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**RCW 43.63A.215**

**Accessory apartments — Development and placement — Local governments.**

(1) The department shall, in consultation with the affordable housing advisory board created in RCW 43.185B.020, report to the legislature on the development and placement of accessory apartments. The department shall produce a written report by December 15, 1993, which:

(a) Identifies local governments that allow the siting of accessory apartments in areas zoned for single-family residential use; and

(b) Makes recommendations to the legislature designed to encourage the development and placement of accessory apartments in areas zoned for single-family residential use.

(2) The recommendations made under subsection (1) of this section shall not take effect before ninety days following adjournment of the 1994 regular legislative session.

(3) Unless provided otherwise by the legislature, by December 31, 1994, local governments shall incorporate in their development regulations, zoning regulations, or official controls the recommendations contained in subsection (1) of this section. The accessory apartment provisions shall be part of the local government's development regulation, zoning regulation, or official control. To allow local flexibility, the recommendations shall be subject to such regulations, conditions, procedures, and limitations as determined by the local legislative authority.

(4) As used in this section, "local government" means:

(a) A city or code city with a population that exceeds twenty thousand;

(b) A county that is required to or has elected to plan under the state growth management act; and

(c) A county with a population that exceeds one hundred twenty-five thousand.

[1993 c 478 § 7.]

Attachment A

## Chapter 16.25

# ACCESSORY DWELLING UNITS

### Sections:

16.25.010 Standards and regulations for residential accessory dwelling units (ADUs).

16.25.020 Utility and solid waste costs and fees.

16.25.030 Addressing single-family and ADU units.

16.25.040 Additional criteria for additional accessory dwelling units (ADUs).

### 16.25.010 Standards and regulations for residential accessory dwelling units (ADUs).

In the low/moderate, moderate, and high density zoning districts in which an accessory dwelling to a single-family use is listed as a permitted use, the following standards and regulations shall apply to all proposed accessory dwelling units:

A. An accessory dwelling unit may be established in an existing single-family dwelling unit or in a detached structure on a legal building lot by any one or by a combination of the following methods:

1. Alteration of interior space of the dwelling; or
2. Conversion of an attic, basement, attached or detached garage, or other previously uninhabited portion of a dwelling; or
3. Addition of attached living area onto an existing dwelling; or
4. Construction of a detached living area.

B. Each single-family dwelling on a legal building lot shall have not more than one accessory dwelling unit unless a conditional use permit is granted for an additional unit. The floor area of the accessory dwelling unit shall not exceed 650 square feet.

C. One of the dwellings shall be occupied by one or more owners of the property as the owner's permanent and principal residence. "Owners" shall include titleholders and contract purchasers. The owner shall file a certification of owner-occupancy with the building department prior to issuance of the permit to establish an accessory dwelling unit.

D. Three off-street parking spaces shall be provided for the principal and accessory dwelling units. When the property abuts an alley, the off-street parking space for the accessory dwelling unit shall gain access from the alley, unless topography makes such access impossible.

E. The single-family appearance and character of the dwelling shall be maintained when viewed from the surrounding neighborhood. Only one entrance to the residential structure may be located on any street side of the structure; provided, that this limitation shall not affect the eligibility of a residential structure, which has more than one entrance on the front or street side on the effective date of the ordinance codified in this chapter.

F. Only one electric, one gas, and one water meter shall be allowed for the entire building, serving both the principal and accessory dwelling unit.

G. The accessory and principal dwelling unit shall comply with all applicable requirements of SMC Title 15, Building and Construction, and this title, as adopted or amended by the city.

H. A permit for an accessory dwelling unit shall not be transferable to any lot other than the lot described in the application.

I. In addition to the conditions which may be imposed by the city under subsection (G) of this section, all accessory dwelling units shall also be subject to the condition that such a permit shall automatically be revoked and or expire whenever:

1. The accessory dwelling unit is substantially altered and is thus no longer in conformance with the plans approved by the building official;
2. The subject lot ceases to maintain at least three off-street parking spaces; or

Attachment B

3. The owner does not occupy one of the dwelling units.

J. The applicant shall sign and file a covenant, provided by the city, with the county auditor, requiring the owner of the property to notify a prospective buyer of the limitations of this section and to provide for the removal of improvements added to convert the premises to an accessory dwelling unit and the restoration of the site to a single-family dwelling in the event that any condition of approval is violated. (Ord. 823-03 § 1)

#### **16.25.020 Utility and solid waste costs and fees.**

Utility services, involving city water and sewer, for each detached ADU, shall be assessed 50 percent of the facilities charge as provided for in SMC Title 13 for water and sewer at the time of issuance of a building, remodeling or development permit.

In addition, each ADU shall pay a monthly fee for water, sewer and solid waste services based on the occupancy of each of the units. (Ord. 823-03 § 1)

#### **16.25.030 Addressing single-family and ADU units.**

The addressing of the existing single-family residence shall be changed to identify the existing family residence as (Unit A) and the new ADU as (Unit B) prior to issuance of a certificate of occupancy. (Ord. 823-03 § 1)

#### **16.25.040 Additional criteria for additional accessory dwelling units (ADUs).**

The following additional criteria apply to allow an additional accessory dwelling unit (ADU).

A. The lot size for a detached ADU shall be a minimum of 11,890 square feet in the low/moderate density zone, 8,200 square feet in the moderate density zone and 5,500 square feet in the high density zone.

B. The accessory dwelling unit may be established by any one of the following methods:

1. Alteration of interior space of the dwelling; or
2. Conversion of an attic, basement, attached or detached garage, or other previously uninhabited portion of a dwelling; or
3. Addition of an attached living area onto an existing dwelling; or
4. Construction of a detached living area.

C. Three off-street parking spaces shall be provided; two spaces for the principal use and one space for the ADU.

D. All additional standards and regulations in SMC 16.25.010 not specifically noted in this section shall apply. (Ord. 823-03 § 1)

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