MODEL ACCESSORY DWELLING UNIT
ORDINANCE RECOMMENDATIONS
Washington State Department of Community, Trade, and
Economic Development, January 1994

SECTIONS:

Definitions
Purpose and Intent
Standards and Criteria
Grandfathering
Application Procedures

DEFINITIONS

1. An Accessory Dwelling Unit (ADU) is a habitable living unit that provides the basic requirements of shelter, heating, cooking, and sanitation.

Comment: The Uniform Building Code (UBC) Sec. 1207 & 1208 lists minimum room sizes for an efficiency unit. The jurisdiction could set up maximum areas in the Standards and Criteria below, if it so desired.

PURPOSE AND INTENT

A. The installation of an ADU in new and existing single-family dwellings (hereinafter principal units) shall be allowed in single-family zones subject to specific development, design, and owner-occupancy standards.

Comment: As required by Senate Bill 5584.

B. The purpose of allowing ADUs is to:

1. Provide homeowners with a means of obtaining, through tenants in either the ADU or the principal unit, rental income, companionship, security, and services.

2. Add affordable units to the existing housing.

3. Make housing units available to moderate-income people who might otherwise have difficulty finding homes within the (city/county).²

4. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle.

²A parentheses indicates that the jurisdiction needs to insert the appropriate word or term.
5. Protect neighborhood stability, property values, and the single-family residential appearance of the neighborhood by ensuring that ADUs are installed under the conditions of this Ordinance.

STANDARDS AND CRITERIA

A. ADUs shall meet the following standards and criteria:

1. The design and size of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. When there are practical difficulties involved in carrying out the provisions of this Ordinance, the (building official) may grant modifications for individual cases.

   Comment: Construction shall conform to all codes which are required for any new construction.

2. Certification by the (city/county) Health Department that the water supply and sewage disposal facilities are adequate for the projected number of residents must be provided to the building official.

   Comment: More applicable in rural areas for septic and wells. It is actually covered by No. 1 above.

3. Any additions to an existing building shall not exceed the allowable lot coverage or encroach into the existing setbacks.

   Comment: Planning ordinance already in place in most jurisdictions.

4. The ADU may be attached to, or detached from, the principal unit.

   Comment: Jurisdictions need to survey their existing housing stock and neighborhood standards to determine where and how ADUs would best fit their housing needs. This would allow the most diversity of choice and honor the uniqueness of each site.

5. Only one ADU may be created per residence in single-family zones. Multiple detached ADUs may be created in (agricultural) zones, if one of the occupants of each unit is employed by the property owner.

   Comment: The first sentence is to “maintain single-family appearance.” The second sentence is appropriate in agricultural zones.

6. The property owner, which shall include title holders and contract purchasers, must occupy either the principal unit or the ADU as their permanent residence, but not both, for at least (X) months out of the year, and at no time receive rent for the owner-occupied unit.
Comment: Owner-occupied units are better maintained, and therefore the neighborhood will be better maintained. If the owner has to live on site for more than six months out of the year, they could not own more than one ADU. This would eliminate speculators/developers from developing duplexes throughout an area under the guise of calling them ADUs.

7. An ADU may be developed in either an existing or a new residence.

Comment: This would allow new home builders to plan ahead for “mother-in-law” type units and thus save money now and time and inconvenience later.

8. In no case shall an ADU be more than 40 percent of the building’s total floor area, nor more than 800 square feet, nor less than 300 square feet, nor have more than 2 bedrooms, unless in the opinion of the (building official), a greater or lesser amount of floor area is warranted by the circumstances of the particular building.

Comment: Area limitation. See No. 1 under Definition above. The existing structure, the lot size, or the jurisdiction will determine ADU’s size.

9. The ADU shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a single-family residence.

Comment: To maintain single-family appearance. This is a subjective evaluation and unless specific design standards are adopted by the jurisdiction, this may be difficult to consistently apply.

10. The primary entrance to the ADU shall be located in such a manner as to be unobtrusive from the same view of the building which encompasses the entrance to the principal unit.

Comment: The second entrance is located this way to maintain single-family appearance with an attached ADU. Less restrictive than “no second entry on the street side of the principal unit,” but it allows for site restriction that may make a side or rear entry impossible.

11. One off-street parking space, in addition to that which is required by the Ordinance for the underlying zone, shall be provided or as many spaces deemed necessary by the (building official) to accommodate the actual number of vehicles used by occupants of both the primary dwelling and the ADU. Parking spaces include garages, carports, or off-street areas reserved for vehicles.
Comment: Parking requirements may vary from jurisdiction to jurisdiction depending on density of neighborhood, existing neighborhood standards, etc. Other parking options include more than one additional space, tandem parking, or allowing on-street parking.

