

Section 16.50.010 - Accessory Dwelling & Accessory Living Space

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16.50.010.1 Applicability

This Section applies to accessory dwelling units and accessory living space as defined in the Matrix: Use Premises and Parking Requirements and to the construction of a single-family dwelling unit as a principal use on a lot where an accessory dwelling unit already exists.

16.50.010.2 Generally

Common names for accessory dwelling units and accessory living space include garage apartment, ancillary apartment, mother-in-law unit, guest house, carriage house or granny flat. For the purposes of these regulations, all of these building forms shall be referred to as an “Accessory Dwelling Use” unless otherwise specified in this Section.

16.50.010.3 Purpose and Intent

Traditional neighborhoods in the City are under increasing development pressure. Redevelopment has occurred in a manner that is not consistent with the development pattern that makes these areas attractive and desirable. Appropriately channeling the form of redevelopment is critical to maintaining the character and viability of our traditional neighborhoods. Reintroducing the accessory dwelling use as a permitted use in these areas is intended to guide reinvestment and redevelopment in a manner that reinforces and protects the traditional pattern. This Section is also intended to address the establishment of accessory living space which can be used in a manner that creates impacts similar to an accessory dwelling use. Protecting that pattern requires strict and complete compliance with all of the applicable development standards.

1. Strict Compliance with Standards for a New Accessory Dwelling Use. The development standards in this Section have been crafted within the context of an urban environment. The accessory dwelling use will be constructed either at the same time as a new house is built or as an addition where a principal dwelling unit already exists. In either case, strict compliance with the standards of this Section shall be required. Where the accessory dwelling use is proposed in addition to an existing principal single-family use, compliance may require significant modification to the current configuration of the site. This Section is not intended to prioritize one standard over another; all are equally important and necessary. Strict compliance with the criteria is critical to adequately and effectively mitigate the impacts and achieve the desired outcome. A variance from any of the standards in this Section to establish an accessory dwelling use would be inconsistent with the purpose and intent of this Section; therefore, no variance to any provision of this Section may be granted.

2. Reinstatement of an Abandoned Accessory Dwelling Use. The development standards of this Section shall also be used to evaluate the merits of an application to reinstate the grandfathered status of an abandoned accessory dwelling unit. Reinstatement, if approved, shall remove the grandfathered status and make the accessory dwelling unit lawful pursuant to the current zoning regulations. Although no variances are allowed for new accessory dwelling uses, some relief from the standards of this Section may be necessary in the context of a reinstatement because the principal and accessory structures already exist.

16.50.010.4 Establishment

Establishment or expansion of a lawful accessory dwelling use shall be subject to the following requirements:

1. Not more than one (1) accessory dwelling use shall be permitted for each single family dwelling in the districts where allowed by the Matrix: Use Permissions and Parking Requirements, subject to all requirements of this Section.
2. An accessory dwelling use shall not be permitted before construction of the principal building has commenced or a lawful principal use is established.
3. An accessory dwelling use shall be subordinate to the principal use as to location, height, square footage, and building coverage.
4. An accessory dwelling use shall not be utilized as a Transient Accommodation Use as defined and regulated by this Chapter.

16.50.010.5 Development Standards

16.50.010.5.1 Lot Requirements

- A. Establishment of a new accessory dwelling use shall only be allowed if:
 1. The lot area shall be at least 5,800 square feet. There is no minimum lot area requirement for accessory living space
 2. If the lot is below the current minimum lot area requirements for the zoning district, the original platted lot or lawfully established lot of record has not been subdivided and remains under common ownership;
 3. The legal front and rear of the lot are consistent with the front and rear yards of lots on the same block face. An accessory dwelling unit shall not be permitted where lots have been refaced such that the legal front yards face a different direction than the rest of the lots in the block or where refacing has eliminated alley access for a lot.
- B. A lot containing an accessory dwelling use shall not be subdivided to separate the accessory dwelling use from the principal use.

16.50.010.5.2 Building Requirements

Site plans for the establishment of any new accessory dwelling use shall be subject to the following design standards for buildings:

1. The floor area of any accessory dwelling use shall be no less than 375 square feet and shall not exceed 750 square feet.

