

Applicant Submitted Edits

Chapter 19.20 ACCESSORY DWELLING UNITS¹

19.20.010 Purpose.

It is the provision of this chapter to implement the goals and policies as identified under the housing element of the city of Lynden Comprehensive Plan.

- A. The city of Lynden will encourage the availability of affordable housing to all economic segments of the population, promote a variety of residential densities and housing types, and encourage the preservation of existing housing.
- B. To consider other creative methods, such as cluster housing, cottage housing, accessory housing, and transfer of development rights to increase density and promote the opportunity for ownership of single-family homes.
- C. The city will also look 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.
- D. To provide a place to facilitate the care of family members who are unable to live independently.

(Ord. No. 1657, § C(Exh. A), 12-19-2022)

19.20.020 Accessory dwelling unit.

Accessory dwelling unit (ADU) is a subordinate, complete living unit which includes permanent kitchen and sanitary facilities, that is secondary to a single-family home located on the same lot as defined in LMC Section 17.01.030 and further subject to the following requirements:

- A. ADU's are permitted in all residential zones including planned residential developments provided that ~~only a maximum of two~~ one ADU ~~are~~ allowed per lot as an accessory use to a single-family home. ADU's are permitted in multi-family zones only on lots which are restricted, by lot area, to a single-family residence.
- B. ADU's 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, ~~or any configuration of attached or detached units.~~
- C. ~~Only one~~ Two ADU ~~s are allowed~~ per detached single-family residence. ADU's are not permitted as part of any other housing type. Accessory dwelling units are exempt from the density limitations of the underlying zone.
- D. ~~An attached ADU~~ ADUs of all types are ~~is~~ limited to a maximum of one thousand square feet ~~and two bedrooms. A detached ADU is limited to a maximum of eight hundred square feet and one bedroom.~~

¹Editor's note(s)—Ord. No. 19.20, § C(Exh. A), adopted Dec. 19, 2020, repealed the former Ch. 19.20, §§ 19.20.010—19.20.040, and enacted a new Ch. 19.20 as set out herein. The former Ch. 19.20 pertained to similar subject matter and derived from Ord. No. 1547, § 9, adopted Dec. 4, 2017.

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- ~~E.~~ A detached ADU, or ADU addition, must be of the same construction type as the primary structure. The exterior finish, material, trim, and roof pitch for the ADU must be similar in type and size of the primary structure.
- ~~F.~~ Only one entrance for the entire primary structure and ADU combined shall be visible from the primary street. A detached ADU shall not be forward to the primary unit in relation to the front yard.
- ~~G.~~ One parking space per ADU bedroom, in addition to those required for the single family residence, will be required for the ADU's. All parking spaces for the primary structure and the ADU must be located on site.
- ~~H.~~ If necessary based on building location, landscaping shall be installed to provide privacy and screening of the adjacent properties. A landscape plan must be approved by the planning director.
- ~~I.~~ Utilities. All utilities servicing the site may require upgrades based on the project size. Any utilities installed on site must meet the requirements of the city of Lynden Manual for Engineering Design and Development Standards.
- ~~J.~~ The primary residence or the ADU must be owner occupied. A perpetual covenant against the property, approved by the planning department must be signed by the owner and recorded with the Whatcom County Assessor's Office which specifies this requirement.
- ~~K.~~ The ADU shall not be subdivided or otherwise segregated in ownership from the principal dwelling unit.
- (Ord. No. 1657, § C(Exh. A), 12-19-2022)

19.20.030 Setback and height requirements.

The following text provides regulations for height and setback requirements:

- A. All setbacks are measured from the property line to the building foundation. It is the property owner's responsibility to have the property lines clearly marked for inspection.
- ~~B.~~ An attached ADU may be built as close as seven feet to the side property line provided that the living area setbacks total the minimum required within the underlying zone.
- ~~C.~~ A detached ADU may be built as close as ten feet to the rear property line and shall follow the side setbacks in accordance with the requirements of the underlying zone. All ADUs shall follow the setback requirements for the underlying zone. Detached ADUs may be situated on a lot line that abuts a public alley, unless the city or county routinely plows snow on the public alley.
- ~~D.~~ An existing non-conforming building shall not be used for an ADU unless the structure is brought into conformance with City Code.
- ~~E.~~ On any lot, the minimum distance between the garage door and the property line or access easement parallel to the garage door must be twenty five feet.
- ~~F.~~ On corner lots in all residential zones, the side yard setback adjacent to the street must reflect the minimum side yard of that zone.
- ~~G.~~ Only one driveway access is allowed per lot. Driveway access shall be allowed according to any requirements for the underlying zone.
- ~~H.~~ Detached ADU's may not be located forward of the primary residential structure.
- ~~I.~~ To be considered a "detached" structure, the minimum distance between two structures shall be six feet measured from foundation to foundation with no projections greater than eighteen inches.
- ~~J.~~ The maximum height of any detached structure housing an ADU shall be eighteen twenty-four feet.

KG. The maximum lot coverage is subject to the associated zone. Thirty-five percent (is all RS zones, thirty-five percent in the RMD zone, thirty-five percent in the RM-1 zone, forty percent in the RM-2 and RM-3 zones and forty-five percent in the RM-4 zone. For lot coverage requirements within a PRD check with the PRD contract.

(Ord. No. 1657, § C(Exh. A), 12-19-2022)

19.20.040 Permitting and enforcement.

- A. Application. The property owner shall apply for an ADU permit with the planning department. Application must meet all requirements as listed above.
- B. Applicable Codes. The accessory dwelling unit shall comply with all construction codes set forth in the city of Lynden Engineering Design and Development Standards and the Lynden Zoning Code.
- C. A detached ADU must be reviewed consistent with applicable portions of LMC Section 19.22 Residential Design Requirements as they relate to accessory structures.
- D. Inspection. Prior to the approval of an ADU, the city may inspect the property to confirm that all applicable requirements of this code and other codes have been met.
- E. Recording Requirements. Prior to a request for final building inspection for either an attached or detached accessory dwelling unit, the property owner shall file with the Whatcom County Assessor an accessory dwelling unit covenant with all conditions and restrictions as provided by the city.
- F. The covenant is binding upon any successor in ownership of the property. Lack of compliance shall cause for the city to revoke the occupancy or accessory dwelling unit permit.
- G. Any variances to this section will be subject to Chapter 19.47 of the Lynden Municipal Code.

(Ord. No. 1657, § C(Exh. A), 12-19-2022)