

## Draft Accessory Dwelling Unit Code Amendments 5/22/2018

Text that is underlined is new. ~~Text that is crossed out is proposed to be removed.~~ *Italicized words are informational.*

### **18.01.040 Definitions**

“Accessory dwelling unit” means a room or set of rooms either in a single-family residence or a separate building on the same lot as a single-family or duplex residence that has been designed or configured to be used as a separate dwelling unit. The accessory dwelling unit generally includes living, sleeping, kitchen and bathroom facilities and has a lockable entrance door. And may include a Tiny House.

~~“Guest houses” means an accessory, detached building designed exclusively for residential purposes and without any cooking facilities; situated on the same parcel as a one-family dwelling; for the use of visitors as nonpaying guests of the one-family dwelling; which cannot be segregated or separately leased, rented, sold or transferred, given or otherwise conveyed unless the parcel is of sufficient size to meet density, platting and other city code requirements for a separate legal lot; of not more than 800 square feet; which provides one parking space in addition to those required for a one-family dwelling; and there shall be no more than one guest house per parcel or lot.~~

**Consolidate all ADU related regulations into one chapter**

**Establish a purpose statement**

#### **Purpose**

Accessory dwelling units are permitted in certain situations to:

- a. Create new housing units while respecting the look and scale of single-family neighborhoods;
- b. Support more efficient use of existing housing stock and infrastructure;
- c. Offer environmentally friendly housing choices with less average space per person and smaller associated carbon footprints;
- d. Create work force housing;
- e. Provide housing that responds to changing family needs, smaller households, and increasing housing costs;
- f. Provide accessible housing for seniors and persons with disabilities; and
- g. Implement the Comprehensive Plan.

**18.22.155 Accessory dwelling units.**

The following provisions apply to accessory dwelling units:

- ~~A. Permitted as a second dwelling added to, created within, or detached from the principal residence;~~
- B. Accessory dwelling units maybe created within or detached from the principal residential building;
- C. One attached and one detached accessory dwelling unit is permitted on a residential lot with a single-family residence.
- D. Two detached Tiny Homes (less than 400 SF) are permitted on a residential lot with a single-family residence.
- E. One detached accessory dwelling unit is permitted on a residential lot with a duplex residence.
- F. Not less than 150 nor more than 1,000 gross square feet in size;
- G. May be established in either an existing or new residence;
- ~~D. Limit of one ADU per legally established lot;~~
- H. Must be served by city water and sewage services, ~~where available;~~
- I. The total lot coverage requirement of the applicable zone may be exceeded by up to 15 percent if necessary to accommodate an ADU;
- J. One off-street parking space is required in addition to the spaces required for the principal or other approved uses on the property where there are two accessory dwelling units;
- K. If the ADU is included within or attached to the principal residence, only one entrance is allowed on the front of the principal residence unless more than one entrance on a front or street side existed as of March 1, 1995; additional entrances shall be on the sides or rear of the residence;
- L. The maximum height for a detached accessory dwelling unit is 15 feet. The height of accessory structures that include an accessory dwelling unit may be built to a height of 24 feet or 80 percent of the height of the principal structure, whichever is greater.

*The height regulations are located in each RS zone and those related to accessory dwelling units shall be located as above in K.*

~~I. An ADU and a home occupation are allowed on the same lot when the home occupation is of a type that does not generate significant additional traffic, conduct retail sales, or employ persons who do not reside in the principal building;~~

~~J. Subject to administrative zoning compliance review and building permitting (if applicable) and the owner recording a covenant with Island County acknowledging that he/she/they have read and understand the provisions of this code section. In the case where a home occupation is already established on the property and such home occupation is characterized by the conditions set forth in~~

~~Section 18.22.060, a conditional use permit shall be required to establish an ADU on the same property. (Ord. 965 § 1, 2012; Ord. 696, 1995)~~

### **Setbacks**

*Three chapters 18.06 RS5000, 18.07 RS7200 and 18.08 RS15000 contain the same provision regarding setbacks for ADUs. This section shall be moved to 18.22.155*

M. The following setback requirements shall apply to detached accessory dwelling units:

1. Along the front yard of the accessory structure, a setback of one foot from the front facade of the principal structure for every foot of height above 15 feet is required.
2. A setback of one foot from the front facade of the principal structure for every foot of height above the principal structure is also required.
3. The setback requirements in subsections (K)(1) and (2) of this section shall not apply on lots over one-half acre in size. The standard height and setback requirements provided in the relevant zone district Section 18.06.050 for accessory structures shall apply on lots over one-half acre in size.
4. For all detached accessory dwelling units, only the standard setbacks provided in the relevant zone district Section 18.06.050 shall apply if the distance between the accessory dwelling unit and the principal structure is a minimum of twice the side yard setback.
5. accessory dwelling units, the setback shall be not less than five feet from the rear property line with the exception of the RS15000 Zone District and an accessory dwelling unit shall not be less than ten feet from the rear property line.

