Town Center area and outside the ESUV should be "ground related" (individual housing unit entries are on the first floor and allows direct access to private ground-level usable open space). Examples of ground-related dwellings include single-family detached, single family semi-attached, cottages, tandem houses, and townhouses..."

Goal 2: "Provide a range of housing types for all life stages and economic segments of the Sumner community."

2.2.1 "Through the Comprehensive Plan, Zoning Code, and Subdivision code, and Design Guidelines allow for a variety of housing types and lot configurations including multi-family housing, mixed use development, cluster development, zero-lot line and similar subdivisions, planned unit development, and non-traditional housing forms such as adult family homes."

2.3 "Encourage a variety of housing available to all economic segments of the community."

2.3.1 "Review the Zoning Code, Subdivision Code, Building Codes, and other development-control ordinances to identify and remove excessive, duplicative, or unnecessary regulations..."

Conclusion:

Sumner's Comprehensive Plan provides a general policy basis for promoting Zero Lot Line Subdivisions (ZLLS) as a means to provide housing options and increased housing densities at appropriate scale to the neighborhood. Increasing housing densities and options increases housing supply and can have a positive impact on affordability. Proposed code amendments will further these adopted policies by expanding opportunities for ZLLS. The ordinance also contains development standards to minimize impacts to surrounding areas, such as providing for parking, adequate building setbacks, and open space.

IV. SEPA ENVIRONMENTAL REVIEW

A SEPA environmental checklist and analysis of the proposed amendment has been completed. A Determination of Non-Significance was issued on August 15, 2022.

V. PUBLIC & AGENCY COMMENTS

No agency comments or public comments were received as of the publish date of this report.

VI. STAFF RECOMMENDATION

Conduct the September 2022 public hearing, and provide comments and direction to staff.

VII. PLANNING COMMISSION RECOMMENDATION

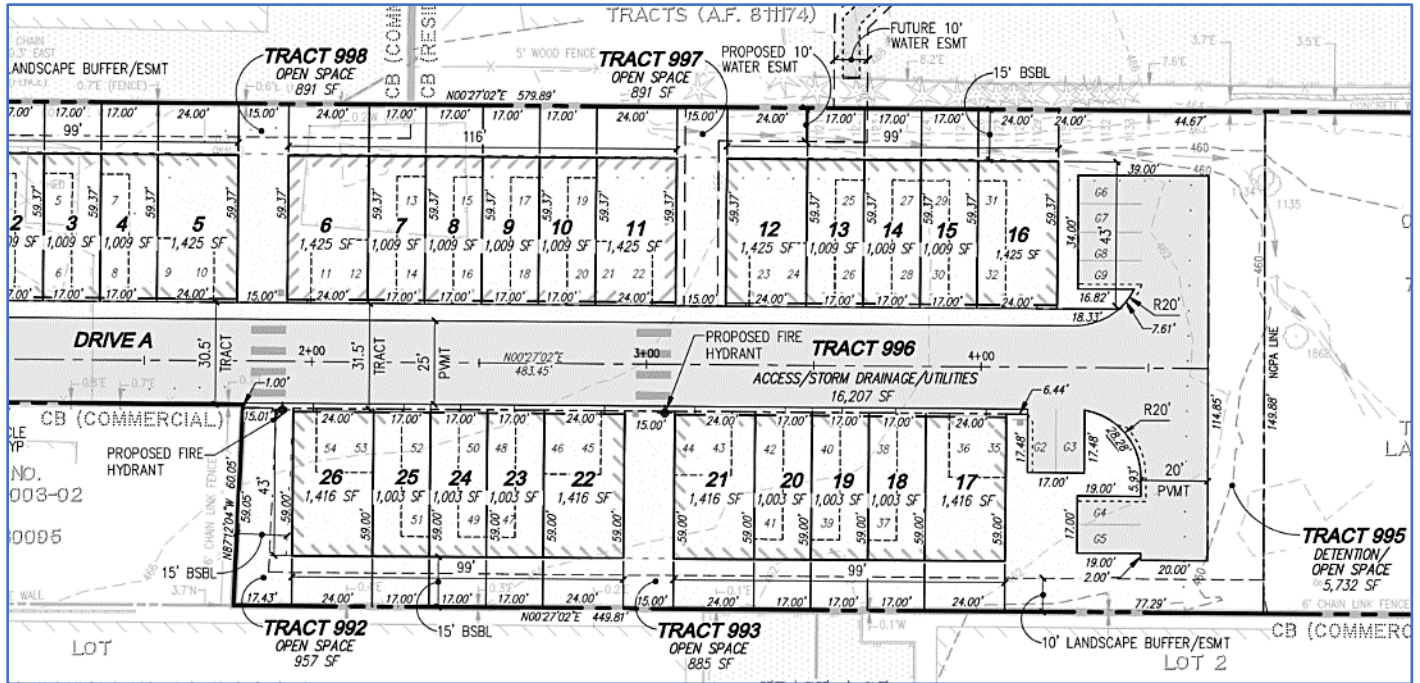
The Planning Commission recommendation is pending.

