



PLANNING COMMISSION TITLE 49 COMMITTEE AGENDA

December 21, 2023 at 12:00 PM

Zoom Webinar

<https://juneau.zoom.us/j/89338542886> or 1-253-215-8782 Webinar ID: 893 3854 2886

A. LAND ACKNOWLEDGEMENT

We would like to acknowledge that the City & Borough of Juneau is on Tlingit land, and wish to honor the indigenous people of this land. For more than ten thousand years, Alaska Native people have been and continue to be integral to the well-being of our community. We are grateful to be in this place, a part of this community, and to honor the culture, traditions, and resilience of the Tlingit people. Gunalchéesh!

B. ROLL CALL

C. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

D. APPROVAL OF MINUTES

E. REGULAR AGENDA

1. ADU Memo and Draft Language

F. COMITTEE MEMBER COMMENTS & QUESTIONS

G. ADJOURNMENT

ADA accommodations available upon request: Please contact the Clerk's office 36 hours prior to any meeting so arrangements can be made for closed captioning or sign language interpreter services depending on the meeting format. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: city.clerk@juneau.gov.



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December 14, 2023

MEMO

To: Chair Arndt and Title 49 Committee Members

From: Jill Maclean, Director, AICP 

RE: Accessory Dwelling Unit(s) Draft Code Language

Background

Per the outcomes of the Title 49 Committee meeting held on November 16, 2023, attached please find the latest revisions to the draft accessory dwelling unit code language.

Key Reminders

- Purpose is to update the existing accessory apartment ordinance to provide for greater flexibility and opportunities for infill development
- Industrial zoning districts are not being reviewed at this time for ADUs
- Adding ability to have an ADU to duplexes
- Generally increasing the sizing of ADUs from 600sq. ft. to 800sq.ft.; and from 1,000sq. ft. to 1,200sq. ft.
- Providing for ADUs in multi-family districts if the primary use of the lot is single-family dwelling or duplex
- Proposed definitions for Accessory Dwelling Unit and Duplex
- Code review for uses of “accessory apartment(s)”
- Reviewed for consistency with Alternative Residential Subdivision [49.15.920(m)]

Things to Note

For ease of review, the draft language does not include all the track changes. The revisions are noted as follows:

- Existing language that is being deleted is strikethrough
- Proposed (new) language is underlined
- Blue highlights are reminder to confirm citations was finalized
- Yellow highlights were used sparingly to call out references that may be easily overlooked
- Prior work may be found online on the Agenda & Minutes page, in past Title 49 packets

Recommended Motion

Staff recommends that the Title 49 Committee recommend the draft language to the full Planning Commission for review.

ARTICLE III. TABLE OF PERMISSIBLE USES

TABLE OF PERMISSIBLE USES - CBJ 49.25.300

			Zones																
Use Description			RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	MU3	NC	WC	WI	I
1.000	Residential																		
	1.100	Single-family dwellings																	
	1.110	Single-family detached, one dwelling per lot	1	1	1	1	1	1	1	1	1	1	1	1			1	1 ^A	1 ^A
	1.120	Single-family detached, two dwellings per lot	1	1	1														
	1.130	Single-family detached, accessory apartment dwelling unit ^x	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3			1, 3		
	1.140	Single-family detached, two dwellings per lot, accessory apartments, dwelling units ^x	1, 3	1, 3	1, 3														
1.200	Duplex		1	1	1	1		1	1	1	1	1	1	1			1		
1.300	Multifamily dwellings							1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	3		
1.500	Child and Day care homes																		
	1.510	Child; 12 or fewer children under the age of 12	1	1	1	1	1	1	1	1	1	1	1	1	1	1			
	1.520	Reserved																	
	1.530	Adult; 12 or fewer people, 12 years and older	1	1	1	1	1	1	1	1	1	1	1	1	1	1			
	1.540	Reserved																	
	1.550	Child care residence, 6 to 9 children under 18 years of age		3	3	3	3	3	3	3	3	3	3	3	3	3			
1.600	Miscellaneous, rooms for rent situations																		

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(Supp. No. 154)

