

Seattle Permits

— part of a multi-departmental City of Seattle series on getting a permit

Establishing a Backyard Cottage (Detached Accessory Dwelling Unit)

Updated May 12, 2011

This Client Assistance Memo (CAM) explains the requirements and process for establishing a backyard cottage, (also known as a detached accessory dwelling unit, DADU, or mother-in-law unit).

Backyard cottages are not permitted in lots in single family zones that are located in the shoreline districts.

Please see CAM 116A, Establishing an Attached Accessory Dwelling Unit, for rules and information about ADUs.

What is a Backyard Cottage?

A backyard cottage is a room or set of rooms located in a separate structure that shares a lot with a single-family home in a single-family zone or a rowhouse or townhouse in a lowrise zone, and which has been designed or configured to be used as a separate dwelling unit and has been authorized/established by permit.

Backyard cottages generally include living, sleeping, kitchen and bathroom facilities and have a lockable entrance door. For more information, see CAM 606, Illegal Dwelling Units; DPD Director's Rule 7-83, Determining the Existence of a Dwelling Unit for Purposes of Code Enforcement; and Director's Rule 10-95, Attached vs. Detached as Applied to Accessory Structures and Uses.

What requirements must be met to establish a backyard cottage?

In single-family and lowrise zones, backyard cottage may only be established if the following are met:

- Either the home or the backyard cottage must be occupied by one or more owner(s) of the property as a permanent and principal residence. The owner may live in either the main or accessory unit and must have a 50 percent or greater interest in the property (SMC 23.84A.028). The owner-occupant must live in the structure for more than six months of each calendar year. The owner is allowed to receive rent for the owner-occupied unit.
- Owners must sign, notarize and record with King County an owner-occupancy covenant. The original covenant must be returned to DPD prior to issuance of a building permit.
- Unless all residents of both units are related to each other, the total number of residents in both units may not exceed eight.
- A lot may have no more than one accessory dwelling unit (either ADU or backyard cottage).

In addition, in single-family zones, a backyard cottage may only be established if the following are met:

- The minimum lot size required for a backyard cottage is 4,000 square feet.
- A backyard cottage is limited to a gross floor area of 800 square feet, including garage and storage areas.
- Entrances to backyard cottages may not face the nearest side lot line or the rear lot line, unless there is an alley abutting on that side of the lot.
- Existing structures, such as a garage, may be converted into a backyard cottage, as long as any existing non-conformities to the Land Use Code are not increased.
- Except in designated urban villages and urban centers, one off-street parking space is required for the backyard cottage. An existing required off-street parking space may not be eliminated to accommodate an accessory dwelling unit, unless it is replaced elsewhere on the lot in conformance with regulations, see exception on next page.
- In sleeping rooms located in buildings constructed after Aug. 10, 1972, or in rooms converted or



established for sleeping purposes after August 10, 1972, there shall be at least one operable window or exterior door approved for emergency escape and rescue. The window must have a finished sill height of not more than 44 inches above the floor; however, the maximum sill height for an existing window used for emergency escape and rescue may be measured from the top of a single constructed step with a riser of not more than 7 inches.

- The backyard cottage must meet current standards of the Seattle residential, building, mechanical, electrical and energy codes as required for single and two-family dwellings (duplex).
- Conversion of a space or structure to a residential use requires full compliance with the Seattle Energy Code.
- Electrical circuit breakers and fuses and a heat source and its temperature controls shall be located in the dwelling unit that they serve or in common areas accessible to all occupants.

In lowrise zones, a detached accessory unit (DADU) may be established when the following are met:

- A DADU is limited to an area of 650 square feet.
- The gross floor area of the accessory dwelling unit may not exceed 40 percent of the total gross floor area in residential use on the lot, exclusive of garages, storage sheds, and other non-habitable spaces.
- The entrance to the DADU in a principal structure must be through the primary entry of the principal unit, through a secondary entry on a different façade than the primary entry to the principal unit, or on the same façade as the entry to the principal unit provide the unit to the DADU is less visually prominent.
- Exterior stairs providing access to a DADU may not exceed 4 feet in height, except stairs serving units above a garage.
- Parking is not required for a DADU in a lowrise zone.

Are there any exceptions to these requirements?

Parking—There is no parking requirement for backyard cottages or ADUs if the property is located within

a lowrise zone or a single-family zone in a designated urban village or urban center. A waiver of the requirement for the parking space for the backyard cottage in other areas may be granted if topography of the site or structure location makes it unduly burdensome to provide it. For information on applying for a parking waiver, see CAM 117, Parking Waivers for Accessory Dwelling Units.

Development Standards—Except for height and front yard requirements, the Director may allow exceptions to development standards for existing structures.

Temporary owner absence—If DPD determines that the owner has violated owner-occupancy requirements, the owner shall: 1) reoccupy the structure, 2) remove the backyard cottage, or 3) submit evidence showing good cause, such as job relocation, sabbatical leave, education or illness for a waiver of this owner-occupancy requirement to allow up to three years' absence from the Puget Sound region.

What are the process, cost and submittal requirements for establishing a unit?

