State Building Code Council

Washington State
Department of Community Development

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Accessory Dwelling Unit Ordinance Study and Recommendations

January 1994

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Stronger Communities For A Better Washington

ACCESSORY DWELLING UNIT STUDY

January 12, 1994

HISTORY

The Washington Housing Policy Act (Senate Bill 5584) established the dual goal of reducing the cost of housing and improving the quality of the housing stock for all income levels. Encouraging the development of accessory apartments in existing single-family homes was recognized as a major component of realizing these goals.

The Housing Policy Act directed the Department of Community Development (DCD), in consultation with the Affordable Housing Advisory Board (AHAB), to report to the Legislature on the development and placement of accessory apartments. This report must:

1. Identify local governments that allow the siting of accessory apartments in areas zoned for single-family use.
2. Make recommendations to the Legislature designed to encourage the development and placement of accessory apartments in areas zoned for single-family residential use.

SURVEY OF EXISTING ORDINANCES

DCD conducted a survey to identify existing ordinances and regulations related to accessory apartments. Telephone surveys were targeted at all counties that are required or have elected to plan under the state Growth Management Act (GMA) and all cities or code cities with populations that exceed 20,000. The enclosed Tables I and II contain the results of surveys of the counties and the cities, and Tables III and IV contain the summary of the surveys.

Once the survey was completed, DCD established an advisory committee of interested parties and individuals to review the results of the survey and begin the process of identifying barriers to the placement of accessory apartments and make recommendations for dealing with those barriers. The advisory committee included representatives of local governments, community groups, planning associations, and state agencies.

RECOMMENDATIONS

Recommendations for eliminating the barriers were submitted by advisory committee members and interested parties. The advisory committee then developed a draft list of consensus recommendations and also included a few additional suggestions that are not consensus.

MODEL ACCESSORY DWELLING UNIT ORDINANCE RECOMMENDATIONS

SECTIONS:

Definitions
Purpose and Intent
Standards and Criteria
Grandfathering
Application Procedures

DEFINITIONS

1. An Accessory Dwelling Unit (ADU) is a habitable living unit that provides the basic requirements of shelter, heating, cooking, and sanitation.

   Comment: The Uniform Building Code (UBC) Sec. 1207 & 1208 lists minimum room sizes for an efficiency unit. The jurisdiction could set up maximum areas in the Standards and Criteria below, if it so desired.

PURPOSE AND INTENT

A. The installation of an ADU in new and existing single-family dwellings (hereinafter principal units) shall be allowed in single-family zones subject to specific development, design, and owner-occupancy standards.

Comment: As required by Senate Bill 5584..

B. The purpose of allowing ADUs is to:

1. Provide homeowners with a means of obtaining, through tenants in either the ADU or the principal unit, rental income, companionship, security, and services.

2. Add affordable units to the existing housing.

3. Make housing units available to moderate-income people who might otherwise have difficulty finding homes within the (city/county).

4. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle.

   * A parentheses indicates that the jurisdiction needs to insert the appropriate word or term.

5. Protect neighborhood stability, property values, and the single-family residential appearance of the neighborhood by ensuring that ADUs are installed under the conditions of this Ordinance.

STANDARDS AND CRITERIA

A. ADUs shall meet the following standards and criteria:

1. The design and size of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. When there are practical difficulties involved in carrying out the provisions of this Ordinance, the (building official) may grant modifications for individual cases.

   Comment: *Construction shall conform to all codes which are required for any new construction.*

2. Certification by the (city/county) Health Department that the water supply and sewage disposal facilities are adequate for the projected number of residents must be provided to the building official.

   Comment: More applicable in rural areas for septic and wells. It is actually covered by No. 1 above.

3. Any additions to an existing building shall not exceed the allowable lot coverage or encroach into the existing setbacks.

   Comment: Planning ordinance already in place in most jurisdictions.

4. The ADU may be attached to, or detached from, the principal unit.

   Comment: Jurisdictions need to survey their existing housing stock and neighborhood standards to determine where and how ADUs would best fit their housing needs. This would allow the most diversity of choice and honor the uniqueness of each site.

