

ORDINANCE NO. _____

AN ORDINANCE relating to Subdivisions; amending SMC 17G.080.065 and setting an effective date.

The City of Spokane does ordain:

Section 1. That SMC 17G.080.065 is amended to read as follows:

17G.080.065 Unit Lot Subdivisions.

A. Purpose.

The purpose of these provisions is to allow for the creation of unit lots in appropriate areas to increase housing diversity and help meet market demand for walkable urban environments for specified housing types while applying only those site development standards applicable to the parent site as a whole, rather than to individual unit lots.

B. Applicability.

The provisions of this section apply exclusively to the subdivision of land that is already or will be developed with residential dwelling units. The types of development that may use the unit lot subdivision are:

1. Cottage Housing Development in Specified Locations.

- a. Cottage housing projects previously approved under SMC 17C.110.350 and built prior to January 1, 2014;
- b. Cottage housing built after January 1, 2014 in the RSF-C, RTF, or RMF zones and complies with the development standards under SMC 17C.110.350; and
- c. Cottage housing built after January 1, 2014 in the RA or RSF zone if the project:
 - i. complies with the development standards and is approved under SMC 17C.100.350; and
 - ii. is on a site wholly or partially within one-quarter mile of a CC Core designated on the land use plan map of the comprehensive plan or is adjacent to or across a street or alley from a zoning category that allows higher density uses than the RSF zone, including the RTF, RMF, RHD, Commercial, Center and Corridor and Downtown zones.

2. A similar existing or planned development that consists of multiple dwelling units on a single parcel or site where the use is permitted by the underlying zone classification; or

3. Townhouse Development.

- a. An existing townhouse development in the zones in which townhouse dwellings are a permitted use.
- b. A townhouse development that complies with the applicable development standards of this code in the RSF-C, RTF, RMF, RHD, and all Commercial, Industrial, Center and Corridor, and Downtown zones.
- c. A townhouse development in the RA or RSF zone that complies with the applicable development standards of this code on parcels that are wholly or partially within one-quarter mile of a CC Core designated on the land use plan map of the comprehensive plan or are adjacent to or across a street or alley from a zoning category that allows higher density uses than the RSF zone, including the RTF, RMF, RHD, Commercial, Center and Corridor and Downtown zones.

- C. Application Procedure.

Unit lot subdivisions of nine or fewer lots shall be processed as short plats and all others shall be processed as subdivisions according to the associated permit types in SMC chapter 17G.060.

- D. General Regulations.

1. A unit lot subdivision shall meet development standards applicable to the underlying site development plan approval, if any, and the provisions of this section. As a result of the unit lot subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot. So long as the parent site meets the criteria of the underlying site development plan or the dwelling units are already in existence, each unit lot will be deemed to be in conformance. If existing units do not comply with development standards (i.e.: minimum building setbacks, maximum density, etc.), a unit lot may be created for each existing dwelling unit. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot;

2. Unit lot subdivisions shall be subject to all applicable requirements of Title 17 SMC, except as otherwise modified by this section;
3. Each unit lot's area and width for purposes of subdivision may be as small as the footprint of the individual existing dwelling unit;
4. Portions of the parent site not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners association comprised of the owners of the individual unit lots located within the parent site;
5. Maximum lot coverage of the aggregate buildings located upon the parent site shall not exceed the maximum lot coverage permitted by the underlying zone;
6. There shall be no setback required from individual unit lot lines which are interior to the perimeter of the parent site; provided, however, that any structure located, expanded or rebuilt upon a unit lot created hereunder shall comply with the setbacks applicable to the underlying site development plan;
7. Internal drive aisles providing vehicular access to unit lots within a unit lot subdivision shall not be considered public or private streets;
8. 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 shall be executed for use and maintenance of common garage, parking and vehicle access areas; on-site recreation; landscaping; underground utilities; common open space; exterior building facades and roofs; and other similar features, and shall be recorded with the county auditor's office. Each unit lot subdivision shall make adequate provisions for ingress, egress and utilities access to and from each unit lot created by reserving such common areas or other easements over and across the parent site as deemed necessary to comply with all other design and development standards generally applicable to the underlying site development plan;
9. 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 development was granted by the review of the development, as a whole, on the parent site by

the site development plan approval (stating the subject project file number if applicable);

- b. 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 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 separate building sites and additional development of the individual unit lots may be limited as a result of the application of development standards to the parent site.

E. Conflicts.

Any conflicts between the provisions of this section and the text of other sections in the Unified Development Code shall be resolved in favor of the text of this section.

Section 2. Effective Date. This ordinance shall take effect and be in force _____, 2015.

ADOPTED BY THE CITY COUNCIL ON _____

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date