VIII. EXHIBITS

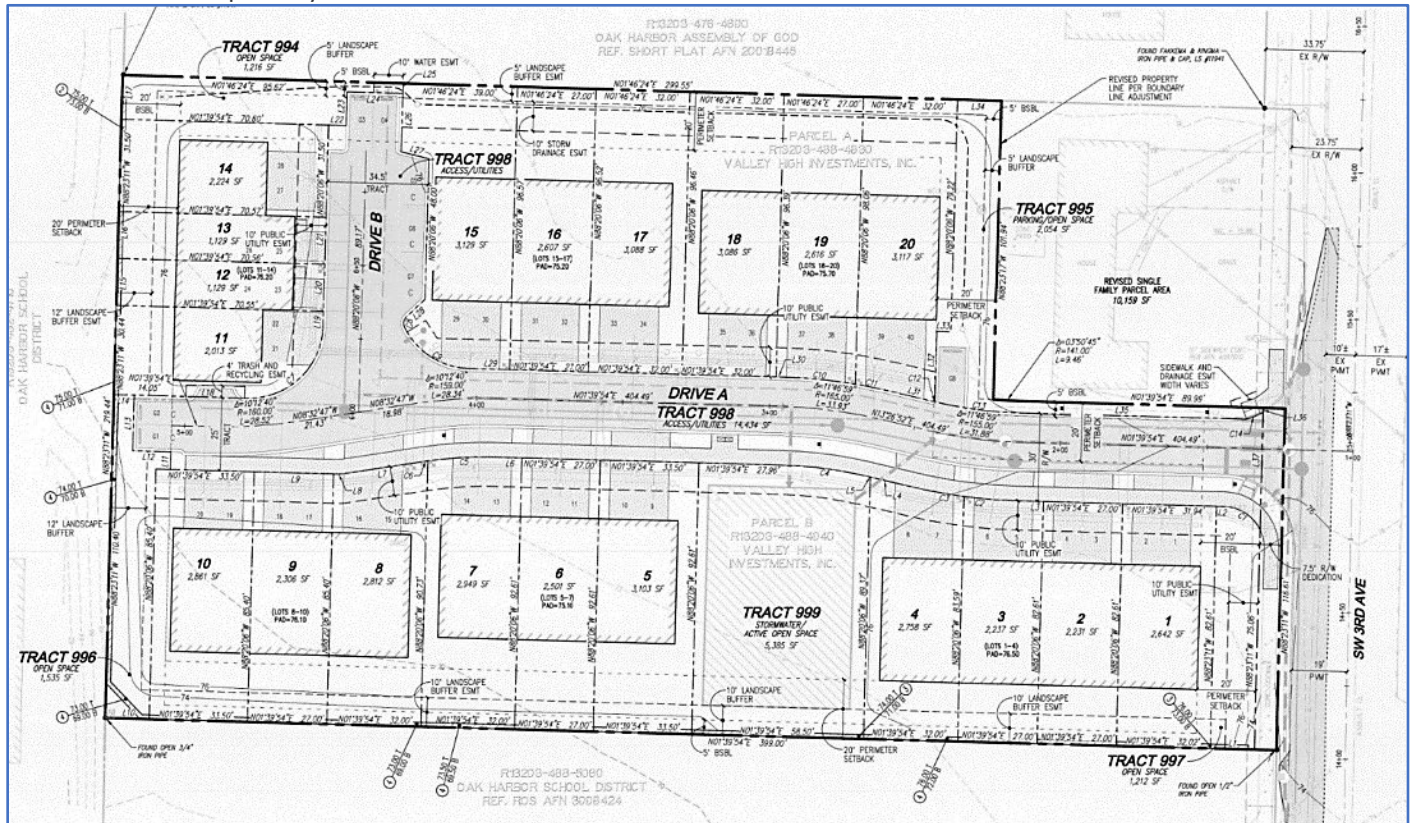
- A. Example site plans of Zero Lot Line developments in other cities
- B. Ordinance No. XXXX – Zero Lot Line Subdivision Code Draft 08/18/22

