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BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

In the Matter of the Appeal of the:

**QUEEN ANNE COMMUNITY
COUNCIL**

of the Final Environmental Impact
Statement for the Citywide Implementation
of ADU-FEIS.

Hearing Examiner File W-18-009

PART 3

EXHIBIT A TO THE
DECLARATION OF TADAS KISIELIUS
IN SUPPORT OF SEATTLE CITY
COUNCIL'S MOTION FOR PARTIAL
DISMISSAL

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CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to land use and zoning, amending Sections 23.04.014, 23.44.041, and 23.84A.032 of the Seattle Municipal Code to remove barriers to the creation of attached and detached accessory dwelling units.

..body

WHEREAS, the City Council adopted Resolution 31547 in September 2014 directing the Department of Planning and Development to explore policy changes that would increase the production of attached accessory dwelling units and detached accessory dwelling units, including regulatory changes, incentives, and marketing and promotion; and

WHEREAS, the Housing Affordability and Livability Agenda (HALA) Advisory Committee made recommendations in July 2015 to the Mayor and City Council, including recommendation SF.1a to remove code barriers to accessory dwelling units and backyard cottages by removing the parking requirement, removing the owner-occupancy requirement, allowing a single lot to have both an attached and detached accessory dwelling unit, and making minor modifications to existing development standards for detached accessory dwelling units; and

WHEREAS, the City Council adopted Resolution 31609 in September 2015 declaring its intent to consider strategies to increase the availability of affordable housing in Seattle, outlining an overarching policy framework and timeline for the Mayor’s HALA recommendations, and establishing the Council Work Plan for HALA Recommendations, which included strategy (h) to remove barriers to the development of detached and attached accessory dwelling units; and

1 WHEREAS, attached accessory dwelling units have been allowed on single-family lots since
2 1994, and detached accessory dwelling units have been allowed on single-family lots
3 since 2010, subject to certain development standards; and

4 WHEREAS, since 2010 only approximately 220 detached accessory dwelling units have been
5 constructed, accounting for less than one percent of eligible single-family lots; NOW,
6 THEREFORE,

7 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

8 Section 1. Section 23.44.014 of the Seattle Municipal Code, last amended by Ordinance
9 124952, is amended as follows:

10 **23.44.014 Yards**

11 Yards are required for every lot in a single-family zone. A yard that is larger than the
12 minimum size may be provided.

13 **A. Front (~~Yards~~)yards**

14 1. The front yard depth shall be either the average of the front yards of the single-
15 family structures on either side or 20 feet, whichever is less.

16 2. On any lot where the natural gradient or slope, as measured from the front line
17 of the lot for a distance of 60 feet or the full depth of the lot, whichever is less, is in excess of 35
18 percent, the required front yard depth shall be either 20 feet less ~~((one))~~1 foot for each ~~((one))~~1
19 percent of gradient or slope in excess of 35 percent~~((;))~~ or the average of the front yards on either
20 side, whichever is less.

21 3. In the case of a through lot, each yard abutting a street, except a side yard, shall
22 be a front yard. Rear yard provisions shall not apply to the lot, except pursuant to Section
23 23.40.030 or 23.40.035.

1 4. A larger yard may be required in order to meet the provisions of Section
2 23.53.015, Improvement requirements for existing streets in residential and commercial zones.

3 B. Rear ~~((Yards))~~yards. The rear yard shall be ~~((twenty-five(-)))~~25~~((-))~~feet.

4 1. The minimum required rear yard for a lot having a depth of less than ~~((one
5 hundred twenty-five(-)))~~125~~((-))~~ feet shall be ~~((twenty(-)))~~20~~((-))~~ percent of the lot depth and in no
6 case less than ~~((ten(-)))~~10~~((-))~~ feet.

7 2. When the required rear yard abuts upon an alley along a lot line, the centerline
8 of the alley between the side lot lines extended shall be assumed to be a lot line for purposes of
9 the provision of rear yard and the determination of lot depth~~((;))~~, provided~~((;))~~ that at no point
10 shall the principal structure be closer than ~~((five(-)))~~5~~((-))~~ feet to the alley.

11 3. When a lot in any single-family zone abuts at the rear lot line upon a public
12 park, playground, or open water, not less than ~~((fifty(-)))~~50~~((-))~~ feet in width, the rear yard need
13 not exceed the depth of ~~((twenty(-)))~~20~~((-))~~ feet.

14 C. Side yards. The side yard shall be 5 feet except as follows:

15 1. In the case of a reversed corner lot, the key lot of which is in a single-family
16 zone, the width of the side yard on the street side of the reversed corner lot shall not be less than
17 10 feet; or

18 2. If any side street lot line is a continuation of the front lot line of an abutting
19 single-family zoned lot, whether or not separated by an alley, the width of the street side yard
20 shall not be less than 10 feet.

21 D. Exceptions from standard yard requirements. No structure shall be placed in a required
22 yard except pursuant to the following:

1 1. Garages. Garages may be located in a required yard subject to the standards of
2 Section 23.44.016.

