

**ADU Code Amendments Draft
October 18, 2022**

EMC	Existing Regulations																
<p>19.04.050</p> <p>Residential Use Definitions.</p>	<p>“Dwelling unit, accessory,” or “ADU” means a dwelling unit which is subordinate and incidental to the permitted principal dwelling unit or units located on the same lot.</p> <p>“Dwelling unit, accessory,” or “ADU,” means a dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, or townhome.</p> <p>1. A “detached” accessory dwelling unit (DADU) means an accessory dwelling unit that consists partly or entirely of a building that is separate and detached from a single-family housing unit, duplex, triplex or townhome.</p> <p>2. An “attached” accessory dwelling unit means an accessory dwelling unit located within or attached to a single-family housing unit, duplex, triplex or townhome.</p>																
<p>19.05.080</p>	USE	R-S	R-1	R-2	R-2 (A)	UR3	UR4	NB	B	MU	LI1 LI2	HI	AG				
	Dwelling unit, accessory	P	P	P	P	P	P ⁵	P	P		P		P				
		<p>See EMC 19.08.100, Accessory dwelling units.</p> <p>⁵Allowed if meeting the minimum density requirements set forth in EMC 19.06.100.</p>															
<p>19.06.020(F)</p> <p>Building Setbacks for Accessory Dwelling Units (ADU)</p> <p>Table 6-4</p>	<p>The following table is a summary of the standards required for ADUs: in the R-S, R-1 and R-2 zones, and within the UR3 zone if and within an area designated as an Everett historic district or historic overlay:</p> <p style="text-align: center;">Table 6-4: ADU Building Setbacks</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: left;">Subject</th> <th style="text-align: left;">Standard</th> </tr> </thead> <tbody> <tr> <td>Minimum Setbacks:</td> <td>a) Alley Lots. No minimum rear setback.</td> </tr> </tbody> </table>													Subject	Standard	Minimum Setbacks:	a) Alley Lots. No minimum rear setback.
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		<p>b) <u>Non-alley Lots. A minimum 5-foot setback is required from a rear yard line provided the dwelling unit height does not exceed 24 feet.</u></p> <p>20-foot rear setback; provided, that a detached ADU may have a 5-foot rear setback if the building does not exceed 18 feet in height requirements in Chapter 19.22 EMC.</p>
<p>19.08.100 Accessory dwelling units.</p>	<p>The regulations in this section shall apply to accessory dwelling units (ADUs), whether attached or detached to a single-family housing unit, duplex, triplex or townhome. 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.</p>	
<p>19.08.100(A) General Standards.</p>	<p>A. General Standards.The following table is a summary of the standards required for ADUs in the single-family (SF) zones (R-S, R-1, R-2, R-2(A)), and within the UR3 zone if within an area designated as an Everett historic district or historic overlay. 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:</p>	
<p>19.08.100(A)(1) Owner Occupancy. Table 8-6</p>	<p>a) R-S, R-1, and R-2 zones: One of the units must be owner-occupied.</p> <p>b) Other zones: Owner occupancy not required.</p>	
<p>19.08.100(A)(2)(1) Lot Requirements Table 8-6</p>	<p>a) No minimum lot size required.</p> <p>b) Only one Two ADUs per lot <u>Two ADUs per lot or two ADUs per one principal dwelling unit(s).</u></p> <p>c) An ADU may not be segregated from ownership of the principal dwelling.</p>	
<p>19.08.100(A)(3) ADU Size Table 8-6</p>	<p>a) Single-family dwelling unit: An ADU attached or detached from a single-family dwelling unit shall not exceed a gross floor area the lesser of 1) 15% of the total lot area; 2) 1,000 square feet; or 3) the principal dwelling’s building footprint.</p>	



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	<p>b) Duplex, triplex or townhome: An ADU attached or detached from a duplex, triplex or townhome shall not exceed a gross floor area the lesser of 1) 7.5% of the total lot area; 2) 1,000 square feet; or 3) 37.5% of the gross floor area of the dwelling; provided,</p> <p>a) An ADU shall not exceed a gross floor area of 1,000 square feet., however, that an ADU is permitted to be no less than 440 square feet.</p> <p>b) <u>No minimum size limit for an ADU located on one level within the principal dwelling unit that has been existing for at least three years.</u></p>
<p>19.08.100(A)(4) Lot Coverage. Table 8-6</p>	<p>a) See applicable zone (Chapter 19.06 EMC).</p> <p>b) An increase of 5% may be allowed, using Review Process I, if necessary to allow a DADU on an existing developed lot that meets all other requirements of this section. A 5% increase in lot coverage is allow for an ADU on a lot where the principal dwelling unit(s) has been existing for at least three years and meets all other requirements of this section.</p>
<p>19.08.100(A)(5) Maximum Height. Table 8-6</p>	<p>See Chapter EMC Section 19.22.020 EMC.</p>
<p>19.08.100(A)(6) Setbacks. Table 8-6</p>	<p>See Chapter 19.06 EMC.</p>
<p>19.08.100(A)(7)</p>	<p>See city standards in EMC Title 13 and Chapter 19.34 EMC.</p>



