

CITY OF BELLINGHAM - ATTACHED ADU ORDINANCE

BMC 20.10.035 Accessory dwelling units.

- A. Purpose and Authority. The director shall have the authority to approve accessory dwelling units which are located within or attached to a single-family residence and existing detached accessory dwelling units, consistent with single-family neighborhood character and the regulations and provisions herein. It is not the intent of these regulations to provide for accessory dwelling units on every residential property and they shall not be deemed to create a right or privilege to establish or maintain an accessory dwelling unit which is not strictly in compliance with these regulations.
- B. Attached Accessory Dwelling Unit.
1. An attached accessory dwelling unit must not exceed 40 percent of the square footage of the conditioned floor area measured from the outside of the exterior walls of the single-family residence, excluding garages, and shall contain a minimum square footage as required by the building code and a maximum square footage of 800 square feet. Only one accessory dwelling unit may be permitted per single-family residence. An owner of an existing split level single-family home (home with more than one floor) may request to convert up to 50 percent of the area to an accessory dwelling unit, provided the accessory dwelling unit may not contain more than 800 square feet and the following criteria are satisfied:
 - a. When existing parking is displaced, new parking must be located on site;
 - b. New parking spaces shall be located off the alley if practical;
 - c. Parking in the front portion of the lot shall be discouraged; and
 - d. Required parking for the ADU within the front yard setback shall be prohibited.
 2. Only one entrance for the entire structure may be visible from the front street. For the purpose of this chapter, the front street shall be defined as the street with the address. All additions constructed to house an ADU must have similar roof pitch, siding, and windows (to the extent allowed by the building code) as the existing single-family dwelling.
 3. All additions must meet all land use requirements for single-family residences as outlined in BMC 20.30.040.
 4. The primary residence or the accessory dwelling unit must be owner occupied. A covenant, approved by the department of planning and community development, must be signed and recorded which specifies this requirement and the requirement for purchaser registration contained in subsection (B)(6) of this section. In addition, an affidavit must be submitted to the department on or before January 1st of every odd-numbered year attesting to owner occupancy.
 5. The total number of persons who may occupy the accessory dwelling unit shall not exceed three, regardless of relationship.
 6. Purchasers of homes with an accessory dwelling unit must register with the department of planning and community development within 30 days of purchase.

7. One additional parking space on private property shall be provided for each bedroom located within the accessory dwelling unit. Each accessory dwelling unit shall provide a minimum of one parking space. These parking spaces shall be in addition to those required for the single-family residence. There shall be no net loss of existing parking due to the construction of an accessory dwelling unit.
8. No more than two bedrooms shall be located within the accessory dwelling unit.
9. A building permit must be obtained from the building services division and shall be subject to the following requirements:
 - a. Public Works Requirements.
 - i. A single-family home and an accessory dwelling unit may share a common side sewer line to the sewer main.
 - ii. A single-family home and an accessory dwelling unit shall have a minimum of one water meter.
 - b. Building Code Requirements. Building code requirements shall be modified as specified in BMC 20.10.035 – Exhibit A. These requirements shall supersede the requirements of BMC Title 17 to the extent they conflict.
10. Permitting Process. An accessory dwelling unit is required to obtain approval following the procedures established in Chapter 21.10 BMC.

C. Detached Accessory Dwelling Unit.

1. Authority. No new accessory dwelling unit may be located within a detached structure. Unpermitted detached accessory dwelling units existing prior to January 1, 1995, may be permitted. Approval shall be consistent with the accessory dwelling unit regulations and process outlined in BMC 20.10.035. The detached accessory dwelling unit shall be reviewed using the building code in place at the time its owner brings the unit forward for permit.

- D. Existing Illegal Units. Application may be made for any accessory dwelling unit existing prior to January 1, 1995, to become legally permitted, pursuant to the provisions of this chapter. If application is made within 18 months from the date of the ordinance codified in this chapter (December 26, 1996), no penalty shall be imposed for the maintenance of the nonpermitted accessory dwelling unit. After such date and/or 30 days after denial of a permit for an accessory dwelling unit, the owner of any nonpermitted unit shall be subject to the penalties provided in this code.

An application to legalize an existing accessory dwelling unit shall include an application for an accessory dwelling unit permit (submitted to the department of planning and community development) and a building permit application, showing changes made to the residence to accommodate the accessory dwelling unit.

BMC 20.10.035 – Exhibit A

Converting an Existing Structure to Include a New ADU

An existing single-family residence is altered, to create a new ADU within the structure, for a total of two dwelling units. One unit is owner occupied.

Utilities:

The entire structure may be served by one shared underground service lateral, from the utility's main to the structure, for water, sewer and natural gas. An accessible shut-off valve must be in place upstream of the gas meter, on the exterior of the structure. The water shutoff must be accessible to the occupants of both units.

