

# Seattle Permits

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

## Establishing a Backyard Cottage (Detached Accessory Dwelling Unit)

Updated December 4, 2009

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).

Legislation allowing backyard cottages citywide is effective as of Dec. 4, 2009. Backyard cottages are not permitted in lots located in the shoreline districts.

Legislation allowing attached accessory dwelling units (ADUs) in single-family homes citywide became effective Dec. 1, 1994. 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, and which has been designed or configured to be used as a separate dwelling unit.

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?

A backyard cottage may only be established if the following requirements 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 nonconformities to the Land Use Code are not increased.
- 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 23.84.028). 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 single-family lot may have no more than one accessory dwelling unit (either ADU or backyard cottage).
- 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

[www.seattle.gov/dpd](http://www.seattle.gov/dpd)



City of Seattle  
Department of Planning & Development

Gregory J. Nickels, Mayor     Diane Sugimura, Director

700 5th Avenue, Suite 2000  
P.O. Box 34019  
Seattle, WA 98124-4019  
(206) 387-8800

or exterior door approved for emergency escape or rescue. The window or door must be operable from the inside. All emergency escape windows shall have a minimum net clear opening of 5.7 square feet (grade floor openings allowed to be 5 square feet), a minimum net clear openable height dimension of 24 inches, and a minimum net clear openable width dimension of 20 inches. The window must have a finished sill height not more than 44 inches above the floor. The sill height may be measured from the top of a constructed step with a riser of not more than 7 inches. openable width dimension of 20 inches. The window must have a finished sill height not more than 44 inches above the floor. The sill height may be measured from the top of a 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.
- Electrical circuit breakers and fuses shall be located in the dwelling unit that they serve or in common areas accessible to all occupants.

**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 designated urban village or urban center. A waiver of the requirement for the parking space for the backyard cottage 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
- Hours:** Mon/Wed/Fri: 7:30 a.m.-5:30 p.m.  
Tues/Thurs: 10:30 a.m.-5:30 p.m.

The Preliminary Application Form is available from the Applicant Services Center or online at [www.seattle.gov/dpd/publications/forms](http://www.seattle.gov/dpd/publications/forms).

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 (of the entire building, not just the accessory unit), energy calculations, and, for a new structure (a new residence including an accessory unit) or if there are changes to the building envelope, 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 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., and sign in to speak with a staff member. You may also speak with staff by phone by calling (206) 684-8850.

ASC Hours: Monday, Wednesday, Friday  
7:30 a.m.-5:30 p.m.  
Tuesday, Thursday  
10:30 a.m.-5:30 p.m.

**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, s/he will have to remove features which make it a separate unit. See CAM 606, *Illegal Dwelling Units*, for more information.

**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](http://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.