12. In order to encourage the development of housing units for people with disabilities, the (building official) may allow reasonable deviation from the stated requirements to install features that facilitate accessibility. Such facilities shall be in conformance with the UBC.

Comment: This is an accessibility issue.

GRANDFATHERING

1. Option 1.

ADUs created prior to (date) shall be registered with the (building official) for inclusion into the Certificate of Occupancy Program. Application for registration must contain the name of the owner, the address of the unit, the floor area of the two dwelling units, a plot plan of the property, evidence of the date of establishment of the unit, evidence of the use for the six-month period prior to the application for registration, and a signature of the owner.

Comment: This provision would allow the building official to verify the compliance of the ADU to the codes, and to require changes as necessary.

Option 2.

Ignore.

Comment: It would be difficult, and very time consuming, to determine under which codes the ADU was originally constructed.

APPLICATION PROCEDURE

1. Application for a building permit for an ADU shall be made to the (building official) in accordance with the permit procedures established in Section (00.0000), and shall include:

Comment: For building official’s plan check.

a. A letter of application from the owner(s) stating that the owner(s) shall occupy one of the dwelling units on the premises, except for bona fide temporary absences, (for (X) months out of each year).
Comment:  This is an owner-occupancy requirement. Limits the owner from “living” in several units at the same time.

2. The registration form or other forms as required by the (building official) shall be filed as a deed restriction with the (county) Department of Records and Elections to indicate the presence of the ADU, the requirement of owner-occupancy, and other standards for maintaining the unit as described above.

Comment:  This is for optional use if the owner-occupancy requirement is adopted.

3. The (building official) shall report annually to the (council) on ADU registration, number of units and distribution throughout the (city/county), average size of units, and number and type of complaint and enforcement-related actions.

Comment:  This is a local jurisdiction option. This provides a tracking mechanism on the number of ADUs to determine if changes to the Ordinance are needed.

4. Cancellation of an ADU’s registration may be accomplished by the owner filing a certificate with the (building official) for recording at the (city/county) Department of Records and Elections, or may occur as a result of enforcement action.

5. This Ordinance shall take effect and be in force five days after passage and legal publication.

Comment:  This is a local jurisdiction option.
Appendix B
## Summary of Selected Accessory Dwelling Unit Ordinances

