For the complete development regulations governing ADUs, please review AMC 19.47.030.

What is an Accessory Dwelling Unit?
An Accessory Dwelling Unit (ADU) is a second dwelling unit attached or detached from the primary residential unit on a lot.
ADUs generally include living, sleeping, kitchen and bathroom facilities and have a separate entry from the primary dwelling.

What requirements must be met to establish an ADU?
An ADU can be established in any zone on a lot with a single-family residence. The following criteria must be met:

- The property owner must occupy either the primary home or the ADU as their permanent residence. The owner-occupant must live in the structure for more than 6 months of each calendar year.
- Owners must sign, notarize, and record with Skagit County an owner-occupancy covenant.
- A lot may have no more than one ADU, and the ADU may not be subdivided or segregated in ownership from the primary dwelling.
- The maximum size for an ADU is 900 sq. ft. gross floor area.
- A total of 3 parking spaces must be provided for the ADU and primary residence. Where on-street parking is available abutting the lot, only 2 off-street spaces must be provided.

- The maximum height and minimum setbacks for an ADU depend on whether it is attached or detached from the primary home, its proximity to side yard lot lines, and whether it is adjacent to an alley. See AMC 19.47.030.C.5-6 for details.
- ADUs must be located to provide usable open space that contains:
  - Area equivalent to 10% of the lot area.
  - Minimum dimensions of 15’ on all sides.

What are the process, cost, and submittal requirements for establishing an ADU?

Step 1: Review AMC 19.47.030 and evaluate your property and plan to ensure that all of the ADU requirements can be met. The City offers a preapplication process that allows you to obtain early feedback from city staff about your proposal, before submitting your formal application.

Step 2: Prepare your application drawings and other documents:

- Prepare the detailed site plan and floor plans (for both the main house and the ADU), and energy calculations.
- Prepare exterior elevation drawings if you are building a new structure or making changes to an existing building.
- Prepare full structural plans, including framing plans, sections, etc. if you are building a new structure or an addition.
- Complete the ADU application form.
- Fill out the attached owner occupancy covenant.
- Note that you will need to convert any paper plans and documents into digital files (pdfs).

Your plans must clearly identify where you are doing new work to create the ADU. For information on plan requirements, see the Residential Site Plan Checklist.

**Step 3: Submit your application.**

After your application is determined to be complete, we will review your application and plans to make sure they conform to City of Anacortes codes. We will notify you if you need to make corrections. You will need to provide corrected plans to us.

After we review the Owner Occupancy Covenant, and you make any necessary corrections, you need to have it notarized and recorded at the Skagit County Auditor’s Office. You will need to provide a recorded copy to the City. Your Owner Occupancy Covenant will become part of the title records for your property.

Once we can approve your plans, we will issue your permit.

You are responsible for complying with all applicable code and rule requirements, whether or not they are described in this document. As you build your ADU, you must request inspections by calling us at 360-299-1901. When your project is complete, call your inspector and request a final inspection. Once we give you the final inspection approval, a tenant may occupy the ADU.

**What other permits are required?**

You will need a separate electrical permit from Department of Labor and Industries (L&I) for any electrical work.

If you are doing any plumbing work, you will need a plumbing permit.

If you are connecting to an existing side sewer, you might be required to get a side sewer permit.

**What fees are required to be paid?**

When you submit your application, you will need to pay a land use review fee and building permit fee based on the value of work to be done.

ADUs are exempt from payment of impact fees and general facilities charges.

**What happens when a lot with an ADU is sold?**

If the new owner intends to maintain the ADU, whether or not it is occupied by tenants, the new owner must abide by the occupancy requirements recorded on the property title.

If the owner chooses to no longer rent or use the ADU, the owner will have to remove the features that make it a separate unit.