EXHIBIT A
Example site plans of Zero Lot Line Developments
 (Source: LDC, Inc.)

Example of a site with one private drive aisle, sidewalk one side, and guest parking in designated area on site. Each unit/lot has a 15-foot deep backyard:



Example of a site with two private drive aisles, one sidewalk, and guest parking in separate pullouts. Units have 20- to 30-foot deep backyards:



ORDINANCE NO. XXXX
CITY OF SUMNER, WASHINGTON

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, UPDATING REGULATIONS FOR ZERO LOT LINE SUBDIVISIONS IN TITLE 17, ADDING NEW DEFINITION AT CHAPTER 17.04 FOR PRIVATE DRIVE AISLE, AND ADDING NEW SECTIONS 17.28.205 AND 17.28.340 RELATED TO SUBDIVISION STANDARDS; AND AMENDING TITLE 18 PROVISIONS FOR ZERO LOT LINE SUBDIVISIONS, INCLUDING AMENDING CHAPTER 18.04 DEFINITIONS; AMENDING CHAPTER 18.14 RELATED TO ALLOWED USES AND PROPERTY DEVELOPMENT STANDARDS IN THE MEDIUM- AND HIGH DENSITY RESIDENTIAL ZONES; AMENDING SECTION 18.16.040 RELATED TO RESIDENTIAL AND COMMERCIAL USES; AMENDING SECTION 18.30.080 RELATED TO EAST SUMNER DEVELOPMENT STANDARDS; AMENDING SECTION 18.30.110 RELATED TO PRIVATE STREETS; AMENDING CHAPTER 18.40 DESIGN REVIEW SECTION 18.40.020 RELATED TO TYPES OF REVIEW; AND AMENDING SECTION 18.42.040 RELATED TO REQUIRED PARKING SPACES.

WHEREAS, the City Council finds that zero lot line subdivisions and resulting zero lot line homes can provide options for affordable housing, first-time homeownership, senior housing and other needed housing in Sumner; and

WHEREAS, the City Council has expressed a desire to streamline permit processes and reduce regulatory barriers to zero lot line subdivisions; and

WHEREAS, the City Council finds that it is in the public interest to establish standards for zero lot line subdivisions in order to create compact zero lot line neighborhoods while providing amenities such as open space, and maintaining adequate parking and setbacks from adjacent uses; and

WHEREAS, on August 4, 2022 the Planning Commission held study session on the proposed amendments, and a duly-advertised public hearing on September 1, 2022; and

WHEREAS, on _____, 2022 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 August 3, 2022; 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 Title 17 Subdivisions, Chapter 17.04, Section 17.04.060 Definitions is hereby amended to add a definition as follows:

17.04.060 Definitions.

“Private drive aisle” means a road that is owned in common by all the property owners within a zero lot line subdivision or zero lot line short subdivision.

“Private street” means a street that is not deeded 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.

“Public way” means any publicly owned land set aside for surface transportation purposes, including vehicular, bicycle and pedestrian transportation, whether improved or not improved.

[...]

Section 2. That Sumner Municipal Code Chapter 17.28 Subdivision Development Standards, Section 17.28.050 Required Improvements – Full Subdivisions, is hereby amended to read as follows:

17.28.050 Required improvements – Full subdivisions.

Minimum improvements within each major plat or binding site plan and along contiguous arterials shall consist of paved streets or private drive aisles in zero lot line subdivisions per the requirements of this title, installed curbs and gutters, sidewalks, monuments, sanitary and storm sewers, street lights, water mains, street trees, street name signs and all appurtenances thereto in accordance with the adopted city transportation and utility comprehensive plans and the Sumner Development Specifications and Standard Details.