3 2. Certain ~~((Accessory Structures))~~ accessory structures in ~~((Side))~~ side and ~~((Rear~~
4 ~~Yards.))~~ rear yards

5 a. Except for detached accessory dwelling units, any accessory structure
6 that complies with the requirements of Section 23.44.040 may be constructed in a side yard that
7 abuts the rear or side yard of another lot, or in that portion of the rear yard of a reversed corner
8 lot within 5 feet of the key lot and not abutting the front yard of the key lot, upon recording with
9 the King County ~~((Department of Records and Elections))~~ Recorder's Office an agreement to this
10 effect between the owners of record of the abutting properties.

11 b. Except for detached accessory dwelling units, any detached accessory
12 structure that complies with the requirements of Section 23.44.040 may be located in a rear yard,
13 provided that on a reversed corner lot, no accessory structure shall be located in that portion of
14 the required rear yard that abuts the required front yard of the adjoining key lot, nor shall the
15 accessory structure be located closer than 5 feet from the key lot's side lot line unless the
16 provisions of subsections 23.44.014.D.2.a or 23.44.016.D.9 apply.

17 c. Detached accessory dwelling units may be located in a rear yard subject
18 to the requirements of subsection 23.44.041.B.

19 3. A single-family structure may extend into one side yard if an easement is
20 provided along the side or rear lot line of the abutting lot ~~((,))~~ sufficient to leave a ~~((10-foot))~~ 10-
21 foot separation between that structure and any principal structure on the abutting lot. The ~~((10~~
22 ~~foot))~~ 10-foot separation shall be measured from the wall of the principal structure that is
23 proposed to extend into a side yard to the wall of the principal structure on the abutting lot.

1 a. No structure or portion of a structure may be built on either lot within
2 the ~~((10-foot))~~10-foot separation, except as provided in this ~~((section))~~Section 23.44.014.

3 b. Accessory structures and features of and projections from principal
4 structures~~((s))~~ such as porches, eaves, and chimneys are permitted in the ~~((10-foot))~~10-foot
5 separation area if allowed by subsection 23.44.014.D. For purposes of calculating the distance a
6 structure or feature may project into the ~~((10-foot))~~10-foot separation, assume the property line is
7 5 feet from the wall of the principal structure proposed to extend into a side yard and consider
8 the 5 feet between the wall and the assumed property line to be the required side yard.

9 c. No portion of any structure, including any projection, shall cross the
10 property line.

11 d. The easement shall be recorded with the King County ~~((Department of~~
12 ~~Records and Elections))~~Recorder's Office. The easement shall provide access for normal
13 maintenance activities to the principal structure on the lot with less than the required ~~((5-foot))~~5-
14 foot side yard.

15 4. Certain ~~((Additions))~~additions. Certain additions may extend into a required
16 yard if the existing single-family structure is already nonconforming with respect to that yard.
17 The presently nonconforming portion must be at least 60 percent of the total width of the
18 respective facade of the structure prior to the addition. The line formed by the existing
19 nonconforming wall of the structure is the limit to which any additions may be built, except as
20 described below. Additions may extend up to the height limit and may include basement
21 additions. New additions to the nonconforming wall or walls shall comply with the following
22 requirements (Exhibit A for 23.44.014):

1 a. Side ~~((Yard))~~yard. If the addition is a side wall, the existing wall line
2 may be continued by the addition except that in no case shall the addition be closer than 3 feet to
3 the side lot line;

4 b. Rear ~~((Yard))~~yard. If the addition is a rear wall, the existing wall line
5 may be continued by the addition except that in no case shall the addition be closer than 20 feet
6 to the rear lot line or centerline of an alley abutting the rear lot line;

7 c. Front ~~((Yard))~~yard. If the addition is a front wall, the existing wall line
8 may be continued by the addition except that in no case shall the addition be closer than 15 feet
9 to the front lot line;

10 d. If the nonconforming wall of the single-family structure is not parallel
11 or is otherwise irregular~~((;))~~ relative to the lot line, then the Director shall determine the limit of
12 the wall extension, except that the wall extension shall not be located closer than specified in
13 subsections 23.44.014.D.4.a, 23.44.014.D.4.b, and 23.44.014.D.4.c.

14 e. Roof eaves, gutters, and chimneys on such additions may extend an
15 additional 18 inches into a required yard, but in no case shall such features be closer than 2 feet
16 to the side lot line.

17 5. Uncovered porches or steps. Uncovered, unenclosed porches or steps may
18 project into any required yard~~((;))~~ if they are no higher than 4 feet above existing grade, no closer
19 than 3 feet to any side lot line, and no wider than 6 feet and project no more than 6 feet into
20 required front or rear yards. The width of porches and steps ~~((are to))~~shall be calculated
21 separately.

1 6. Certain features of a structure. Unless otherwise provided elsewhere in this
2 Chapter 23.44, certain features of a principal or accessory structure, except for accessory
3 dwelling units, may extend into required yards if they comply with the following:

4 a. External architectural details with no living area, such as chimneys,
5 eaves, cornices, and columns, may project no more than 18 inches into any required yard;

6 b. Bay windows are limited to 8 feet in width and may project no more
7 than 2 feet into a required front, rear, and street side yard;

8 c. Other projections that include interior space, such as garden windows,
9 may extend no more than 18 inches into any required yard, starting a minimum of 30 inches
10 above finished floor, and with maximum dimensions of 6 feet in height and 8 feet in width;

11 d. The combined area of features permitted by subsections
12 23.44.014.D.6.b and 23.44.014.D.6.c may comprise no more than 30 percent of the area of the
13 facade.