	1.610	Rooming, boarding houses, bed and breakfasts, single room occupancies with shared facilities, transitional housing, and temporary residences. Owner or manager must live on site.	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	1, 3	1	1	1, 3	1, 3	3 ^N		
	1.620	Hotels, motels	3								1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	3 ^N	3 ^N	
	1.630	Single room occupancies with private facilities						1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3		
1.700	Home occupations		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
1.800	Mobile homes																		
	1.810	Residential mobile homes on individual lots ^E	3	3	3														
			Zones																
	1.815	Caretakers mobile homes on individual lots ^E	3	3	3	3	3	3	3	3	3	3	3	3			3	3	3
	1.820	Mobile home parks ^E					3	3	3	3	3	3							
	1.830	Mobile home subdivision ^E				3	3	3	3	3	3	3							
	1.840	Recreational vehicle parks ^F	3 ^F	3 ^F	3 ^F														
1.900	Common wall development																		
	1.910	Two dwelling units				1	1	1	1	1									
	1.911	Accessory apartments dwelling units ^x	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3		
	1.920	Three or more dwelling units					1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3			
	1.930	Two dwelling unit structures allowed under special density considerations, subsections 49.25.510(h)			3	3	3	3	3	3	3			3					
2.000	Sales and Rental Goods, Merchandise or Equipment ^G																		

Key:

1. Department approval requires the department of community development approval only.
- 1, 3. Department approval required if minor development, conditional use permit required if major development.
2. Allowable use permit requires planning commission approval.
3. Conditional use permit requires planning commission approval.
- 2, 3. Allowable use permit required if minor development, conditional use permit required if major development.

Notes:

- A. A single-family residence is allowed as an owner or caretaker residence that is accessory to an existing permitted use in the industrial zone.
- B. Reserved.
- C. Reserved.
- D. Reserved.
- E. See special use regulations for mobile homes, chapter 49.65, article III.
- F. See special use regulations for recreational vehicles, chapter 49.65, article IV. This use allowed by service area designation not zoning district.
- G. All uses subject to additional performance standards, chapter 49.65, article VIII.
- H. Reserved.
- I. Reserved.
- J. Applies to over 2 acres of harvest area.
- K. See special use regulations, chapter 49.65, article I. Mining operations are a conditional use in the urban mining district and an allowable use in the rural mining district.
- L. See special use regulations, chapter 49.65.200, article II.
- M. Only applicable to the commercial or private stabling of more than three farm animals, or where the running or stabling area is closer than 100 feet to the nearest residence other than the owner for any number of farm animals.
- N. Use must be water-dependent, water-related, or water-oriented.
- O. Standards for collection structures: containers must be well maintained and allow no spillage of contents; a specific person or group must be responsible for maintenance of the structure and that person or group shall have a contact telephone number posted on the collection structure; collection structure must be situated so as to not affect traffic or parking; directional signs shall be limited to six square feet and identification signs shall be limited to 24 square feet; such signs will not be included in total sign area allowed for a complex; and the structure shall not exceed a height of six feet. Identification is to be in the following format: greater prominence, the City and Borough recycling logo and the recyclable material identification; lesser prominence, the sponsor name and the contact phone number.
- P. Preexisting allowable or conditional use permit: If recycling activity is determined by the director to be an accessory use to a use previously permitted under either an allowable or a conditional use permit, the activity may be approved by the department. Other conditions may be required before recycling activity is permitted.

- Q. Must be in conjunction with an approved state or municipal public road construction project, and must be discontinued at the completion of the project. Road construction by private parties for subdivision development is excluded except as provided in this title. Rock crushed on-site must be used on-site. Crushing shall be limited to 8:00 a.m.—5:00 p.m. unless the director authorizes otherwise.
- R. Towers shall: be for amateur use only; meet the setback requirements of the zoning district; be unlit except as required by the Federal Aviation Administration. Towers shall be installed in conformance with a valid building permit, application for which shall include a copy of the applicant's amateur station license.
- S. Limited to lots directly fronting on Glacier Highway West of Industrial Boulevard.
- T. Must be associated with a unique site specific feature in order to function. Example: Glacier research station - Juneau Icefield location.
- U. No storage permitted on the first floor of a building.
- V. Primarily intended for rooftop locations in urban areas.
- W. The capacity of a park shall be determined by the Director of the Community Development Department or designee in consultation with the Director of the Parks and Recreation Department.
- X. Special requirements apply to accessory apartment applications dwelling units. See CBJ § 49.25.510(k).
- Z. Snow storage may be permitted for a maximum of five years. After five years a new application must be filed.
- AA. Does not apply to wireless communication facilities.
- AB. Use is prohibited in the urban service area but allowed outside the urban service area. An owner or manager must live on site.
- AC. Use is prohibited within 1,000 feet of recognized neighborhood association established in accordance with CBJ chapter 11.35.

