Ancillary Exhibit

Chapter 18.66

ACCESSORY DWELLING UNITS

(Repealed)

SMC CHAPTER 18.66 IS REPEALED IN ITS ENTIRETY.

~~**Sections**~~

~~**§ 18.66.020 Purpose.**~~
~~**§ 18.66.020 Definitions.**~~
~~**§ 18.66.030 Designation.**~~
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~~**§ 18.66.010. Purpose.**~~

~~Expand the mix of housing opportunities within the city by permitting the creation of secondary dwelling units as an accessory use to existing single-family detached dwellings while maintaining the visual and functional character of single-family residential neighborhoods. (Ord. 2001-002 § 1; Ord. 2021-001 § 1 (Exh. A))~~

~~**§ 18.66.020. Definitions.**~~

~~A. "Accessory dwelling unit (ADU)" means a subordinate dwelling unit with complete and independent living facilities on the same lot as and detached from, attached to or contained within an existing single-family dwelling.~~

~~B. "Rental occupancy" means nonownership including long term lease ownership per Chapter 18.59 RCW. (Ord. 2001-002 § 1; Ord. 2021-001 § 1 (Exh. A))~~

~~**§ 18.66.030. Designation.**~~

~~One accessory dwelling unit is permitted only on parcels which meet the following conditions:~~

~~A. Is a legally created lot;~~

~~B. Contains one existing single-family detached dwelling which is a conforming use;~~

~~C. Contains no other accessory dwelling unit(s). (Ord. 2001-002 § 1; Ord. 2021-001 § 1 (Exh. A))~~

~~**§ 18.66.040. Procedure.**~~

~~Each accessory dwelling unit requires a building permit.~~

A. The permit for an accessory dwelling unit is considered a Type A-1 permit per SMC Title 20 to be approved by the director of the department of community development or designee.

B. Prior to submitting an application, it is recommended that the applicant meet with the department of community development to determine compliance of the property with the municipal code.

C. The permit is recorded prior to occupancy as a deed restriction to run with the land or until removed with the written concurrence of the city as set forth in SMC § 18.66.065. (Ord. 2001-002 § 1; Ord. 2011-017 §§ 1, 2; Ord. 2021-001 § 1 (Exh. A); Ord. 2023-016 § 1 (Exh. A))

§ 18.66.050. Standards.

A. New construction for an accessory dwelling unit will comply with all the development standards for a single-family detached dwelling including, but not limited to, setbacks, height limits and lot coverage and may not increase any nonconforming aspect of any existing structure unless otherwise addressed by this chapter. For the purposes of this chapter, converting an existing accessory structure such as a garage into an ADU that does not meet current setback, height and lot coverage requirements is not considered increasing that structure's nonconformity with city setback requirements.

B. The following standards will also apply:

1. The total floor area of the ADU will not exceed 850 square feet or 60 percent of the area of the primary unit, whichever is less.

2. Both the ADU and the primary unit must comply with the International Building and Fire Code regulations.

3. If the ADU is attached to the primary unit, the main exterior entrances may not be on the same side of the building.

4. The ADU must have an architectural style that either reflects the primary unit and/or neighborhood's character or reflects a Pacific Northwest architectural style.

5. One paved off-street parking space is provided in addition to those required for the primary unit.

6. Exterior stairways leading to the ADU may not be on the front of the house.

7. The accessory dwelling unit must meet all zoning development standards, such as setback, lot coverage and height restrictions, when increasing square footage or adding a new detached structure; and accessory dwelling units must meet all building code standards adopted by the city, including building, electrical, fire, and plumbing code requirements (conversion of existing legally created on-site accessory structures such as garages to an ADU that do not meet setback requirements are exempt from meeting setback standards).

8. Mobile homes, manufactured homes, or recreational vehicles are prohibited to be used as accessory dwelling units, pursuant to SMC § 18.62.030(C)(1)(c).

9. An ADU may not be used as a short-term rental and must be rented for a minimum of 90 days or more.

~~10. Separate utility connections are not required by the city.~~

~~11. Any additions to the ADU will meet the requirements of this chapter.~~

~~C. Accessory dwelling units are not included in density calculations and are considered a residential use which is consistent with the comprehensive plan and zoning designation for the lot. (Ord. 2001-002 § 1; Ord. 2021-001 § 1 (Exh. A))~~

~~§ 18.66.060. Additional requirements.~~

~~Accessory dwelling units are subject to the following requirements:~~

~~A. Sale or ownership of such unit separate from the primary residential unit without a land division is prohibited.~~

~~B. The occupant of either the ADU or the primary unit must be the owner of the entire property.~~

~~C. The permit is subject to transportation impact fees specifically identified for ADUs.~~

~~D. Prohibited occupancy or sale, in addition to authorizing all other remedies available to the city, will constitute a zoning violation and a nuisance subject to abatement. (Ord. 2001-002 § 1; Ord. 2021-001 § 1 (Exh. A); Ord. 2023-016 § 1 (Exh. A))~~

~~§ 18.66.065. Approval.~~

~~A. Any property owner seeking to establish an accessory dwelling unit must apply for an accessory dwelling unit permit with the community development department (DCD). The ADU application will be processed consistent with the appropriate permit type.~~

~~B. If approved, the city will file the ADU application form and conditions of approval as a deed restriction with the Clallam County auditor's office to indicate the presence of the accessory dwelling unit. The deed restriction will run with the land and bind all current and future property owners' assigns, beneficiaries and heirs, unless the ADU registration is otherwise canceled.~~

~~C. Cancellation of the accessory unit's registration may be accomplished by the owner submitting notice to DCD for recording at the Clallam County auditor's office or may occur as a result of enforcement action. The cancellation notice will confirm that the lot has reverted to use as a single dwelling unit and the cooking stove in the ADU has been removed.~~

~~D. The accessory dwelling unit will continue to be permitted upon transfer of property ownership and, subject to the limitations of this chapter, the approved ADU permit and deed restriction, unless the ADU registration is otherwise canceled in accordance with this chapter. (Ord. 2021-001 § 1 (Exh. A))~~

AMEND SMC CHAPTER 18.20 AS FOLLOWS:

NO CHANGES UNTIL SECTION 18.20.050, WHERE THE REFERENCE IN THE R4-8 TABLE IS AMENDED AS SHOWN BELOW:

Communication Facilities/Towers (see Chapter **18.61** SMC for wireless communications) (CUP or special use/essential public facility)	None	150'	2 times the height of a tower, antenna, dish; 50' for all other facilities	None	Fencing per SMC § **18.24.140**
Accessory Uses and Structures: See Chapter **18.59** SMC			**Accessory Dwelling Unit:** See SMC Section **18.21.050**~~Chapter **18.66** SMC~~		
Home Occupation: See Chapter **18.67** SMC					

THE REST OF SMC CHAPTER 18.20 REMAINS THE SAME.