

Instructions to reader: This is a new chapter in the Unified Development Code. For a summary of the effect of this chapter from current standards, please visit the Rethink Zoning Library at <https://everettwa.gov/2453/Rethink-Zoning-Library>.

Chapter 19.27 Unit Lot Land Divisions

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19.27.010 Purpose and Applicability.

A. Purpose.

1. The primary purpose of these provisions is: to establish a process which allows greater flexibility in the development of single-family detached and attached housing on lots which do not strictly conform to the development standards of chapters 19.24 - 19.27 and this title. For single-family attached and townhouse dwellings, the intent is to apply only those site development standards applicable to the parent site as a whole, rather than individual lot standards. For single-family detached dwellings, these standards are intended to provide flexibility for a development that is innovative and consistent with comprehensive plan policies promoting architectural compatibility with housing on adjacent properties, affordable housing, and owner-occupied housing types.
2. The secondary purpose of these provisions is to allow for the unit lot subdivision process to be applied to townhouse and single-family detached condominium developments for which, as of the effective date of this chapter, either:
 - a. A condominium declaration and survey had been recorded pursuant to Chapter 64.34 RCW; or
 - b. (i) A complete application for formal approval of a site development plan had been filed, and (ii) the recording of a condominium declaration and survey had been deferred in anticipation of the adoption of this chapter, and (iii) the application had accepted by the city and was still actively being processed by the city.

B. Applicability.

1. Townhouse Unit Lot Development. The provisions of this chapter apply to the division of land for single-family attached dwelling developments in zones that allow this use. To use this process, a development shall have a minimum of two single-family attached units.
2. Townhouse and Single-Family Detached Condominiums in Existence as of May 13, 2014. The provisions of this section apply to single-family attached developments, and/or single-family detached condominium developments for which, as of the effective date of this chapter, either:
 - a. A condominium declaration and survey had been recorded pursuant to Chapter 64.34 RCW, in which all property owners apply to subdivide existing condominium dwelling units into unit lot subdivisions; or
 - b. (i) A complete application for formal approval of a site development plan had been filed, and (ii) the recording of a condominium declaration and survey had been deferred in anticipation of the adoption

of this chapter, and (iii) the application had been accepted by the city, and was still actively being processed by the city.

- c. This chapter is not applicable to developments that include filing of a residential condominium under RCW 64.34, Condominium Act; and provided all other requirements of chapters 19.24 - 19.27 and this title are met.
3. Single-Family Detached and Cottage Housing. This process may be used as an alternative to a conventional subdivision or short subdivision and shall be permitted in any residential zone allowing for the development of single-family detached dwellings. To use this process, developments shall contain at least two single-family detached dwellings.

C. Site Plan Approval Required.

All developments using the unit lot process are required to submit a site plan for review and approval as part of the land division application. The site plan must demonstrate compliance with the applicable regulations of chapters 19.24 - 19.27 and this title.

D. Conflict.

In the event of a conflict between this chapter and any other provisions of chapters 19.24 - 19.26 and this title, the requirements of this chapter shall control.

19.27.020 Unit lot land division standards applicable to all developments.

All applications for unit lot subdivisions or short subdivisions shall be considered under the following standards of chapters 19.24 - 19.27 and this title, where applicable:

- A. Chapter 19.25 – General evaluation criteria applicable to unit lot subdivisions;
- B. Chapter 19.26 – Land division development standards;
- C. Chapter 19.06 – Lot and building placement standards, except as modified through 19.06.80;
- D. Chapter 19.08 – Residential standards;
- E. Chapter 19.09 – Multifamily standards;
- F. Chapter 19.33 – Streets, sidewalks and pedestrian access;
- G. Chapter 19.34 – Off-street parking requirements;
- H. Chapter 19.35 – Landscaping requirements; and
- I. All other requirements of chapters 19.24 - 19.27 and this title.

19.27.030 Unit lot land division standards – townhouse/single-family attached.

Development on individual unit lots within the unit lot subdivision need not conform to the minimum lot area or dimensional standards of Chapter 19.06, provided that overall development of the parent site meets the development and design standards of the underlying zoning and the requirements of this section. There shall be no minimum required lot area for individual lots for attached dwellings, provided 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.

19.27.040 Condominium developments existing as of the effective date of this chapter.

Single-family attached and/or single-family detached dwelling developments existing at the time this chapter became effective may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the development was approved. 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 of chapters 19.24 - 19.27 and this title as applied to the individual unit lot, except that any private open space for individual dwelling units shall be provided on the same lot as the dwelling unit it serves. The review authority shall

have the authority to add reasonable conditions of approval that would make the development more closely conform to current landscaping and/or design standards.

19.27.050 Unit lot standards – single-family detached and cottage housing.

All single-family detached and cottage housing developments involving a land division under this chapter shall be reviewed under additional standards in Title 19 based on the type of housing proposed as follows:

- A. Single-family detached development, except cottage housing:
 - 1. Chapter 19.08.020 – Small lot single family standards;
 - 2. Chapter 19.06.080.B – Exceptions to minimum lot area, width, depth, frontage and lot coverage standards.
- B. Cottage housing:
 - 1. Chapter 19.08.070 – Cottage housing standards;
 - 2. Chapter 19.06.080.B – Exceptions to minimum lot area, width, depth, frontage and lot coverage standards.

19.27.060 Ownership of common areas.

Portions of the parent site not subdivided for individual unit lots or not dedicated to the city as public streets or public utility systems shall be owned in common by the owners of the individual lots within the subdivision, or by a homeowners’ association comprised of the owners of the individual unit lots within the subdivision.

19.27.070 Development and design standards.

Except as otherwise provided in this chapter, all unit lot subdivisions shall comply with the applicable development and design standards of Chapters 19.08, 19.09 and 19.12.

19.27.080 Single-Family Attached - Commencement of construction, final land division approval.

- A. For single-family attached unit lot land divisions, site development and building construction may commence upon approval of a development plan, but prior to final land division approval and recording; provided, that all applicable permits and approvals have been obtained by the applicant. However, no dwelling unit or unit lot may be sold, transferred, occupied or conveyed prior to final subdivision approval and recording.
- B. The city is authorized to approve changes between the preliminary and final land division approval, provided that no change shall be allowed that does not fully comply with the applicable requirements of chapters 19.24 - 19.27 and this title.