

ORDINANCE NO. 2019--010

AN ORDINANCE OF THE CITY OF ARLINGTON, WASHINGTON, MAKING ADDITIONS TO THE DEVELOPMENT REGULATIONS PERTAINING TO UNIT LOT SUBDIVISIONS FOR THE CITY OF ARLINGTON UNDER CITY PLANNING FILE NO. PLN 514

WHEREAS the City of Arlington is required to plan under RCW 36.70A.040; and

WHEREAS, the City of Arlington has the authority to review and update the Comprehensive Plan and the development regulations which implement it; and

WHEREAS, the City's Community & Economic Development staff, Planning Commission, and City staff discussed and recommended proposed revisions they concluded were needed to comply with Chapter 36.70A RCW; and

WHEREAS, the City of Arlington Planning Commission reviewed the proposed code revisions relating to the unit lot subdivision regulations, and conducted a public hearing on April 16, 2019 to receive public comments on proposed revisions to the comprehensive plan; and

WHEREAS, based on its review of the requirements of Chapter 36.70A RCW, the analysis and proposed revisions prepared, and the public comments received, the Planning Commission recommended approval to the City Council; and

WHEREAS, the City Council held a public workshop on the proposed plan on April 22, 2019; and considered the matter at its May 6, 2019 regular meeting; and

WHEREAS, based on its review of the requirements of Chapter 36.70A RCW, the analysis and proposed revisions prepared by their Boards and Commissions and staff, and the public comments received, the City Council finds and declares that the review and needed revisions have been prepared in conformance with applicable law, including Chapter 36.70A RCW, Chapter 43.21C RCW, and the approved public participation and adoption process;

NOW, THEREFORE, the City Council of the City of Arlington does hereby ordain as follows:

Section 1. Arlington Municipal Code section 20.44.020 shall be and hereby is repealed.

Section 2. A new section 20.44.020A shall be and hereby is adopted to read as follows:

20.44.020A Unit Lot Subdivisions (ULSs)

(a) Unit lot subdivision is an alternative to conventional subdivision processes by which the location of a building on a lot can be placed in such a manner that one or more of the building's sides rests directly on a lot line, allowing for the creation of fee simple

lots for townhome, and cottage housing developments, in zones where such uses are permitted. Each building shall not be less than 1 units or exceed 10 units and shall maintain a 10-foot separation from other buildings.

(b) Unit lot subdivisions shall be permitted in Residential High-Density zones and all Commercial zones (in conjunction with the Horizontal Mixed-Use overlay).

(c) Prior to submittal of the final plat, the design of all buildings shall meet the design standards and shall have received design review approval.

(d) All units created by a unit lot subdivision shall provide attached private open space for each individual unit equaling 15% of the total lot area, but in no case shall be less than 200 square feet. The required open space may be provided by one or more of the following: ground level open space, balconies, roof decks or porches.

(e) Existing Multi-Family developments which meet or can be brought into conformance with the requirements of the unit lot subdivision may submit an application for such unit lot subdivision. The existing building shall also be in full compliance with the most currently adopted edition of the International Residential Code (IRC) and International Fire Code (IFC).

(f) If a development proposes open or park space exceeding 125% of the minimum requirement, buildings may exceed the maximum allowed height requirement by 5 feet.

(g) Low impact development street standards are required where feasible.

(h) Low impact development techniques for stormwater management are required where feasible.

Section 3. A new section 20.44.020B shall be and hereby is adopted to read as follows:

20.44.020B Unit Lot Subdivision Lot Standards

As allowed by this chapter, development on individual unit lots within the unit lot subdivision need not conform to the minimum lot area or dimensional standards of Title 20 – Land Use Code, provided that overall development of the parent parcel meets the development and design standards of the underlying zone and the requirements of this section. There shall be no minimum required lot area for individual lots within a unit lot subdivision, provided that the area of the unit lot shall be large enough to contain the dwelling unit and any accessory structures, decks, fences, garages, driveways, private yard areas, parking, landscaping or other improvements that are accessory to the dwelling unit; provided further, so long as conforming to the approved site development plan, such accessory improvements may encroach upon or be located in an adjoining unit lot or common area pursuant to an appropriate easement.

Section 4. A new section 20.44.020C shall be and hereby is adopted to read as follows:

20.44.020C Development and Design Standards

All developments using unit lot subdivisions in residential zones, shall be in compliance

with the rules and regulations set forth in Title 20 AMC - Land Use Code, specifically Chapter 20.16 - Permits and Final Plat Approval.

Section 5. A new section 20.44.020D shall be and hereby is adopted to read as follows:

20.44.020D Unit Lot Subdivisions in Mixed Use Development

All Horizontal Mixed-Use Development overlay areas utilizing Unit Lot Subdivisions shall strictly adhere to Chapter 20.110.040 – Mixed Use Development Regulations, when designing the site development plan.