14 7. Covered ~~((Unenclosed Decks))~~unenclosed decks and ~~((Roofs Over~~
15 ~~Patios))~~roofs over patios. Covered, unenclosed decks and roofs over patios, if attached to a
16 principal structure, may extend into the required rear yard, but shall not be within 12 feet of the
17 centerline of any alley, or within 12 feet of any rear lot line that is not an alley lot line, or closer
18 to any side lot line in the required rear yard than the side yard requirement of the principal
19 structure along that side, or closer than 5 feet to any accessory structure. The height of the roof
20 over unenclosed decks and patios shall not exceed 12 feet. The roof over such decks or patios
21 shall not be used as a deck.

1 8. Access ~~((Bridges))~~bridges. Uncovered, unenclosed pedestrian bridges 5 feet or
2 less in width and of any height necessary for access~~((s))~~ are permitted in required yards, except
3 that in side yards an access bridge must be at least 3 feet from any side lot line.

4 9. Barrier-free ~~((Aeess))~~access. Access facilities for the disabled and elderly that
5 comply with Washington State Building Code, Chapter 11 are permitted in any required yard.

6 10. Freestanding ~~((Structures))~~structures and ~~((Bulkheads.))~~bulkheads

7 a. Fences, freestanding walls, bulkheads, signs, and similar structures 6
8 feet or less in height above existing or finished grade, whichever is lower, may be erected in any
9 required yard. The ~~((6-foot))~~6-foot height may be averaged along sloping grade for each ~~((6-foot
10 long))~~6-foot-long segment of the fence, but in no case may any portion of the fence exceed 8
11 feet. Architectural features may be added to the top of the fence or freestanding wall above the
12 ~~((6-foot))~~6-foot height if the features comply with the following: horizontal architectural
13 feature(s), no more than 10 inches high, and separated by a minimum of 6 inches of open area,
14 measured vertically from the top of the fence, are permitted if the overall height of all parts of
15 the structure, including post caps, is no more than 8 feet. Averaging the ~~((8-foot))~~8-foot height is
16 not permitted. Structural supports for the horizontal architectural feature(s) may be spaced no
17 closer than 3 feet on center.

18 b. The Director may allow variation from the development standards listed
19 in subsection 23.44.014.D.10.a, according to the following:

- 20 1) No part of the structure may exceed 8 feet; and
21 2) Any portion of the structure above 6 feet shall be predominately
22 open, such that there is free circulation of light and air.

1 c. Bulkheads and retaining walls used to raise grade may be placed in any
2 required yard when limited to 6 feet in height, measured above existing grade. A guardrail no
3 higher than 42 inches may be placed on top of a bulkhead or retaining wall existing as of
4 February 20, 1982. If a fence is placed on top of a new bulkhead or retaining wall, the maximum
5 combined height is limited to ~~((9½))~~9.5 feet.

6 d. Bulkheads and retaining walls used to protect a cut into existing grade
7 may not exceed the minimum height necessary to support the cut or 6 feet, whichever is greater.
8 If the bulkhead is measured from the low side and ~~((it-))~~exceeds 6 feet, an open guardrail of no
9 more than 42 inches meeting Building Code requirements may be placed on top of the bulkhead
10 or retaining wall. A fence must be set back a minimum of 3 feet from such a bulkhead or
11 retaining wall.

12 e. If located in shoreline setbacks or in view corridors in the Shoreline
13 District as regulated in Chapter 23.60A, structures shall not obscure views protected by Chapter
14 23.60A, and the Director shall determine the permitted height.

15 11. Decks in ~~((Yards))~~yards. Decks no higher than 18 inches above existing or
16 finished grade, whichever is lower, may extend into required yards.

17 12. Mechanical equipment. Heat pumps and similar mechanical equipment, not
18 including incinerators, are permitted in required yards if they comply with the requirements of
19 Chapter 25.08, Noise Control. Any heat pump or similar equipment shall not be located within 3
20 feet of any lot line. Charging devices for electric cars are considered mechanical equipment and
21 are permitted in required yards if not located within 3 feet of any lot line.

22 13. Solar ~~((Collectors))~~collectors. Solar collectors may be located in required
23 yards, subject to the provisions of Section 23.44.046.

1 14. Front ~~((Yard Projections))~~ yard projections for ~~((Structures))~~ structures on
2 ~~((Lots))~~ lots 30 ~~((Feet))~~ feet or ~~((Less))~~ less in ~~((Width))~~ width. For a structure on a lot that is 30
3 feet or less in width, portions of the front facade that begin 8 feet or more above finished grade
4 may project up to 4 feet into the required front yard, provided that no portion of the facade,
5 including eaves and gutters, shall be closer than 5 feet to the front lot line (Exhibit B for
6 23.44.014)(~~(;)~~) and ~~((provided further that))~~ no portion of the ~~((façade))~~ facade of an existing
7 structure that is less than 8 feet or more above finished grade already projects into the required
8 front yard.

9 15. Front and rear yards may be reduced by 25 percent, but no more than 5 feet, if
10 the site contains a required environmentally critical area buffer or other area of the property that
11 cannot be disturbed pursuant to subsection 25.09.280.A~~((of Section 25.09.280))~~.

