

20-03.510 Accessory Dwelling Units.

- (A) The Planning Commission may approve one (1) accessory dwelling unit as an accessory to an existing single-family dwelling.
- (B) All accessory dwellings shall comply with the following requirements:
- (1) **Owner Occupancy.** Either the principal unit of the single-family dwelling or the accessory dwelling unit must be occupied by an owner of the property or an immediate family member of the property owner.
 - (2) **Family Defined.** No more than one (1) family as defined in the Uniform Building Code shall be allowed to occupy an accessory dwelling unit.
 - (3) **Subdivision.** Accessory dwelling units shall not be subdivided or otherwise segregated in ownership from the principal unit of the single-family dwelling, unless allowed by the zoning code.
 - (4) **Size and scale.** The square footage of the accessory dwelling unit shall be the minimum allowed by the building code and a maximum of nine hundred (900) square feet, excluding any garage area; provided, however, the square footage of the accessory dwelling unit shall not exceed fifty percent (50%) of the total square footage of the principal unit of the single family dwelling, excluding the garage area as it exists or as it may be modified.
 - (5) **Location.** The accessory dwelling unit may be attached to, included within the principal unit of the single-family dwelling, or located in a detached structure. All requirements of the Uniform Building Code regarding fire separation shall be met.
 - (6) **Entrances.** The principal unit of the single family dwelling containing the accessory dwelling unit shall have only one (1) obvious entrance visible to the street except where more than one (1) entrance existed on or before adoption of this Section.
 - (7) **Design.** Additions to an existing structure or newly constructed detached structures created for developing an accessory dwelling unit shall be designed consistent with the existing roof pitch, siding and windows of the principal dwelling unit.
 - (8) **Parking.** The owner shall provide three (3) off-street parking spaces for the combination of the main and accessory dwelling units.
 - (9) **Application.** The property owner shall apply for an accessory dwelling permit with the Swinomish Office of Planning and Community Development. The application shall include an affidavit signed by the property owner affirming that

the owner or an immediate family member will occupy the principal dwelling unit or accessory dwelling unit for more than seven (7) months per year.

(10) **Recording.**

- (a) The Planning Department shall not issue an accessory dwelling permit until the applicant has recorded a Document of Accessory Dwelling Unit with either the Skagit County Auditor or the Bureau of Indian Affairs, as appropriate
- (b) The Document of Accessory Dwelling Unit shall contain the following:
 - (i) The address of the property;
 - (ii) A statement that the owner(s) resides in either the principal dwelling unit or the accessory dwelling unit;
 - (iii) A statement that the owner(s) will notify any prospective purchasers of the limitations of this Section,
 - (iv) A statement that the Tribe may require the owner to remove the accessory dwelling unit if of the owner violates the requirements of this Chapter.
- (c) The encumbrances memorialized in the Document of Accessory Dwelling Unit shall run with the land.

(11) **Removal.** A landowner may clear the Document of Accessory Dwelling Unit from the title to his or her property according to the following procedure:

- (a) The owner shall obtain either a demolition permit or a change of use permit from the Planning Department;
- (b) The owner shall demolish the accessory dwelling unit;
- (c) The owner shall cause the Planning Department to inspect the property and confirm that the accessory dwelling unit has been demolished;
- (d) The owner shall record a certificate with the Skagit County Auditor or the Bureau of Indian Affairs stating that the accessory dwelling unit no longer exists on the property, with written confirmation by the Planning Department of a final inspection by the Planning Department.