(Serial No. 2002-14, § 2, 4-1-5-2002; Serial No. 2002-29, § 2, 11-4-2002; Serial No. 2003-27am, § 5, 6-16-2003; Serial No. 2003-41, § 2, 9-22-2003; Serial No. 2003-41, § 2, 9-8-2003; Serial No. 2004-09, § 2, 4-12-2004; Serial No. 2006-07, § 2, 4-3-2006; Serial No. 2007-39, § 8, 6-25-2007; Serial No. 2009-22(b), § 2, 10-12-2009; Serial No. 2010-22, § 3(Exh. A), 7-19-2010; 2014-32(e)am, §§ 6—8, 9-29-2014, eff. 10-29-2014 ; Serial No. 2015-07(b)(am), §§ 2—4, 2-23-2015, eff. 3-26-2015 ; Serial No. 2015-34(am), § 2, 7-20-2015, eff. 8-20-2015 ; Serial No. 2015-03(c)(am), § 19, 8-31-2015 ; Serial No. 2015-32, §§ 2, 3, 8-10-2015 ; Serial No. 2015-38(b)(am), § 6, 5-2-2016, eff. 6-2-2016 ; Serial No. 2015-39(am), §§ 2—7, 11-9-2015 ; Ord. No. 2018-31, § 2, 6-4-2018, eff. 7-5-2018 ; Serial No. 2021-35(am), § 3(Exh. A), 2-7-2022, eff. 3-10-2022)

49.25.510 Special density considerations.

- (a) *Fractions of units.* If a density calculation results in fractions of dwelling units allowable, such fractions shall be rounded to the nearest whole number.
- (b) *Factors precluding maximum density.* The number of units allowed by section 49.25.500 is a maximum, achievement of which may be prevented by other factors, including topography, dimensional standards or dedication requirements.
- (c) *Mobile home subdivisions.* Mobile home subdivisions shall meet the density requirements of the zoning district in which they are located, regardless of the lot size allowed.
- (d) *Two-unit dwellings.*
 - (1) *Duplexes.* The minimum lot size for a duplex dwelling shall be at least 150 percent of the square footage required for a single-family dwelling in the same zoning district, except in multi-family, mixed-use, and commercial zoning districts, where duplexes may be constructed on any lot of sufficient size for two dwelling units.
 - (2) *Reserved.*
- (e) *Detached single-family dwellings.* Two detached single-family dwellings located on a single lot within the Rural Reserve D1 and D3 zoning districts shall each meet 100 percent of the applicable square-footage requirement.
- (f) *Reserved.*
- (g) *Duplex and common wall structures.* The commission, through the conditional use permit process, may allow duplex and common wall structures on lots of less than the required size if the applicant can demonstrate that the same number of dwelling units already exist on the lot or may lawfully be created on the lot as a result of the nonconforming development provisions of chapter 49.30. Applications of this provision include the following:
 - (1) Common wall subdivision lots of less than the required size may be created if the original parcel contains a common wall structure that was lawfully built and all other common wall structure requirements can be met.
 - (2) A duplex or a two unit common wall structure may be built on a pair of existing lots of record which together are less than the required size for a duplex or a two unit common wall structure, provided each of the lots could have been developed with a single-family dwelling when the lots were created.
- (h) *Building a two unit common wall structure.* The commission, through the conditional use permit process, may approve the building of a two unit common wall structure on less than the required lot area if the lot was legally platted prior to November 9, 1987; the subdivision or a portion thereof was designed specifically for two unit common wall structures; and 60 percent or more of the lots in the subdivision or of the portion thereof designed specifically for two unit common wall structures have been developed with two unit common wall structures.
- (i) *Subdivision rights-of-way.* In calculating the number of dwelling units and thereby the number of lots allowed within a proposed single-family subdivision, any proposed rights-of-way shall be included in the total square footage of the parcel. In multifamily subdivisions, rights-of-way shall not be so included.
- (j) *Single-room occupancies with private facilities.* A permit to construct single-room occupancies may be issued by the Director or the Planning Commission, as specified in the Table of Permissible Uses, CBJ 49.25.300, if all of the requirements of this subsection are met.
 - (1) Single-room occupancies shall be efficiency units not exceeding 400 square feet in net floor area.