2. For a multi-story, accessory building, the floor area of the portion of the building used for an accessory dwelling unit shall not exceed 50 percent of the gross floor area of the multi-story, accessory building. If the entire area used for the accessory dwelling unit is on the second floor of the building (not including the stairs) then the accessory dwelling unit may exceed 50 percent of the gross floor area of the building. The remaining floor area shall be used only as garage, utility (washer, dryer, work room) or storage space. For a one-story, accessory building, the accessory dwelling use may use 100 percent of the gross floor area of the one-story, accessory building.
3. Where the rear yard of the lot abuts the front yard of an adjacent lot, a detached building shall be set back at least 25 feet from the street side property line.
4. The portion of the building containing an accessory living space may be attached to the side or rear of the principal structure and shall comply with the setbacks of the zoning district.
5. Sides of buildings containing second floor porches, or unenclosed staircases which face the interior side yard of an adjacent property shall comply with the minimum setback of the zoning district or ten (10) feet, whichever is greater. This requirement shall not apply to completely enclosed staircases.
6. A paved walkway at least two (2) feet in width shall connect the main entrance of the accessory use with the off-street parking spaces and the public sidewalk.
7. The building containing an accessory dwelling use shall comply with the architectural standards for the zoning district and be compatible with the style of the building containing the principal use, including paint scheme.

16.50.010.5.3 Visual Buffering

Given the compact urban form of traditional neighborhoods, it is necessary to establish minimum standards for visual buffering between uses to afford residents a reasonable level of privacy in rear yards. Each lot is different. Certain design solutions may be more effective or appropriate in some circumstances than others. The intent is to prioritize privacy for adjacent properties over the privacy between the principal and accessory use on the lot. Buildings for a new accessory dwelling unit shall comply with the following requirements:

1. Where an accessory dwelling use is proposed at a second story level, all exterior doorways and outdoor living areas such as porches or balconies, shall be oriented toward the interior of the property.
2. Sill heights for second story windows facing interior side yards shall be at least 48 inches above the finished floor elevation for the second story level.

16.50.010.5.4 Parking & Accessibility

New or redeveloped accessory dwelling uses shall be subject to the following design standards:

1. Paved off-street parking spaces shall be provided as required in the Matrix: Use Permissions and Parking Requirements.
2. No variances shall be granted to the number of required parking spaces for a new accessory dwelling use permitted after September 10, 2007.

3. The addition or reinstatement of an accessory dwelling unit shall require compliance with all of the parking requirements for the entire property.
4. All off-street parking spaces shall be provided in the rear yard where the rear yard is adjacent to an alley. If no alley access exists, parking shall be contained within the rear portion of the site accessed by a driveway from the side street. Driveway access from the primary street shall only be permitted where there is no alley or side street and shall be no larger than a single lane wide.
5. The parking of vehicles in front of the principal structure is prohibited. Parking a vehicle on the street in front of the principal structure is not prohibited at a location where street parking is otherwise lawful.
6. Driveways for off-street parking areas shall comply with the design and location restrictions for the zoning district. Nonconforming driveways shall be modified to comply or shall be eliminated. The requirement to eliminate a nonconforming driveway or parking area in order to make a property eligible for an accessory dwelling use shall not be deemed to constitute a hardship justifying a variance.
7. At least one (1) of the required parking spaces shall be an unobstructed, unenclosed surface space for exclusive use by occupants of the accessory dwelling use.
8. Surface parking areas capable of accommodating more than three (3) vehicles shall incorporate decorative pavement treatments throughout at least 10 percent of the paved area, including the driveway. Plain asphalt or concrete shall not be permitted.
9. A storage area shall be reserved along the property line adjacent to the alley to provide storage of solid waste collection containers.
10. Storage areas shall be at least five (5) feet wide and may be divided between two adjacent properties.
11. Storage areas shall be required along both sides of an alley, regardless of which side is currently used for solid waste collection service.

16.50.010.5.5 Accessory Living Spaces; Additional Restrictions

In addition to the restrictions applicable to accessory dwelling units, new accessory living spaces shall be subject to the following restrictions:

1. An accessory living space shall operate as an extension of and be dependent upon the principal use and shall not be a separately functioning dwelling unit.
2. Cooking facilities are prohibited within an accessory living space.
3. Separate mailing addresses are prohibited for an accessory living space.
4. Separate utility meters for electricity, gas, water, and other utility services are prohibited.