**What if a unit is created without a permit?**

If we receive a complaint about an illegal ADU, we may inspect the unit and send the owner a Notice of Violation. We will require the owner to legalize the unit or remove the features that make it a separate unit. In addition, the owner may be subject to penalties as provided in AMC Title 20.
19.47.030 - Accessory dwelling unit (ADU).

A. **Definition.** A second dwelling unit attached or detached from the primary residential unit on a lot.

B. **Purpose.** The purpose of an accessory dwelling unit is to:

1. Add affordable units to existing housing and make housing units available to moderate-income people who might otherwise have difficulty finding homes within the city.
2. Promote the development of additional housing options in residential neighborhoods that are appropriate for people at a variety of stages of their lives.
3. Provide homeowners with a means of obtaining, through tenants in either the accessory dwelling unit or the principal residence, rental income, companionship, or security.
4. Protect neighborhood stability, property values, and the character of the neighborhood.

C. **Standards and criteria.**

1. **When and where permitted:** An ADU may be established in any zone on a lot with a single-family residence. An ADU may be created by any one or combination of the following methods:
   a. Alteration of interior space of an existing residence.
   b. Conversion of an attic, basement, attached or detached garage, or other portion of a residence.
   c. Addition of a living area enclosed within the principal building.
   d. Construction of a detached living area.
   e. Associated with the construction of a new single-family dwelling (where permitted).
2. **Number.** Each single-family residential unit may have only one ADU.
3. **Subdivision.** ADUs must not be subdivided or otherwise segregated in ownership from the principal dwelling unit.
4. **Maximum size.** The ADU may not exceed 900-square-feet gross floor area.
5. **Maximum height:**
   a. ADUs enclosed within the principal building are subject to the height limits for the applicable zone in Tables 19.42.020-030.
   b. Height limits for detached ADUs are:
i. 20-feet where the roof pitch is less than 6:12.

ii. 25-feet where the roof pitch is 6:12 or greater.

Exception: ADU height and roof pitch adjustments may be needed for structures to comply with the 45-degree height/setback plane provisions in subsection (C)(6)(a) below.

Figure 19.47.030(C)(5)
Height limits for detached ADUs.

6. Minimum setbacks and siting requirements. ADUs enclosed within the principal building are subject to the setback requirements for the applicable zone. Standards for detached ADUs (whether or not they are attached to a garage) are subject to the following setback requirements:

a. Minimum interior side setback: Five-feet, except that from a height of 15-feet at the five-foot minimum interior side setback, buildings must step back at a 45-degree angle away from the interior side or rear property line as shown in Figure 19.47.030(C)(6) below.

b. Minimum rear setback (to alley property line): Zero-feet, except where garage doors or a carport faces the alley, the structure must be set back a minimum of ten-feet from the alley property line to allow adequate turning distance for vehicles.

c. Detached ADUs must be located consistent with the minimum usable open space standards of AMC 19.43.010(C)(3)(c), regardless of lot size.
7. Living facilities. At a minimum, an accessory dwelling unit includes a bathroom, a kitchen, and separate exterior access.

8. Parking. A minimum of three parking spaces must be provided for the principal and accessory dwelling units. Where on-street parking is available abutting the lot, only two off-street spaces must be provided for the principal and accessory dwelling units.

9. Entrance. The entrance to the ADU must not be on the same side of the structure as the entrance to the principal residence, except when such entrance is not visible from the street as determined by the director.

Exception: If an ADU is created within an existing residence which already has more than one existing exterior door on the same side, an existing door may be utilized for the ADU.

10. Owner occupancy.

   a. Either the principle or accessory dwelling unit must be occupied by an owner of the property for six or more months of each calendar year as the owner's permanent residence. “Owners” include title holders and contract purchasers. The applicant must record a notice against the property title with the county auditor, on forms provided by the department, describing this requirement.

   b. The Director may waive the requirement of subsection (a) for up to three years if a letter is submitted that provides evidence of good cause for the waiver. Good cause may include job dislocation, military deployment, sabbatical leave, education, or illness.