Section 3. That Sumner Municipal Code Chapter 17.28 Subdivision Development Standards, Section 17.28.060 Required Improvements – Short Subdivisions, is hereby amended to read as follows:

17.28.060 Required improvements – Short subdivisions.

Street, water, sewer and storm drainage facilities adjacent to or within a short subdivision shall be in conformance with the adopted city transportation and utility comprehensive plans and the Sumner Development Specifications and Standard Details. Access to zero lot line subdivisions shall consist of private drive aisles meeting the standards at SMC 17.28.205, unless a public street is otherwise required by this title. Easements for utilities

recommended by such plans shall be provided to the city, the exact location of such easements to be determined by the city engineer.

[...]

Section 4. That Sumner Municipal Code Section 17.28.130 Access for Short Subdivisions is hereby amended to read as follows:

17.28.130 Access for short subdivisions.

- A. Private access allowed. All short subdivisions and zero lot line short subdivisions shall border on an opened, constructed and maintained public street. All lots ~~within a short subdivision~~ shall either border on an opened, constructed and maintained public street, or shall be served by a private street or private drive aisle having direct access to a public street as set forth in this chapter.
- B. Public streets required. Dedication of a public street or streets serving the short subdivision or zero lot line short subdivision shall be required, and a proposed short subdivision shall be processed as a formal subdivision whenever the city engineer or his or her designee finds that one or more of the following conditions applies:
 - 1. The general alignment of a proposed private street follows the general alignment of a future arterial recommended by the comprehensive plan.
 - 2. The general alignment of a proposed private street can be reasonably modified to provide a desirable through connection between two or more existing or planned public streets.
 - 3. A public street would be necessary to provide adequate access to adjacent property not subject to the proposed short subdivision.
 - 4. The subdivision is an accumulative short subdivision under SMC 17.12.090.
- C. All private streets shall meet the standards as set forth in SMC 17.28.200. All private drive aisles shall meet the standards as set forth in SMC 17.28.205.
- D. When any approved public street lying adjacent to the property being short subdivided or zero lot line short subdivided has insufficient width or for any other reason does not conform to minimum street standards, sufficient additional right-of-way shall be dedicated to the city and appropriate improvements shall be made by the subdivider to conform the abutting street to such standards in order to provide street and traffic infrastructure to support the development. Such improvements may be delayed if guaranteed to the satisfaction of the city engineer or his or her designee. Any such guarantee shall be recorded with the plat and shall be binding upon the property owner and the owner's heirs, successors and assigns. In deciding whether any delays should be allowed, the city engineer or his or her designee shall consider the present and future need for such improvement, the improved or unimproved nature of adjacent right-of-way, and whether or not street grades have been established.

Section 5. That Sumner Municipal Code Chapter 17.28 Subdivision Development Standards is hereby amended to add a new section 17.28.205 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 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.
- C. Private drive aisles shall meet the following minimum standards:
 - 1. Where private drive aisle takes access from another private drive aisle with no direct connection to a public street:
 - a. Provide a minimum 15-foot-wide travel surface; provided the fire marshal approves an alternate access for fire/emergency vehicles; and
 - b. Provide a minimum 5-foot-wide pedestrian walkway except where the drive aisle provides access to the rear of the units and pedestrian access to the units is provided on another street or private drive aisle.
 - 2. Where private drive aisle directly connects to a public street:
 - a. Provide a minimum 20-foot-wide travel surface; and
 - b. Provide two five-foot-wide sidewalks for a total 30-foot drive aisle width.
 - 3. Private drive aisles may include designated parking lanes, where adequate travel surface is provided. Total width of a private drive aisle with parking lanes shall be the required width of the travel surface and any required walkway plus the required dimension of the parking stalls as stated in SMC 18.42.030(B) minimum parking area dimensions.
 - 4. Surfacing:
 - a. Private drive aisles shall be paved with asphalt or concrete.
 - b. Private drive aisles shall comply with the adopted alley cross-section in the City of Sumner Development Specifications and Standard Details, specifically Detail R6-2.1 and R6-2.2, or as hereinafter amended.
- D. Private drive aisles shall be placed in a separate tract or easement and owned in common between all property owners within the subdivision or short subdivision.

