

MEMORANDUM

TO: Planning Commission
FROM: Allan Giffen, Planning Director 
DATE: October 25, 2016
SUBJECT: Code Amendment for Accessory Dwelling Units – Public Workshop on November 1, 2016

Background Information: In July, at the request of a citizen, the Planning Commission agreed to initiate consideration of a zoning code amendment to allow Detached Accessory Dwelling Units (DADU's) in single family zones. At your October 4, 2016 meeting, we discussed in detail potential development standards for DADU's, and you provided staff with direction on a variety of standards. That discussion included an item-by-item discussion, and in some cases a vote to determine what the majority of the commission members present preferred for specific standards.

Attached Draft Standards: In the attached draft, staff has compiled its' understanding of the direction from the Commission at the October 4 meeting. While we were drafting the standards, we took the liberty of drafting standards in a way that would integrate with the existing standards for accessory dwelling units in a more logical manner than just adding a new section for DADU's. As drafted, the attached standards would also amend the existing standards for ADU's so that they read as a single set of regulations for all ADU's, whether attached or detached.

For a few of the standards, staff has provided options based upon the discussion on October 4. Those standards include:

- Building height – page 2 of the attachment
- Design standards – page 3 of the attachment

Feedback from City Council: As we have discussed at previous public workshops on this topic, the City Council in 2010 decided not to take action on a recommendation from the Planning Commission that would have added DADU's as a permitted use in single family zones.

I will be briefing the City Council on October 26 about the proposed code amendment, the standards in the attached draft, and some of the discussion points from the Planning Commission's public workshops on this topic. I will ask the City Council for feedback, which I will pass along to the Commission at the November 1 public workshop.

Requested Action by Planning Commission: Staff asks that the Planning Commission to:

1. review the attached draft standards,
2. ask questions of staff,
3. take public comments, and
4. make specific changes as necessary in order for staff to finalize a draft for public comment.

No resolution is proposed at this time, as a motion and vote on the draft standards is intended only as preliminary direction, not a final decision.

Next Steps: Staff will use the revised draft as the basis for its environmental review under the State Environmental Policy Act (SEPA), during which the public and City departments will be asked to provide comments on the draft standards. All written comments will be provided to the Planning Commission once SEPA is completed. The next opportunity for the Planning Commission is anticipated as a public hearing, potentially to take action and make a recommendation to the City Council on the proposed code amendments.

The following draft regulations are intended to replace the existing regulations in Section 39.020.D of the Zoning Code, Accessory Dwelling Units, which currently apply only to attached accessory dwelling units. These proposed regulations would apply to all accessory dwelling units, whether attached or detached.

Definitions:

“Dwelling unit, principal” means the larger or main dwelling unit located on a lot which also contains either an attached accessory dwelling unit or a detached accessory dwelling unit.

“Dwelling unit, accessory” means a secondary dwelling unit located on the same lot as a single-family dwelling unit that is designed, arranged, occupied or intended to be occupied by not more than one family as living accommodations independent from the accommodations for the principal single-family dwelling unit. An “attached” accessory dwelling unit is attached to or located within a single family dwelling. A “detached” accessory dwelling unit (DADU) is detached from a principal single-family dwelling unit.

7.030 Accessory Dwelling Units. The regulations in this section shall apply to Accessory Dwelling Units (ADU’s), whether attached or detached. The term “ADU” as used in this section shall apply to either attached or detached accessory dwelling units. The term “DADU” as used in this section shall apply only to detached accessory dwelling units. In the event there is a conflict between the provisions of this section or any other provision of the EMC, the provisions of this section shall control.

- A. **Accessory Dwelling Units (ADU’s), Where Permitted:** An ADU shall be permitted as an accessory use to the principal dwelling unit in the zones indicated in Use Table #5.1 on any legally established lot, provided it complies with the provisions of this section. In zones that allow single family attached or multiple family dwellings, the development standards applicable to those zones shall apply to development of more than one dwelling on a lot rather than this section.
- B. **Review Process:** ADU’s shall be permitted subject to Review Process I as defined in Title 15 of the Everett Municipal Code.
- C. **Owner Occupancy Required.** Either the principal dwelling unit or the ADU shall be occupied by the owner of the property. Prior to issuance of a permit for an accessory dwelling unit, the property owner shall submit to the City a signed affidavit affirming that the owner occupies the principal dwelling, and will occupy either the principal dwelling or accessory dwelling after completion of the accessory dwelling unit. The owner shall record a covenant with the Snohomish County Auditor, approved by the director, that shall run with the land as long as the ADU is maintained on the property. The property

owner shall submit proof that the covenant has been recorded with the Snohomish County Auditor's office prior to issuance of the building permit.