To begin the process of establishing a backyard cottage, you must first complete and submit a preliminary application, in person or by mail, to the DPD Applicant Services Center (ASC):

Location: 20th floor of Seattle Municipal Tower
700 Fifth Ave.

Mailing Address: 700 Fifth Ave., Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019

Phone: (206) 684-8850

DPD will then confirm the legal description and address of your home and assign you a project number.

Before your intake appointment you will need to prepare three sets of plans, including a DPD cover sheet, site plan, and floor plans (including the main house and the backyard cottage) and energy calculations. For a new structure or if there are changes to the building envelope, you will also need to provide elevations. New structures or additions will also require full plan sets, including framing plans, foundation plans, sections, etc.

Your plans must clearly identify where new work will be done to create the accessory unit. For information on plan requirements, see CAM 103, Site Plan Requirements, CAM 106, General Standards for Plans and Drawings, CAM 303, Applicant Responsibilities and Plan Requirements for Single Family and Two-Unit Dwelling Units, and CAM 303A, Common Seattle Residential Code Requirements.

You must also complete the attached application form, fill out, notarize and record the owner occupancy covenant (attached), and complete any relevant waiver form(s). Bring your application material to the ASC for screening by a permit leader. If your material is complete, you will be scheduled for an intake appointment. At the intake appointment, you will also have to pay a permit intake fee and a plan review fee based on the value of the work to be done.

You must record your owner occupancy covenant with King County Department of Records and Elections where it will become part of the title records for your property. Bring the original to DPD to complete your permit application.

Your permit application and plans will be reviewed for conformance with City of Seattle codes, and you will be notified of plan corrections you need to make and of decisions on any waiver requests. You will need to pick up your plans from the ASC and make necessary changes and resubmit them for review. Once your plans are approved, your permit will be issued at the DPD permit issuance desk in the ASC.

There will be no public comment period and no appeal opportunity to the Hearing Examiner or City Council. The applicant is responsible for compliance with all code and rule requirements, whether or not described in this CAM. As the work indicated on your plan proceeds, you must call the DPD regulating construction program at (206) 684-8950 for required inspections. When work is complete, call the inspector and request a final inspection. When the final inspection approval is granted, a tenant may occupy the accessory unit.

What other permits are required?

A separate electrical permit from DPD will be needed for any electrical work. Generally, when ADUs are established electrical circuits must be altered. Unless the property owner is performing all electrical work, the electrical contractor must apply for the electrical permit, which can be obtained in the ASC. Contact the department's electrical technical backup at (206) 684-5383 for information and assistance."

If plumbing work is necessary, you will need a plumbing permit from the Seattle/King County Health Department, which is currently located at the ASC. For information on plumbing permits, call (206) 684-5198.

What happens when a lot with an accessory dwelling unit is sold?

If the new owner intends to continue maintaining an accessory unit, whether or not it is occupied by tenants, they must adhere to the owner occupancy requirements which are recorded on their property title.

If the new owner chooses to discontinue use of the accessory dwelling unit, the owner will have to remove features which make it a separate unit.

See CAM 606, Illegal Dwelling Units, for more information.

What if a unit is created without a permit?

If DPD receives a complaint about an illegal accessory dwelling unit, the department may inspect and cite the owner with a Notice of Violation. The owner will be required to legalize the illegal unit. In addition, the owner may be subject to penalties as provided in Section 23.90.018, 23.90.019, and 23.90.020.

How can you learn more about establishing an accessory dwelling unit?

Visit DPD's ASC located on the 20th floor of Seattle Municipal Tower at 700 Fifth Ave.

Access to Information

Links to electronic versions of DPD Client Assistance Memos (CAMs), Director's Rules, and the Seattle Municipal Code are available on the "Publications" and "Codes" pages of our website at www.seattle.gov/dpd. Paper copies of these documents, as well as additional regulations mentioned in this CAM, are available from our Public Resource Center, located on the 20th floor of Seattle Municipal Tower at 700 Fifth Ave. in downtown Seattle, (206) 684-8467.

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Application to Establish an Accessory Dwelling Unit (ADU or Backyard Cottage)

CHECK ONE OF THE BOXES BELOW:

- Applying to create a new accessory dwelling unit
- Applying to legalize an existing unauthorized unit. As reflected in King County real estate records, I purchased the lot on which the unauthorized unit is located less than one year ago, and am submitting proof of this purchase. (No penalty)
- Applying to voluntarily legalize an existing unauthorized unit. The applicant may be subject to civil penalties until the permit process is completed.

Project Number _____

Address _____

Owner _____ Daytime Phone # _____

Assessor's Parcel Number _____

Submit this form along with required plans and other documents.

Parking Waiver Request, if necessary ___ Not located within a Residential Parking Zone (RPZ)
 ___ Located within a RPZ; parking waiver study included

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

Owner Occupancy Covenant, completed, notarized, recorded; original to DPD.