Section 6. That Sumner Municipal Code Chapter 17.28 Subdivision Development Standards is hereby amended to add a new section 17.28.340 as follows:

17.28.340 Development standards for zero lot line subdivisions and zero lot line short subdivisions.

- 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, such as townhouse, cottage housing, or multiplex developments in zones where such uses are allowed. For the purposes of this section, the term subdivision includes zero lot line subdivision and zero lot line short subdivision.
- B. Zero lot line subdivisions may be used to subdivide a parcel(s) into individual lots that each contain one housing unit. The development shall meet the development standards applicable to the underlying site and zone. Any private open space for each dwelling unit shall be provided on the same lot as the dwelling unit.
- C. Zero lot line lot area and lot width per lot for purposes of subdivision may be as small as the minimum lot area and lot width specified in SMC 18.14.070 plus any required private open space.
- D. Zero lot line subdivisions are also subject to the lot dimensions, lot coverage, open space requirements and other development standards at SMC 18.14.070 and performance standards at SMC18.14.080.
- E. Parking for zero lot line subdivisions:
1. Provide a minimum of two stalls per unit, which may be covered.
 2. Required spaces and access drives shall be improved with asphalt, concrete, or similar dustless, hard surface. Tandem parking may be allowed at a maximum of 30 percent of the per-unit on-site parking stalls.
 3. Visitor stalls shall be provided at 0.25 stalls per unit; stalls may be provided on site or as on-street parking if located within 250 feet of the development on a public street that abuts the development.
- F. Driveways. Driveways for any unit with a private driveway shall be a minimum of 18 feet deep.
- G. Open space. Minimum open space shall be provided as follows:
1. Minimum private open space per lot shall be 200 square feet per unit; and minimum common open space per lot shall be 100 square feet per unit; except that open space may be reduced in accordance with subsection (G)(2).
 2. Zero lot line subdivisions and zero lot line short subdivisions with 12 or fewer units or that provide private open space at an additional 25 percent per unit may receive a waiver from this requirement if the applicant can demonstrate that the development is within a quarter-mile of a public park and adequate pedestrian facilities to said park serve the site.
 3. Open space shall be useable and directly accessible from the unit. Required setback areas with a dimension less than 10 feet shall not be counted toward the minimum required open space.

- H. Portions of the parent site not subdivided for individual zero lot line units shall be owned in common by the owners of the individual lots, or by a homeowners association comprised of the owners of the individual lots located within the parent site.
- I. Access easements, joint use and maintenance agreements, and covenants, conditions and restrictions identifying the rights and responsibilities of property owners and/or the homeowners association for use and maintenance of common garage, parking, and vehicle access areas; on-site recreation areas; landscaping; underground utilities; common open space; exterior building facades and roofs; and other similar features, shall be executed and recorded with the county auditor's office.
- J. A zero lot line subdivision shall make adequate provisions for ingress, egress, and utilities access to and from each lot created by reserving such common areas or other easements over, under, and across the parent site as deemed necessary to comply with all other design and development standards generally applicable to the underlying site, and such easements shall be recorded with the county auditor's office and depicted on the face of the recorded final subdivision or short subdivision map.
- K. Each lot in a zero lot line subdivision shall provide a five-foot wide building maintenance easement for walls, eaves, chimneys, and other architectural features that rest directly on the lot line. The maintenance easement shall be included in the covenants, conditions, and restrictions of the adjoining lots, and shall be recorded with the covenants, conditions, and restrictions, and depicted on the face of the recorded final subdivision or short subdivision map.
- L. Notes shall be placed on the plat recorded with the county auditor's office to acknowledge the following:
 - 1. Approval of the design and layout of the development was granted by the review of the development, as a whole, on the parent site by the site development plan approval;
 - 2. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent site as a whole, and shall conform to the approved preliminary zero lot line subdivision;
 - 3. If a structure or portion of a structure has been damaged or destroyed, any repair, reconstruction, or replacement of the structure(s) shall conform to the approved preliminary zero lot line subdivision or short subdivision; and
 - 4. Additional development of the individual zero lot line lots may be limited as a result of the application of special development standards to the parent site.
- M. Prior to final subdivision approval and recording, site development may commence upon approval of clearing and grading plans, and building construction may commence upon approval of all applicable building design and construction approvals.