12 16. Arbors. Arbors may be permitted in required yards under the following
13 conditions:

14 a. In any required yard, an arbor may be erected with no more than a 40
15 square foot footprint, measured on a horizontal roof plane inclusive of eaves, to a maximum
16 height of 8 feet. Both the sides and the roof of the arbor shall be at least 50 percent open, or if
17 latticework is used, there shall be a minimum opening of 2 inches between crosspieces.

18 b. In each required yard abutting a street, an arbor over a private
19 pedestrian walkway with no more than a ~~((30-square-foot))~~ 30-square-foot footprint, measured on
20 the horizontal roof plane and inclusive of eaves, may be erected to a maximum height of 8 feet.
21 The sides of the arbor shall be at least 50 percent open, or if latticework is used, there shall be a
22 minimum opening of 2 inches between crosspieces.

23 17. Stormwater management

1 a. Above-grade green stormwater infrastructure (GSI) features are allowed
2 without yard restrictions if:

- 3 1) Each above-grade GSI feature is less than 4.5 feet tall,
4 excluding piping;
5 2) Each above-grade GSI feature is less than 4 feet wide; and
6 3) The total storage capacity of all above-grade GSI features is no
7 greater than 600 gallons.

8 b. Above-grade GSI features larger than what is allowed in subsection
9 23.44.014.D.17.a are allowed within a required yard if:

- 10 1) Above-grade GSI features do not exceed 10 percent coverage of
11 any one yard area;
12 2) No portion of an above-grade GSI feature is located closer than
13 2.5 feet from a side lot line;
14 3) No portion of an above-grade GSI feature is located closer than
15 20 feet from a rear lot line or centerline of an alley abutting the rear lot line; and
16 4) No portion of an above-grade GSI feature is located closer than
17 15 feet from the front lot line.

18 18. If the side yard of a lot borders on an alley, a single-family structure may be
19 located in the required side yard, provided that no portion of the structure may cross the side lot
20 line.

21 19. A structure may be permitted to extend into front and rear yards as necessary
22 to protect exceptional trees and trees over 2 feet in diameter pursuant to Section 25.11.060.

1 E. Additional ~~((Standards))~~standards for ~~((Structures))~~structures if ~~((Allowed))~~allowed in
2 ~~((Required Yards))~~required yards. Structures in required yards shall comply with the following:

3 1. ~~((Accessory))~~Except for detached accessory dwelling units, accessory
4 structures, attached garages, and portions of a principal structure shall not exceed a maximum
5 combined coverage of 40 percent of the required rear yard. In the case of a rear yard abutting an
6 alley, rear yard coverage shall be calculated from the centerline of the alley.

7 2. Any accessory structure located in a required yard shall be separated from its
8 principal structure by a minimum of 5 feet. This requirement does not apply to terraced garages
9 that comply with Section 23.44.016.D.9.b.

10 3. Except for detached accessory dwelling units~~((in subsection 23.44.041.B))~~,
11 any accessory structure located in a required yard shall not exceed 12 feet in height or 1,000
12 square feet in area.

13 4. Detached accessory dwelling units are subject to the requirements of subsection
14 23.44.041.B.

15 F. Setback standards from access easements. Setbacks are required for principal
16 structures according to the standards in subsection 23.53.025.C.2 and 23.53.025.D.6.

17 Section 2. Section 23.44.041 of the Seattle Municipal Code, last amended by Ordinance
18 124843, is amended as follows:

19 **23.44.041 Accessory dwelling units**

20 A. ~~((Accessory dwelling units, general))~~General provisions. The Director may authorize
21 an accessory dwelling unit, and that dwelling unit may be used as a residence, only under the
22 following conditions:

1 1. A lot with or proposed for a ~~((single-family dwelling))~~ principal dwelling unit
2 may have no more than one attached accessory dwelling unit within a principal structure and
3 one detached accessory dwelling unit.

4 2. The owner(s) of the lot shall comply with the owner occupancy requirements
5 of subsection 23.44.041.C.

6 3. Any number of related persons may occupy each unit ~~((in))~~ on a single-family
7 zoned lot~~((dwelling unit))~~ with ~~((an))~~ one or more accessory dwelling units~~((;))~~ provided that, if
8 unrelated persons occupy ~~((either))~~ any unit, the total number of persons occupying ~~((both))~~ all
9 units may not altogether exceed eight.

10 4. ~~((All))~~ Attached accessory dwelling units are ~~((required))~~ subject to ~~((meet))~~ the
11 following ~~((development))~~ standards; ~~((in Table A for 23.44.041, unless modified in subsection~~
12 ~~23.44.041.B;))~~

13 a. The gross floor area of an attached accessory dwelling unit cannot
14 exceed 1,000 square feet, excluding garage and storage area, unless the portion of the structure
15 in which the accessory dwelling unit is located was in existence as of June 1, 1999.

16 b. Only one entrance to the structure may be located on each street-facing
17 facade of the dwelling unit, unless two entrances on the street-facing facade existed on January
18 1, 1993, or unless the Director determines that topography, screening, or another design solution
19 is effective in de-emphasizing the presence of a second entrance.

20

((Table A for 23.44.041 Development Standards for All Accessory Dwelling Units	
a. Maximum gross floor area	Attached accessory dwelling units are limited to 1,000 square feet, including garage and storage area.⁺ Detached accessory dwelling units are limited to 800 square feet, including any garage and storage area provided in the same structure as the accessory dwelling unit, but excluding areas below grade, measured as set forth in Section 23.86.007.