<table>
<thead>
<tr>
<th>City</th>
<th>Population</th>
<th>Owner Occupancy Requirement</th>
<th>Location</th>
<th>Size Requirements</th>
<th>Parking Requirements</th>
<th>Public Hearing Required</th>
<th>Design Standards</th>
<th>Allow in New Construction?</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bellevue</td>
<td>99,140</td>
<td>Yes</td>
<td>Attached</td>
<td>Not less than 300 sq. ft.; not more than 800 sq. ft.; ADU shall not exceed 40% of total residence.</td>
<td>1 additional</td>
<td>No</td>
<td>Second entry facing street prohibited.</td>
<td>No (Primary residence must have existed for three years prior to application for ADU permit)</td>
<td>ADU and home occupation not allowed on the same site. No rent may be charged for owner-occupied unit.</td>
</tr>
<tr>
<td>Clyde Hill</td>
<td>2,995</td>
<td>Yes</td>
<td>Must be attached to main unit or a detached garage.</td>
<td>Not less than 300 sq. ft.; not more than 900 sq. ft.; ADU shall not exceed 40% of total residence.</td>
<td>1 additional</td>
<td>No</td>
<td>Second entry facing street prohibited. Maintain single-family appearance.</td>
<td>Yes</td>
<td>Utility department must certify that water and sewer facilities are adequate. ADU must have a separate numbered address.</td>
</tr>
<tr>
<td>Everett</td>
<td>78,240</td>
<td>Yes</td>
<td>Attached</td>
<td>ADU floor area shall not exceed 35% of total floor area.</td>
<td>3 for principal and ADU</td>
<td>Property owners within 300 ft. may request hearing.</td>
<td>Second entry facing street prohibited. Maintain single-family appearance.</td>
<td>Yes</td>
<td>Separate water and electric meters prohibited. Annual filing of owner occupancy certificate required. When home abuts alley, ADU parking must be off of alley.</td>
</tr>
<tr>
<td>Mercer Island</td>
<td>21,270</td>
<td>Principal unit or ADU must be occupied by owner or immediate family member of owner.</td>
<td>Attached or detached.</td>
<td>Not less than 220 sq. ft.; not more than 900 sq. ft.; ADU shall not exceed 40% of primary dwelling, excluding garage.</td>
<td>3 for principal and ADU</td>
<td>No</td>
<td>Second entry facing street prohibited. Additions must be consistent with roof pitch, siding, and windows of principal unit.</td>
<td>Yes</td>
<td>Notice of permit application mailed to property owners within 300 ft. with 14 day comment period.</td>
</tr>
<tr>
<td>Richland</td>
<td>35,430</td>
<td>Yes</td>
<td>Attached</td>
<td>Not less than 300 sq. ft.; not more than 800 sq. ft.; ADU shall not exceed 40% of total floor area.</td>
<td>1 additional</td>
<td>No</td>
<td>Second entry within same facade as main entry prohibited.</td>
<td>Yes</td>
<td>ADU may not have separate utility service (except telephone and television).</td>
</tr>
<tr>
<td>City</td>
<td>Population</td>
<td>Owner Occupancy Requirement</td>
<td>Location</td>
<td>Size Requirements</td>
<td>Parking Requirements</td>
<td>Public Hearing Required</td>
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<tr>
<td>Spokane</td>
<td>185,600</td>
<td>Yes</td>
<td>Attached</td>
<td>Not less than 300 sq. ft.; not more than 700 sq. ft.; ADU shall not exceed 30% of total floor area or have more than 2 bedrooms.</td>
<td>Must meet standards of underlying zone.</td>
<td>No</td>
<td>Second entry should be on side or rear or “very unobtrusive” from same view encompassing primary entrance.</td>
<td>Yes</td>
<td>Occupancy of ADU limited to family members or persons providing nursing care to owner. Additions for ADU shall not increase sq. ft. of structure by more than 10%. Home occupations prohibited in either principal or ADU unit.</td>
</tr>
<tr>
<td>Seattle</td>
<td>531,400</td>
<td>Yes</td>
<td>Attached</td>
<td>Floor area of at least one of the dwelling units shall not exceed 1,000 sq. ft.</td>
<td>2 parking spaces required (1 for primary unit and 1 for ADU)</td>
<td>No</td>
<td>Only one entrance may be located on each front or street side of residence.</td>
<td>Yes</td>
<td>Notice of permit issuance mailed to property owners within 200 ft. explaining standards and procedure for filing complaints.</td>
</tr>
<tr>
<td>Tacoma</td>
<td>182,800</td>
<td>Yes</td>
<td>Attached</td>
<td>Not less than 300 sq. ft.; not more than 800 sq. ft.; shall not exceed 33% of total floor area.</td>
<td>1 additional. (Must be located in rear of lot where access is available)</td>
<td>No</td>
<td>Second entry within same facade as main entry prohibited. Additions must be consistent with existing facade, roof pitch, siding and windows.</td>
<td>Yes</td>
<td>Notice of permit issuance mailed to property owners within 400 ft. Home occupations allowed in either ADU or main building, but not both.</td>
</tr>
<tr>
<td>Turnwater</td>
<td>11,200</td>
<td>Yes</td>
<td>Within existing (at least 2 years old) attached or detached structures.</td>
<td>Principal and accessory structures must have at least 2,000 sq. ft. gross floor area; ADU shall not exceed 25% of total floor area and can have no more than 2 bedrooms.</td>
<td>1 additional</td>
<td>No</td>
<td>Only one entrance may be visible from front. No external evidence of occupancy by more than one family.</td>
<td>No (may be installed only in structures at least two years old)</td>
<td>No additions to existing floor area allowed for conversion.</td>
</tr>
<tr>
<td>Walla Walla</td>
<td>28,730</td>
<td>Yes</td>
<td>Attached or detached</td>
<td>Not more than 800 sq. ft. or 33% of living area of primary structure, whichever is smaller.</td>
<td>1 additional (must be in rear or on a driveway)</td>
<td>No</td>
<td>No more than one entrance on front of house.</td>
<td>Yes</td>
<td>Home occupations prohibited. Reasonable deviations from standards allowed to facilitate accessibility for people with disabilities.</td>
</tr>
</tbody>
</table>
Appendix C
City of Bellevue
Design & Development Department
455-6864

ACCESSORY DWELLING UNIT
Registration Application

Property Address ________________________ Zip Code ____________

Owner ___________________________ Phone __________________
Mailing Address ____________________ City, State, Zip ____________

Legal Description (attach if necessary)

Tax Assessor’s # _____________________ Construction of original residence completed in ___

Total square footage of residence (including accessory unit & excluding garage) __________________

Square footage of accessory unit only __________________

DESIGN & USE REQUIREMENTS: (See section 20.20.120 of the Bellevue Land Use Code for complete regulations)