Section 7. That Sumner Municipal Code Chapter 18.04 Definitions, Section 18.04.0725 is hereby amended to read as follows:

18.04.0725 Multiplex.

“Multiplex” means a type of ground-related housing consisting of three to four dwelling units within a single structure, such as a triplex and fourplex.

[...]

Section 8. That Sumner Municipal Code Chapter 18.04 Definitions, Section 18.04.1122 is hereby amended to read as follows:

18.04.1122 Zero lot line dwelling.

“Zero lot line dwelling” means a single-~~family~~~~unit~~ dwelling (house) that is attached to additional zero lot line dwellings at one or both common side lot lines by means of a common wall. A zero lot line dwelling is attached to no more than one other zero lot line dwelling at any common side lot line. Zero lot line dwellings may be constructed in groups of multiple units as provided in specific zones-~~chapters~~. Each zero lot line dwelling is located entirely on its own lot. A zero lot line dwelling may be in the form of a duplex, multiplex, townhouse or similar attached single-family dwelling.

[...]

Section 9. That Sumner Municipal Code Chapter 18.14 Medium and High Density Residential Districts, Section 18.14.020 Principal Permitted Uses is hereby amended to read as follows:

18.14.020 Principal permitted uses.

The following uses are permitted in all MDR and HDR districts unless otherwise specified:

- A. Townhouse and townhouse condominiums;
- B. Duplexes;
- C. Adult family homes;
- D. Minor utility facilities;
- E. Cottage housing in accordance with the density standards set forth;
- F. Zero lot line dwellings and structures, including duplexes, multiplexes and townhouse dwellings created by a zero lot line subdivision or zero lot line short subdivision;

[...]

Section 10. That Sumner Municipal Code Chapter 18.14 Medium and High Density Residential Districts, Section 18.14.060 Special Conditions is hereby amended to read as follows:

18.14.060 Special conditions.

- A. Required Parking for Single-Family Uses. All single-family dwellings, ~~including zero lot line dwellings~~ in the MDR and HDR districts, shall have two on-site automobile parking spaces. Each required space is to be located so as to be independent of any other required space. Further, at least one of the required spaces for single-family dwellings shall be located within the building site area and not within the required setback areas. Required spaces and access drives shall be improved with a dustless, hard surface. Tandem parking may be allowed.
- B. Required parking for dwellings created through a zero lot line subdivision or zero lot line short subdivision shall comply with parking requirements at SMC 17.28.340(H).
- C. Required Parking for Multifamily and Conditionally Permitted Uses. All other permitted uses, except as provided above, and conditionally permitted uses in the MDR and HDR districts shall provide on-site automobile parking at ratios specified in chapter 18.42 SMC. Tandem parking may be allowed at a maximum of 30 percent of the on-site parking stalls.

Section 11. That Sumner Municipal Chapter 18.14 Medium and High Density Residential Districts, Section 18.14.070 Property Development Standards is hereby amended to read as follows:

18.14.070 Property development standards.

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 single-family dwellings (per dwelling)	N/A ² 3,000	N/A ² 3,000
B.	Maximum development density in dwelling units per net acre	15	25
	In net square feet of lot area per dwelling unit	2,900	1,740
C.	Minimum lot width in feet	50	50
	Minimum lot width for developments utilizing the “detached single-family dwelling” option of the city of	40	40

