

Accessory Dwelling Unit (ADU)

Title 17

17.08.130 Definitions – M

"Mobile home" or "manufactured home" means a structure, designed and constructed to be transportable in one or more sections, and is built on a permanent chassis, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities that include plumbing, heating, and electrical systems contained therein. The structure must comply with the national mobile home construction and safety standards act of 1974 as adopted by chapter 43.22 RCW if applicable. Manufactured home does not include a modular home. A structure which met the definition of a "manufactured home" at the time of manufacture is still considered to meet this definition notwithstanding that it is no longer transportable.

"Modular home" means a factory-assembled structure designed primarily for use as a dwelling when connected to the required utilities that include plumbing, heating, and electrical systems contained therein, does not contain its own running gear, and must be mounted on a permanent foundation. A modular home does not include a mobile home or manufactured home (RCW 46.04.303 as amended).

17.20.15 Prohibited uses.

- A. Use of any structure or building as a transient accommodation.
- B. More than one mobile home, manufactured home on a lot or parcel.
- C. Park model or recreational vehicle used as a dwelling unit or sleeping unit.

17.20.020 Permitted uses.

Permitted uses in a single-family residential zone shall be as follows:

- A. Single-family dwellings.
- B. Accessory dwelling unit provided that all the following approval requirements are met:
 - 1. The accessory dwelling unit is on a lot with a legal primary single-family structure.
 - 2. There shall be only two accessory dwelling units per lot.

3. A deed restriction is recorded with the San Juan County auditor prior to building permit issuance, stating all of the following as set forth in subsections (B)(4)(a) through (h) of this section:
 - a. The deed restriction runs with land and is binding on all parties and their heirs or successors, unless such deed restriction is extinguished by recording a document prepared by the town releasing the deed restriction with the San Juan County Auditor's office.
 - b. Unless the land is divided in accordance with Title 16 Subdivision the accessory dwelling unit and associated land shall not be:
 - i. Financed or sold separately from the original dwelling.
 - ii. Converted to a condominium or community land trust.
 - c. The accessory dwelling unit is restricted to the approved size.
 - d. The above declarations are binding upon any successor in ownership of the property; lack of compliance shall be cause for code enforcement and/or revoking the occupancy or use permit.
 - e. The deed restrictions shall lapse upon removal of the accessory dwelling unit.
 - f. The rental permit shall be maintained in good standing.
 - g. Transient use of the accessory dwelling unit is prohibited.
 - h. Any violation of this chapter is a Class 1 civil infraction, as defined in Chapter 1.18 FPMC.
4. Design and Construction
 - a. The accessory dwelling unit shall meet all technical code standards, FPMC Title 15, including but not limited to building, fire, mechanical and plumbing code requirements.
 - b. The accessory dwelling unit provides complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking facilities and sanitation.
 - c. The accessory dwelling unit maximum floor area is 1000 square feet.

- d. The accessory dwelling unit shall meet the Town Design Standards for residential construction.
- e. The accessory dwelling unit shall meet the additional specific design and construction standards for the type of accessory dwelling unit; attached or detached.

5. Attached Accessory Dwelling Unit Use, Design, and Construction

- a. The primary residence and the accessory dwelling unit share a minimum of 10 linear feet of common wall or floor.
- b. There is a separate entrance.
- c. Entrances from the original building shall be sealed or provide security locks.
- d. There shall be only one front entrance to the house visible from the front yard; provided, that existing single-family buildings with two or more entry doors facing a street shall not be prohibited from using one of those doors to access the accessory dwelling unit.
- e. The accessory dwelling unit shall have similar form, materials, roof pitch, and design as the primary residence.
- f. For the purposes of this subsection, existing town utility connections may be used.

6. Detached Accessory Dwelling Unit

- a. The accessory dwelling unit shall meet the Town design requirements for multifamily residential construction.
- b. The accessory dwelling unit shall be greater than 10FT from the primary structure.

- C. Accessory uses and buildings normally incidental to the above permitted residential uses, provided a detached guesthouse is not a permitted accessory structure.