- (A) Areas common to more than one dwelling unit, including entry ways, furnace rooms, laundry rooms, common storage areas, and interior stairways, shall not be included in the computation of net floor area.
- (2) Each single-room occupancy with private facilities shall count as one-half of a dwelling unit for purposes of calculating density, permitting requirements, and land use permit application fees.
- (k) Accessory ~~apartment~~ dwelling units. ~~No person shall construct or maintain an accessory apartment dwelling unit except in accordance with a permit issued under this section. An accessory dwelling unit may be permitted anywhere a new or existing single-family or duplex dwelling is allowed in accordance with a permit issued under this section. Accessory dwelling units are exempt from the density requirements of the underlying zoning district.~~
- (1) Application. Accessory ~~apartment~~ dwelling unit applications shall be submitted on a form provided by the director and shall include:
- (A) A completed application form;
 - (B) The application fee required by chapter 49.85;
 - (C) A site plan drawn to scale or dimensioned indicating all required parking, minimum setbacks, and actual lot size; and
 - (D) A floor plan drawn to scale or dimensioned indicating all dwelling units and including each room labeled as to use;
 - (E) A statement that the property is connected to sewer. If the property is not connected to sewer, a statement from the department of environmental conservation confirming that the existing wastewater disposal system is sufficient for the development, including the proposed accessory ~~apartment~~ dwelling unit, and a statement from a qualified inspector that the existing wastewater disposal system is functioning as designed.
- (2) Approval standards.
- (A) Unless otherwise provided, the accessory ~~apartment~~ dwelling unit shall be a one-bedroom or efficiency unit not exceeding ~~600-800~~ square feet in net floor area.
 - (B) Areas common to more than one dwelling unit - including entry ways, furnace rooms, laundry rooms, and interior stairways - shall not be included in the computation of the net floor area for the accessory ~~apartment~~ dwelling unit.
 - (C) The minimum lot size as used in this section refers to the minimum lot size for permissible uses listed in the table of dimensional standards, ~~CBJ 49.25.200~~ CBJ 49.25.400.
 - (D) A permit under this subsection may be issued if the applicant establishes:
 - (i) The development meets all setback requirements;
 - (ii) The total building footprint does not exceed the maximum lot coverage allowable under section 49.25.400, the table of dimensional standards, or, in the case of nonconforming structures, the total building footprint does not increase with the proposed accessory ~~apartment~~ dwelling unit;
 - (iii) The development does not violate the vegetative cover requirements imposed by section 49.50.300; or, in the case of nonconforming structures, the proposed accessory ~~apartment~~ dwelling unit does not decrease the existing vegetative cover;
 - (iv) The development meets the parking standards required by chapter 49.40; and

- (v) The development is connected to public sewer or the existing wastewater disposal system has adequate capacity for the development, including the proposed accessory ~~apartment~~ dwelling unit.
- (E) Single-family detached dwelling with accessory ~~apartment~~ dwelling unit approval.
- (i) The director may approve a 49.25.300.1.130 accessory ~~apartment~~ dwelling unit application if ~~all of~~ the requirements of this section and the following are met:
- (a) The application is for an efficiency or one-bedroom unit that does not exceed ~~600~~ 800 square feet in net floor area and is on a lot that meets or exceeds the minimum lot size; or
 - (b) The application is for an efficiency, one-bedroom, or two-bedroom unit that has a net floor area equal to or less than 50 percent of the primary dwelling unit's net floor area ~~but~~ and does not to exceed ~~1,000~~ 1,200 square feet, and is on a lot that meets or exceeds 125 percent of the minimum lot size.
- (ii) The commission may approve, with a conditional use permit, a 49.25.300.1.130 accessory ~~apartment~~ dwelling unit application if ~~all of~~ the requirements of this section and the following are met:
- (a) The application is for an efficiency or one-bedroom unit that does not exceed ~~600~~ 800 square feet in net floor area, and is on a lot that is less than the minimum lot size; ~~or~~
 - (b) ~~The application is for an efficiency, one-bedroom, or two-bedroom unit that has a net floor area equal to or less than 50 percent of the primary dwelling unit's net floor area but and does not to exceed 1,000 square feet, and is on a lot that exceeds 125 percent of the minimum lot size.~~
- (iii) ~~An application for an accessory apartment with a net floor area that exceeds 600 square feet shall not be approved on a lot that is less than 125 percent of the minimum lot size.~~
- (F) ~~Two Single~~ single-family detached, ~~two~~ dwellings units per lot; with accessory ~~apartment~~ dwelling unit(s) approval.
- (i) When a lot has two ~~primary~~ single-family dwelling units, each ~~primary~~ single-family dwelling unit may have up to one accessory ~~apartment~~ dwelling unit that is consistent with the requirements of this section. The lot shall not have more than two accessory ~~apartments~~ dwelling units.
- (ii) An application for an accessory ~~apartment~~ dwelling unit with a net floor area that exceeds ~~600~~ 800 square feet shall not be approved on a lot that is less than 250 percent of the minimum lot size.
- (iii) The director may approve a 49.25.300.1.140 accessory ~~apartment~~ dwelling unit application if ~~all of~~ the requirements of this section and the following are met:
- (a) The application is for an efficiency, or one-bedroom unit that does not exceed ~~600~~ 800 square feet in net floor area, is on a ~~double-sized lot (two times that is twice the minimum lot size)~~, and the lot does not have another accessory ~~apartment~~ dwelling unit in excess of ~~600~~ 800 square feet in net floor area; or
 - (b) The application is for an efficiency, one-bedroom, or two-bedroom unit that has a net floor area equal to or less than 50 percent of the single-family dwelling unit's net floor area ~~but~~ and does not to exceed ~~1,000~~ 1,200 square feet, on a lot that exceeds 250 percent of the minimum lot size, and the lot