	Sumner design and development guidelines in square feet		
	Minimum lot width for lots employing zero lot line option <u>zero lot line dwellings</u>	<u>N/A</u> ³³⁰	<u>N/A</u> ³³⁰
	<u>Minimum unit width for zero lot line dwellings</u>	<u>16 feet interior units</u> <u>20 feet end units</u>	<u>16 feet interior units</u> <u>20 feet end units</u>
D.	Front, rear and interior side setbacks for <u>duplexes and</u> developments not requiring design review:		
	1. Front yard setback in feet	10	10
	2. Rear yard setback in feet	25	20
	3. Interior side yard setback in feet	5	5
	4. Interior side yard between zero lot line housing in feet	0	0
	5. Interior side yard adjacent to zero lot line single-family in feet	5	5
E.	Front, rear and interior side setbacks for developments requiring design review shall be in compliance with the city of Sumner design and development guidelines, <u>except setbacks for zero lot line dwellings are as provided below. Except for setbacks for duplexes see subsection (D) of this section.</u>		
	<u>1. Front yard setback from public street or private drive aisle for zero lot line dwellings in feet</u>	<u>10 for building</u> <u>5 for porch/stoop</u>	<u>10 for building</u> <u>5 for port/stoop</u>
	<u>2. Rear yard setback in feet, zero lot line dwellings</u>	<u>15</u>	<u>15</u>
	<u>3. Interior side yard between zero lot line dwellings in feet</u>	<u>0</u>	<u>0</u>
	<u>4. Interior side yard adjacent to exterior property line of a zero lot line development in feet</u>	<u>5</u>	<u>5</u>
F.	Street side yard setback in feet	10	10
G.	Maximum building height in feet ²	35	35
H.	Maximum lot coverage by percentage of net lot area	35	45
I.	Maximum lot coverage zero lot line single-family <u>dwellings</u> by percent of net lot area	55 <u>N/A</u>	65 <u>N/A</u>

J.	Minimum street frontage in feet	30	30
K.	<u>Minimum street frontage zero lot line dwellings</u>	<u>N/A³</u>	<u>N/A³</u>
L.	K. Minimum setback from principal or minor arterial as designated in comprehensive plan	25	25
L.	Maximum number of zero lot line structures per block (as defined in chapter 18.04 SMC)	4	4
M.	Maximum number of zero lot line dwellings that may be attached	4 6	6
N.	Public garage development standards [...]		

1. Variation of Minimum Lot Size. Except for lots to be occupied by zero lot line dwelling units, lots created through long 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 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.
2. The minimum lot area for zero lot line single-family dwellings is defined as the minimum needed to accommodate the width and depth of the unit plus the required private open space for the lot.
3. For zero lot line lots, the lot width and frontage may be as wide as the minimum required unit width, provided that the unit complies with building code, landscaping and open space requirements.
- ~~2. Except that townhouse condominiums and duplexes shall have a maximum building height of 30 feet when the interior side yard setback is less than 10 feet or the rear yard setback is less than 20 feet.~~

Section 12. That Sumner Municipal Code Chapter 18.16 Commercial Districts, Section 18.16.040 Residential Uses, Subsection B is hereby amended to read as follows:

18.16.040 Residential Uses

A. Senior Housing in the NC District.

[...]

B. Senior Housing in the GC District. Senior housing is a permitted use in the GC district, except that single-family homes, zero lot line ~~homes dwellings~~, cottage housing, duplex dwellings, and townhomes for seniors are allowed only as a secondary use in a development that is primarily senior apartments. Zero lot line dwellings shall comply with the standards in SMC 18.14.070. Senior housing may be located on the ground floor, and is not required to include commercial uses; provided, residential uses are not allowed on the ground floor

fronting Main Street East/60th Street East. Development standards for senior housing may be modified through a planned residential development permit pursuant to chapter 18.24 SMC.18.16.040.

Section 13. That Sumner Municipal Code Chapter 18.30 East Sumner Urban Village, Section 18.30.080 Property Development Standards is hereby amended to read as follows:

18.30.080 Property development standards.

A. Unless otherwise stated in this section, new development must comply with the development and performance standards in the base zoning district. The development standards for the ESUV/LDR zones are the same as the base zone districts. Multifamily residential uses are subject to the ESUV development standards in this section and the ESUV/NC and ESUV/GC performance standards in SMC 18.30.090.

B. Zero lot line subdivisions and zero lot line short subdivisions in the ESUV/MDR and ESUV/HDR district are subject to the development standards for zero lot line developments in SMC 18.14.070.

C. The dimensional standards for properties in the ESUV overlay district are in the table below:

[...]