*The following regulation is located in all three RS zones and the five foot setback from the rear property line shall be removed from this section and located in the consolidated regulation above.*

- D. Where a lot abuts a public or private alley, the setback for a principal building shall be 25 feet from the centerline of the alley; for accessory structures, exclusive of accessory dwelling units, the setback shall be 10 feet from the center of the alleyway; ~~for accessory dwelling units, the setback shall be not less than five feet from the rear property line;~~ and in no case shall a structure be erected closer than two feet to the alley right-of-way;

*Regulations in the following chapter regarding accessory dwelling unit setbacks shall be removed from this section and located in the consolidated regulation above.*

### **18.22.030 Yards**

B. Yards – Setbacks. No portion of any building, or structure, over 18 inches above grade shall extend into a required yard, with the exception of the following:

1. Eaves may extend no more than 18 inches into a required yard area; and
2. Accessory buildings and structures and ~~detached accessory dwelling units~~ may be located in the rear yard setback, as long as they are no closer than five feet from any property line; ~~provided, that in the RS15000 zone, dwelling units may not be closer than 10 feet from any property line;~~
3. Rear Yard. A principal structure may extend up to six feet into the rear setback; provided, that the extended structure is limited in width to 20 percent of the average lot width and is no higher than 12 feet.

### **Pre-existing Accessory Dwelling Units**

#### **Conditions for legalizing pre-existing accessory dwelling units**

An accessory dwelling unit that existed (date of ordinance approval), may be legally established and may continue to be used as an accessory dwelling unit if the following conditions are met:

- A. The property owner files an application for the accessory dwelling unit. The administrator may waive the size limitations if the reduction of the floor area required to bring the pre-existing unit into compliance is impractical to achieve.
- B. Prior to issuance of a permit, the property owner allows inspection of the accessory dwelling unit by the city to ensure the minimum requirements of this chapter relating to fire, life safety, and public health are met, as determined by the director. All improvements necessary to bring the pre-existing accessory dwelling unit into compliance with applicable fire, life safety, and public health requirements shall be identified and made within 30 days of permit issuance.
- C. Prior to issuance of a permit, the property owner shall complete and record an affidavit.

### **Amnesty Period**

Any existing illegal ADU will not be subject to enforcement action if an application to legalize the ADU is submitted within 24 months of the adoption of these regulations. During this 24 month period the ADU permit fee will be waived.

### **18.22.200 Clustered residential development (CRD).**

The following provisions apply to clustered residential development:

- A. The minimum lot area shall be 20,000 square feet.
- B. Density: 150 percent of the base density for the zone district in which the property is located; provided, that all development standards are satisfied.
- C. Balance of site (other than individual lots) shall be in a common ownership tract(s).
- D. Living area (greater than five feet in height) on each lot is limited as follows:
  1. Total square footage in the principal building: 1,400 square feet.

2. No more than 50 percent of the principal buildings may have more than 800 square feet on the first or main level. All other units are limited to 800 square feet on the first or main level.

E. Lots must abut usable, landscaped common area of at least 15 percent of the total site area.

F. An open porch of at least 96 square feet facing onto the common open space or public street.

G. Setbacks.

1. Site Perimeter.

a. Site perimeter abutting a public street: 20 feet, except an unenclosed porch or deck may extend eight feet into this setback for up to 40 percent of the average width of a dwelling adjacent to the public street.

b. Remainder of Perimeter. The setbacks shall be as follows: no more than 50 percent of the perimeter area: 10 feet, and for the balance of the perimeter the setback shall be 20 feet.

2. Internal. Five feet; provided, that the perimeter setback still applies if a lot abuts a perimeter lot line.

~~H. Accessory dwelling units: not permitted.~~

I. Parking: two spaces per lot; may be on the lot or on common tract which is screened from the street; one-third of lots may have parking that backs onto a noncollector public street.

J. CRDs will be processed through the regular plat process or the binding site plan process procedures set forth in Chapter 18.36.

