

- a. Proposed Unit Lot Subdivision Amendments to Kirkland Municipal Code (KMC) 22.22, Case No. CAM25-00299

Purpose: Hold a public hearing to receive public testimony on the Proposed Unit Lot Subdivision Amendments to Kirkland Municipal Code (KMC) 22.22. At the conclusion of the public hearing, the Planning Commission (PC) should deliberate and make a recommendation to City Council on the proposed code amendments.

Action: Staff Contact:

## Unit Lot Subdivision Kirkland Municipal Code (KMC) Amendments

*Draft for Public Hearing May 22, 2025*

### KMC TITLE 22 SUBDIVISIONS

For the following code subsections, proposed text changes are indicated by underlining for added text, and ~~strikethrough~~ for removed text. Any subsections of the KMC not shown are not proposed to be amended.

#### **Chapter 22.08 Definitions**

##### **22.08.120 Lot.**

"Lot" means a fractional part of subdivided lands having fixed boundaries and having sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels. ~~(Ord. 3705 § 2 (part), 1999).~~ "Lot" does not include a unit lot as defined in KMC Title 22, subdivisions.

##### **22.08.125 Lot, Parent.**

"Parent Lot" means an initial residential lot that is subdivided into unit lots through the unit lot subdivision process of KMC Title 22, subdivisions.

##### **22.08.130 Lot, Unit.**

Unit lot means a fractional part of subdivided lands having fixed boundaries that is created through the unit lot subdivision of a parent lot pursuant to the unit lot subdivision process in the KMC Title 22, Subdivisions.

##### **22.08.252 Unit Lot Subdivision.**

"Unit lot subdivision" means a subdivision or short subdivision proposed as part of a residential development project that meets the development standards applicable to the parent lot at the time the application is vested.

#### **Chapter 22.16 Final Plat Procedure**

##### **22.16.090 Minor deviations from preliminary plat or unit lot subdivision.**

- (a) The planning and building director may approve a final plat or unit lot subdivision that is different from the preliminary plat or unit lot subdivision if the change:
- (1) Does not increase the number of lots or unit lots; and
  - (2) Does not decrease any lot size by more than ten percent. This is not applicable to unit lots;  
and
  - (3) Does not substantially alter the location or nature of any improvements or any other element of the subdivision; and

- (4) Does not significantly alter the subdivision or unit lot subdivision.
- (b) Final plats with changes that do not meet the criteria for minor deviations must be processed as new preliminary plats or unit lot subdivisions. (~~Ord. 4750 § 11, 2021; Ord. 3705 § 2 (part), 1999~~)

## **Chapter 22.20 Short Subdivisions or unit lot subdivisions**

### **22.20.025 Minor modifications.**

(a) Modifications to short subdivisions or unit lot short subdivisions after approval shall require a new short subdivision or unit lot short subdivision application pursuant to this chapter unless such modifications constitute minor modifications under the following criteria:

- (1) The modification complies with all of the requirements of this chapter; and
- (2) The modification does not involve the alteration or vacation of city easements, roads, or city-owned lands; and
- (3) The planning director determines that there will not be substantial changes in the impacts on the neighborhood or the city as a result of the change; and
- (4) The modification will not increase the number of lots or unit lots; and
- (5) The modification will not significantly alter any condition of approval.

The consideration of the minor modification shall be made upon written request to the planning and building department. The planning and building director's decision will be the final decision of the city.

(b) If a minor modification is approved after recording, the revised mylar shall meet the standards specified in WAC [332-130-050](#) regarding survey maps. (~~Ord. 4491 § 3 (part), 2015; Ord. 4122 § 1 (part), 2008; Ord. 3705 § 2 (part), 1999~~)

### **22.20.140 Planning director's decision—Criteria.**

In addition to the decisional criteria identified in KZC [145.45](#)(2), the planning and building director may approve the short subdivision or a unit lot subdivision only if:

- (a) There are adequate provisions for open spaces, drainageways, rights-of-way, easements, transit stops, water supplies, sanitary waste, power service, parks, playgrounds and schools, including sidewalks and other planning features that assure safe walking routes to and from schools; and
- (b) It will serve the public use and interest and is consistent with the public health, safety and welfare. The planning director shall be guided by the policy and standards and may exercise the powers and authority set forth in Chapter [58.17](#) RCW. (Ord. 4750 § 14, 2021; Ord. 3705 § 2 (part), 1999).; and

(c) If proposing a unit lot subdivision, it must also meet the General Requirements of KMC 22.22.020.

