
22.68.045 Unit lot subdivisions.

A. Purpose. The purpose of this section is to allow subdivision of certain housing types such as attached dwelling units and middle housing where subdivision is not otherwise possible due to conflicts between characteristics of the development type and applicable dimensional standards. In such cases, the unit lot subdivision process provides opportunities for fee simple ownership of land as an alternative to condominium ownership. Unit lot subdivision applies the dimensional standards to the overall site, the "parent lot," while allowing flexibility in the dimensional standards for the subordinate "unit lots." This section is not intended to permit uses or densities that are not otherwise allowed in the land use designations in which a unit lot subdivision is proposed.

B. Process. Unit lot subdivisions shall follow the application, review, and approval procedures for a short subdivision.

C. Applicability. A lot to be developed with middle housing or multiple detached single-family residences, in which no dwelling units are stacked on another dwelling unit or other use, may be subdivided into individual unit lots as provided herein.

1. Only sites located in the following zoning districts may be subdivided into individual lots pursuant to this section:

- a. All residential zones including R7, R15, and R25;
- b. Mixed Use – Neighborhood (MN) and Mixed Use – General (MG);
- c. Downtown Commercial.

2. Only sites developed or proposed to be developed with the following types of development may be subdivided into individual lots pursuant to this section:

- a. One or more duplexes; or
- b. Townhouses; or
- c. Detached dwellings; or
- d. Accessory dwelling units pursuant to MMC 22.16.050.

3. For previously developed lots, eligibility for unit lot subdivision shall be subject to compliance with all standards applicable to the parent lot and proposed unit lots. Inconsistency of existing development with the provisions of this section shall not constitute justification for a variance under Chapter 22.66 MMC.

D. *Deviation from Dimensional Standards.* The overall development on the parent lot proposed for subdivision shall maintain consistency with the development standards applicable to the zoning district and the land use type at the time the application is vested, as specified by the applicable code provisions and this section. Subsequent additions or modification to the structure(s) shall not create any nonconformity of the parent lot. Deviation from setback, lot width, and lot area standards may be approved for individual unit lots through a unit lot subdivision, subject to any limitations in this section. Structures on unit lots and structures divided by unit lots that conform to a recorded unit lot subdivision shall not be considered nonconforming under Chapter 22.40 MMC.

F. *Approval Criteria.* In addition to any other standards and approval criteria applicable to a unit lot subdivision proposal, including but not limited to criteria in Chapter 22.42 MMC and this chapter, proposals shall be subject to the following:

1. Each unit lot shall have individual sewer service, water service, and a power meter specific to that unit.
2. All buildings shall meet all applicable provisions of the building and fire code.
3. Parking shall be calculated and designed for each lot in compliance with Chapter 22.44 MMC, although parking required for a dwelling may be provided on a different lot or tract within the parent lot as long as the right to use that parking is formalized by an easement declared on the plat.
4. Development as a whole on the parent lot, rather than individual unit lots, shall comply with applicable design and development standards.
5. Subsequent platting actions and additions or modifications to structure(s) may not create or increase any nonconformity of the parent lot.
6. Access easements and/or joint use and maintenance agreements identifying the rights and responsibilities of property owners shall be executed for use and maintenance of common garage, parking, and vehicle access areas; bike parking; solid waste collection

areas; underground utilities; common open space; shared interior walls; exterior building facades and roofs; and other similar features shall be recorded with the county auditor.

7. Portions of the parent lot not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots through an easement and/or joint use and maintenance agreement to be recorded with the county auditor.

8. Notes shall be placed on the face of the short plat as recorded with the county auditor to state the following:

- a. The title of the plat shall include the phrase "Unit Lot Subdivision."
- b. Approval of the development on each unit lot was granted by the review of the development, as a whole, on the parent lot.

G. *Effect of Preliminary Approval.* Preliminary approval constitutes authorization for the applicant to develop the required facilities and improvements, upon review and approval of construction drawings by the public works department. All development shall be subject to any conditions imposed by the city on the preliminary approval.

H. *Revision and Expiration.* Unit lot subdivisions follow the revision and expiration procedures for a short subdivision.