1. One accessory unit is permitted as a subordinate use within an existing single family dwelling.
2. The primary unit or accessory unit must be owner occupied.
3. Only homes at least 3 years old at the time of application may have an accessory unit.
4. The accessory unit must be a least 300 sq. ft. and not more than 800 sq. ft unless approved by the Design & Development department. The accessory unit cannot exceed 40% of the total living area (excluding garage) of the residence, including the accessory unit.
5. Total residents of both units must not exceed City’s definition of family (6 unrelated individuals).
6. Off-street parking equal to one more than required by underlying zoning (typically 3 total spaces) must be provided.
7. Only one front door entrance; additional entrances are permitted on the side and rear of the house.
8. Accessory units are not permitted in structures detached from the primary residence, including but not limited to guest cottages, detached garages, or workshops.
9. The accessory unit must meet all technical code standards (Title 23, BCC, including building, electrical, fire, and plumbing code requirements).
10. A site may not contain both an accessory unit and a business subject to the regulations in 20.30N for a Class A or Class B Home Occupation Permit.
11. An accessory unit may not be subdivided or otherwise segregated in ownership from the primary residence.
12. After approval by the City of Bellevue and registration with King County, all neighbors within 200 feet of the residence will be notified of the existence of the accessory dwelling unit.

I certify that I am the owner of the residence and have read the Design & Use requirements listed above. I also certify that the information I have given is correct and that I now comply and will continue to comply with all the above listed requirements.

Signed by Owner _______________________________

FOR OFFICE USE ONLY

□ Approved □ Approved > 800 sf □ Denied

Design & Development Date
Your ADU must be inspected by a Code Compliance Officer prior to final occupancy approval. This inspection is separate from the building inspection required for all remodeling permits. Please contact the Code Compliance Officer assigned to your ADU permit, or call 455-6875 to schedule an inspection. If you have any questions concerning your application submittal, please visit or call the Permit Center (455-6864) between 8 a.m. and 4 p.m., Monday through Friday (Wednesday, 10 to 4).

The Code Compliance Officer will inspect for the following minimum technical code standards necessary for ADU approval:

<table>
<thead>
<tr>
<th>INSPECTION CHECKLIST</th>
<th>MINIMUM STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exit Facilities and Emergency Escapes</td>
<td>1. For every sleeping room – At least one operable window or door approved for emergency escape directly to the outside and conforming to the following unobstructed dimensions:</td>
</tr>
<tr>
<td></td>
<td>-- Minimum net clear openable area 5.7 sq. ft.</td>
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<td></td>
<td>-- Minimum net clear openable height 24 inches</td>
</tr>
<tr>
<td></td>
<td>-- Minimum net clear openable width 20 inches</td>
</tr>
<tr>
<td></td>
<td>-- Minimum finished sill height above floor 44 inches</td>
</tr>
<tr>
<td></td>
<td>2. Bars, grills, or grates -- Equipped with approved release mechanisms which are operable from the inside without the use of a key or special knowledge or effort.</td>
</tr>
<tr>
<td>Light and Ventilation</td>
<td>1. Natural light for all rooms – Exterior glazed openings with an area not less than one-tenth of the floor area of the room, with a minimum of 10 square feet.</td>
</tr>
<tr>
<td></td>
<td>2. Natural ventilation for all rooms – Openable exterior openings with an area of not less than one-twentieth of the floor area of the room, with a minimum of 5 square feet.</td>
</tr>
<tr>
<td></td>
<td>3. Natural ventilation for bathrooms, laundry rooms, and similar rooms  -- Openable exterior openings with an area not less than one-twentieth of the floor area of the room, with a minimum of 1½ square feet OR  -- A mechanical ventilation system connected directly to the outside, capable of providing 5 air changes per hour. The point of discharge of exhaust air must be at least 3 feet from any opening into the building.</td>
</tr>
</tbody>
</table>
| Room Dimensions | 1. Ceiling height -- Not less than 7 feet 6 inches.  
   **Exception:** Kitchens, halls, and bathrooms -- not less than 7 feet.  
2. At least one room **must have** not less than 120 square feet of floor area; other rooms (except kitchens), not less than 70 square feet. |
|-----------------|--------------------------------------------------------------------------------------------------|
| Smoke Detectors | 1. Installed in each sleeping room **and** at a point centrally located in the corridor or area giving access to each separate sleeping area.  
   2. Installed in the hallway and in the adjacent room where the ceiling height of a room open to a hallway serving bedrooms exceeds that of the hallway by 24 inches or more. |
| Efficiency Dwelling Units | Must conform to other requirements of the code, except the unit must have:  
   1. A living room of not less than 220 square feet, with an additional 100 square feet for each occupant of the unit in excess of two.  
   2. A separate closet.  
   3. A kitchen sink, cooking appliances, and a refrigerator -- Each having not only a clear working space of not less than 30 inches in front, but also light and ventilation.  
   4. A separate bathroom **containing** a toilet, wash basin, and bathtub or shower. |
| Special Hazards* | 1. Visual observation of possible electrical hazards: wiring, switches, outlets, fixtures, panel, etc., that appear unusual.  
   2. **Visual** observation of possible mechanical hazards: chimney, woodstove, fireplace, etc. |