((Table A for 23.44.041 Development Standards for All Accessory Dwelling Units	
b. Entrances	Only one entrance to the structure may be located on each street-facing facade of the dwelling unit.²
Footnotes to Table A for 23.44.041: ¹The gross floor area of an attached accessory dwelling unit may exceed 1,000 square feet only if the portion of the structure in which the accessory dwelling unit is located was in existence as of June 1, 1999, and if the entire accessory dwelling unit is located on one level, except that a garage for the accessory dwelling unit may be located on a different level. ²More than one entrance may be allowed if: a) two entrances on the street-facing facade existed on January 1, 1993; or b) the Director determines that topography, screening, or another design solution is effective in de-emphasizing the presence of a second entrance.))	

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5. ~~((Except on lots located within areas that are defined as either an urban center or urban village in the City's Comprehensive Plan, one off-street parking space is required for the accessory dwelling unit and may be provided as tandem parking with the parking space provided for the principal dwelling unit.))~~ Parking. No parking is required for any attached or detached accessory dwelling units. An existing required parking space may not be eliminated to accommodate an accessory dwelling unit unless it is replaced elsewhere on the lot. ~~((Except for lots located in either Map A for 23.54.015, University District Parking Overlay Area or Map B for 23.54.015, Alki Area Parking Overlay Area, the Director may waive the off-street parking space requirement for an accessory dwelling unit if:~~

- ~~a. The topography or location of existing principal or accessory structures on the lot makes provision of an off-street parking space physically infeasible; or~~
- ~~b. The lot is located in a restricted parking zone (RPZ) and a current parking study is submitted showing a utilization rate of less than 75 percent for on-street parking within 400 feet of all property lines of the site.))~~

B. ~~((Accessory dwelling units, detached, additional provisions. A detached accessory dwelling unit is also known as a backyard cottage.))~~ Detached accessory dwelling units. The Director may authorize a detached accessory dwelling unit ~~((, and that unit may be used as a~~

1 ~~residence, only under the conditions set forth in subsection 23.44.041.A and))~~ subject to the
 2 following ~~((additional))~~ conditions:

3 1. Detached accessory dwelling units are not permitted on a lot if any portion of
 4 the lot is within the Shoreline District established pursuant to Section 23.60.010.

5 2. Detached accessory dwelling units are required to meet the additional
 6 development standards ~~((set forth))~~ in Table ~~((B))~~A for 23.44.041.

7

Table ((B))<u>A</u> for 23.44.041	
Development standards for detached accessory dwelling units¹	
a. Minimum lot size	((4,000)) <u>3,200</u> square feet
b. Minimum lot width	25 feet
c. Minimum lot depth	70 feet ²
d. Maximum lot coverage	The provisions of Section 23.44.010 apply.
e. Maximum rear yard coverage	<u>A detached accessory dwelling unit more than 15 feet in height, together with any other accessory structures and ((other)) portions of the principal structure, is limited to a maximum combined coverage of 40 percent of the rear yard. A detached accessory dwelling unit 15 feet or less in height may cover an additional 20 percent of the rear yard, provided that rear yard coverage for all structures other than the detached accessory dwelling unit does not exceed 40 percent. In the case of a rear yard abutting an alley, rear yard coverage shall be calculated from the centerline of the alley.</u>
f. Maximum ((gross floor area)) <u>size</u>	((800)) <u>1,000</u> square feet, including <u>gross floor area and covered decks and covered porches above 18 inches, but excluding garage and storage area</u> ((but excluding covered porches and covered decks that are less than 25 square feet in area;)) and underground areas measured as set forth in Section 23.86.007.
g. Front yard	A detached accessory dwelling unit may not be located within the front yard required by subsection 23.44.014.A, except on a through lot pursuant to Section 23.40.030 or Section 23.40.035 and row i of this Table ((B)) <u>A</u> for 23.44.041.

**Table ((B))A for 23.44.041
 Development standards for detached accessory dwelling units¹**

h. Minimum side yard	The provisions of subsection 23.44.014.C apply.((⁷)) ³				
i. Minimum rear yard	A detached accessory dwelling unit may be located within a required rear yard if it is not within 5 feet of any lot line, unless the lot line is adjacent to an alley, in which case a detached accessory dwelling unit may be located at that lot line. ^{3, 4, ((⁷))⁵}				
j. Location of entry	Entrances to a detached accessory dwelling unit((s)) may ((not)) be located on <u>any</u> facade((s)). <u>If located on a facade facing ((the nearest))<u>a</u> side lot line or ((the))<u>a</u> rear lot line, the entrance may not be within 10 feet of that lot line unless ((the nearest side))that lot line ((or rear lot line)) abuts an alley or other public right-of-way.</u>				
k. Maximum height limits((⁵)) ^{6,7}	Lot width (feet)				
	Less than 30	30 ((or greater)) up to ((35)) <u>50</u>	((Above 35 up to 40))	((Above 40 up to 50⁶))	50 or greater
(1) Base structure height limit (feet)	((12)) <u>14</u>	((14)) <u>16</u>	((15))	((16))	((16)) <u>18</u>
(2) Height allowed for pitched roof above base structure height limit (feet)	3	7	((7))	((6))	7
(3) Height allowed for shed or butterfly roof above base structure height limit (feet); see Exhibit A for 23.44.041	3	4	((4))	((4))	4
l. Minimum separation from principal structure	5 feet				

Footnotes to Table ((B))A for 23.44.041:
¹ The Director may allow an exception to standards a through f((~~and~~))and h((~~, i and~~))through j pursuant to subsection 23.44.041.B.3((~~;~~))
² For lots that do not meet the lot depth requirement((~~;~~)) but have a greater width than depth and an area greater than 5,000 square feet, a detached accessory dwelling unit is permitted, provided the detached accessory dwelling unit is not located in a required yard.