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 DPD Use Only (must be completed for units in single family zones)

Urban Village / Urban Center	Application Parking	Parking Waiver Granted	# of Parking Spaces Provided	Unit Square Footage	_____ Detached (BYC)
Yes ___ No ___	Yes ___ No ___	Yes ___ No ___	_____ space	_____ space	_____ Attached (ADU)



Application to Establish an Accessory Dwelling Unit (ADU or BYC)
For Backyard Cottage Permits Only:

Height of backyard cottage _____

Gross floor area of backyard cottage _____

Lot square footage _____

Total structural square footage _____

Total lot coverage (%) _____

Garage space included with backyard cottage? Yes No

For DPD Use Only (must be completed)

Urban Village / Urban Center Yes ___ No ___	Application Parking Yes ___ No ___	Parking Waiver Granted Yes ___ No ___	# of Parking Spaces Provided _____ space	Unit Square Footage _____ space	_____ Detached (BYC) _____ Attached (ADU)
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INSTRUCTIONS FOR OWNER OCCUPANCY COVENANT

The Cover Sheet, Covenant and Exhibit A must comply with the "Standard Formatting Requirements for Recording Documents" document. These requirements can be found at: <http://www.kingcounty.gov/business/Recorders/OnlineFormsandDocumentStandards.aspx>.

Do not fax this document because the fax header will contaminate the top border.

Outlined below are some of the basic requirements.

1. Type or print clearly in black ink and have a clear 1-inch border on all four sides.
2. Complete the Washington State Recorder's Cover Sheet. List your project number as the "Reference Number" and list all owners as the "Grantor(s)." Fill in the abbreviated legal description and the tax parcel number.
3. On the first page of the Covenant for Owner Occupancy, fill in the full legal name of all owners on the first blank line and the complete street address of the property on the second blank line.
4. Each owner must sign the bottom of page 1 in the presence of a Notary Public, and have the Notary complete page 2. If there are more than two owners, make copies of page 2 and have the Notary complete them as needed.
5. Type or clearly print in the box on Exhibit A the full legal description of the property.
6. Prior to recording, bring the covenant to DPD for review by the planner associated with your project.
7. Bring the reviewed covenant to King County for recording and return a copy of the recorded document with recording number stamp to DPD to receive your permit.

Return Address:

__ City of Seattle - _____
__ Dept. of Planning & Development
__ 700 5th Ave., Suite 180 _____
__ Seattle, WA 98104 _____

Please print or type information WASHINGTON STATE RECORDER'S Cover Sheet (RCW 65.04)

Document Title(s) (or transactions contained therein): (all areas applicable to your document must be filled in)

1. COVENANT FOR OWNER OCCUPANCY

Reference Number(s) of Documents assigned or released:

Project number: _____

Grantor(s) (Last name, first name, middle initial)

1. _____
2. _____
3. _____
4. _____

Additional names on page _____ of document.

Grantee(s) (Last name first, then first name and initials)

THE CITY OF SEATTLE

Legal description (abbreviated: i.e. lot, block, plat or section, township, range)

Additional legal is on page _____ of document.

Assessor's Property Tax Parcel/Account Number

Assessor Tax # not yet assigned

The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

COVENANT FOR OWNER OCCUPANCY

This Covenant for Owner Occupancy ("Covenant") is entered into by the undersigned owner(s) of real property legally described in Exhibit A hereto, in favor of The City of Seattle as required for the issuance to the owner(s) of a permit allowing the construction and/or use of an accessory dwelling unit on the property described in Exhibit A hereto ("the property").

_____ agree(s) as follows:

- 1) That he/she/they are the owner(s) of the property located in Seattle, Washington at _____, and legally described in Exhibit A, and that there are no other owners;
- 2) That he/she/they applied for a permit to construct and/or use an accessory dwelling unit on the property pursuant to Seattle Municipal Code (SMC) 23.44.041 and make(s) this covenant as required by SMC 23.44.041;
- 3) That the owner(s) of the property will restrict the use of the principal and accessory dwelling units on the property in compliance with the requirements of SMC 23.44.041;
- 4) That an owner with at least a 50 percent interest in the property will occupy either the principal dwelling unit or the accessory dwelling unit for six or more months of each calendar year as the owner's principal residence, unless a waiver has been applied for and granted by the City of Seattle Department of Planning and Development (DPD);
- 5) That if the owner(s) of the property are unable or unwilling to fulfill the requirements of SMC 23.44.041 for owner occupancy, then the owner(s) will remove those features of the accessory dwelling unit that make it a dwelling unit, as determined by DPD, including but not limited to removing electrical and plumbing fixtures and connections;
- 6) That this covenant shall run with the land and be binding upon the property owner(s), his/her/their heirs and assigns, and upon any parties subsequently acquiring any right, title or interest in the property;
- 7) That the undersigned owners and their heirs, successors and assigns will inform all prospective purchasers of the property of the terms of this Covenant; and
- 8) That this Covenant will be recorded by the owner(s) in the real estate records of the Office of Records and Elections of King County as a deed restriction, prior to issuance of the permit allowing construction and/or use of an accessory dwelling unit on the property.

Owner

Owner

Owner

Owner

EXHIBIT A TO OWNER OCCUPANCY COVENANT

COMPLETE LEGAL DESCRIPTION OF PROERTY SUBJECT TO COVENANT:

LEGAL DESCRIPTION:

[Empty rectangular box for legal description]