5. Only one ADU may be created per residence in single-family zones. Multiple detached ADUs may be created in (agricultural) zones, if one of the occupants of each unit is employed by the property owner.

   Comment: The first sentence is to "maintain single-family appearance." The second sentence is appropriate in agricultural zones.

6. The property owner, which shall include title holders and contract purchasers, must occupy either the principal unit or the ADU as their permanent residence, but not both, for at least (X) months out of the year, and at no time receive rent for the owner-occupied unit.

Comment: Owner-occupied units are better maintained, and therefore the neighborhood will be better maintained. If the owner has to live on site for more than six months out of the year, they could not own more than one ADU. This would eliminate speculators/developers from developing duplexes throughout an area under the guise of calling them ADUs.

7. An ADU may be developed in either an existing or a new residence.

Comment: This would allow new home builders to plan ahead for "mother-in-law" type units and thus save money now and time and inconvenience later.

8. In no case shall an ADU be more than 40 percent of the building's total floor area, nor more than 800 square feet, nor less than 300 square feet, nor have more than 2 bedrooms, unless in the opinion of the (building official), a greater or lesser amount of floor area is warranted by the circumstances of the particular building.

Comment: Area limitation. See No. 1. under Definition above. The existing structure, the lot size, or the jurisdiction will determine ADU's size.

9. The ADU shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a single-family residence.

Comment: To maintain single-family appearance. This is a subjective evaluation and unless specific design standards are adopted by the jurisdiction, this may be difficult to consistently apply.

10. The primary entrance to the ADU shall be located in such a manner as to be unobtrusive from the same view of the building which encompasses the entrance to the principal unit.

Comment: The second entrance is located this way to maintain single-family appearance with an attached ADU. Less restrictive than "no second entry on the street side of the principal unit," but it allows for site restriction that may make a side or rear entry impossible.

11. One off-street parking space, in addition to that which is required by the Ordinance for the underlying zone, shall be provided or as many spaces deemed necessary by the (building official) to accommodate the actual number of vehicles used by occupants of both the primary dwelling and the ADU. Parking spaces include garages, carports, or off-street areas reserved for vehicles.

    Comment: Parking requirements may vary from jurisdiction to jurisdiction depending on density of neighborhood, existing neighborhood standards, etc. Other parking options include more than one additional space, tandem parking, or allowing on-street parking.

12. In order to encourage the development of housing units for people with disabilities, the (building official) may allow reasonable deviation from the stated requirements to install features that facilitate accessibility. Such facilities shall be in conformance with the UBC.

    Comment: This is an accessibility issue.

GRANDFATHERING

1. Option 1.

    ADUs created prior to (date) shall be registered with the (building official) for inclusion into the Certificate of Occupancy Program. Application for registration must contain the name of the owner, the address of the unit, the floor area of the two dwelling units, a plot plan of the property, evidence of the date of establishment of the unit, evidence of the use for the six-month period prior to application for registration, and a signature of the owner.

    Comments: This provision would allow the building official to verify the compliance of the ADU to the codes, and to require changes as necessary.

    Option 2.

    Ignore.

    Comments: It would be difficult, and very time consuming, to determine under which codes the ADU was originally constructed.

APPLICATION PROCEDURE

1. Application for a building permit for an ADU shall be made to the (building official) in accordance with the permit procedures established in Section (00.000), and shall include:

   Comment: For building official's plan check.

   a. A letter of application from the owner(s) stating that the owner(s) shall occupy one of the dwelling units on the premises, except for bona fide temporary absences, (for (X) months out of each year).

   Comment: This is an owner-occupancy requirement. Limits the owner from "living" in several units at the same time.

2. The registration form or other forms as required by the (building official) shall be filed as a deed restriction with the (county) Department of Records and Elections to indicate the presence of the ADU, the requirement of owner-occupancy, and other standards for maintaining the unit as described above.

   Comment: This is for optional use if the owner-occupancy requirement is adopted.

3. The (building official) shall report annually to the (council) on ADU registration, number of units and distribution throughout the (city/county), average size of units, and number and type of complaint and enforcement-related actions.

