



Planning Director Code Interpretation UNIT LOT SUBDIVISION IN THE MIDTOWN DISTRICT

Issue

Is Unit Lot Subdivision allowed in the Midtown District and how is private usable open space determined?

Applicable Snohomish Municipal Code (SMC) provisions

SMC 14.05.050 Administration and interpretation

- A. The City Planner shall interpret and apply this Development Code consistently. As may be necessary, the City Planner shall render new interpretations in writing, file said interpretations, and apply said interpretations in future like instances.
- B. In the event of conflict, 1) specific provisions shall prevail over general provisions, 2) text shall prevail over headings, captions, illustrations, and citation references, and 3) Chapter 36.70B RCW shall prevail over this Development Code.
- C. Regulations, conditions, or procedural requirements that are specific to an individual land use shall supersede regulations, conditions, or procedural requirements of general application.
- D. A land use includes the necessary structures to support the use unless specifically prohibited or the context clearly indicates otherwise.
- E. The word “shall” is mandatory and the word “may” is discretionary. The word “should” is mandatory unless the City Planner determines that application of the particular provision is not necessary to implement the purposes of the Development Code as set forth in SMC 14.05.020.

SMC 14.215.125 Fee Simple Unit Lot Subdivision.

- A. Purpose. The purpose of this section is to allow subdivision of certain housing types listed as allowed uses in Chapter [14.207](#) SMC where subdivision is not otherwise possible due to conflicts between characteristics of the development type and applicable dimensional standards in Chapter [14.210](#) SMC. 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 in Chapter [14.210](#) SMC 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. *Applicability.*

1. Only sites located in the following zoning districts may be subdivided into individual lots pursuant to this section:
 - a. Low Density Residential;
 - b. Medium Density Residential;
 - c. High Density Residential;
 - d. Commercial;
 - e. Business Park;
 - f. Historic Business District;
 - g. Pilchuck District; or
 - h. Single-Family Residential, only for accessory dwelling units (ADUs) pursuant to Chapter [14.170 SMC](#).

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 cottage housing pursuant to Chapter [14.175 SMC](#);
 - d. Manufactured home parks pursuant to Chapter [14.180 SMC](#); or
 - e. Accessory dwelling units pursuant to Chapter [14.170 SMC](#).

G. *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 Chapters 14.65 and 14.210 SMC and this chapter, proposals shall be subject to the following:

2. Except for accessory dwelling units, private usable open space of at least 400 square feet, exclusive of required parking, shall be provided for each dwelling unit on the same unit lot as the dwelling unit it serves. Such areas shall have a minimum dimension of 15 feet and shall be usable.

SMC 14.207.070 Residential Uses.

USE	SINGLE-FAMILY	MULTIFAMILY			COMMERCIAL					INDUSTRIAL		PUBLIC
	SFR	LDR	MDR	HDR	C	HBD	PIL ¹	BP	MID	I	AI	POP
Single-family attached	p13	p	p	p	p9	p		p6	p14			
Accessory dwelling units	p2	p2	p2	p2	p2	p2		p2	p2			
Multifamily		p	p	p	p9	p		p6	p			

14.207.075 Residential Uses: Regulations.

2. Accessory dwelling units shall be subject to the provisions of Chapter [14.170 SMC](#).
14. Attached units shall be a minimum of three separate dwelling units. Duplexes are not permitted.

SMC 14.214.430 Residential Amenity Space.

Residential amenity area refers to spaces that are integrated into residential developments or the residential portion of mixed-use developments for use by the residents in the development.

A. Purpose.

1. To create usable amenity space that is suitable for leisure or recreational activities for residents.
2. To create amenity space that contributes to the residential setting and the quality of life enjoyed by the residents.

B. Applicability. Residential amenity space meeting the standards of this section shall be required for all new:

1. Multifamily development.
2. Mixed-use development containing residential units.
3. Senior housing and other age-restricted facilities.

