

HOUSING ISSUES – ACCESSORY DWELLING UNITS

HOUSING CHALLENGE:

- Counties and cities planning under the Growth Management Act are required to plan for the availability of affordable housing to all economic segments as part of their planning effort (RCW 36.70A.020, Goal 4).
- In addition, they are to “...promote a variety of residential densities and housing types.”
- Local jurisdictions need to implement a variety of housing types and densities in order to be flexible and responsive to ever-changing local demographics. Accessory Dwelling Units provide a housing alternative that jurisdictions should consider.

PROPOSED SOLUTION:

- Each jurisdiction should adopt policies and regulations that ensure local governments have the capacity to accommodate housing and employment growth as required by the GMA.
- Accessory Dwelling Units (ADUs) are an infill development option that can add additional units within single-family area neighborhoods almost unnoticed. ADUs are additional living units that include separate sleeping, kitchen, and bathroom areas, and are either attached or detached from the primary residential unit on a single family lot. These units are secondary in terms of size, location and appearance to the primary structure. Attached units in the single family home are also known as “mother-in-law apartments,” “granny flats,” “accessory units,” or “second units.” In addition, in some areas, the detached units are known as “accessory cottages” or “echo homes”, an acronym for elderly cottage housing opportunity.
- This housing option adds additional affordable housing without being intrusive into the neighborhood. It gives people another option for enjoying the benefits of living in a single-family area (security, privacy, and sense of neighborhood) when they would not be able to purchase a single family residence. Such units provide options for the singles; single moms and single dads with children; and seniors as well as the homeowners’ own children or friend or relative.
- ADUs allow a homeowner to earn income from underutilized space such as garages or basements or by placing a small unit in the rear portion of the property.

- An expanded availability of ADUs can be a win-win situation for many homeowners and their neighborhoods as well as for local governments attempting to accommodate growth in their urban areas.
- ADUs can provide much-needed rental housing for single people and small households, including caregivers, local public workers, and others. ADUs can provide homeowners who choose to create them a stream of income, a home for a relative or caregiver, and the security and companionship of a neighbor.
- ADUs must conform to locally established standards to meet all applicable codes and to fit into the neighborhood.
- Accessory Dwelling Units provide inexpensive and affordable units to low and moderate income individuals and give a community another option in meeting their responsibility to address housing needs.

Sample Ordinance – Accessory Dwelling Units

Policy: Adopt regulations that provide for the use of accessory dwelling units, both attached and detached

Comment: This document is to be used to enact or amend a local ordinance relating to accessory dwelling units for both cities and counties. The form is designed to be a starting place for discussion and negotiation. You may choose to use all or part of the suggested language. You are also encouraged to come up with additional language that fits your local circumstances.

Chapter 00.00 – ACCESSORY DWELLING UNITS

00.00.010 Purpose and intent. - _____ County/City of _____ recognizes the benefits that accessory housing can provide as a housing alternative where such benefits consider and are balanced with other community goals. The purpose and intent of this chapter is to:

- (1) Provide that accessory housing remains clearly an incidental and subordinate use to the existing single-family dwelling or business.
- (2) Protect the rural and neighborhood character in areas where accessory housing is allowed.
- (3) Accommodate unique or special housing needs and circumstances such as caretaker housing.
- (4) Increase and diversify available low-income rental housing stock inside the County's designated urban growth areas.
- (5) Provide for the general convenience of area land owners to accommodate family and guests with independent living quarters.
- (6) Allow for accessory apartments above commercial and industrial buildings without consuming valuable commercial and industrial property with residential uses.
- (7) Create alternative housing opportunities that promote more efficient use of existing or planned public and private transportation facilities and utilities.
- (8) Encourage accessory housing where public and private utilities, transportation facilities, and other facilities already exist.

00.00.020 Applicability. - Accessory housing units are allowed land uses in all zones where otherwise consistent with the standards of this chapter and the _____ County/City Code. Accessory housing includes accessory dwelling units (ADUs), accessory apartments, caretaker apartments, and medical hardship dwellings. Accessory housing which conforms to the standards in this chapter shall not be considered to exceed the allowable density for the lot upon which it is located and shall be considered a residential use which is consistent with the comprehensive plan and zoning designation for the lot.