   Comment: This is a local jurisdiction option. This provides a tracking mechanism on the number of ADUs to determine if changes to the Ordinance are needed.

4. Cancellation of an ADU's registration may be accomplished by the owner filing a certificate with the (building official) for recording at the (city/county) Department of Records and Elections, or may occur as a result of enforcement action.

5. This Ordinance shall take effect and be in force five days after passage and legal publication.

   Comment: This is a local jurisdiction option.

TABLE I REVIEW OF ACCESSORY DWELLING UNIT ORDINANCES

WASHINGTON COUNTIES

Arranged Alphabetically

County Population	Allowed Land Use Name	Owner-occupancy required	Exterior Requirements	Location	Area Requirement	Parking Reqmt.	Permits Reqmt.	Other
ADAMS 4,586	Allowed			Attached	Max. 35% of allowable lot coverage	1 additional*	Building	Single-family and duplex are allowable in the zone.
ASOTIN 7,003	No zoning in the county. TADU allowed.						Building	
BENTON 42,227	Not Allowed TADU allowed.	Yes	No closer to the street than the primary dwelling.	Detached			Special permit	One TADU per site. No rent shall be charged. Removed within 30 days of termination of permit.
CHELAN 20,646	No ordinance.							
CLALLAM 22,837	Allowed Accessory Dwelling Unit TADA allowed.	Yes		Attached Detached	More than 1200 gross sq.ft. in house. Max. 35% of total area of house.		Building	No additions in the last year. Total occupancy limited to that allowed in S.F. Occupant must require daily care. M.H. removed when vacant.
CLARK 88,440	Not allowed. Guest House allowed	No		Detached more than 8 ft. from house.			Building	No cooking facilities allowed. Not more than one story.

ADU	Accessory Dwelling Unit
Ag	Agricultural
M.H.	Mobil home
No ord.	No zoning ordinance
sq.ft.	Square feet
S.F.	Single-family zone
TADU	Temporary Accessory Dwelling Unit
*	One additional space greater than required by existing ordinance

County Population	Allowed Land Use Name	Owner-occupancy required	Exterior Requirements	Location	Area Requirement	Parking Reqmt.	Permits Reqmt.	Other
COLUMBIA 1,582	Not allowed.							
COWLITZ 31,640	No ordinance TADU allowed							
DOUGLAS 9,687	Not allowed TADU allowed.						Conditional Use	Would be considered a duplex.
FERRY 2,247	No ordinance							
FRANKLIN 12,196	No ordinance TADU allowed.							
GARFIELD 922	No ordinance							
GRANT 19,745	Allowed TADU allowed.						Conditional Use	
GRAYS HARBOR 66,500	Not Allowed TADU allowed.	Yes					Conditional Use	Unit shall be removed or converted to a conforming use when the use authorized by the permit is discontinued.
ISLAND 21,787	Not allowed. Guest House TADU allowed.	No Yes					Building. Temporary use permit.	No rent may be charged. M.H. shall be removed within 45 days when the use authorized by the permit is discontinued.

County Population	Allowed Land Use Name	Owner-occupancy required	Exterior Requirements	Location	Area Requirement	Parking Reqmt.	Permits Reqmt.	Other
JEFFERSON 8,627	Allowed			Detached	Site area reqmt. is increased from 12,500 sq.ft. to 15,000 sq.ft		Conditional use in all zones.	
KING 615,792	Allowed Accessory Residential	Yes		Attached	Less than 50% of total area of house.	1 additional		Total number of occupants shall not exceed allowed occupancy for a SF dwelling.
KITSAP 69,267	Allowed Accessory Dwelling Unit Mother-in-law Unit Special Care Unit	Yes, guest or employees Yes	No expansion of the building allowed. Entry may not be on street side of the house.	Attached or detached. Detached	Max. 40% of total area of house.			No M.H. or rec. vehicle allowed. No rent may be charged. One unit allowed per lot. Unit shall be a single-wide M.H.
KITTITAS 10,460	Not Allowed							
KLICKITAT 6,210	Allowed TADU allowed.			Detached				Temporary M.H. for the elderly.
LEWIS 22,478	Allowed Accessory Unit	No Yes		Attached Detached			Building Building	
LINCOLN 3,605	Allowed No ordinance.							Sometimes there are several houses on same farm.

