

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to land use and zoning, amending Sections 23.44.011, 23.44.014, 23.44.017, 23.44.020, 23.44.041, 23.45.545, 23.84A.002, 23.84A.032, 23.84A.038, and 23.86.007 of the Seattle Municipal Code to remove barriers to the creation of attached and detached accessory dwelling units and add a floor area ratio requirement in certain single-family zones.

..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, 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 700 detached accessory dwelling units have been
5 constructed, accounting for less than one percent of eligible single-family lots;

6 NOW, THEREFORE,

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

8 Section 1. Section 23.44.011 of the Seattle Municipal Code, enacted by Ordinance
9 125791, is amended as follows:

10 **23.44.011 Floor area in ((RSL)) single-family zones**

11 A. Gross floor area. In ((RSL)) single-family zones, gross floor area includes exterior
12 corridors, breezeways, and stairways that provide building circulation and access to dwelling
13 units or sleeping rooms. Balconies, patios, and decks that are associated with a single dwelling
14 unit or sleeping room and that are not used for common circulation, and ground-level walking
15 paths, are not considered gross floor area.

16 B. Floor area ratio (FAR) limits.

17 1. The FAR limit for single-family dwelling units in SF 5000, SF 7200, and
18 SF 9600 zones is 0.5, except that lots with less than 5,000 square feet of lot area can include up
19 to 2,500 square feet of total chargeable floor area. The applicable FAR limit applies to the total
20 chargeable floor area of all structures on the lot.

21 2. The FAR limit in RSL zones is 0.75. The applicable FAR limit applies to
22 the total chargeable floor area of all structures on the lot.

1 C. The following floor area is exempt from FAR limits:

2 1. All stories, or portions of stories, that are underground.

3 2. All portions of a story that extend no more than 4 feet above existing or
4 finished grade, whichever is lower, excluding access.

5 3. In SF 5000, SF 7200, and SF 9600 zones:

6 a. Any floor area contained in an accessory dwelling unit;

7 b. Either up to 500 additional square feet of floor area in any other
8 accessory structure that is not a detached accessory dwelling unit, or up to 250 square feet of
9 floor area in an attached garage.

10 ~~((3))~~ 4. ~~((Fifty))~~ In RSL zones, 50 percent of floor area contained in
11 structures built prior to January 1, 1982, as single-family dwelling units that will remain in
12 residential use, regardless of the number of dwelling units within the existing structure, provided
13 the exemption is limited to the gross square footage in the single-family dwelling unit as of
14 January 1, 1982.

15 D. In SF 5000, SF 7200, and SF 9600 zones additions to a single-family dwelling
16 unit existing on the effective date of the ordinance introduced as Council Bill 119544 may
17 exceed the FAR limit in subsection 23.44.011.B.1 if the addition adds floor area equal to or less
18 than 20 percent of the floor area that existed on the effective date of the ordinance introduced as
19 Council Bill 119544. Only one addition to any single-family dwelling unit may be exempted
20 under this subsection 23.44.011.D.

21 Section 2. Section 23.44.014 of the Seattle Municipal Code, last amended by Ordinance
22 125791, is amended as follows:

23 **23.44.014 Yards and separations**

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C. Exceptions from standard yard requirements. No structure shall be placed in a required yard except as follows:

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

2. Certain accessory structures in side and rear yards
a. Except for detached accessory dwelling units, any accessory structure that complies with the requirements of Section 23.44.040 may be constructed in a side yard that abuts the rear or side yard of another lot, or in that portion of the rear yard of a reversed corner lot within 5 feet of the key lot and not abutting the front yard of the key lot, upon recording with the King County Recorder’s Office an agreement to this effect between the owners of record of the abutting properties.

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

c. A detached accessory dwelling unit may be located in a rear yard subject to the requirements of subsection 23.44.041.C.

3. A principal residential structure or a detached accessory dwelling unit may extend into one side yard if an easement is provided along the side or rear lot line of the abutting lot, sufficient to leave a 10-foot separation between that structure and any principal structure or

1 detached accessory dwelling unit on the abutting lot. The 10-foot separation shall be measured
2 from the wall of the principal structure or the wall of the detached accessory dwelling unit that is
3 proposed to extend into a side yard to the wall of the principal structure or detached accessory
4 dwelling unit on the abutting lot.

5 a. No structure or portion of a structure may be built on either lot
6 within the 10-foot separation, except as provided in this Section 23.44.014.

7 b. Accessory structures, other than detached accessory dwelling units,
8 and features of and projections from principal structures, such as porches, eaves, and chimneys,
9 are permitted in the 10-foot separation area required by this subsection 23.44.014.C.3 if
10 otherwise allowed in side yards by this subsection 23.44.014.C. For purposes of calculating the
11 distance a structure or feature may project into the 10-foot separation, assume the property line is
12 5 feet from the wall of the principal structure proposed to extend into a side yard and consider
13 the 5 feet between the wall and the assumed property line to be the required side yard.