## **New Chapter 22.22 UNIT LOT SUBDIVISIONS**

### **22.22.010 Purpose.**

A unit lot subdivision allows a division of land related to a specific residential development proposal on a parent lot into separately owned unit lots pursuant to 58.17.060(3) RCW, and as an alternative to condominium ownership permitted pursuant to 64.90 RCW.

Unit lot subdivisions allow for more flexible creation of lots of varying sizes and mixtures of housing types, including but not limited to attached and detached units, and accessory dwelling units, provided that no dwelling units are stacked on another dwelling unit or another use. Development on individual unit lots is not required to conform with all development standards that typically apply to individual lots as long as the parent lot conforms to all such development standards.

### **22.22.015 Applicable Process.**

Unit lot subdivisions shall follow the application, review and approval process as a short subdivision, if resulting in nine or fewer lots pursuant to KMC 22.20.140 or if resulting in ten or more lots as subdivisions pursuant to KMC 22.12.230.

### **22.22.020 Unit Lot Subdivision General Requirements.**

For requirements that apply to unit lot subdivisions, refer to KMC subsections [22.28.080 through 22.28.220](#) and [22.32](#), except as otherwise modified by this section.

- (a) The development as a whole shall be consistent with all development standards in the Zoning Code for the proposed use in the zoning district in which the subject property is located on the Zoning Map at the time of a complete vested building permit application for the parent lot;
- (b) Development on individual unit lots within the unit lot subdivision need not conform to the minimum lot area, building setbacks, minimum density, or dimensional requirements; provided, that any structure located upon a unit lot shall comply with the maximum building height requirements. There shall be no zoning code required setback from individual unit lot lines which are interior to the perimeter of the parent lot. The overall development of the parent lot shall meet the development and design standards of the underlying zoning district.
- (c) Subsequent platting actions, additions, or modifications to structure(s) may not create or increase any nonconformity of the parent lot;

- (d) Portions of the parent lot not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners' association comprising the owners of the individual unit lots;
- (e) Within the parent lot, the required parking for a dwelling unit may be provided on a different unit lot than the unit lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the unit lot subdivision plat, as recorded with the King County Recorder's Office; and
- (f) Notes shall be placed on the face of the unit lot subdivision plat as recorded with the King County Recorder's Office acknowledging the following:
  - 1) The title of the plat shall include the phrase "Unit Lot Subdivision" and the legal description of each parent and unit lot shall identify it as part of a unit lot subdivision;
  - 2) Approval of the design and layout of the unit lot's subdivision was granted based on the review of the specific development project as a whole, on the parent lot, including specific reference to the applicable development permit and/or land surface modification permit approval number;
  - 3) Additional development or redevelopment of the individual unit lots may be limited as a result of the application of development standards to the parent lot, including the maximum allowed lot coverage and floor area ratio for the parent lot and each unit lots;
  - 4) Subsequent subdivision actions, additions or modifications to the unit lot housing development project's structures may not create and/or increase any nonconformity of the parent lot as a whole and shall conform to the approved unit lot housing development project and/or to the land use and development standards in effect at the time of the proposed actions, additions, or modifications;
  - 5) If a structure or portion of a structure within the unit lot housing development project has been damaged or destroyed, any repair, reconstruction or replacement of any structure shall conform to the approved unit lot housing development project and/or to the land use and development standards in effect at the time the proposed repair, reconstruction, or replacement project's permit application becomes vested; and
  - 6) Access easements, joint use, and maintenance agreements shall be executed for use and maintenance of common garage or parking areas; vehicle access areas; bicycle parking; solid waste collection areas; underground utilities; common open space; shared interior walls; exterior building facades and roofs; any portions of the parent lot not subdivided for individual unit lots, and other similar features and shall be recorded with the King County Recorder's Office.
- (g) Permit review sequencing- An application for a land surface modification permit must be submitted concurrently, or prior to, with a unit lot subdivision application. The proposed parent and unit lots must be consistent with the approved land surface modification and/or

