



## CITY OF MERCER ISLAND, DEVELOPMENT SERVICES GROUP

9611 S.E. 36 ST., MERCER ISLAND, WA 98040 (206) 275-7605 FAX: (206) 275-7725  
[WWW.MERCERGOV.ORG](http://WWW.MERCERGOV.ORG)

# 19.02.030 — ACCESSORY DWELLING UNITS

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- 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.



**CITY OF MERCER ISLAND, DEVELOPMENT SERVICES GROUP**

9611 S.E. 36 ST., MERCER ISLAND, WA 98040 (206) 236-5300 FAX: (206) 236-3599  
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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 \_\_\_\_\_

Three off-street parking spaces \_\_\_\_\_

Size verification \_\_\_\_\_

Fire, Life and Safety \_\_\_\_\_

Adequate cooking facilities \_\_\_\_\_

International Residential Code \_\_\_\_\_

Three parking spaces, two covered \_\_\_\_\_

**ADU approved** \_\_\_\_\_

Inspector

\_\_\_\_\_  
Date

Date

**Condition:**



WHEN RECORDED SUBMIT A COPY TO:  
Development Services Group  
City of Mercer Island  
9611 SE 36<sup>th</sup> Street  
Mercer Island, WA 98040  
(206) 236-5300

**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 there is an accessory dwelling unit at this address.

