

Chapter 20.68

ACCESSORY DWELLING UNITS

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20.68.010 Accessory dwelling units – Defined.

An accessory dwelling unit is a separate, complete dwelling unit associated with, attached to or contained within the structure of the primary home or use. An ADU may be either an accessory apartment (attached dwelling) or a backyard cottage dwelling.

20.68.020 Accessory dwelling units – Purpose.

A. Intent. Accessory dwelling units (hereinafter referred to as “ADUs”) are intended to:

1. Provide homeowners with a means of providing for companionship and security.
2. Add affordable units to the existing housing supply.
3. Make housing units within the City available to moderate income people.
4. Provide an increased choice of housing that responds to changing needs, lifestyles (e.g., young families, retired), and modern development technology.
5. Protect neighborhood stability, property values, and the single-family residential appearance by ensuring that ADUs are installed in a compatible manner under the conditions of this section.
6. Increase density in order to better utilize existing infrastructure and community resources and to support public transit and neighborhood retail and commercial services.
7. Provide a means for commercial and industrial sites to have a resident caretaker or security officer.

20.68.030 Accessory dwelling units - Decision type.

An ADU permit is a Type I action and shall be reviewed and considered in accordance with the procedures for such actions as set forth in Subtitle II of this Title.

20.68.040 Accessory dwelling units - Administration.

The planning director shall have the authority to develop and implement procedures to administer and enforce this chapter.

20.68.050 Accessory dwelling units – Property ownership.

For the purposes of this chapter, “property owner” and “homeowner” shall mean the owner of a property according to the title of record, or the beneficiary of a legal trust or guardianship.

20.68.060 Accessory dwelling units – Commercial and industrial development – Code applicability.

The following subsections of this chapter do not apply to the construction or establishment of an ADU that is accessory to a commercial or industrial use:

20.68.100.A. and D.

20.68.110.I and J

20.68.070 Accessory dwelling units – Application procedures.

A. Procedures. Any property owner seeking to establish an ADU shall apply for approval in accordance with the following procedures:

1. Application. Prior to installation of an ADU, the property owner shall apply for an ADU permit. A complete application shall include a properly completed application form, floor and structural plans for modification, a site plan if detached structures or an addition are proposed, and fees as prescribed in subsection 2 below.

2. Fees. Upon sale of the property, the new property owner shall be required to sign a new affidavit and to register the ADU, paying the applicable fee in accordance with the city’s adopted fee schedule. If new or upgraded water or sewer connections are required, water and/or sewer connection fees shall be required in accordance with Title 13.

3. Accessory dwelling unit agreement. The owner of any property containing an ADU shall record with the Kitsap County Auditor an accessory dwelling unit agreement and notice to title for the ADU. Such agreement and notice shall approved by the planning director, on a form approved by the city council, and shall include as a minimum: (a) the legal description of the property which has been permitted for the ADU; (b) affirmation that the owner shall occupy either the main building or the ADU (unless the ADU is within a commercial or industrial development), and that the property owner agrees to all requirements provided in subsection B.; and (c) the conditions necessary to apply the restrictions and limitations contained in this section.

The property owner shall submit proof that the agreement and notice to title have been recorded prior to issuance of an ADU permit. The ADU agreement and notice to title shall run with the land as long as the ADU is maintained on the property. The property owner may, at any time, apply to the planning director for a termination of the ADU agreement. Such termination shall be granted upon proof that the ADU no longer exists on the property and that a notice to title has been recorded which that the ADU has been removed.

4. Permit. Upon receipt of a complete application, application fees, proof of recorded accessory dwelling unit agreement, and approval of any necessary building or other permits, an ADU permit shall be issued.

20.68.080 Inspection.

The city shall inspect the property to confirm that minimum and maximum size limits, required parking and design standards, and all applicable building, health, safety, energy, and electrical code standards are met.

20.68.090 Violations.

A. A violation of this chapter regarding provision of ownership shall be governed by subsection 20.68.100.D, and a violation of provision of legalization of nonconforming ADUs shall be governed by subsection 20.68.100.H. Violations of any other city permit or code requirements shall be governed by Chapter 20.02.

20.68.100 General requirements.

ADUs shall be subject to the following requirements, which shall not be subject to a variance.

A. ADU permits may only be issued for a legal lot of record zoned for single-family use containing not more than one (1) single family dwelling.

B. Occupancy. The maximum number of occupants in any ADU shall be 4 persons. Maximum occupancy may be further limited by Section 1004 (Occupant Load) of the International Building Code.

C. Composition. The ADU shall include facilities for cooking, living, sanitation, and sleeping.

D. Ownership and occupancy. The property owner must maintain his or her occupancy in the main residence or the ADU. For the purposes of this Chapter, "occupancy" means that the property owner, as reflected in title records, makes his or her legal residence at the site, as evidenced by property tax, voter registration, vehicle registration, or similar means, and actually resides at the site more than six months out of any given year, and at no time receives rent for the owner-occupied unit. Owners shall record a notice on title, as approved by the City, which attests to their occupancy and attests that, at no time, shall they receive rent for the owner-occupied unit. Falsely attesting owner-residency shall be a gross misdemeanor subject to a fine not to exceed \$5,000, including all statutory costs, assessments, and fees. In addition, ADUs shall not be subdivided or otherwise segregated in ownership from the main building.