Electrical:

A single shared electrical service, a single meter, and a single main service panel would be allowed; provided, that (a) occupants of both dwelling units have equal and unrestricted access to the main electrical shut-off device; and provided further, that (b) the capacity of the service panel shall be sufficient to safely handle the electrical loads attributed to two dwelling units, as determined by the electrical code in effect at the time application is made for permits relevant to the conversion.

Plumbing:

Both dwelling units may share common supply and waste plumbing systems and a common water heater appliance, so long as the occupants of both dwelling units have equal and unrestricted access to the water heater appliance.

Heating:

Both dwelling units may be provided their space heat by a shared, common forced air system (contrary to 1994 UMC 317.8); provided, that (a) listed fire/smoke dampers are properly installed at all duct penetrations through all structural elements (walls, floor, ceiling, etc.) which separate the two dwelling units, and (b) listed carbon monoxide detector/alarm devices are installed in each of the dwelling units.

Smoke Detectors:

Smoke detectors shall be installed throughout both dwelling units in compliance with this code's requirements for new construction in effect at the time application is made for permits associated with the conversion. All detectors, in both dwelling units, shall be interconnected so that the activation of any one detector at any location anywhere within the entire structure shall also activate all other detectors, in both dwelling units, throughout the entire structure.

Exiting:

All components of the required exit systems in both dwelling units shall comply, as near as practicable, with code requirements in effect at the time application is made for permits associated with the conversion, especially with regard to egress windows in all rooms used for sleeping.

Fire Separation:

Listed fire separation assemblies are preferred where the code requires a "one-hour" separation between dwelling units. Listed assemblies shall be provided wherever the construction of walls or floor/ceiling assemblies is new, constructed during the conversion. Where existing walls and/or floor/ceiling assemblies compose part or all of the separation, building services division will accept nominal two-inch studs or joists, on regularly spaced centers, enclosed completely in one-half-inch gypsum wall board or an equivalent lath and plaster. Doors in tenant separation walls may be either listed in 20-minute assemblies, or one-and-three-fourths-inch-thick solid-core tight-fitting doors, equipped with a self-closing device and smoke gasketing material on both sides and the top of the door.

Ceiling Height:

The minimum ceiling height for ADUs located within existing structures shall be seven feet.

New Structures and Additions to Existing Structures

Normal code compliance is appropriate for all newly built structures which incorporate a single-family unit with an ADU, except for the following two provisions:

Electrical:

The overall structure may be served by a single service and a single meter. Each dwelling unit must, however, be provided its own, separate main panel and disconnect. Occupants of each dwelling unit must be able to turn off the electrical power to their own dwelling unit without disrupting electrical service to the other dwelling unit.

Plumbing:

The entire structure, including both dwelling units, may share a common water supply and waste plumbing systems. Each dwelling unit must, however, be provided its own separate hot water appliance, and occupants of each dwelling unit must have equal and unrestricted access to the main water shut-off valve.

[Ord. [2004-09-065](#); Ord. [2002-10-069](#) § 41; Ord. 10643 § 1, 1995].

20.28.100 Detached ADU

A. Description

A Detached Accessory Dwelling Unit (DADU) is a freestanding accessory dwelling unit that is not attached or physically connected to the primary single family dwelling unit.

B. Site Requirements and Setbacks

1. The parcel must have alley access, access to more than one public street, or the parcel must be greater than 10,000 square feet.
2. Front and side street setbacks shall comply with the underlying zoning for the main building. The required setbacks are as shown in Figures 28.15, except garage and carport setbacks from an alley shall be as needed to provide a 20 foot parking backup distance (including alley width). Buildings shall be placed within the shaded areas shown in the figures.
3. A minimum of 6 feet of separation is required between the primary residence and the DADU.