17.68.030 Parking Space Requirements.

Use	Parking Space Requirements
Banks and other financial offices with customer service on premises	1 per each 200 sq. ft. of gross floor area
Bed and breakfast inns, tourist homes and rooming houses	1 per sleeping room plus 1 for the operator dwelling unit.
Boat building/repair	1 per 1,500 sq. ft. of gross floor area
Child day care and preschool	1 plus 1 loading space if serving 12 or fewer children, otherwise 1 parking space per employee plus 2 loading spaces
Churches, mortuaries, auditoriums and similar places of assembly	1 per 4 seats or 60 lineal inches of pew or 40 sq. ft. of gross floor area used for assembly purposes
Convalescent homes for the aged	1 per each 5 beds
Dance halls, skating rinks, and similar recreation uses	1 per 200 sq. ft. of floor area used for recreation
Dry cleaners, appliance and shoe repair shops, bakeries without customer seating, similar front counter uses	1 per 450 sq. ft. of gross floor area
Furniture, major appliance, floor covering, hardware stores: If less than 1,500 sq. ft. of floor area If more than 1,500 sq. ft. of floor area	1 per 500 sq. ft. of gross floor area 3 spaces plus 1 per each 600 sq. ft. in excess of 1,500 sq. ft.
Health and physical fitness clubs	1 per 200 sq. ft. of gross floor area

Use	Parking Space Requirements
Libraries and museums	1 per 300 sq. ft. of gross floor area
Manufacturing uses, research testing and processing, assembling, all industries except boat building/ repair	1 per each 2 employees on maximum shift and not less than 1 per 800 sq. ft. of gross floor area
Medical, dental or veterinary offices	1 per each 200 sq. ft. of gross floor area
Moorage facility other than those reserved for exclusive use of adjacent residence	1 per each 2 mooring spaces, excluding mooring spaces used only for transient moorage
Motor vehicle, machinery, plumbing, heating, ventilating, building supply stores and service	1 per 1,000 sq. ft. of gross floor area or 1 per each 3 employees
Motor vehicle, motorcycle and small engine repair	1 per 400 sq. ft. of gross floor area
Offices, business and professional (other than banks, medical, dental or veterinary offices) with on-site customer service	1 per 300 sq. ft. of gross floor area
Offices not providing on-site customer service	1 per 300 sq. ft. of gross floor area
Playing fields	25 per acre
Recreational, commercial center	4 per each bowling alley, tennis or racquetball court, pool or billiard table; or 1 per each miniature golf hole or each 3 video games
Residential-Detached Dwelling Unit, Duplex (Two Dwelling), and Townhouses, single-	2 per dwelling unit or mobile home space,

Use	Parking Space Requirements
family; mobile home parks	
Residential, -duplex or multifamily (3 or more units in a building)	1.5 per dwelling unit or 1 per dwelling unit in a mixed use development
Residential-Accessory	1 for ancillary commercial use or 1 per accessory dwelling unit.
Residential-Transient	1 per dwelling unit or sleeping unit
Restaurant or tavern	1 per 130 sq. ft. of gross floor area
Retail, not otherwise listed: If less than 5,000 sq. ft. of floor area If over 5,000 sq. ft. of floor area	1 per 300 sq. ft. of gross floor area 17 plus 1 per each 500 sq. ft. in excess of 5,000 sq. ft.
Schools, elementary and junior high	2 per classroom, plus two loading spaces
Schools, senior high	6 per classroom
Schools, adult education	1 per each 4 fixed seats or 1 per 50 sq. ft. of gross floor area used for classrooms, exercise, dance or rehearsal
Stadiums, sports arenas and similar open assemblies	1 per 8 fixed seats and 1 per 100 sq. ft. of assembly space without fixed seats
Storage areas which are incidental and subordinate to the principal use which otherwise conforms to this chapter	No requirement
Theaters	1 per 4 seats

Use	Parking Space Requirements
Warehouse, storage and wholesale business	1 per each 2 employees on maximum working shift

17.88.010 Violation and enforcement

- A. It shall be a violation of this title for any person to use or occupy any land, building or other structure in any manner which would be contrary to the provisions of this title. It shall also be a violation of this title for any person to publicly or privately offer to allow another person to use or occupy any land, building or other structure in any manner which would be contrary to the provisions of this title.
- B. It shall be a violation of this title for a person to publicly or privately offer through advertisement to allow another person to use or occupy any land, building or other structure in any manner which would be contrary to the provisions of this title. Said person offering the use shall be assessed a monetary penalty in the amount of \$2,300 on the day of the notice of violation. This monetary penalty is separate from those that are accessed as a result of a Class 1 civil infraction. Each occurrence shall be considered a separate offense.
- C. A person who is operating or allowing a person to use or occupy any land or building or other structure in a manner as defined by Chapter 17.08 as a transient accommodation that is not a permissible use in the zone shall be assessed a monetary penalty in the amount of \$2,300 on the day of the notice of violation. Each occurrence of operating a transient accommodation that is not a permissible use in the zone shall be considered a separate offense; this monetary penalty is separate from those that are accessed as a result of a Class 1 civil infraction.
- D. Any violation of this title shall be and hereby is declared both a public nuisance and a Class 1 civil infraction, as defined in Chapter [1.18](#) FHMC. Each day that a violation of this title exists may be treated as a separate infraction.