~~The development standards for the LDR/ESUV zones are the same as the base zone districts.~~

Section 14. That Sumner Municipal Code Chapter 18.30 East Sumner Urban Village, Section 18.30.110 Private Streets and Driveways is hereby amended to read as follows:

18.30.110 Private streets and ~~driveways~~ drive aisles

Private streets and ~~driveways~~ drive aisles shall be configured in such a manner as to promote a gridded street pattern of development that allows these private streets and driveways to function similar in character and scale as public streets and maintaining pedestrian scale and walkability...

[...]

Section 15. That Sumner Municipal Code Chapter 18.40 Design and Development Guidelines, Section 18.40.020 Types of Review is hereby amended to read as follows:

18.40.020 Types of review.

A. All development which falls under the thresholds provided in this section shall be subject to design review as provided for in chapter 18.56 SMC, Procedures for Land Use Permits.

B. Administrative review. The following types of projects shall require design review according to the procedures for Type III.b decisions, chapter 18.56 SMC, Procedures for Land Use Permits:

1. Sign permits for permanent signs which are regulated by the design guidelines.
2. Accessory units in residential zones.
3. Building permits for exterior renovations on commercial, multifamily, light and heavy manufacturing, or mixed-use structures including, but not limited to, new awnings, alterations to exterior treatments, changes to windows and doors, and similar activities which do not increase the square footage more than a minimal amount.

[...]

12. Any new commercial development with total building(s) gross floor area less than 5,000 square feet.

13. Duplex and multiplex development of 9 or less units, subject to the duplex design and development guidelines.

14. Townhouse development of 9 or less units, subject to the townhouse design and development guidelines.

15. Zero lot line single family development of 9 or less units; provided:

- a. Duplexes and multiplex buildings shall be subject to the duplex design and development guidelines; and
- b. Townhouse buildings shall be subject to the townhouse design and development guidelines; except that such development shall be subject to the setbacks and open space standards in SMC 18.14.070 instead of those standards in the design guidelines.

16. Single family detached subdivisions of 9 or less units.

C. Design commission review. The following types of projects shall require design review according to the procedures for Type III.c decisions, chapter 18.56 SMC, Procedures for Land Use Permits:

1. ~~Any multiplex or m~~Multifamily development, including apartments and attached condominiums, which exceeds the threshold of subsection (B)(3) of this section.
2. Any new commercial development which exceeds the threshold of subsection (B)(12) of this section.
3. Any construction of a principal or attached accessory structure or structures within a neighborhood commercial zone.
4. Any mixed-use development which exceeds the threshold of subsection (B)(3) of this section.
5. Any new private or public parking garage.
6. Duplex or multiplex development that exceeds the threshold of subsection (B)(13) of this section.
7. Townhouse development that exceeds the threshold of subsection (B)(14) of this section.
8. Zero lot line single family development that exceeds the threshold of subsection (B)(15) of this section; except that such development shall be subject to the setbacks and open space standards in SMC 18.14.070 instead of those standards in the design guidelines.
9. Single family detached subdivisions that exceed the threshold of subsection (B)(16) of this section.

Section 16. That Sumner Municipal Code Chapter 18.42 Off-Street Parking and Loading, Section 18.42.040 is hereby amended to read as follows:

18.42.040 Required number of parking spaces.

The minimum number of off-street parking spaces shall be as follows for the listed uses:

- A. Single-family dwellings: two for each unit, except that zero lot line subdivisions and zero lot line short subdivision may provide parking in accordance with SMC 17.28.340(H);
 - B. Multifamily dwellings:
 - 1. One space per studio; 1.5 for each one- or two-bedroom unit; two spaces for three or more bedroom units; visitor parking for any type of multifamily use at one space for every five units
- [...]

Section 17. 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 18. 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 19. 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 _____, 2022.

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:



SUBJECT: Zero Lot Line Dwellings/Subdivisions - Discussion

CATEGORY: Motion

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

STAFF CONTACT: Ann Siegenthaler, Senior Planner

SUMMARY BACKGROUND:

Following the public hearing for this item, the Planning Commission is asked to discuss the proposed code and, depending on public and Commission comments, recommend approval to the City Council.

COUNCIL COMMITTEE/STUDY SESSION: Commission study session 09/01/22
--

MEETING/STUDY SESSION DATE:

COMMITTEE RECOMMENDATION:

STAFF RECOMMENDATIONS/MOTION:

Recommend approval to the City Council