Section 6. A new section 20.44.020E shall be and hereby is adopted to read as follows:

20.44.020E Ownership of Common Areas

Portions of the parent parcel not subdivided for individual unit lots or not dedicated as public Right of Way or municipal utility systems shall be owned in common by the owners of the individual lots within the subdivision, or by a homeowner's association comprised of the owners of the individual unit lots within the subdivision.

Section 7. A new section 20.44.020F shall be and hereby is adopted to read as follows:

20.44.020F Building Setbacks

Building setbacks shall be as required for the zone as applied to the underlying parent parcel as a whole. There shall be no setback required from unit lot lines which are interior to the perimeter of the parent parcel; provided, however, that any structure located upon a unit lot created hereunder shall comply with the setbacks applicable to the approved site development plan. The unit lot subdivision shall comply with the Density and Dimensional Standards set forth in Chapter 20.48. However, if alley access is proposed, the minimum setback for any structure from the alley shall be 5 feet.

Section 8. A new section 20.44.020G shall be and hereby is adopted to read as follows:

20.44.020G Off – Street Parking

(a) The minimum amount of parking shall be as required by Chapter 20.72. Required off-street parking space may be provided in an area owned and maintained in common by the homeowner's association. Parking spaces located in a common area shall be available to residents or guest or invitees of residents and shall not be reserved for any specific dwelling units.

(b) One, additional off-street parking space shall be provided for every four lots proposed and be adjacent to the units for which they are required.

(c) All required off-street parking spaces shall be maintained in perpetuity for off-street parking for the residents, or guests of residents. Such spaces shall not be used at any time or in any manner that precludes use for off-street parking of operable motor vehicles regularly used by occupants of the unit lot dwellings.

(d) Parking shall be prohibited in fire lanes, and each fire lane shall be clearly identified with signage and pavement markings to indicate that the fire lane is not to be used for parking at any time. The homeowner's association shall be responsible for enforcing this requirement. The city shall have the authority to remove any vehicle illegally parked in a fire lane at the vehicle owner's expense.

(e) The unit lot subdivision shall provide bicycle parking facilities equal to 1 stall for every 4 lots.

Section 9. A new section 20.44.020H shall be and hereby is adopted to read as follows:

20.44.020H Private Access Drives

Private access drives are allowed, to provide access to dwellings and off-street parking areas within a unit lot subdivision. All private access drives shall be designed and constructed to city design and construction standards. A separate pedestrian walkway is required from the dwelling units to a public sidewalk. Parking within any access drive shall be prohibited, but off-street parking may be located adjacent to an approved access drive outside the minimum required dimensions of the access drive. The homeowner's association shall be responsible for enforcing this requirement. The city shall have the authority to remove any vehicle illegally parked in a fire lane at the vehicle owner's expense. As an alternative to the private access drive, the applicant may provide a public street meeting the city's design and construction standards.

Section 10. A new section 20.44.020I shall be and hereby is adopted to read as follows:

20.44.020I Public Water Mains, Sewer Mains and Fire Hydrants

All water mains, sewer mains and fire hydrants within the unit lot subdivision shall be constructed to city design and construction standards and dedicated to the city. The city shall have the discretion to refuse or accept dedication of utility systems in developments that this chapter that are not constructed to city standards.

Section 11. A new section 20.44.020J shall be and hereby is adopted to read as follows:

20.44.020J Ingress, Egress and Utility Access

Each unit lot subdivision shall make adequate provisions for ingress, egress and utilities access to and from each unit lot by dedicating streets or by reserving such common areas or easements over and across the parent parcel necessary to comply with all other design and development standards applicable to the approved site development plan.

Section 12. A new section 20.44.020K shall be and hereby is adopted to read as follows:

20.44.020K Landscaping

In addition to perimeter landscaping required for the parent parcel, landscaping shall be provided on each unit lot where yard area abuts an access drive, and between driveways and/or parking areas on abutting lots. A landscape plan shall be submitted with the land use application showing the following:

- (a) Perimeter landscape standard along rear or interior lot lines of parent parcel. All required perimeter landscaping shall be placed within a common area and shall be maintained by the homeowner's association. Conversion of perimeter landscaping to private yard area is prohibited.
- (b) Street trees on public streets shall be per city approved tree list.
- (c) Street trees on private access drives shall be per city approved tree list.

Section 13. A new section 20.44.020L shall be and hereby is adopted to read as follows:

20.44.020L Homeowners Association Incorporation

Prior to the recording of the subdivision, the applicant shall provide evidence that the homeowner's association has been incorporated pursuant to the laws of the State of Washington, including the filing of the association's articles of incorporation with the Washington Secretary of State. In the event the homeowner's association should cease to be a corporation under the laws of the State of Washington and as required by this section, such association shall continue as an unincorporated association governed by the Washington Uniform Common Interest Act (Chapter 64.90 RCW).