development permit application. Before a unit lot subdivision can be recorded for the new unit lots, the dwelling units must exist on the parent lot, or the permit application for the new structure(s) must be approved and ready to be issued. The unit lot short plat or unit lot subdivision approval for new unit lots must be issued before you can request a final occupancy inspection of the structures on any of the new lots. No unit lot may be sold, transferred, occupied or conveyed prior to unit lot subdivision approval and recording with King County Records Office.

- (h) Revision and Expiration- Unit lot subdivisions follow the revision and expiration procedures established in KMC Chapter 22.

## **Chapter 22.28 DESIGN REQUIREMENTS-AMENDMENTS**

### **22.28.050 Lots—Dimensions.**

Lots must be of a shape so that reasonable use and development may be made of the lot. Generally, the depth of the lot should not be more than twice the width of the lot. In no case shall a lot be less than fifteen feet in width where it abuts the right-of-way, vehicular-access easement or tract providing vehicular access to the subject lot. With the exception of unit lot subdivisions, ~~For~~ lots smaller than five thousand square feet in size located in “low density zones” as defined in the Zoning Code, the lot width at the back of the required front yard shall not be less than fifty feet unless the garage is located at the rear of the lot or the lot is a flag lot. A covenant shall be signed prior to the recording of the plat to ensure that the garage will be located at the rear of the lot if this option is chosen. ~~This lot width requirement shall not apply to lots developed pursuant to the Cottage, Carriage, or Two/Three Unit Homes Regulations in Chapter 113 KZC.~~

### **22.28.080 Access—Required.**

(a) All lots must have direct legal access as required by the Zoning Code, including KZC 115.80, Legal Building Site, and KZC 105.10, Vehicular Access Easement or Tract Standards. For unit lot subdivisions, vehicular access must comply with the regulations and/or Public Works standards and policies associated with the development project type. The city will determine whether access will be by right-of-way or vehicular-access easement or tract on a case-by-case basis.

(b) Unless otherwise provided in the Kirkland Zoning Code, the area of a vehicular-access easement or tract shall not be included in the computation of the lot area for the servient lot. However:

(1) If the vehicular easement serves only one lot which does not abut a public right-of-way, the easement shall be included in the lot area for the servient lot; provided, that the servient lot abuts a public right-of-way and is not a flag lot; and

(2) The area of a vehicular-access easement shall be included in the lot area for cottage housing development approved pursuant to Chapter 113 KZC; and/or

(3) The area of a vehicular-access easement shall be included in the lot area of the parent lot for short subdivisions or subdivisions utilizing unit lot subdivision provisions of Sections 22.22.

**22.12.230 Hearing examiner's decision—Decisional criteria.**

In addition to the decisional criteria identified in KZC [150.65](#)(3), the hearing examiner may approve the proposed plat or unit lot subdivision only if he/she finds that:

(a) There is adequate provision for open spaces, drainageways, rights-of-way, easements, transit stops, water supplies, sanitary waste, power service, parks, playgrounds and schools, including sidewalks and other planning features that assure safe walking routes to and from schools; and

(b) It will serve the public use and interest and is consistent with the public health, safety and welfare. The hearing examiner shall be guided by the policy and standards and may exercise the powers and authority set forth in Chapter [58.17](#) RCW. (Ord. 4750 § 5, 2021; Ord. 3705 § 2 (part), 1999); and

(c) If proposing a unit lot subdivision, it must also meet the General Requirements of KMC 22.22.020.

Proposed Review Process For Unit Lot Subdivision (ULS),  
Land Surface Modification (LSM), and Building Permits (BSF)-draft 5/6/2025

