



**PLANNING COMMISSION
RESOLUTION NO. 17-01**

**A Resolution Recommending that the City Council Approve Amendments
to the Zoning Code Regulations for Accessory Dwelling Units (ADU's)**

WHEREAS, the Planning Commission finds the following:

1. The Everett Zoning Code includes regulations that allow accessory dwelling units (ADU's) in single family zones when located within, or attached to, a principal dwelling unit, but does not allow detached accessory dwelling units.
2. The Everett Zoning Code allows for the establishment of detached "infill dwelling units" within the Historic Overlay zones.
3. A citizen has requested that the Planning Commission initiate consideration of an amendment to the Zoning Code to allow for detached ADU's in single family zones.
4. The Planning Commission agreed to consider the requested amendment and directed Planning Department staff to provide information related to the requested amendment.
5. The Planning Commission discussed the potential code amendment and alternative development standards at public workshops on July 17, September 6, October 4 and November 1, 2016; and did take public testimony at each public workshop.
6. The Planning Commission considered a substantial amount of information, including standards for detached ADU's that had been recommended by the Planning Commission in 2009-2010, and the regulations of other cities pertaining to ADU's.
7. The Planning Commission expressed diverse opinions concerning the merits of the proposed code amendments and development standards therefore.
8. The Planning Commission identified preferred standards for most elements of the regulations for ADU's so staff could conduct the State Environmental Policy Act review of the potential impact of the code amendments.
9. Staff prepared a recommendation for the content and format of the proposed code amendments to allow detached ADU's.

10. The Planning Commission conducted a public hearing on January 3, 2017, to take additional public testimony and consider the staff recommendation.

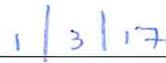
WHEREAS, the Planning Commission concludes the following:

1. The Planning Commission did provide for substantial public input during its discussion and deliberation process.
2. Staff has compiled a recommendation for amendments to the Zoning Code that reflect the feedback from the Planning Commission and public to allow for detached ADU's in single family zones, including appropriate review processes and development standards.
3. The proposed amendments are consistent with the relevant provisions of the City of Everett Growth Management Comprehensive Plan.
4. The proposed amendments to the Zoning Code bear a substantial relation to the health, safety and welfare of the Everett community.
5. The proposed amendments to the Zoning Code promote the best long-term interests of the Everett community.

NOW, THEREFORE, THE PLANNING COMMISSION RESOLVES AND RECOMMENDS that the City Council approve the proposed amendments to the Zoning Code substantially in the form contained in Exhibit 1, which is attached hereto and made a part hereof.



Planning Commission Chairperson



Date



Planning Commission Secretary

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 accessory dwelling units in the RS, R-1 and R-2 zones, whether attached or detached.

Definitions:

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

“Dwelling unit, accessory,” or “ADU,” 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 dwelling unit. An “attached” accessory dwelling unit is attached to or located within a principal dwelling unit. A “detached” accessory dwelling unit (DADU) is detached from the principal 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 the Core Residential Area and other 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 as his or her principal residence. 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. 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 segregated from the ownership of the principal dwelling through a subdivision, condominium, or any other process.
- 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. Off-street parking.
 - 1. A minimum of one off-street parking spaces above what is required for the principal dwelling shall be provided for the ADU.
 - 2. 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.
 - 3. The requirement for one off-street parking space for the ADU may be waived by the Planning Director, using Review Process II as defined in Title 15 of the Everett Municipal Code, when all of the following circumstances apply:
 - a. The property is not located in a Residential Parking Permit zone (EMC 46.30); and
 - b. The property has frontage on a public street; and
 - c. There are at least two on-street parking spaces in front of the subject property; and
 - d. 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.
- H. 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 EMC Chapter 1.20.
- I. 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.

- J. An ADU shall not exceed 75% of the gross floor area of the principal dwelling, or 800 square feet, whichever is less.
- K. Minimum rear setback.
1. Alley lots. An ADU shall have no minimum rear setback.
 2. Non-Alley Lots. 20 feet, provided that the City, using Review Process II as defined in Title 15 of the Everett Municipal Code, may allow a DADU to have a minimum rear setback of 5 feet if the building does not exceed 18 feet in height within the rear 20 feet of the lot.
- L. Building Height. The maximum permitted building height for a detached ADU shall be:
1. Alley lots. 24 feet. .
 2. Non-alley Lots. 24 feet, provided however, that the maximum height shall not exceed 18 feet in height when located within the rear 20 feet of the lot.
 3. The Planning Director may modify the height limit to match existing roof pitch of the principal dwelling using Review Process II as defined in Title 15 of the Everett Municipal Code.
- M. Lot Coverage. The maximum lot coverage standard for the underlying zone shall apply to all buildings on the lot, provided that it may be increased, using Review Process II as defined in Title 15 of the Everett Municipal Code, by an additional five percent of the lot area if necessary to allow a DADU on an existing developed lot that meets all other requirements of this section.
- N. Design Standards. An ADU shall meet the design standards in this section. A property owner may request that the Planning Director modify the design standards, using Review Process II as defined in Title 15 of the Everett Municipal Code. The Planning Director shall consider the impact that the requested modification will have on abutting properties in terms of aesthetics, privacy, view impacts, and compatibility with the character of other dwellings.
1. Attached ADU's. 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 section.
 2. Historic Overlay Zones. On lots located in the Historic Overlay Zone, an attached ADU shall comply with the standards of subsection 1 of this section. A DADU shall

- comply with the development and design standards of the H Overlay Zone for Infill Dwelling Units.
3. Detached ADU's. The Planning Director shall promulgate a design manual of examples and best practices for the design of DADU's and compatibility with the surrounding neighborhood. 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:
 - 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.
 - c. The roof pitch shall be similar to the predominant roof pitch on the principal dwelling.
- O. Legalization of Illegal ADU's.
1. An illegal ADU, whether attached or detached, may be legalized provided it can be made to comply with the provisions of this Section and all other applicable codes.
 2. If the property owner takes all actions necessary to legalize the ADU within two years of the effective date of this section, the additional fees required by EMC 16.72.070 shall be waived.