



CITY OF MERCER ISLAND, DEVELOPMENT SERVICES GROUP

9611 S.E. 36 ST., MERCER ISLAND, WA 98040 (206) 275-7605 FAX: (206) 275-7726
WWW.MERCERGOV.ORG

19.02.030 – ACCESSORY DWELLING UNITS

- A. PURPOSE:** It is the purpose the Accessory Dwelling Unit regulations is to implement the policy provisions of the Housing Element of the City's Comprehensive Plan by eliminating barriers to accessory dwelling units in single family residential neighborhoods and provide for affordable housing. Also, 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.

DEFINITION: An accessory dwelling unit (ADU) is a habitable living unit added to, created within, or detached from a single-family dwelling that provides basic requirements for living, sleeping, eating, cooking and sanitation.

- B. REQUIREMENTS FOR ACCESSORY DWELLING UNITS:** One accessory dwelling unit is permitted as subordinate to an existing single family dwelling; PROVIDED the following requirements are met:

1. **OWNER OCCUPANCY:** Either the principal dwelling unit or the accessory dwelling unit must be occupied by an owner of the property or an immediate family member of the property owner. Owner occupancy is defined as a property owner, as reflected in title records, who makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means, and actually resides at the site more than six (6) months out of any given year.
2. **NUMBER OF OCCUPANTS:** The total number of occupants in both the principal dwelling unit and accessory dwelling unit combined shall not exceed the maximum number of six (6) persons established for a single family dwelling as defined under the term "Family" in MICC 19.16.010, plus any live-in household employees of such family.
3. **SUBDIVISION:** Accessory dwelling units shall not be subdivided or otherwise segregated in ownership from the principal dwelling unit.
4. **SIZE AND SCALE:** The square footage of the accessory dwelling unit shall be a minimum of two hundred and twenty (220) square feet and a maximum of nine hundred (900) square feet, excluding any garage area; PROVIDED, the square footage of the accessory dwelling unit shall not exceed eighty (80) percent of the total square footage of the primary dwelling, excluding the garage area, as it exists or as it may be modified.
5. **LOCATION:** The accessory dwelling unit may be added to or included within the principal unit, or located in a detached structure.

6. **ENTRANCES:** The single-family dwelling containing the accessory dwelling unit shall have only one entrance on each front or street side of the residence except where more than one entrance existed on or before January 17, 1995.
7. **ADDITIONS:** Additions to an existing structure or newly constructed detached structures created for the purpose of developing an accessory dwelling unit shall be designed consistent with the existing roof pitch, siding, and windows of the principal dwelling unit.
8. **DETACHED STRUCTURES:** Accessory dwelling units shall be permitted in a detached structure.
9. **PARKING:** All single-family dwellings with an accessory dwelling unit shall meet the parking requirements specified in MICC 19.02.020(E)(1) applicable to the dwelling if it did not have such an accessory dwelling unit.

C. PERMITTING AND ENFORCEMENT

1. **APPLICATION:** The property owner shall apply for an accessory dwelling unit permit with the Development Services Group. 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 six (6) months a year.
2. **NOTICE:** The City shall provide notice of the intent to issue a permit for an accessory dwelling unit as required by MICC 19.15.020(D)(E).
3. **APPLICABLE CODES:** The accessory dwelling unit shall comply with all standards for health and safety in the International Building Code, Uniform Plumbing Code, National Electrical Code, International Mechanical Code, International Fire Code and any other applicable codes, except as provided in this Chapter. The ADU shall comply with all Development Code provisions for single-family dwellings including height and setbacks, and the ADU shall be included as part of the impervious surface and floor area limitations for a building site.
4. **INSPECTION:** After receipt of a complete application and prior to approval of an accessory dwelling unit, the City shall inspect the property to confirm that all applicable requirements of this Code and other codes are met.
5. **RECORDING REQUIREMENTS – PERMITS:** Approval of the accessory dwelling unit shall be subject to the applicant recording a document with the King County Department of Records and Elections which runs with the land and identifies the address of the property, states that the owner(s) resides in either the principle dwelling unit or the accessory dwelling unit, includes a statement that the owner(s) will notify any prospective purchasers of the limitations of this

Section, and provides for the removal of the accessory dwelling unit if any of the requirements of the Chapter are violated.