Section 14. A new section 20.44.020M shall be and hereby is adopted to read as follows:

20.44.020M Covenants and Maintenance

(a) Covenants and Homeowners Association. The applicant shall provide a preliminary draft of covenants, declarations and restrictions with the subdivision application for review as part of the subdivision. Prior to the recording of the subdivision, the applicant shall provide final covenants, declarations and restrictions in a form satisfactory to the city attorney, which shall be recorded with the county auditor's office providing that the homeowner's association shall be subject to and comply with:

- (1) Such covenants, declarations and restrictions;
- (2) The Washington Uniform Common Interest Act (Chapter 64.90 RCW);
- (3) The applicable Washington corporation statute;
- (4) Any applicable provisions of the city code including, but not limited to, subsections (b) and (c) of this section below.

(b) Maintenance of Private Common Areas and Infrastructure. All common open space and recreation areas and all private utility infrastructure located within a unit lot subdivision and shall be maintained in perpetuity by the homeowner's association. Prior to the recording of the subdivision, the applicant shall provide the covenants,

declarations and restrictions required by subsection (a) of this section, above, for review by the city, which shall provide that the following common areas and infrastructure are maintained by the homeowner's association in accordance with all applicable provisions of the city code.

- (1) Private access drives;
- (2) Vehicle and pedestrian access easements;
- (3) Joint use and maintenance agreements;
- (4) Common off-street parking;
- (5) Common open space (including, but not limited to, landscape areas, gardens, woodlands, walkways, courtyards or lawns and outdoor recreation areas;
- (6) Private utility infrastructure (including, but not limited to, underground utilities and utility easement;
- (7) Any other common buildings or improvements.

Said covenants, declarations and restrictions shall provide authority for the city, after providing reasonable written notice to the homeowners association and opportunity to perform required maintenance, to recover any costs incurred by the city to maintain private infrastructure or common areas due to a failure of the homeowners association to adequately maintain privately owned improvements, including a lien on the property or other appropriate assurance device, as determined by the city.

(c) Maintenance of Lot, Buildings and Facilities. Buildings, utilities and facilities on individual unit lots shall be maintained by the property owner in accordance with city codes and the requirements of the covenants, declarations and restrictions applicable to the development. Prior to the recording of the subdivision, the applicant shall provide the covenants, declarations and restrictions required by subsection (a) of this section for review by the city, which shall provide that buildings, utilities and facilities on individual lots shall be maintained by the property owner in accordance with city codes and the requirements of such covenants, declarations and restrictions.

Section 15. A new section 20.44.020N shall be and hereby is adopted to read as follows:

20.44.020N Recorded Conditions

Notes shall be placed on the plat recorded with the county auditor's office to acknowledge the following:

- (a) Approval of the design and layout of the unit lot subdivision was granted by the review of the subdivision as a whole, on the parent parcel by the site development plan approval (stating the project file number);
- (b) Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent parcel as a whole, and shall conform to the approved site development plan.
- (c) 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 site development plan;

(d) The individual unit lots are not separately buildable outside of the context of the approved site development plan for the subdivision and additional development of the individual unit lots may be limited as a result of the application of development standards to the parent parcel.

Section 16. Ordinance to be Transmitted to Department. Pursuant to RCW 36.70A.106 a copy of this Ordinance shall be transmitted to the Washington Department of Commerce as required by law.

Section 17. Severability. If any provision, section, or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 18. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

PASSED BY the City Council and APPROVED by the Mayor this 6<sup>th</sup> day of May, 2019.

CITY OF ARLINGTON



Barbara Tolbert, Mayor

Attest:



Erin Keator, City Clerk

Approved as to form:



Steven J. Peiffle  
City Attorney

CERTIFICATION OF ORDINANCE

I, Erin Keator, being the duly appointed and City Clerk of the City of Arlington, Washington, a municipal corporation, do hereby certify that the following Ordinance No. 2019-010 was approved at the May 6, 2019 City Council meeting.

ORDINANCE NO. 2019-010

AN ORDINANCE OF THE CITY OF ARLINGTON, WASHINGTON  
MAKING ADDITIONS TO THE DEVELOPMENT REGULATIONS  
PERTAINING TO UNIT LOT SUBDIVISIONS FOR THE CITY OF  
ARLINGTON UNDER CITY PLANNING FILE NO. PLN 514

A true and correct copy of the original ordinance is attached.

Dated this 8th day of May 2019.



A handwritten signature in blue ink that reads "Erin Keator". The signature is written in a cursive style and is positioned above a horizontal line.

Erin Keator  
City Clerk for the City of Arlington