Table ((B))A for 23.44.041
Development standards for detached accessory dwelling units¹

³ External architectural details with no living area, such as chimneys, eaves, cornices, and columns, may project no closer than 3.5 feet from any lot line. Bay windows are limited to 8 feet in width and may project no closer than 3 feet from any lot line. Other projections that include interior space, such as garden windows, must start a minimum of 30 inches above finished floor, have a maximum dimension of 6 feet in height and 8 feet in width, and may project no closer than 3.5 feet from any lot line

⁴ If the lot line is adjacent to an alley and a detached accessory dwelling unit includes a garage with a vehicle entrance that faces the alley, the garage portion of the structure may not be located within 12 feet of the centerline of the alley.

⁽⁴⁾⁵ On a reversed corner lot, no detached accessory dwelling unit shall be located in that portion of the required rear yard that abuts the required front yard of the adjoining key lot.

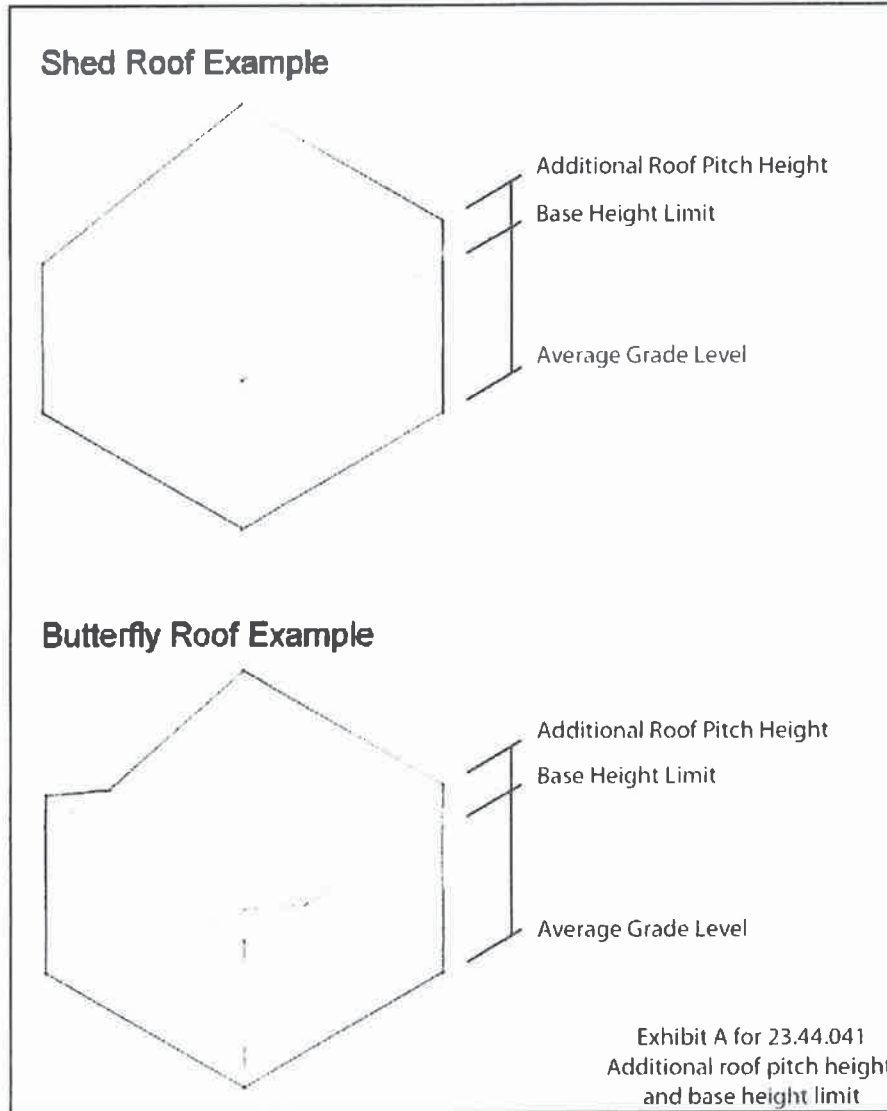
⁽⁵⁾⁶ Features such as chimneys, antennas, and flagpoles may extend up to 4 feet above the maximum allowed height.

⁽⁶⁾⁷ ~~((Detached accessory dwelling units on lots that have a width greater than 40 feet up to 50 feet may be built to the maximum height limit applicable in the column for lots greater than 50 feet when the detached accessory dwelling unit is located on a lot with a rear lot line that is adjacent to an alley.))~~ Projections that accommodate windows and result in additional interior space, including dormers, clerestories, and skylights, may extend no higher than the ridge of a pitched roof permitted pursuant to row k of this table provided that all of conditions of subsection 23.44.012.C.3 are satisfied.