County Population	Allowed Land Use Name	Owner-occupancy required	Exterior Requirements	Location	Area Requirement	Parking Reqmt.	Permits Reqmt.	Other
MASON 14,565	Allowed, except for Shoreline regulations	Yes					Building	No trailers allowed in the Shoreline zone.
OKANOGAN 12,654	Allowed Accessory Dwelling	Yes	Unit shall maintain S.F. appearance		Max. 50% of area of house.		Building	
PACIFIC 7,896	Allowed, except for Shoreline regulations.	Yes or guests.						No trailers allowed in the Shoreline zone. May not charge rent.
PEND OREILLE 3,395	Not Allowed No ordinance.							
PIERCE 214,652	Allowed Accessory Living Quarters Guest House TADU allowed.	Yes, or person employed on premises and guests. Yes	TADU shall be. located more than 20 ft and less 100 ft from principal dwelling	If unit is attached, it is considered a duplex. Detached	If lot is bigger than 30,000 sq.ft. guest house shall not exceed 1,000 sq.ft.		Permit renewed annually.	May not charge rent. No kitchen in any of the units. Land area shall be double the standard zoning reqmt. when Guest House is installed. M.H. must be removed within 30 days after permit expires.
SAN JUAN 4,392	Not Allowed. Guest House allowed. TADU allowed.	Yes				1 additional	Building	No kitchen allowed. If kitchen installed, same as duplex. No trailers allowed in Shoreline zone.

County Population	Allowed Land Use Name	Owner-occupancy required	Exterior Requirements	Location	Area Requirement	Parking Reqmt.	Permits Reqmt.	Other
SKAGIT 4,392	Not allowed. Guest House allowed. TADU allowed.	Yes				1 additional	Building	No kitchen allowed.
SNOHOMISH 171,713	Allowed Accessory Apartment	Yes	Maintain S.F. appearance. Second entry shall be on the side	Attached	30% - 40% of house area in unit. Max unit area 800-900 sq.ft.	1 additional	Building	
SKAMANIA 3,066	No ordinance. TADU allowed.	Yes					Conditional Use	If kitchen installed same as duplex. Kitchen removed at end of need of the TADU.
SPOKANE 141,619	Allowed Conditional Accessory Unit	Yes	Maintain S.F. appearance. Second entry shall be on side or rear.	Attached	Max. 10% area increase to total area. Max 30% of total house area or max. of 700 sq.ft.	Total of 3	Building, and Conditional Use, permit renewable.	Rent may be charged. No home profession or day care allowed in either unit. Unit shall be "barrier free" as per UBC.
STEVENS 11,241	Allowed Family Member Unit TADU allowed.	No Yes		Attached				Rent may be charged. 1 year permit, renewable.
THURSTON 62,150	Allowed Temp. Family Unit	Yes		Detached	In rural area greater than one acre.		Septic	Rent may be charged. Remove unit when vacant.

County Population	Allowed Land Use Name	Owner-occupancy required	Exterior Requirements	Location	Area Requirement	Parking Reqmt.	Permits Reqmt.	Other
WALLA WALLA . 17,623	Allowed Accessory Living Quarters TADU allowed.	Yes, or for guests or persons employed on premises. Yes		Separate or detached. There must be a door between if attached.	Single-wide M. H.		Building	No rent may be charged. Unlimited units in Ag. zone. Permit is for 1 year, renewable. When daily care is no longer reqd., M.H. shall be removed.
WAHKIAKUM 1,321	Allowed Guest Quarters Accessory Living Quarters TADU allowed.	No Yes No			Detached Attached Detached			No rent may be charged. No rent may be charged. An interior door between units is required. In Ag. zones, no limit to units, if occupant is working on the farm.
WHATCOM 48,543	Allowed Accessory Apartments TADU allowed.	Yes, or for the person providing care.	Only one entry visible from street. Setbacks, ingress, egress, height, lot coverage restrictions apply.	Detached	Max area 1,248 sq.ft.	Evidence of adequate parking shall be provided.	Building Administra-tive Approval is required.	One year permit required, renewable. When daily care is no longer needed M.H. shall be removed.