00.00.030 General requirements - The requirements listed below apply to all accessory housing:

(1) Certificate of Occupancy. A certificate of occupancy is required pursuant to the Uniform Building Code and shall be obtained from the Building Official and posted within the accessory housing unit. The code inspection required to obtain a certificate of occupancy in an existing structure shall be restricted to the portion of the structure to be occupied by the accessory housing unit and shall apply only to new construction, and not the existing components of the primary dwelling.

(2) Structure Type. Accessory housing units shall not be travel trailers, recreational vehicles, buses, truck storage containers, or similar manufactured units which are not originally intended to be used for permanent residences. Structures described under WAC 296-150R-0020 as “temporary living quarters” shall not be permitted or placed under the provisions of this section. If such structures are occupied for a period of ninety (90) or more consecutive calendar days in the same location, such occupation shall be considered a violation of this chapter and subject to enforcement under _____ County/city Code.

(3) Water and Wastewater Disposal: (a) Accessory housing shall be required to utilize the same potable water source as the associated primary residential dwelling, commercial or industrial use; (b) Accessory housing shall not be permitted unless the Environmental Health Division certifies that the water supply and sewage disposal facilities are adequate for the projected number of bedrooms.

(4) Recording. To ensure continued compliance with owner-occupancy and other ordinance requirements by current, as well as any subsequent owners, a registration of the accessory housing unit in the form of a notice to title shall be filed and recorded with the _____ County Auditor. The notice to title shall be on a form provided by the Administrator and filled out completely by the applicant prior to filing. The notice to title shall run with the land and serve as notice to all future purchasers/owners of the subject property of the presence of the accessory housing unit and applicable restrictions regarding accessory housing units contained in the _____ County/City Code. Proof of registration, in the form of a copy of the filed document, shall be submitted to the Department of Community Development prior to issuance of a certificate of occupancy. Said registration may only be removed upon a demonstration to the Department of Community Development that the accessory housing unit has been lawfully removed from the subject property, or the portion of the subject property containing the accessory housing unit is legally subdivided from the remainder of the property pursuant to _____.

(5) Sale or Transfer of Accessory Housing Units. Accessory housing units shall not be sold as separate dwelling lots from the subject property, unless the portion of the subject property containing the accessory housing unit is legally subdivided from the remainder of the property pursuant to _____.

(6) Density. There shall be no more than one accessory housing unit allowed per lot.

00.00.040 Additional standards for accessory dwelling units - Accessory dwelling units shall be subject to the following requirements.

(1) Size- (a) Size of Detached ADU. Detached ADUs shall not exceed ____ (xx) percent of the gross floor area of the primary dwelling unit, nor exceed _____ square feet in gross floor area; (b) Size of Attached ADU. Attached ADUs shall not exceed ____ (xx) percent of the gross floor area of the primary dwelling unit.

(2) Density - (a) The property on which an ADU is to be located must comply with the minimum lot size of the underlying zone.

(3) Design – (a) ADUs shall be designed so that the appearance of the lot remains that of a single-family residential development; (b) All building entrances shall be located so that only one entrance faces the road frontage of the development; (c) On-site parking area shall be provided; and (d) Access for vehicle ingress and egress shall share the same legal access onto a public or private road as the primary dwelling unit and no new access shall be established for the ADU.

00.00.050 Additional standards for accessory apartments and caretaker apartments in commercial and industrial zones - In addition to the general requirements of _____, accessory apartments and caretaker apartments shall be subject to the following requirements.

(1) The gross floor area of an accessory or caretaker apartment shall not exceed _____ square feet.

(2) In order to ensure accessory apartments do not constitute an encroachment into commercial areas or otherwise compete with commercial or industrial developments for limited commercial or industrially zoned land, accessory apartments shall only be allowed to locate above the first floor of multi-storied commercial or industrial buildings.

(3) Caretaker apartments shall be permitted in commercial or industrial zones.

Note: Decision makers should consider whether this section should remain in the ADU requirements or be placed in sections of the code dealing with special uses .