* **Note:** If possible hazards to the life or safety of occupants are noted, a City inspector may be called in to verify conditions, and the owner may be **required** to make necessary corrections.
CITY OF EVERETT
ACCESSORY DWELLING UNIT COVENANT

THIS COVENANT is executed this ___ day of ____________, 19___, by ________________________________,
hereinafter referred to as "Owner."

RECITALS

WHEREAS, Owner is the owner of the following described property on which a principal residential structure and an accessory dwelling unit exist:

____________________________________________________________________
____________________________________________________________________
____________________________________________________________________

WHEREAS, Owner has made application to the City of Everett for a permit for an accessory dwelling unit in accordance with the provisions of the City of Everett Zoning Code, Title 19 of the Everett Municipal Code; and

WHEREAS, as a condition of approval of a permit for an accessory dwelling unit Owner is required to provide a covenant in accordance with the provisions of the City of Everett Zoning Code;

NOW, THEREFORE, Owner does hereby covenant and agree as follows:

1. An accessory dwelling unit within Owner's single family residence located on the herein described property is permitted by the City of Everett subject to the conditions set forth in the City of Everett Zoning Code, Chapter 19.39 as amended or hereafter superseded.
2. The permit for the accessory dwelling unit is issued to the Owner personally. This covenant does not run with the land. In addition to the requirements of Paragraph 1 herein, the continued existence of the accessory dwelling unit is predicated upon Owner's continued occupancy of the principal residential structure on the herein described property.

3. In the event there is a violation of any of the conditions of approval of the permit for the accessory dwelling unit, the Owner is to provide for the removal of all improvements added to covent the subject premises to an accessory dwelling unit and provide for complete restoration of the site to a single family dwelling.

OWNER

By: ____________________________________________

By: ____________________________________________

STATE OF WASHINGTON)

COUNTY OF SNOHOMISH)

On this day personally appeared before me to me known to be the individual(s) described in and who executed the within and foregoing instrument, and acknowledged that he/she/they signed the same as his/her/their free and voluntary act and deed, for the uses and purposes therein mentioned.

Dated: ______________

(Signature of notary public)

(Seal or stamp)

Title
My appointment expires: __________
KNOW all men by these presents:

That, the undersigned, deposes and states that the undersigned owns the property described by this certification; and does hereby certify that the undersigned resides at said property as the undersigned’s permanent and principal residence. This certification is required by Chapter 19.39 of the Everett Municipal Code as a condition of the continued use of an accessory dwelling unit located within the residence described herein and commonly referred to as __________________________ (address).

(Legal Description of property on which residence is located)

Dated this ______ day of ______________________, 19__.
Signature ________________________ X ________________________

STATE OF WASHINGTON) ss
COUNTY OF SNOHOMISH)

On this _____ day of ______________________, 19___, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared and executed the within and foregoing dedication, and acknowledged the said dedication to be of free and voluntary act for the uses and purposes therein mentioned in this instrument.

Dated: ________________________

(Signature of notary public)

(Seal or stamp)

Title ________________________
My appointment expires: __________
City of Redmond
Instructions for Filing Application

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

GENERAL DEVELOPMENT PERMIT - ACCESSORY DWELLING UNIT

The following information must be submitted with the application:

1. A written description of the interior and exterior modifications that will be done to accommodate the accessory dwelling, the location on site, and the square footage of the accessory dwelling unit.

2. A written statement explaining how this proposal meets the criteria contained in Section 20C.20.012 - Accessory Dwelling Units.

3. A copy of any covenants, conditions and restrictions (CC & R's) affecting the property. If there are no CC & R's affecting the property, a written statement that indicates no CC & R's affect the proposal shall be submitted.

4. Legal description and King County Tax Assessment Number for the property.

5. Vicinity map showing location of subject property.

6. Names and addresses of adjoining property owners (available from King County Assessor's Office).

7. A site plan showing dwelling location, elevation changes to dwelling, if any, and location of parking to serve accessory unit. (15 copies required)

8. Explanation of any modifications to existing codes or standards if proposed.

9. Affidavit of ownership/occupancy and parking status.

10. Additional information may be required by the Technical Committee. The applicant will be notified in writing if necessary.

