

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING EDMONDS COMMUNITY DEVELOPMENT CODE SECTION 20.75.045 TO CHANGE THE PROCESS FOR UNIT LOT SUBDIVISIONS; PROVIDING FOR SEVERABILITY; AND SETTING AN EFFECTIVE DATE.

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WHEREAS, the unit lot subdivision process was adopted in 2017 to allow for the creation of "fee-simple" residential ownership opportunities (e.g., allowing townhomes to be individually owned) in certain multifamily and commercial zones; and

WHEREAS, staff has identified the need for a minor change to application timing within the unit lot procedure to make the associated building permit reviews more efficient for both staff and applicants; and

WHEREAS, to streamline the process, unit lot applications should no longer be accepted after building permits are submitted; and

WHEREAS, new language is also proposed in that subsection for unit lot applications on sites that are already built out, intending to emphasize the need to comply with current building code separation requirements in such circumstances; and

WHEREAS, staff introduced this topic to the Planning Board on November 13, 2019; and

WHEREAS, the Board then held a public hearing on December 11, 2019; NOW  
THEREFORE

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO ORDAIN  
AS FOLLOWS:

Section 1. Section 20.75.045 of the Edmonds Community Development Code, entitled "Unit Lot Subdivision," is hereby amended to read as set forth in Attachment A hereto, which is incorporated herein by this reference as if set forth in full (new text shown in underline; deleted text shown in strike through).

Section 2.     Severability. If any section, subsection, clause, sentence, or phrase of this ordinance should be held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3.     Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:

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MAYOR MIKE NELSON

ATTEST/AUTHENTICATED:

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CITY CLERK, SCOTT PASSEY

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY \_\_\_\_\_  
JEFF TARADAY

FILED WITH THE CITY CLERK:  
PASSED BY THE CITY COUNCIL:  
PUBLISHED:  
EFFECTIVE DATE:  
ORDINANCE NO. \_\_\_\_\_

**SUMMARY OF ORDINANCE NO. \_\_\_\_\_**

of the City of Edmonds, Washington

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On the \_\_\_\_ day of \_\_\_\_\_, 2020, the City Council of the City of Edmonds, passed Ordinance No. \_\_\_\_\_. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS,  
WASHINGTON, AMENDING EDMONDS  
COMMUNITY DEVELOPMENT CODE SECTION  
20.75.045 TO CHANGE THE PROCESS FOR UNIT LOT  
SUBDIVISIONS; PROVIDING FOR SEVERABILITY;  
AND SETTING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2020.

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CITY CLERK, SCOTT PASSEY

**20.75.045 Unit lot subdivision.**

A. Purpose. The unit lot subdivision process provides opportunities for dividing fee simple ownership of land to create townhouses, rowhouses and similar fee-owned dwelling units as an alternative to both condominium ownership and traditional single-family detached subdivision. Unit lot subdivisions determine compliance with the relevant dimensional standards of ECDC Title [16](#) by analyzing whether the parent lot complies, but not requiring that each newly created lot within the unit lot subdivision (the unit lot) complies, with those dimensional standards. A unit lot subdivision does not permit uses or densities that are not otherwise allowed in the zoning district in which the unit lot subdivision is proposed.

B. Applicability. The provisions of this section apply exclusively to the subdivision of land for single-family dwelling units, townhouse, and rowhouses and may be applied only in the following zones: multiple residential, general commercial, and Westgate mixed-use. A single lot within a unit lot subdivision may contain multiple dwelling units when the unit lot contains all such dwelling units within one building. Flats are permitted as an element of a unit lot subdivision only when a single lot within a unit lot subdivision contains the entire building in which flats are located.

C. Association with Site Development – Application Timing. In the case of a vacant lot or a redevelopment site, a preliminary unit lot subdivision can only be submitted in conjunction with or ~~subsequent to preceding~~ a development site plan as required by Chapter [20.10](#), [20.11](#), or [20.12](#) ECDC, or in the case described in ECDC [20.10.020\(B\)\(3\)](#) submitted in conjunction with or ~~subsequent to preceding~~ a building permit. For existing developed sites, a preliminary unit lot subdivision application may be submitted at any time. If the subdivision involves creating unit lot lines within common walls, a building permit application is required in order to verify that the walls meet the separation requirements in effect at the time of the subdivision application.

D. Conformance with Standards of the Parent Lot. The parent lot must comply with and is vested to the applicable development standards (ECDC [20.75.030\(E\)](#)) in effect at the time a complete application for preliminary unit lot subdivision is submitted. As a result of the unit lot subdivision, the individual unit lots within the subdivision may be nonconforming with respect to the bulk and dimensional standards required by ECDC Title [16](#).

As with dimensional standards, compliance with access standards, including but not limited to fire lanes, drive aisles, turn-arounds, and access of/to the parent lot from/to the street will be evaluated based on the parent lot's compliance with such requirements, and not based on whether individual unit lots meet such standards.

E. Future Additions and Modifications. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parcel lot. Changes requiring permitting that affect only the interior of building units will be evaluated for compliance with the requirements only for that unit. Any exterior changes will be evaluated for

compliance by considering whether the parent lot would still comply with applicable development standards. Any application for such external changes will require authorization of all owners of affected unit lots or approval of the HOA where changes to commonly owned tracts are proposed.

F. Homeowners' Association Ownership of Common Areas. Any commonly used areas or facilities within a unit lot subdivision, including but not limited to common access, garage or parking areas, common open space or recreation space, common courtyards, commonly used stormwater facilities or side sewers and other similar features, must be owned and maintained by a homeowners' association with the right to assess the individual unit lot owners as necessary to properly maintain and repair such areas. Appropriate documentation regarding the rights of the homeowners association must be submitted for recording with the final plat.

G. Maintenance Agreements for Building Exteriors. Maintenance agreements must be executed and recorded as an element of the final unit subdivision plat or short plat for maintenance of all building exteriors except in cases where all dwelling units are detached. The maintenance agreement must require equal participation by all owners within any one building and must be recorded on the final unit lot plat. The requirement does not apply to detached single family dwelling units. Common wall construction must meet currently adopted building codes.

H. Parking on Different Unit Lots Allowed. Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit as long as the right to use that parking is formalized by an easement on the final plat.

I. Notice of Unit Lot on the Final Plat. The fact that the unit lot is not a separate buildable lot and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot must be noted on the final plat.

J. An application for final unit lot plat will not be accepted until all foundations, including common wall foundations, are installed and located on the face of the final plat by the land surveyor of record.

K. Review. Unit lot subdivisions of four or fewer lots are processed and reviewed as short subdivisions while five or more lots are formal subdivisions pursuant to Chapter [20.01](#) ECDC and the requirements of this chapter. [Ord. 4154 § 4 (Att. C), 2019; Ord. 4070 § 1 (Exh. 1), 2017].