C. *Amount Required.* Applicable developments shall be required to provide residential amenity space equal to a minimum of 100 square feet per dwelling unit.

Applicable 2024 Comprehensive Plan Policies

H1.1 Housing types. Plan for a wide variety of housing types, sizes, and densities to provide housing and homeownership opportunities to a range of ages and income levels consistent with the Regional Growth Strategy.

H3.5 Workforce housing. Support programs that encourage the City’s workforce to be able to live in the City.

H5.1 Unit lot subdivision. Allow unit lot subdivisions to create fee simple home ownership opportunities in attached residential development.

H5.4 Housing innovation. Support innovative housing models such as community land trusts and tiny house villages for ownership and shared ownership opportunities.

Interpretation

Discussion:

Is Unit Lot Subdivision Allowed in Midtown? Established by Ordinance 2425 in 2022, the Midtown District was previously zoned Commercial prior to its establishment. The purpose and intent of the Midtown District include promoting a diverse mix of retail, housing, office, and civic land uses and a genuine sense of place, including diverse retail and service uses, higher density residential housing, a network of pedestrian-oriented streets, and a high degree of connectivity for all modes of travel.

The provisions of Unit Lot Subdivision, specifically SMC 14.215.125(B)(1) appear to have been overlooked at the time Ordinance 2425 was adopted, and this section was not updated to include the Midtown District as one of the applicable zones. Midtown allows many housing types that are allowed to be subdivided through the ULS process. Creating

additional homeownership opportunities is a policy priority for the City, which the Unit Lot Subdivision process provides.

How is open space determined? The Midtown District is unique in Snohomish, partly because it has specific open space requirements that differ from the rest of the city. One of those requirements is for 100 square feet of residential amenity space per dwelling unit, which can be in the form of outdoor areas (common and private), roof decks, balconies, indoor recreation areas, and children's play areas. The code provides specific design criteria for each type of amenity space to ensure suitability for recreation and use by the residents.

Analysis:

The Midtown District was previously the Commercial zone, where Unit Lot Subdivision is allowed. There are no special circumstances of the Midtown development regulations that would preclude townhouses, other types of attached housing, and ADUs from being subdivided through the Unit Lot Subdivision process, and in fact, with no minimum lot size regulations the only alternative ownership type would be condominium. Moreover, there is policy support for including Midtown among the applicable zoning districts for Unit Lot Subdivision in the adopted Comprehensive Plan.

The Midtown District requirement to provide 100 square feet of residential amenity space per unit would be unduly onerous if considered to be exclusive of the 400 square feet of private usable open space per unit required for Fee Simple Unit Lot Subdivision. Residential amenity space design criteria are more stringent than those of the private open space for Unit Lot Subdivisions, so it can be reasonably assumed that considering the residential amenity space as part of the 400 square-foot requirement will result in high quality and functional space for the residents. As Midtown is also the only Snohomish zone with a minimum density requirement, it is important not to overly restrict lot yield with additional site layout requirements. Elevated outdoor spaces and other recreational areas of SMC 14.214.430(D) should be considered to meet the intent of the private open space requirement for Unit Lot Subdivision.

Conclusion

The Midtown District is an applicable zoning district where sites may be subdivided through the Unit Lot Subdivision process. The 100 square feet of residential amenity space required per dwelling unit per SMC 14.214.430 shall be included within the required 400 square feet of private usable open space of SMC 14.215.125(G)(2).

Dated this 19th day of November, 2025.



Brooke Eidem, AICP
Planning & Development Services Director

NOTE:

This decision is made pursuant to the authority granted to the Planning Director in accordance with SMC 14.05.050. Any aggrieved party to the Planning Director's Decision and administrative determination may appeal the decision to the Hearing Examiner following the procedures contained in Chapter 14.75 SMC. If no timely appeal is filed, then the Planning Director's Decision shall be final. Appeals must be filed with City Clerk within 14 days from the date of this decision. Appeals must include a filing fee of \$500 (five hundred dollars).