~~((⁷The exceptions from standard yard requirements in subsection 23.44.014.D.6.a shall also apply)).~~

1
2

1 **Exhibit A for 23.44.041**
2 **Additional roof pitch height and base height limit**



3
4
5 3. Conversion of ~~((accessory-))~~ structures. An existing ~~((accessory-))~~ structure that
6 is not located in a required front yard, or that is located in a front yard where Section 23.40.030
7 or 23.40.035 applies, may be converted into a detached accessory dwelling unit if the structure
8 complies with the minimum standards set forth in Sections 22.206.010 through 22.206.140 of

1 the Housing and Building Maintenance Code and with the Seattle Residential Code, if work
2 requiring a permit is performed on the structure or has previously been performed without a
3 permit. The Director may allow an exception to one or more of the development standards for
4 accessory dwelling units contained in subsection 23.44.041.A.4 and standards a through ~~((f))~~e,
5 ~~h~~~~((i and))~~ through j, and f for conversion of existing accessory structures listed in Table ((B))A
6 for 23.44.041, provided the conversion does not increase the structure's nonconformity with the
7 standard ~~((and))~~. An existing accessory structure can be converted if the applicant can
8 demonstrate that the accessory structure was constructed prior to June 1, 1999, as an accessory
9 structure. If an accessory structure constructed prior to June 1, 1999, was replaced to the same
10 configuration in accordance with the standards of Section 23.42.112, then the replacement
11 structure also qualifies for conversion under this subsection 23.44.041.B.3. For purposes of this
12 subsection 23.44.041.B.3, the term "conversion" means either keeping the accessory structure
13 intact or removing and rebuilding the accessory structure, provided that any expansion or
14 relocation of the accessory structure complies with the development standards for detached
15 accessory dwelling units.

16 C. Owner occupancy

17 1. Requirement~~((:))~~ and duration

18 a. An owner ~~((with at least a 50 percent interest in the property))~~ must
19 occupy either the principal dwelling unit or the accessory dwelling unit for six or more months
20 of each calendar year as the owner's permanent residence. ~~((The Director may waive this
21 requirement for up to three years if a letter is submitted that provides evidence to the Director
22 showing good cause why the requirement for owner occupancy should be waived. Good cause
23 may include job dislocation, sabbatical leave, education, or illness.))~~

1 b. The requirement set forth in subsection 23.44.041.C.1.a is required for
2 a 12-month period from the date of the final building permit inspection for the accessory
3 dwelling unit.

4 2. Violation. If an owner is unable or unwilling to fulfill the requirements of
5 subsection 23.44.041.C.1, the owner shall remove those features of the accessory dwelling unit
6 that make it a dwelling unit. Failure to do so will constitute a violation of this Title 23 and the
7 owner will be subject to penalties pursuant to Sections 23.90.018, 23.90.019₂ and 23.90.020.

8 3. Covenant recording. Prior to issuance of a permit establishing an accessory
9 dwelling unit, the owner(s) shall sign under oath and record in the King County Recorder a
10 covenant by the owner(s) to the City of Seattle stating that the owner(s) agree to restrict use of
11 the principal and accessory dwelling units in compliance with the requirements of this
12 subsection 23.44.041.C and notify all prospective purchasers of those requirements. Falsely
13 certifying to the terms of the covenant or failure to comply with the terms of the covenant is
14 subject to penalties pursuant to Sections 23.90.018, 23.90.019₂ and 23.90.020.

15 The covenant shall run with the land and be binding upon the property owner, his/her heirs and
16 assigns, and ~~((upon))~~ any parties subsequently acquiring any right, title₂ or interest in the
17 property, until the owner-occupancy requirement in subsection 23.44.041.C.1.b is satisfied. The
18 covenant shall be in a form prescribed by the Director that includes the legal description of the
19 ~~((principal use))~~ lot. The property owner(s) shall return the original covenant with recording
20 stamp to the Department before the building permit for the accessory dwelling unit is issued.

21 4. Covenant release. ~~((A₁))~~ Prior to meeting the owner-occupancy requirement in
22 subsection 23.44.041.C.1.b, at the request of a property owner and after an inspection finding

1 that an accessory dwelling unit has been removed from the owner's property, the Department
2 shall record a release of any previously recorded covenant for that accessory dwelling unit.

3 D. Single-family status unaffected. A single-family lot with an attached accessory
4 dwelling unit and/or detached accessory dwelling unit shall be considered a single-family
5 ~~((residence))~~use for purposes of rezone criteria (Section 23.34.011).

6 Section 3. Section 23.84A.032 of the Seattle Municipal Code, last amended by
7 Ordinance 124378, is amended as follows:

8 **23.84A.032 "R"**

9 * * *

10 "Residential use" means any one or more of the following:

11 1. "Accessory dwelling unit" means one or more rooms that

12 a. are located within ~~((an owner-occupied))~~a single-family dwelling
13 unit~~(,)~~ or within an accessory structure on the same lot as ~~((an owner-occupied))~~a single-
14 family dwelling unit;

15 b. meet the standards of Section 23.44.041, or 23.45.545, or Chapter
16 23.47A, as applicable;

17 c. are designed, arranged, and intended to be occupied by not more than
18 one household as living accommodations independent from any other household; and

19 d. are so occupied or vacant.