City Population	Allowed Land Use Name	Owner-Occupancy Required	Exterior Requirements	Location	Area Reqmt.	Parking Reqmt.	Permits Reqmt	Other
WHITMAN 13,546	Not Allowed TADU allowed.	Yes	Unit located at least 20 ft. from residence, and located in Ag. zone.	Detached	600 sq.ft. to 1100 sq.ft.		Conditional Use renewed annually	Unlimited units in Ag. zone. When permit expires M.H. shall be removed. Occupied by no more than two persons.
YAKIMA 65,985	Allowed Duplex TADU allowed.			Attached Detached	Min. 8,000 sq.ft. lot	2 additional None	Building & Conditional Use Building	M.H. shall be removed when vacant.

TABLE II REVIEW OF ACCESSORY DWELLING UNIT ORDINANCES
WASHINGTON CITIES
Arranged by Population

City Population	Allowed Land Use Name	Owner-Occupancy Required	Exterior Requirements	Location	Area Reqmt.	Parking Reqmt.	Permits Reqmt	Other
SEATTLE 527,700	No ordinance							They are drafting ordinance now.
SPOKANE 183,800	Rewriting ordinance, as per G.M. Act.							Attached units are considered a duplex.
TACOMA 181,200	Not Allowed in R1, R2 zones.							Attached units are considered a duplex.
BELLEVUE 89,872	Allowed Accessory Dwelling Unit	Owner must live on site at least 6 mo/year	Second entry facing the street is prohibited.	Attached	Max. 40% of total area. 300 sq.ft. to 800 sq.ft. allowable in the ADU.	1 additional	Building and Registration	ADU and home occupation not allowed on the same site. Primary residence must have existed for three years prior to application for ADU permit. No rent may be charged for owner occupied unit.
EVERETT 76,980	Allowed Accessory Dwelling Unit	Yes	Maintain the S.F. appearance	Attached	Max. 35% of total area.	A total of 3 spaces reqd.	Building	

ADU	Accessory Dwelling Unit
Ag	Agricultural
M.H.	Mobil home
No ord.	No zoning ordinance
sq.ft.	Square feet
S.F.	Single-Family zone
TADU	Temporary Accessible Dwelling Unit
*	One additional space greater than required by existing ordinance

City Population	Allowed Land Use Name	Owner-Occupancy Required	Exterior Requirements	Location	Area Reqmt.	Parking Reqmt.	Permits Reqmt	Other
FEDERAL WAY 75,320	Not Allowed TADU allowed.	Yes		Attached			Annual Review	When permit expires unit shall be removed.
YAKIMA 59,580	Allowed Duplex TADU allowed.	Yes		Attached Detached			Conditional Use permit with annual review.	Allowed in R2 and R3, R and RS zones. M.H. for relatives requiring daily care. Must be removed at end of need. No rent may be charged.
BELLINGHAM 55,480	No ordinance							
VANCOUVER 55,450	Not Allowed Guest House Allowed in R1-20*			detached				Working on ord. at this time. R1-20 = 20,000 sq.ft. No kitchen allowed.
KENNEWICK 45,110	Allowed Accessory Apartment	Yes		Attached		1 additional	Building	
RENTON 43,470	Not Allowed							
KIRKLAND 41,700	Not Allowed							Considered a duplex.
KENT 41,090	Not Allowed							
REDMOND 40,095	Allowed Accessory Dwelling Unit	Yes	Must maintain a S.F. appearance. Only one entry visible from street.	Attached		1 additional	General Developmt. Permit	"to provide affordable housing"