- D. An ADU shall not be subdivided or otherwise segregated from the ownership of the principal dwelling unless it meets all applicable standards for a subdivision.
- E. Only one ADU is permitted on a lot.
- F. An ADU shall not be permitted on a lot with more than one dwelling unit.
- G. A minimum of two parking spaces shall be provided for the principal dwelling and the ADU. When abutting an alley, the required parking for the principal and accessory dwelling units shall be accessed from the alley, unless there is an existing legally established driveway connecting to a public street. Parking for one dwelling unit shall not block access to parking for the other dwelling.
- H. The principal and accessory dwelling units shall comply with all applicable requirements of the International Residential Code as adopted or amended by the City.
- I. The property owner shall certify to the City no later than April 1st of each year that the owner occupies one of the dwellings. Any person who falsely certifies that he or she resides in a dwelling unit at the stated address shall be subject to the enforcement and penalty provisions of EMC Chapter 1.20.
- J. A permit for an ADU shall automatically expire, and the building shall be brought into conformance with the zoning code, whenever:
 - 1. The ADU is substantially altered and is no longer in conformance with the standards of this section;
 - 2. The owner ceases to reside in either the principal or the accessory dwelling unit.
- K. An ADU shall not exceed 75% of the gross floor area of the principal dwelling, or 1,000 square feet, whichever is less
- L. Building Height.

OPTION #1: A DADU shall not exceed 28 feet in height.

OPTION #2: A DADU shall not exceed 28 feet in height when meeting all setback requirements. A DADU shall not exceed 15 feet in height when located on a lot without an alley and it is located less than 20 feet from the rear lot line.

- M. Minimum rear setback.
 - 1. Alley lots. A DADU shall have no minimum rear setback.

2. Non-Alley Lots. 20 feet, provided that the DADU may have a rear setback of 5 feet if the building does not exceed 15 feet in height within the rear 20 feet of the lot.
- N. Lot Coverage. The maximum lot coverage standard for the underlying zone shall apply to all buildings on the lot, provided that it could be increased by up to five percent if necessary to allow a DADU on an existing developed lot that meets all other requirements of this section.
- O. Design Standards for DADU's. *(The Planning Commission asked staff to provide some alternatives for further discussion).*

OPTION #1: The following design standards shall apply to DADU's:

1. On lots located in the Historic Overlay Zone, a DADU shall be permitted on a lot with less than 7,500 square feet provided that it complies with the development and design standards of the H Overlay Zone for Infill Dwelling Units. A property owner may request that the Planning Director modify the standards for separation between dwelling units, and minimum open space of the H Overlay Zone, if necessary to accommodate the DADU. The Planning Director shall review such requests using Review Process II as defined in Title 15 of the Everett Municipal Code.
2. The DADU shall be designed to give the appearance that it is secondary to the principal dwelling.
3. Siding, roofing, windows and building trim materials shall visually match those used on the principal dwelling.
4. The roof pitch shall be similar to the predominant roof pitch on the principal dwelling.
5. The DADU shall be designed to be compatible with the character of the surrounding neighborhood.
6. A weather-covered entry to the ADU shall be provided when the entry is visible from an abutting street.

OPTION #2:

1. On lots located in the Historic Overlay Zone, a DADU shall be permitted on a lot with less than 7,500 square feet provided that it complies with the development and design standards of the H Overlay Zone for Infill Dwelling Units. A property owner may request that the Planning Director modify the standards for separation between dwelling units, and minimum open space of the H Overlay Zone, if necessary to accommodate the DADU. The Planning Director shall review such requests using Review Process II as defined in Title 15 of the Everett Municipal Code.
2. The DADU shall be designed to give the appearance that it is secondary to the principal dwelling.

3. The DADU shall be designed to complement the architectural design of the principal dwelling and, to the extent possible, be compatible with the character of the surrounding neighborhood.

OPTION #3:

1. The Planning Director shall promulgate a manual of examples and best practices for the design of DADU's and compatibility with the surrounding neighborhood.

P. Legalization of Illegal ADU's.

1. An illegal ADU may be legalized provided it can be made to comply with the provisions of this Section. A property owner may request that the Planning Director modify the setback standards of this section to allow an existing building to be converted to a DADU. The Planning Director shall review such requests using Review Process II as defined in Title 15 of the Everett Municipal Code.
2. The ADU shall comply with all applicable building codes. The property owner may be required to uncover portions of the existing building to allow City inspectors to verify that work previously performed on the structure complies with applicable building codes.
3. Property owners with an illegal ADU shall apply to legalize the ADU within two years of the effective date of this section in order to avoid any penalties that may otherwise apply under applicable land use and/or building regulations. An owner of an illegal ADU who does not apply to legalize the ADU within the time frame provided herein shall be subject to the enforcement and penalty provisions of EMC Chapter 1.20.