20 2. "Adult family home" means an adult family home defined and licensed as
21 such by The State of Washington in a dwelling unit.

22 3. "Apartment" means a multifamily residential use that is not a cottage housing
23 development, rowhouse development, or townhouse development.

1 4. "Artist's studio/dwelling" means a combination working studio and dwelling
2 unit for artists, consisting of a room or suite of rooms occupied by not more than one household.

3 5. "Assisted living facility" means a use licensed by The State of Washington as
4 a boarding home pursuant to RCW 18.20, that contains at least two assisted living units for
5 people who have either a need for assistance with activities of daily living (which are defined as
6 eating, toileting, ambulation, transfer [e.g., moving from bed to chair or chair to bath], and
7 bathing) or some form of cognitive impairment but who do not need the skilled critical care
8 provided by nursing homes. See "Assisted living unit."

9 6. "Carriage house" means a dwelling unit in a carriage house structure.

10 7. "Carriage house structure" means a structure within a cottage housing
11 development, in which one or more dwelling units are located on the story above an enclosed
12 parking garage at ground level that either abuts an alley and has vehicle access from that alley,
13 or is located on a corner lot and has access to the parking in the structure from a driveway that
14 abuts and runs parallel to the rear lot line of the lot. See also "Carriage house."

15 8. "Caretaker's quarters" means a use accessory to a non-residential use
16 consisting of a dwelling unit not exceeding 800 square feet of living area and occupied by a
17 caretaker or watchperson.

18 9. "Congregate residence" means a use in which rooms or lodging, with or
19 without meals, are provided for nine or more non-transient persons not constituting a single
20 household, excluding single-family dwelling units for which special or reasonable
21 accommodation has been granted.

22 10. "Cottage housing development" means a use consisting of cottages arranged
23 on at least two sides of a common open space or a common amenity area. A cottage housing

1 development may include a carriage house structure. See "Cottage," "Carriage house," and
2 "Carriage house structure."

3 11. "Detached accessory dwelling unit" means an accessory dwelling unit in an
4 accessory structure.

5 12. "Domestic violence shelter" means a dwelling unit managed by a nonprofit
6 organization, which unit provides housing at a confidential location and support services for
7 victims of domestic violence.

8 13. "Floating home" means a dwelling unit constructed on a float that is moored,
9 anchored, or otherwise secured in the water.

10 14. "Mobile home park" means a tract of land that is rented for the use of more
11 than one mobile home occupied as a dwelling unit.

12 15. "Multifamily residential use" means a use consisting of two or more dwelling
13 units in a structure or portion of a structure, excluding accessory dwelling units.

14 16. "Multifamily residential use, low-income disabled" means a multifamily
15 residential use in which at least 90 percent of the dwelling units are occupied by one or more
16 persons who have a handicap as defined in the Federal Fair Housing Amendments Act and who
17 constitute a low-income household.

18 17. "Multifamily residential use, low-income elderly" means a residential use in
19 which at least 90 percent of the dwelling units are occupied by one or more persons 62 or more
20 years of age who constitute a low-income household.

21 18. "Multifamily residential use, low-income elderly/low-income disabled"
22 means a multifamily residential use in which at least 90 percent of the dwelling units (not
23 including vacant units) are occupied by a low-income household that includes a person who has

1 a handicap as defined in the Federal Fair Housing Amendment Act or a person 62 years of age
2 or older, as long as the housing qualifies for exemptions from prohibitions against
3 discrimination against families with children and against age discrimination under all applicable
4 fair housing laws and ordinances.

5 19. "Nursing home" means a use licensed by The State of Washington as a
6 nursing home, which provides full-time convalescent and/or chronic care for individuals who,
7 by reason of chronic illness or infirmity, are unable to care for themselves, but that does not
8 provide care for the acutely ill or surgical or obstetrical services. This definition excludes
9 hospitals or sanitariums.

10 20. "Rowhouse development" means a multifamily residential use in which all
11 principal dwelling units on the lot meet the following conditions:

12 a. each dwelling unit occupies the space from the ground to the roof of
13 the structure in which it is located;

14 b. no portion of a dwelling unit, except for an accessory dwelling unit or
15 shared parking garage, occupies space above or below another dwelling unit;

16 c. each dwelling unit is attached along at least one common wall to at
17 least one other dwelling unit, with habitable interior space on both sides of the common wall, or
18 abuts another dwelling unit on a common lot line;

19 d. the front of each dwelling unit faces a street lot line;

20 e. each dwelling unit provides pedestrian access directly to the street that
21 it faces; and

22 f. no portion of any other dwelling unit, except for an attached accessory
23 dwelling unit, is located between any dwelling unit and the street faced by the front of that unit.

1 Section 4. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the _____ day of _____, 2016,
5 and signed by me in open session in authentication of its passage this ____ day of
6 _____, 2016.

7 _____
8 President _____ of the City Council

9 Approved by me this _____ day of _____, 2016.

10 _____
11 Edward B. Murray, Mayor

12 Filed by me this _____ day of _____, 2016.

13 _____
14 Monica Martinez Simmons, City Clerk

15 (Seal)