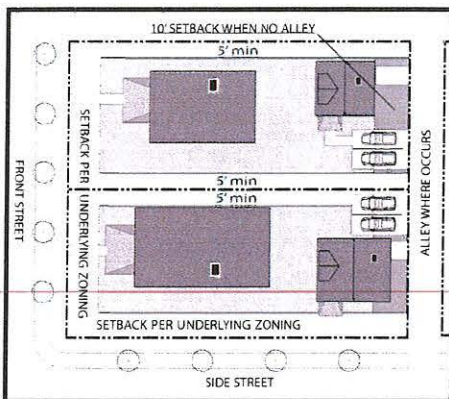


Figure 28.15 Setbacks for DADU

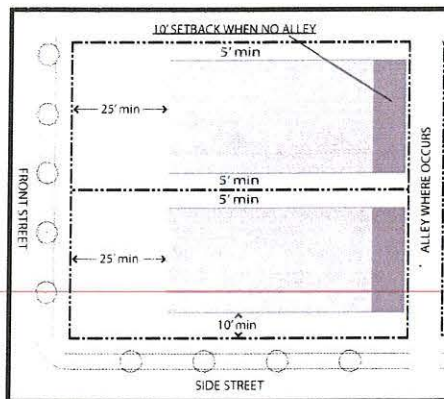


Figure 28.16 Setbacks for Garages & Carports when attached to DADU

4. Only one DADU shall be allowed per lot.
5. The DADU is exempt from density limitations.
6. At least one of the dwelling units must be owner-occupied.
7. Purchasers of homes with a DADU must register with the Department within 30 days of purchase. A covenant, approved by the Planning Director, must be signed and recorded which specifies this requirement and the requirement for purchaser registration. An affidavit must be submitted to the Department on or before January 1 of every odd numbered year attesting to owner occupancy.
8. The DADU may not be divided from the property ownership of the primary dwelling.
9. The parcel may not contain more than one primary dwelling.

10. A single family home and a DADU shall have a minimum of one water meter and may share a common side sewer line to the sewer main.

C. Bulk and Massing

1. The DADU is limited to 800 square feet or 40% of the primary structure, whichever is less.
2. A single floor area is limited to 500 square feet.
3. Maximum Floor Area Ratio (FAR) is 0.5 including the primary structure.
4. Height must be less than or equal to the primary structure, and no higher than 25 feet under height Definition #1.

D. Parking

1. One stall is required for the DADU.
2. If parcel abuts an alley, parking shall be accessed from the alley except when the Planning Director determines that alley access is impractical or environmentally constrained.
3. Parking accessed from the public street or lane shall be limited to one driveway per street or lane with a maximum width of 20'.

E. Design Standards

1. The DADU shall have similar roof pitch, siding and windows as the primary structure, or have other similar features that satisfy the design guidelines.
2. It shall have an entrance with direct access to a public street, lane or alley via a pedestrian path or driveway.

F. Design Guidelines

1. Building Design

- a. Design the size and proportions of the new structure to give the appearance that it is secondary to the primary structure on the site.
- b. Incorporate desirable elements of the primary structure such as building details, massing, proportions and materials.
- c. Stagger windows to not align with windows on adjacent properties to minimize privacy impacts.
- d. Provide a small stoop or covered step associated with a separate entrance to the DADU.

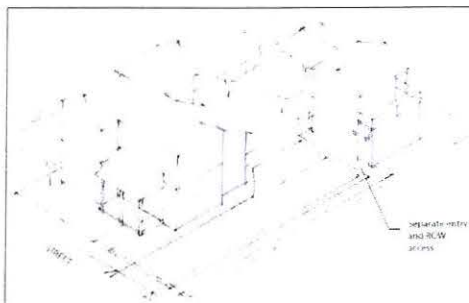


Figure 28.17 Annotated illustration of DADU

2. Site Design

- a. Both single-family residence and DADU entries should be oriented to the street.
- b. Buildings should respect adjacent properties by being located on their sites to minimize disruption of privacy and outdoor activities in adjacent buildings.

20.28.140 Townhouse

A. Description

A townhouse is one of a row of homes sharing common walls, each with its own front and rear access to the outside.

B. Site Requirements and Setbacks

1. Townhouses may be located on a separate (fee simple) lot or several units may be located on a common parcel.
2. The required setbacks are as shown in Figures 28.27 and 28.28, except garage and carport setbacks from an alley shall be as needed to provide a 20 foot parking backup distance (including alley width). Buildings shall be placed within the shaded areas shown in the figures.

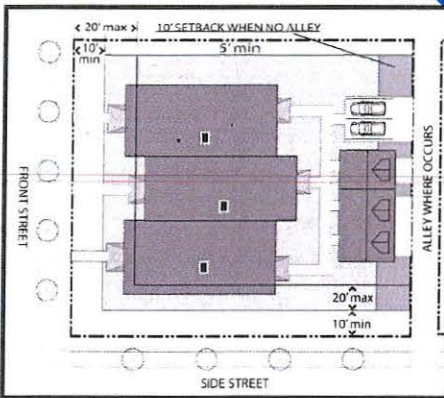


Figure 28.27 Setbacks – Main building(s)

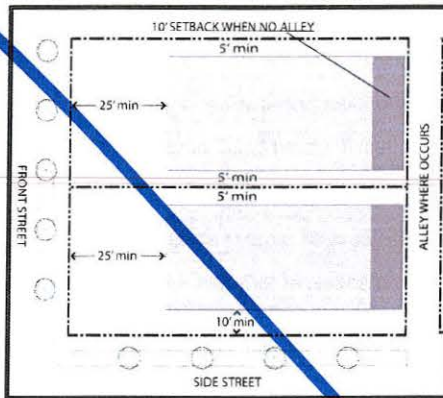


Figure 28.28 Setbacks – Garages & Carports

C. Bulk and Massing

1. Maximum attached dwelling units is 8.
2. Maximum Floor Area Ratio (FAR) is 0.75.
1. The height limit is 35 feet under Definition #1 or 20 feet under Definition #2.