City Population	Land Use Name	Owner-Occupancy Required	Exterior Requirements	Location	Area Reqmt.	Parking Reqmt.	Permits Reqmt	Other
OLYMPIA 36,520	Not Allowed							
BREMERTON 38,142	Allowed	No		Detached		2 spaces per unit	Building	4,800 sq.ft. of site area required per unit, thus zoning controlled by density
AUBURN 34,550	Not Allowed							
RICHLAND 34,080	Not Allowed							
LONGVIEW 32,650	Not Allowed							
EDMONDS 30,970	Not Allowed							Boarding rooms allowed.
LYNNWOOD 29,580	Not Allowed							Working on ord. now.
WALLA WALLA 28,820	Not Allowed TADU allowed.			detached			Building	Unit shall be removed when vacant.
BURIEN 27,800	Allowed Accessory Dwelling Unit	Yes		Attached if site is less than 10,000 sq.ft. and the allowable density of the zone is not exceeded.	Max. area is 50% of the main unit.	1 additional	Building	Unit converted to another permitted use or shall be removed if one of the dwelling units is not owner occupied.
PUYALLUP 26,140	Not Allowed							

City Population	Land Use Name	Owner-Occupancy Required	Exterior Requirements	Location	Area Reqmt.	Parking Reqmt.	Permits Reqmt	Other
BOTHELL 24,530	Old Bothell-Allowed Allowed North Bothell TADU allowed.	Yes Yes	Only one entry visible from street. Not less then 20 ft. distance from principal house.	Attached Detached	Max. 10% increase in area of the house when adding unit.	4 paved spaces	Building Building	Unit for elderly / disabled. No rent may be charged. Maximum 2 occupants. Must admin. health care Must be removed when vacant.
PULLMAN 23,480	Allowed			Attached or detached		Based on number of bedrooms	Building	"Family" = family + up to 2 boarders.
WENATCHEE 23,000	No ordinance							
SEATAC 22,840	Allowed Accessory Living Quarters	Yes		Attached	Max. 25% of floor area in unit.		Building	
LACEY 22,660	Allowed	Yes		Attached or detached			Building	
PASCO 21,370	Not Allowed in R1, R1S, RMH1							Considered a duplex. Allowed in R2, R3, R4, R5.

City Population	Land Use Name	Owner-Occupancy Required	Exterior Requirements	Location	Area Reqmt.	Parking Reqmt.	Permits Reqmt	Other
MERCER ISLAND 21,260	Not Allowed							
MOUNT VERNON 20,450	Allowed Accessory Dwelling Unit	Yes	Maintain S.F. appearance. Only one entry shall face the street.	Attached or detached	650 sq.ft. max.	3 spaces total	Building Annual filing with City Attorney	Total number of occupants = "family" as defined by the ordinance.

ADU	Dwelling Unit
Ag	Agricultural
M.H.	Mobil home
No ord.	No zoning ordinance
sq.ft.	Square feet
S.F.	Single-family zone
TADU	Temporary Accessible Dwelling Unit
*	One additional space greater than required by existing ordinance

TABLE III ACCESSORY DWELLING UNIT ORDINANCES
SUMMARY
WASHINGTON COUNTIES

39 COUNTIES	Allowed Land Use Name	Owner-Occupancy Required	Exterior Requirements	Location	Area Reqmt.	Parking Reqmt.	Permits Reqmt	Other
Population: 2,300-1,587,700	Allowed 21 Not Allowed 10 No Ord. 9 Temp. Acc. 22 Guest House 5	Yes 22 Not necessary 3 Either 7	set backs 3 maintain Single-Family Appearance 3 new entry not on street side of building 2 no area expansion 1	Attached 10 Detached 1 All the Temporary Accessory Units are "detached" 21	Based on: % of Allowable lot coverage 1 % of building area 5 site area minimum 4 given area range 3	one additional 6 Two additional 1	For Allowed ADU building permits 15 For TADU conditional use permits, (often an annual review) 11	**ADU** ADU considered duplex 3 S.F. and duplex allowed 1 No additions in the last year 1 No kitchen allowed 5 Not more than one story 1 Door between units 1 No M.H. or rec. vehicles 3 Rent may be charged 3 Several on same farm 4 Land areas increased 2 No home profession/day care 1 Must be barrier free 1 **TADU** One TADU per site 1 Unit removed when vacant 10 Total occupancy = S.F. 2 No rent may be charged 6 Must need daily care 2 Single wide M.H. 2 One year permit, renewable 4 No more than two people 1