does not have more than one other accessory apartment in excess of ~~600~~ 800 square feet in net floor area.

- (iv) The commission may approve, with a conditional use permit, a 49.25.300.1.140 accessory ~~apartment~~ dwelling unit application if ~~all of~~ the requirements of this section and the following are met:
 - (a) The application is for an efficiency, or one-bedroom unit that does not exceed ~~600~~ 800 square feet in net floor area, is on a lot that is less than the minimum lot size, and the lot does not have another accessory ~~apartment~~ dwelling unit in excess of ~~600~~ 800 square feet in net floor area;
 - (b) ~~The application is for an efficiency, one-bedroom, or two-bedroom unit that has a net floor area equal to or less than 50 percent of the primary dwelling unit's net floor area but not to exceed 1,000 square feet, is on a lot that exceeds 250 percent of the minimum lot size, and where the lot does not have more than one other accessory apartment in excess of 600 square feet in net floor area.~~
- (G) Multi-family dwelling and accessory ~~apartment~~ dwelling unit approval. Unless authorized by this section, an accessory ~~apartment~~ dwelling unit is prohibited in multi-family, commercial, and mixed-use zoning districts.
 - (i) The director may approve a 49.25.300.1.300 accessory ~~apartment~~ dwelling unit application if all the requirements of this section and the following are met:
 - (a) The application is for an efficiency, or one-bedroom unit that does not exceed ~~600~~ 800 square feet in net floor area, is on a lot that meets or exceeds the minimum lot size, and the primary use of the lot is a single-family dwelling.
 - (ii) The commission may approve, with a conditional use permit, a 49.25.300.1.300 accessory ~~apartment~~ dwelling unit application if ~~all of~~ the requirements of this section and the following are met:
 - (a) The application is for an efficiency, or one-bedroom unit that does not exceed ~~600~~ 800 square feet in net floor area, is on a lot that is less than the minimum lot size, and the primary use of the lot is a single-family dwelling.
- (H) Common wall accessory ~~apartment~~ dwelling unit approval.
 - (i) Each common wall dwelling unit may have up to one accessory ~~apartment~~ dwelling unit that does not exceed ~~600~~ 800 square feet in net floor area and that is consistent with the requirements of this section.
 - (ii) The director may approve a 49.25.300.1.911 accessory ~~apartment~~ dwelling unit application if ~~all of~~ the requirements of this section and the following are met:
 - (a) The application is for an efficiency, or one-bedroom unit that does not exceed ~~600~~ 800 square feet in net floor area, and is on a lot that meets or exceeds the minimum lot size.
 - (iii) The commission may approve, with a conditional use permit, a 49.25.300.1.911 accessory ~~apartment~~ dwelling unit application if ~~all of~~ the requirements of this section and the following are met:
 - (a) The application is for an efficiency, or one-bedroom unit that does not exceed ~~600~~ 800 square feet in net floor area, and is on a lot that is less than the minimum lot size.

- (l) Duplex accessory dwelling unit approval.
 - (i) A duplex dwelling unit may have up to one accessory dwelling unit that does not exceed 800 square feet in net floor area and that is consistent with the requirements of this section.
 - (ii) The director may approve a 49.25.300.1.911 accessory dwelling unit application if the requirements of this section and the following are met:
 - (a) The application is for an efficiency, or one-bedroom unit that does not exceed 800 square feet in net floor area, and is on a lot that meets or exceeds the minimum lot size.