NOTE: Approval of the General Development Permit does not exempt the proposal from any covenant, condition or restriction which may be in effect at the time of issuance. It is the owner's responsibility to comply with any CC & R's; City review of covenants are not intended to be a determination of compliance.

Rev. 10/10/90

c:\Forms\Form80
AFFIDAVIT OF OWNER - OCCUPANCY AND ON-SITE PARKING

I understand that for the purposes of establishing an accessory dwelling unit in the City of Redmond the single family dwelling in which such a unit is created must be owner-occupied, per Section 20C.20.012(10) of the Redmond Community Development Guide.

"Owner-occupied" shall be defined as the primary, established, fixed, or permanent dwelling place owned by a person in which he or she lives and intends to be his or her legal residence and to which he or she intends to return despite temporary residences elsewhere or despite temporary absences.

Also, Section 20C.20.012(15) Parking - stipulates that the dwelling in which the accessory dwelling unit is provided shall have adequate off-street parking, in addition to that which is provided for the single family dwelling. One additional off-street parking space must be provided for the accessory dwelling unit. Off-street parking includes private garages, carports, or off-street areas reserved for vehicles.

I hereby acknowledge compliance with the owner-occupancy and parking provisions of the Redmond Community Development Guide, Section 20C.20.012 Accessory Dwelling Units.

________________________________________
Signature of Applicant

20C.20.012(25) Penalty for Violations - In addition to all other penalties provided elsewhere in the Redmond Municipal Code and Community Development Guide, each owner of a structure who maintains or permits an accessory unit therein in violation of any provision of this Section 20C.20.012, shall be subject to a civil penalty in the amount of One Hundred Dollars ($100) per day, for each day the violation is allowed to persist after receiving notice thereof from the Code Administrator.
Application to Establish an Accessory Dwelling Unit

Submit this form along with required plans and other documents.

Parking Waiver Request, if necessary
1000 Max. sq. ft. Waiver Request, if necessary

Name(s) of Tenant(s) ___________________________ Phone: ___________________________

_________________________________________ Phone: ___________________________

_________________________________________ Phone: ___________________________

Owner Occupancy Certificate, completed and notarized

Date Unit was Created (to best of your knowledge): ___________________________

Value of Construction Work Needed to Legalize Unit: ___________________________

Copy of the Contractor's Registration/Lien Law Form (completed)
Copy of Agent's Authorization Letter from Owner (if agent)

Applicant's Name ______________________________ Date received ___________________

(PLEASE PRINT)

Applicant Signature ___________________________ Date signed ______________________

Relationship of applicant: (circle one) owner, agent, architect, contractor, engineer

Receipt # __________________________________ Date of receipt ____________________

For DCLU Use only

<table>
<thead>
<tr>
<th>Project #</th>
<th>Address</th>
<th>Zone</th>
<th>Type</th>
<th>Parking Waiver?</th>
<th>Granted?</th>
<th>Parking Spaces Provided</th>
<th>Size of Unit</th>
<th>HOUSING/ZONING OK</th>
<th>No corrections</th>
<th>OK w/checklist</th>
<th>Denied</th>
</tr>
</thead>
</table>
NOTICE OF ISSUANCE OF A PERMIT
for an
ACCESSORY DWELLING UNIT

Dear Resident:

Although accessory dwelling units have existed in the City of Seattle for many years, the City’s Land Use Code did not allow for their legal establishment until the enactment of new legislation effective December 1, 1994. The City Council decided to allow these units in single family homes in order to promote availability of affordable housing. The Council established a number of regulations and safeguards to ensure that these units can be accommodated appropriately in single family neighborhoods.

This notice is to inform you that your neighbor at ___________________________ has been issued a permit for an accessory dwelling unit. The unit complies with the standards and conditions of the legislation and has been inspected by the Department of Construction and Land Use.

Proj. No. _______________  Permit No. _______________  Issue Date: _______________

Project description:

Permit to establish an accessory dwelling unit in a single family residence.

REQUIREMENTS FOR MAINTAINING THE USE

Standard Requirements:

1. One unit must be owner-occupied.
2. One accessory unit is permitted per lot.
3. One off street parking space for each unit is required. Waivers are available.
4. Accessory unit may not be located in a detached structure.
5. Accessory unit may not exceed 1000 sq. ft. Waiver for size is available for an existing unit that becomes legal.
6. If unrelated persons occupy either unit, the maximum number of persons for the whole structure is eight. If all persons in each unit are related, there is no maximum number of persons. (This will allow two separate households, unrelated to each other, to occupy the structure with no maximum number of related persons per unit.)
7. Only one entrance may be located on each front or street side unless the entrance already existed as of January 1, 1993.
8. Accessory Dwelling Unit permit must have a final permit inspection within no more than 2 years from the date of application.