K. Served by public sewer.

L. Subject to the city's design review requirements for overall CRD site, including common buildings, landscaping, lighting, etc. Individual residential units are not subject to design review.

M. Maximum Lot Coverage.

1. Total project site: 50 percent.

2. Individual lots: 60 percent.

N. CRDs are subject to conditional use permit approval in all single-family residential zones. (Ord. 771, 1999)

## **Design Review Board**

### **18.34.030 Scope.**

A. Design review shall apply to all nonresidential development in the central business, public and neighborhood business zones and certain development in the residential zones including multifamily development, planned unit developments, cottage housing, clustered residential development ~~detached accessory dwelling units~~, wireless communication antenna arrays, and accessory buildings larger than 1,200 square feet are subject to the provisions of this chapter as set forth in Section 18.22.050(B)(2)(b). Specifically exempt from design review are developments involving one-

and two-family dwellings, and associated accessory dwelling units and Tiny Homes unless part of a larger project that is subject to design review.

## Administration

### **18.36.025 Permit applications requiring administrative action by the planning official.**

A. The city planning official may administratively approve, approve with conditions, or deny applications for certain land use proposals. Such administrative permit applications are listed below. If an application is found to be consistent with the city's zoning ordinance, this title, and with other applicable code provisions and city requirements, a certificate of zoning compliance or other appropriate approval shall be issued subject to compliance with public notice requirements.

B. Administrative permit applications requiring notification of application:

1. Bed and breakfast rooms.
2. Short subdivisions.
- ~~3. Accessory dwelling units.~~
4. Shoreline exemptions and shoreline substantial development permits, except those permits where a corollary permit is subject to the quasi-judicial process.
5. Accessory buildings having a gross floor area greater than 1,200 square feet.
6. Tourist accommodations – commercial.
7. Reduction of yard setbacks as provided for in Section 18.22.030(C).
8. Type I site plan review.

C. Administrative permit applications not requiring notification of application, including but not limited to:

1. Boundary line adjustments;
2. Home occupations not requiring a conditional use permit;
3. Reductions of critical areas buffers as provided for in Section 16.20.070;
4. Critical/sensitive areas review pursuant to Chapter 16.20 requirements;
5. Written code interpretations;
6. Other minor actions (e.g., remodeling existing commercial buildings to accommodate new businesses);
7. New or modified one- and two-family dwellings; and
8. Signs.
9. Accessory dwelling units or Tiny Homes

## Utilities

### **13.50.110 Connection required, exemptions and enforcement.**

- A. All development in mixed residential and commercial zones is required to be served by the city's public sewage system.
- B. All development in a neighborhood business zone is required to be served by the city's public sewage system, except as otherwise addressed in the city code. (Reference: Nonstandard Sewer Connection.)
- C. In a residential zone all new development and expansions/remodels of existing principal buildings that constitute 50 percent or more of the appraised value of the building(s) is/are required to be served by the city's public sewer system, if the development is within 200 feet of a city sewer main measured from the property line nearest to the sewer, except as otherwise addressed in the city code (reference: Nonstandard Sewer Connection). All proposed subdivision (short and long) and related multiple lot developments are required to be served by the city's sewer system. Developments/redevelopments of a single-family residence on a lot that is not within 200 feet of a sewer main may be served by an onsite septic system.
- ~~D. An accessory dwelling unit or guest house may be served by an onsite septic system if it can be shown to the satisfaction of the Island County health department that the existing septic system is functioning properly; has the design capacity to accept the flow from the accessory dwelling unit or guest house; and complies with all applicable Island County health department regulations.~~
- E. All existing developments in a residential zone served by an onsite sewage disposal system and located within 200 feet of an existing city sewer main, measured from the property line nearest to the sewer, and otherwise not required to connect by the provisions in this chapter, shall connect to the city sewer system (1) when there is a change of property ownership or (2) when the onsite system fails and the Island County health department verifies that the failed system cannot be repaired and construction of a new system is not possible/feasible. Use of the onsite system shall be discontinued upon connection to the city sewer system.
- F. Except in residential zones, all property owners shall connect existing development to the sewer within two years of being notified by the city of their requirement to connect. Any property owner who chooses not to connect within 90 days of receiving notice from the city shall be subject to a monthly sewer service fee. Such imposition shall be the same as if such dwelling or other facility were in fact connected to the sewer system. In addition, if such connection is not made within two years after notice is provided by the city of the requirement to connect, a lien shall be recorded upon the subject property for fees due in relation to the required connection.
- G. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.