(Serial No. 87-49, § 2, 1987; Serial No. 89-33, § 2, 1989; Serial No. 91-01, § 2, 1991; Serial No. 94-07, § 4, 1994; Serial No. 95-33, § 8, 1995; Serial No. 97-49, § 3, 1998; Serial No. 2001-12, § 3, 4-2-2001; Serial No. 2006-15, §§ 5, 6, 6-5-2006; Serial No. 2007-39, § 11, 6-25-2007; Serial No. 2009-22(b), § 3, 10-12-2009; Serial No. 2012-24, § 4, 5-14-2012, eff. 6-14-2012 ; Serial No. 2012-36, § 3, 9-17-2012 ; Serial No. 2015-7(b)(am), § 5, 2-23-2015, eff. 3-26-2015 ; Serial No. 2019-37, § 4, 3-16-2020, eff. 4-16-2020)

Chapter 49.80 DEFINITIONS

49.80.120 Definitions.

Existing Accessory Apartment Definition

~~*Accessory apartment* means one or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit within or attached to a single-family dwelling or in a detached building on the same lot as the primary dwelling unit. An accessory apartment is distinguishable from a duplex in that, unlike a duplex, it is clearly subordinate to the primary dwelling unit, both in use and appearance.~~

Proposed Accessory Dwelling Unit Definitions

Option A:

Accessory dwelling unit. An accessory dwelling unit (ADU) means one or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit within or attached to a single-family or duplex dwelling, or in a detached structure on the same lot as the primary dwelling unit. An ADU is distinguishable from a duplex in that, unlike a duplex, it is clearly subordinate to the primary dwelling unit, whether single-family, duplex or common wall dwelling, both in use and appearance.

Option B:

Accessory dwelling unit. An accessory dwelling unit (ADU) means an additional dwelling unit added to, created within, or detached from the single-family or duplex dwelling unit on the lot, which provides basic requirements for living, sleeping, cooking, and sanitation. The unit may have a separate exterior entrance or an entrance to an internal common area accessible to the outside.

Option C:

Accessory dwelling unit. Accessory dwelling unit (ADU) means an additional dwelling unit that is attached to or detached from a single-family detached dwelling, duplex, or common wall dwelling unit on the same lot. The accessory dwelling unit is accessory to and is smaller than the primary dwelling unit.

Option D:

Accessory dwelling Unit. An accessory dwelling unit (ADU) means an additional unit created on a lot with a primary dwelling unit. Primary dwelling units may include single-family dwelling, duplex, or common wall dwelling. The ADU is smaller than the primary dwelling unit except when the ADU is in an existing basement, providing other code requirements are met. The ADU includes its own independent living facilities including provision for sleeping, cooking, and sanitation, and is designed for residential occupancy by one or more people, independent of the primary dwelling unit. The unit may have a separate exterior entrance or an entrance to an internal common area accessible to the outside.

Option D:

Accessory dwelling unit. An accessory dwelling unit (ADU) means an additional unit with one or more rooms with a private bath and kitchen facilities comprising an independent, self-contained dwelling unit within or attached to a single-family dwelling or in a detached building on the same lot as the primary dwelling unit. An ADU is distinguishable from a duplex in that, unlike a duplex, it is clearly subordinate to the primary dwelling unit, both in use and appearance.

Existing Duplex Definition

Duplex. Duplex means a building on a single lot containing two dwelling units, each of which, except for a common stairwell exterior to both dwelling units, is separated from the other by an unpierced wall extending from floor to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall.

Proposed Duplex Definition

Duplex. Duplex means a building containing two attached dwelling units on an individual lot that share a common wall or common floor/ceiling. A structure that contains an accessory dwelling unit attached to a single family detached dwelling, manufactured home, or common wall dwelling shall not be considered a duplex.

Other Sections of Code Requiring Updating (pay close attention to singular or plural forms when revising)**Title 49 - Land Use**

- 49.35.262(b)(5): change “accessory apartment” to accessory dwelling unit
- 49.35.273(b)(7): change “accessory apartment(s)” to accessory dwelling unit(s)
- 49.40.210(a): change “accessory apartment” to accessory dwelling unit
- 49.65.630(b)(1): change “accessory apartments” to accessory dwelling units

Title 75 - Utilities

- 75.01.050(b)(1)(A): change “accessory apartments” to accessory dwelling units
- 75.01.020 *Metered residential service*: change “accessory apartments” to accessory dwelling units
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