Special Requirements and/or Waivers Granted for this Project:

This permit will continue to be in effect unless revoked by the owner or by the City as a result of code compliance action for violations of the Accessory Dwelling Unit requirements. Violations of the above standard and special requirements can be reported to the Housing and Zoning Enforcement Division at 684-7899.

To obtain general information about Accessory Housing in the City of Seattle or about the application process, please call 684-8850 and ask to speak to a Land Use Technician.
Application to Legalize an Accessory Dwelling Unit

Project Number __________________________

Address ____________________________________________________________

Owner ___________________________________ Daytime Phone # ____________

Assessor's Parcel Number ________________________________

I have provided the following required information and documents:

2 sets of:  

Floor Plan of the Accessory Unit, showing:  
- each room with its use and dimensions  
- ceiling heights called out  
- emergency egress in all sleeping rooms, with  
  egress dimensions, including sill height of any egress windows  
- location of smoke alarms  
- location of entrance to unit  

(1/4" = 1' Minimum scale)

Heat Source for Accessory Unit

Floor Plan of the rest of house - showing room uses and dimensions

Plot Plan showing:  
- location of house on property  
- entrances to the two units  
- parking location with dimensions of spaces and access  

(1/8" = 1' Minimum scale)

and,

Parking Waiver Request, if necessary

1000 Max. sq. ft. Waiver Request, if necessary

Name(s) of Tenant(s) _______________________________ Phone: ________________

________________________________________________________________________

Owner Occupancy Certificate, completed and notarized

Date Unit was Created (to best of your knowledge): ______________________________

Value of Construction Work Needed to Legalize Unit: ______________________________

Copy of the Contractor's Registration/Lien Law Form (completed)

Copy of Agent's Authorization Letter from Owner (If agent)

Applicant's Name ___________________________ Date received ____________________

(Please Print)

Applicant Signature ___________________________ Date signed ____________________

Relationship of applicant: (circle one) owner, agent, architect, contractor, engineer

Receipt # ___________________________ Date of receipt ____________________

For DCLU Use only

<table>
<thead>
<tr>
<th>Project #</th>
<th>Address</th>
<th>Zone</th>
<th>Type</th>
<th>Parking Waiver?</th>
<th>Granted?</th>
<th>Parking Spaces Provided</th>
<th>Size of Unit</th>
<th>HOUSING/ZONING OK</th>
<th>No corrections</th>
<th>OK w/checklist</th>
<th>Denied</th>
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ACCESSORY DWELLING UNIT
CONCOMITANT AGREEMENT

This AGREEMENT, entered into this _____ day of ______________, 1995, by and between ___________________________________, hereinafter referred to as the “Applicant” and the CITY OF TACOMA, Washington, a municipal corporation, hereinafter referred to as the “City,”

W I T N E S S E T H:

WHEREAS the Applicant has applied for an Accessory Dwelling Unit (ADU);

WHEREAS the City and the Applicant are both interested in complying with the Land Use Management Plan and the ordinances of the City of Tacoma relating to the provision of ADUs;

WHEREAS the Applicant is the property owner (i.e. title holder or contract purchaser) of the property described as follows:

hereinafter sometimes referred to as the “Site,” and

WHEREAS the Applicant has indicated willingness to cooperate with the Building and Land Use Services (BLUS) Division of the City Public Works Department, and the Hearings Examiner of the City to ensure compliance with all City Ordinances and all other local, state, and federal laws relating to the use and development of the Site; and

WHEREAS the City, in addition to civil and criminal sanctions available by law, desires to enforce the rights and interests of the public by this Concomitant Agreement;

NOW, THEREFORE, the Applicant does hereby covenant and agree as follows:

CONCOMITANT AGREEMENT - 1
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1. The Applicant promises to comply with all terms of this agreement;

2. The Applicant hereby agrees to be bound by and to comply with the following requirements, which shall not be subject to waiver or variance:

   A. **Number One ADU** shall be allowed per residential lot as a subordinate use in conjunction with any new or existing single family structure in the City of Tacoma.

   B. **Occupancy** Occupancy shall be limited to the following: No more than two persons in a unit of 300-400 square feet, no more than three persons in a unit ranging from 401-600 square feet, and no more than four persons in a unit ranging from 601-800 square feet.

   C. **Location** The ADU shall be permitted as a second dwelling unit added to or created within the main building.

   D. **Composition** The ADU shall include facilities for cooking, living, sanitation and sleeping.

   E. **Size** The ADU, excluding any garage area and other non-living areas such as workshops or greenhouses, shall not exceed 33% of the total square footage of the main building and the ADU combined after modification. The ADU shall not contain less than 300 square feet nor more than 800 square feet.