E. Parking. No off-street parking is required for the ADU provided that the minimum required off-street parking per Chapter 20.124 for the primary use (single-family residence, commercial or industrial development) is met on the lot or if on-street parking is provided on both sides of the street(s) abutting the lot. One (1) parking stall shall be provided per ADU if either of the preceding conditions is not satisfied. If additional ADU parking is provided, parking for a commercial or industrial ADU shall be located in the rear portion of the lot and shall not be accessed from the front if suitable access to the rear is available, such as an abutting right-of-way that is or can practicably be developed. Driveways shall comply with the vehicular access and driveway standards in Chapter 20.139.020(2) and the City's development guidelines.

F. Home businesses and occupations. Home businesses and occupations shall be allowed, subject to existing regulations. However, for residential ADUs if both the main residence and the ADU contain home business, only one of the two is permitted to receive customers on the premises.

G. Short-term rental. The use of an ADU as a short-term rental shall be allowed, subject to compliance with the bed and breakfast regulations in Chapter 20.39.345.

H. Legalization of Nonconforming ADUs. Existing ADUs that are made nonconforming by this ordinance, or ADUs legally existing prior to the enactment of these requirements, may be maintained as a legal non-conforming use in accordance with Chapter 20.54.

I. Utilities. An ADU must be connected to the utilities of the main residence, or the associated commercial or industrial development, and may not have separately billed services, with the exception of telephone and cable television or internet.

20.68.110 Bulk, location and design requirements.

A. In commercial or industrial developments, detached ADUs are not allowed, and the ADU shall be located on or above the second floor of the building in which it is located.

B. For attached ADUs, the lot must meet the minimum lot dimensional and size requirements of the applicable zoning designation per Chapter 20.24. Attached ADUs that do not increase the building envelope of an existing residential structure are exempt from this requirement.

C. Size. For backyard cottage detached ADUs, refer to Section 20.32.030 of this Title. For an attached apartment ADU that is accessory to a detached residential dwelling, the ADU shall not exceed 40 percent of the total square footage of the residential dwelling and the ADU combined, after modification or construction, or 1,000 square feet, whichever is greater. For an attached apartment that is accessory to a commercial or industrial use, the ADU shall not exceed 1,000 square feet.

D. Height. For a backyard cottage detached ADU, refer to Section 20.32.030 of this Title. For an attached apartment that is accessory to a commercial or industrial use, refer to the appropriate building type in Section 20.32.

E. Location. A backyard cottage ADU shall be permitted as a second dwelling unit accessory to a detached dwelling unit and shall be located in the rear yard, in accordance with Section 20.32.030.. An accessory apartment ADU shall be permitted within a detached residential dwelling, or within a commercial or industrial building.

F. Setbacks and lot coverage. For a backyard cottage ADU, refer to Section 20.32.030 of this Title. For an attached apartment that is accessory to a commercial or industrial use, refer to the appropriate building type in Section 20.32.

G. Design - Attached ADUs. An attached ADU shall be designed to maintain the architectural design, style, appearance, and character of the main building as a single-family residence. If an attached ADU extends beyond the current footprint or existing height of the main building, such an addition must be consistent with the existing façade, roof pitch, siding, and windows. Any exterior modification or addition to a single-family residence shall comply with the design standards in Chapter 20.139. Additionally, only one entrance is permitted to be located in the front façade of the dwelling. If a separate outside entrance is necessary for an attached ADU, it must be located either off the rear or side of the main building. Such entrance must not be visible from the same view of the building which encompasses the main entrance to the building and must provide a measure of visual privacy.

H. Design – Attached ADUs Associated with a Commercial or Industrial Development. The ADU shall be part of an overall site and building design that complies with the requirements Chapter 20.128 (Design Standards), and shall be reviewed in conjunction with the underlying land use or building permit.

I Design - Detached ADUs. A detached ADU shall be designed to complement the architectural design, style, appearance, and character of the main building by utilizing complementary colors and finish materials, window styles, and roof design to the main building. The entrance door to a detached ADU shall not face the same property line as the entrance door to the main building except when the entrance door to the ADU is located behind the rear wall of the main building.

J. Other Accessory Buildings. The detached ADU structure shall be the only accessory building allowed on the parcel, although it can be integrated into a structure that includes a garage or other non-habitable space. Accessory buildings under 200 square feet in size may be exempted from this restriction, provided that such buildings meet the relevant zoning requirements for height, setbacks and maximum lot coverage.

K. Walkways. For ADUs with a separate exterior entrance, a pedestrian walkway shall be provided between the ADU and the nearest sidewalk, or where no sidewalk exists, the nearest street right-of-way. The walkway shall be composed of materials that are distinct from any adjacent vehicle driving or parking surfaces. The walkway may function as a shared pedestrian/vehicle space provided that it is constructed of distinct materials, is located along an exterior edge of a driving surface, and vehicles are not permitted to park on the walkway so that pedestrian use is hindered or prevented.