6. **PERMIT:** Upon compliance with the provisions of this Section, a permit for an accessory dwelling unit will be issued.
 7. **ENFORCEMENT:** The City retains the right with reasonable notice to inspect the ADU for compliance with the provisions of this Section.
- E. ELIMINATION/EXPIRATION:** Elimination of an accessory dwelling unit may be accomplished by the owner recording a certificate with the King County Department of Records and Elections and Development Services stating that the accessory dwelling unit no longer exists on the property.
- F. VARIANCE:** Variances to this Chapter shall require variance approval as outlined in Section 19.15.020(G)(4).
- G. VIOLATIONS:** Any violation of any provision hereof is a criminal violation under MICC 19.15.030.

ACTIONS AND AUTHORITY

The decision authority is the Code Official, based on the Criteria set forth in MICC § 19.02.030 and the appeal authority would be to the Hearing Examiner.



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APPLICATION FOR AN ACCESSORY DWELLING UNIT

PROJECT NO. _____

Owner: _____

Phone: _____

Site Address: _____

Sq. ft. of House, excluding garage area: _____ Sq. ft. of ADU, excluding garage area: _____

40% of total sq. ft. of house, excluding garage area: _____ Net sq. ft. of single family lot: _____

- Affidavit** filed with King County Recording No. _____ Date: _____
- Attach site survey** of property (8 1/2"x11") with the following information:
 - Identify setbacks
 - Clearly identify the location of ADU in relationship to residence
 - Clearly identify the entrance to main house and entrance to ADU
- If ADU is in a new addition**, does it match design of main house with regard to roof pitch, siding and window styles?
- Attach a floor plan of the ADU**, (8 1/2" x 11") identifying cooking, bath and living areas and their dimensions.
- Attach completed Site Development Information**, demonstrating that the site complies with all impervious surface coverage requirements, height and gross floor area requirements.
- Complete Development Application (see Development Application for fee)**

Signature of Owner

Date

Received by

Receipt No.

Inspection checklist:

One entrance on street side _____
 Size verification _____
 Adequate cooking facilities _____
 Three parking spaces, two covered _____

Three off-street parking spaces _____
 Fire, Life and Safety _____
 International Residential Code _____

ADU approved _____
Inspector

Date



WHEN RECORDED SUBMIT A COPY TO:

Development Services Group

City of Mercer Island

9611 SE 36th Street

Mercer Island, WA 98040

(206) 275-7605

KING COUNTY DEPARTMENT OF RECORDS AND ELECTIONS

AFFIDAVIT OF:

Affidavit In Support Of Accessory

Name:

Dwelling Unit Permit

Address:

I, _____, am over the age of 21 years, and make the statements herein of actual knowledge.

1. The address of my property is _____ and we are applying for a permit to build an accessory dwelling unit at this address.
2. I own this property and I and/or someone in my immediate family will make my/their legal residence in the principal dwelling or accessory dwelling unit and actually reside in such dwelling for more than six (6) months per year.
3. I understand that the accessory dwelling unit will lose its permitted status if either the primary dwelling or the accessory dwelling unit is not legally and actually resided in by the owner of the property or an immediate family member of the owner for more than 6 months per year.
4. I will notify my prospective purchasers of the limitations of Mercer Island's Accessory Dwelling Unit regulations.
5. I will notify King County Department of Records and Elections if the accessory dwelling unit is removed from this property.
6. I understand that the City may require the removal of the accessory dwelling unit if any of the requirements for the accessory dwelling unit are violated.

7. I agree to have this document recorded with the King County Department of Records at my expense, and supply a copy to the City of Mercer Island.

I declare under penalty of perjury that the foregoing is true and correct.

SIGNED: _____ DATE: _____
Property Owner(s)

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

On this ____ day of _____, _____, before me the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared before me and to me know to be the individuals described in and executed the foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this ____ day of _____, 20__

NOTARY PUBLIC in and for the State of Washington

Residing at _____