   F. **Ownership** The property owner (i.e. title holder or contract purchaser) must maintain his/her residency in the main building or the ADU. Owners shall sign an affidavit which attests to their residency and attests that at no time shall they receive rent for the owner-residency unit. Falsely attesting owner-residency shall be a misdemeanor subject to a fine not to exceed $5,000, including all statutory costs, assessments and fees. In addition, ADUs shall not be subdivided or otherwise segregated in ownership from the main building.

   G. **Design** An ADU shall be designed to maintain the architectural design, style, appearance and character of the main building as a single-family residence. If an ADU extends beyond the current footprint or existing height of the main building, such an addition must be consistent with the existing facade, roof pitch, siding and windows. Only one entrance for the main building is
permitted to be located in the front facade of the dwelling. If a separate outside entrance is necessary for an ADU, it must be located either off the rear or side of the main building. Such entrance must not be visible from the same view of the building which encompasses the main entrance to the main building and must provide a measure of visual privacy.

H. Parking. One off-street parking space shall be required for the ADU, in addition to the off-street parking required for the main building, pursuant to Section 13.06.350 of the Tacoma Municipal Code. Such parking must be provided in the rear of the lot where adequate access is available. Adequate access shall be defined as a dedicated street or alley with a minimum gravel surface.

I. Home Occupations. Home occupations shall be allowed, subject to an existing regulations, in either the ADU or the main building, but not both.

J. Concomitant Agreement. Upon issuance of an ADU permit by the City, a property owner must record with the Pierce County Auditor a Concomitant Agreement. Specific procedures are identified in subjection (B)(5).

K. Legalization of Nonconforming ADUs. Nonconforming ADUs existing prior to the enactment of these requirements may be found to be legal if the property owner applies for an ADU permit prior to December 31, 1995, and brings the unit up to Minimum Housing Code standards. After January 1, 1996, owners of illegal ADUs shall be guilty of a misdemeanor and upon conviction thereof, subject to a fine not to exceed $1,000, including all statutory costs, assessments, and fees, plus $75 per day after notice of the violation has been made. All owners of illegal ADUs shall also be required to either legalize the unit or to remove it.

3. Applicant agrees and understands that prior to obtaining a final Certificate of Approval, all required improvements shall have been completed and accepted by the City.

4. No modifications of this agreement shall be made unless mutually agreed upon by the parties in writing.

5. The City may, at its discretion, bring a lawsuit to compel specific performance of the terms of this agreement. In addition to all other remedies
available to the City by law, the City reserves the right to revoke its approval of the ADU permit should the Applicant fail to comply with any of the terms and conditions of this agreement.

6. If any condition or covenant herein is not performed by the Applicant, the Applicant hereby consents to entry upon the Site by the City of Tacoma or any entity, individual, person or corporation acting on behalf of the City of Tacoma for purposes of curing said defect and performing said condition or covenant. Should the City in its discretion exercise the rights granted herein to cure said defect, the Applicant, his successors and assigns, consent to the entry of the City on the above described property and waive all claims for damages of any kind whatsoever arising from such activity and the Applicant further agrees to pay the City all costs incurred by the City in remedying said defects or conditions. The obligations contained in this section are covenants running with the land, and burden the successors and assigns of the respective parties. Upon the sale of the property a new owner shall be required to sign a new affidavit of residency pursuant to Tacoma Municipal Code 13.06.196B.3.

7. In the event that any term or clause of this agreement conflicts with applicable law, such conflict shall not affect other terms of this agreement which can be given effect without the conflicting term or clause, and to this end, the terms of this agreement are declared to be severable.

IN WITNESS WHEREOF the parties hereto have executed this agreement as of the day and year first above written.

Attest:

____________________________________
City Clerk

Legal Description Approved:

____________________________________
Director of Planning

Approved as to form:

____________________________________
Assistant City Attorney

CITY OF TACOMA

By: ____________________________

MAYOR

(Applicant Name)

By: ____________________________

Title: __________________________
STATE OF WASHINGTON)
County of Pierce)

I, THE UNDERSIGNED, a Notary Public in and for the State of Washington, do hereby certify that on this ___ day of ____________, 19____, personally appeared before me ____________________________, to me known to be the individual(s) who executed the above instrument, and acknowledged said instrument to be their free and voluntary act and deed, for the uses and purposes above mentioned.

GIVEN under my hand and official seal the day and year last above written.

___________________________________________
NOTARY PUBLIC in and for the state of Washington, residing at: ____________
My commission expires: ____________

CONCOMITANT AGREEMENT - 5
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