

Chapter 18.32
ACCESSORY DWELLING UNITS

Sections:

18.34.000 Purpose.

18.34.010 Accessory dwelling units.

18.34.020 Requirements for A-ADUs and D-ADUs.

~~18.34.030 Repeated.~~

~~18.34.040 Repeated.~~

18.34.050 Detached accessory dwelling unit (D-ADU) requirements.

~~18.34.060 Repeated.~~

18.34.070 Permitting and enforcement.

18.34.000 Purpose.

It is the purpose of this legislation to implement the policy provisions of the housing element of the City's Comprehensive Plan as follows:

- A. By eliminating barriers to accessory dwelling units in single-family residential neighborhoods and providing for affordable housing.
- B. To provide homeowners with a means of obtaining rental income, companionship, security, and services through tenants in either the accessory dwelling unit or principal unit of the single-family dwelling.
- C. To provide senior citizens with the ability to age in place and to facilitate the care of family members who are unable to live independently.

18.34.010 Accessory dwelling units.

- A. An accessory dwelling unit (ADU) is a complete living unit that is secondary to a single-family home located on the same lot. ADUs can be attached as a separate unit within the existing home or an addition to the home, or detached as a separate structure on the lot.
- B. Attached Accessory Dwelling Unit (A-ADU). An attached accessory dwelling unit is an accessory dwelling unit that is added to or included within the principal unit or added to another ADU.
- C. Detached Accessory Dwelling Unit (D-ADU). A detached accessory dwelling unit is a freestanding accessory dwelling unit that is not attached or physically connected to the primary single-family dwelling unit.

18.34.020 Requirements for A-ADUs and D-ADUs.

The following requirements apply to A-ADUs and D-ADUs:

- A. Locations Permitted. Attached and detached ADUs are permitted in all residential single-family zones (RS low, RS medium, and RS high) and any zoning district that allows for single-family homes, provided only two ADUs are allowed per lot as an accessory use to a single-family home.
- B. Size and Scale. The ADU maximum size shall be no more than 1,000 square feet. However, the Zoning Administrator may permit attached accessory dwelling units greater than the maximum size limit within existing structures when a denial of such an increase would result in an unreasonable division of interior space between the ADU and the primary dwelling unit.
- C. The ADU is exempt from the density limitations of the underlying zone.
- D. The parcel may not contain more than one primary dwelling.
- E. Condominium. The ADU shall not be segregated in ownership from the principal dwelling except through a condominium process.
- F. The ADU must meet all land use requirements for single-family residences as outlined in Chapter 18.32 FMC, with the exception of off-street parking requirements.
- G. Setbacks. The ADU shall meet the setbacks of the underlying zone. Detached accessory dwelling units may be sited at a lot line, if the lot line abuts a public alley.
- H. Existing Structures. Accessory dwelling units may be allowed to be converted from existing structures, including but not limited to detached garages, even if said structure violates current code requirements for setback or lot coverage.

~~I. Short-Term Rentals. Principal dwelling units and accessory dwelling units shall not be used as short-term rentals concurrently.~~

~~J. Utilities. Utilities servicing the existing site may require upgrades based on the project size. Any utilities installed to the site must be in compliance with Chapter 19.35 FMC, Utilities.~~

~~JK. Frontage Improvements. No public street improvements are required for construction of ADUs.~~

~~L. Purchasers of homes with an ADU must register with the Community Development Department within 30 days of purchase. A covenant, approved by the Community Development Director, must be signed and recorded which specifies this requirement and the requirement for purchaser registration.~~

18.34.030 Parking requirements for all ADUs:

~~Repeated by Ord. 2231.~~

~~18.34.040 Attached accessory dwelling unit (A-ADU) requirements.~~

~~Repeated by Ord. 2231.~~

18.34.050 Detached accessory dwelling unit (D-ADU) requirements.

In addition to all requirements listed in FMC 18.34.020, the following shall apply to a detached accessory dwelling unit:

- A. Both single-family residence and D-ADU entries should be oriented to the street, when practical.
- B. A D-ADU may be combined with a garage, D-ADU, or accessory building as defined by FMC 18.08.020.
- C. Height. Maximum building height must be 24 feet.

~~18.34.060 Existing illegal units.~~

~~Repeated by Ord. 2231.~~

18.34.070 Permitting and enforcement.

A. Application. The property owner shall apply for an ADU permit with the Community Development Department. Application and submittal requirements shall be in accordance with Chapter 14.07 FMC.

B. Applicable Codes. The accessory dwelling unit shall comply with all construction codes set forth in the Ferndale Development Standards and the latest adopted building code and any other applicable codes, except as provided in this chapter.

~~C. Inspection. After receipt of a complete application and prior to approval of an ADU, the City shall inspect the property to confirm that all applicable requirements of this code and other codes are met.~~

~~D. Recording Requirements – Permits. Prior to a request for final building inspection for an attached or detached accessory dwelling unit, the property owner shall file with the Whatcom County Auditor a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:~~

- ~~1. The ADU may be used as a short-term rental.~~
- ~~2. The ADU is restricted to the approved size.~~
- ~~3. 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.~~
- ~~4. The deed restrictions shall lapse upon removal of the ADU.~~

~~E. Permit. Upon compliance with the provisions of this section, a permit for an accessory dwelling unit will be issued.~~

~~F. Elimination/Expiration. Elimination of an accessory dwelling unit may be accomplished by the owner recording a certificate with the Whatcom County Auditor and Ferndale Community Development Department stating that the ADU no longer exists on the property, contingent on verification by the Ferndale Community Development Department.~~

G. Variance. Variances to this chapter shall require variance or adjustment approval as outlined in FMC 18.12.170.

H. Violations. Any violation of any provision hereof is a violation under Chapter 1.12 FMC.

Code reviser's note: Prior to Ord. 1995, Chapter 18.34 FMC, pertaining to single-family dwelling zones (large lot sizes RS 10.5 and 14.5), was added by Ord. 1400 and subsequently superseded by Ord. 1528. Current provisions regarding single-family dwelling zones can be found in Chapter 18.32 FMC.