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<u>Parking and Vehicular Access.</u>	
19.08.100(A)(8) Historic Overlay.	Any ADU <u>that is fully detached from the principal dwelling unit(s)</u> located within an historic overlay zone must also comply with the design requirements of the historic overlay and be reviewed by the city's historical commission with a recommendation to the planning director.
19.08.100(B)(1)	<p>B. <i>Design Standards.</i> An ADU shall meet the design standards in this section. The planning director shall consider the impact that any requested modification will have on abutting properties in terms of aesthetics, privacy, view impacts, and compatibility with the character of other dwellings.</p> <p style="padding-left: 40px;">1. <i>Attached ADUs.</i> The appearance and character of the dwelling shall be maintained when viewed from the surrounding neighborhood.</p> <p style="padding-left: 80px;">a. <i>Single-Family (One-Unit) and Townhouse Dwellings.</i> Only one entrance to the residential structure may be located on any street side of the structure; provided, however, 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 section.</p> <p style="padding-left: 80px;">b. <i>Duplex and Triplex (Two- and Three-Unit) Dwellings.</i> Any ADU attached to a two- or three-unit dwelling shall comply with the front porch and entrance requirements set forth in EMC <u>19.08.050</u>.</p>
	2. <i>Historic Overlay Zones.</i> On lots located in the historic overlay zone, an attached ADU shall comply with the standards of subsection (B)(1) of this section. A DADU shall comply with the development and design standards of the H overlay zone.
	3. <i>Detached ADUs.</i> The planning director shall promulgate a design manual of examples and best practices for the design of DADUs and compatibility with the surrounding neighborhood.



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	<p>The city shall have the authority to require changes to the design of a DADU that is not consistent with best practices identified in the design manual. In addition:</p> <ul style="list-style-type: none"> a. The DADU shall be designed to give the appearance that it is secondary to the principal dwelling. b. Siding, roofing, windows and building trim materials shall visually match those used on the principal dwelling when in good repair. c. The roof pitch shall be similar to the predominant roof pitch on the principal dwelling.
<p>19.08.100(C) Owner Occupancy, When Required.</p>	<ul style="list-style-type: none"> 1. Either the principal dwelling unit or the ADU shall be occupied by the owner of the property as his or her principal residence when located within the R-S, R-1, or R-2 zones. 2. When required, 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 as his or her principal residence and will occupy either the principal dwelling or accessory dwelling after completion of the accessory dwelling unit. 3. When required, 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. 4. When required, the property owner shall certify to the city no later than April 1st of each year that the owner occupies one of the dwellings as his or her principal residence. Any person who fails to report or 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 Chapter 1.20 EMC.



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19.08.100(D) Modification of Standards	A property owner may request that the planning director modify the standards design standards , using Review Process II as set forth in EMC Title 15 and criteria set forth in Chapter 15.03 EMC.			
Table 22-2: Maximum Detached Accessory Residential Building and Accessory Dwelling Unit Building Heights				
	Development Site	Zone		
		Single-Family Zones (R-S, R-1, R-2, R-2(A))	UR3	
		UR4		
	Alley lots	<u>2 floors up to a maximum height allowed in EMC 19.22.150 Map 22-1: Maximum Heights Maps, except the height shall be reduced by 4' and the eave height limit shall not exceed 18' when located in the rear setback</u> 1. 6:12 pitch roof or greater: 2 floors up to 24' 2. Less than 6:12 pitch roof: 1 1/2 floors up to 18'	2 floors, up to 28' maximum	The greater of 2 floors, up to 28' maximum, or the height of the existing/proposed principal building
	Non-alley lots	<u>2 floors up to a maximum height allowed in EMC 19.22.150 Map 22-1: Maximum Heights Map, except the height shall be reduced by 4' and eave height shall not exceed 18' within the rear setback.</u> 1 1/2 floors up to 18' maximum	2 floors up to 24' maximum	2 floors up to 24' maximum



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	<p>3. Attached Accessory Building or Dwelling Unit Height Limits. Accessory buildings and dwelling units, which are constructed as an integral part of the principal building and with a minimum attachment of ten feet to both the principal building and accessory building, may be constructed to the maximum height allowed by the zone in which it is located; provided, that the attached accessory building meets all setbacks required for the principal building.</p> <p>43. See EMC 19.22.090 for height limits on other accessory uses and structures.</p>				
<p>EMC 19.34.020</p> <p>Required off-street parking spaces</p>	<p style="text-align: center;">A. Table 34-1: Off-Street Parking Spaces Required.</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;">Land Use</th> <th style="text-align: center;">Minimum Parking Spaces Required*</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Accessory dwelling unit</td> <td>1, plus required space(s) for principal dwelling; see EMC 19.34.050(C) for exceptions</td> </tr> </tbody> </table> <p style="text-align: center;">* See exceptions and reductions in EMC 19.34.050 or 19.34.060.</p>	Land Use	Minimum Parking Spaces Required*	Accessory dwelling unit	1, plus required space(s) for principal dwelling; see EMC 19.34.050(C) for exceptions
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<p>EMC 19.34.050</p> <p>Exceptions to off-street parking space requirements.</p>	<p>C. Accessory Dwelling Units. The requirement for one off-street parking space for an accessory dwelling unit (ADU) may be waived by the planning director, when all of the following circumstances apply: <u>when one of the following circumstances apply:</u></p> <ol style="list-style-type: none"> 1. <u>There is a major transit stop, as defined in RCW 36.70A.696(7) within ¼ mile.</u> 2. <u>There are adequate on-street parking spaces available within 1,000 feet of the subject property.</u> 				



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	<ol style="list-style-type: none"> 1. The property is not located in a residential parking permit zone when time limits and (Chapter 46.30 EMC); and 2. The property has frontage on a public street; and 3. There are at least two is adequate on street parking spaces in front of the subject property; or 4. There is a public transit stop located within one quarter mile walking distance of the property with a safe walking path to the transit stop.
<p>15.02.070 Review Process II Planning director review.</p>	<p>2. <i>Modification of Development Standards.</i> The following modification of development standards allowed by this title are included as REV II decisions:</p> <ol style="list-style-type: none"> a. Accessory dwelling units (Section 19.08.100); b. Modification of lot width requirements or on-site open space standards (Chapter 19.08); c. Modification of specific use standards (Chapter 19.13); and d. Modification of structured parking standards (Section 19.12.110).