14 c. No portion of any structure, including any projection, shall cross
15 the property line.

16 d. The easement shall be recorded with the King County Recorder's
17 Office. The easement shall provide access for normal maintenance activities to the principal
18 structure on the lot with less than the required (~~5-foot~~) 5-foot side yard.

19 4. Certain additions. Certain additions to a single-family structure or a
20 detached accessory dwelling unit may extend into a required yard if the existing single-family
21 structure is already nonconforming with respect to that yard. The presently nonconforming
22 portion must be at least 60 percent of the total width of the respective facade of the structure
23 prior to the addition. The line formed by the existing nonconforming wall of the structure is the

1 limit to which any additions may be built, except as described in subsections 23.44.014.C.4.a
2 through 23.44.014.C.4.e. Additions may extend up to the height limit and may include basement
3 additions. New additions to the nonconforming wall or walls shall comply with the following
4 requirements (Exhibit A for 23.44.014):

5 a. Side yard. If the addition is a side wall, the existing wall line may
6 be continued by the addition except that in no case shall the addition be closer than 3 feet to the
7 side lot line;

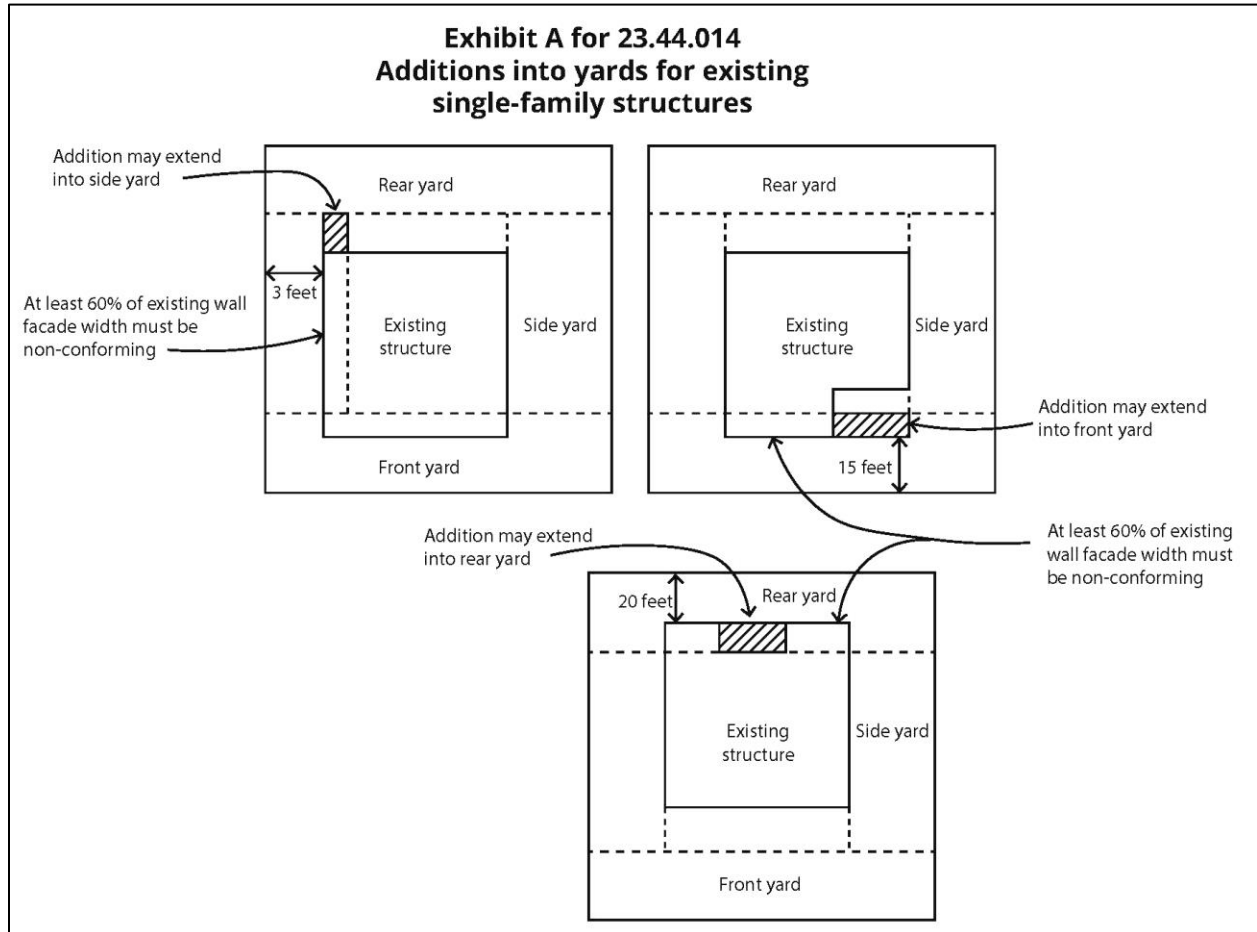
8 b. Rear yard. If the addition is a rear wall, the existing wall line may
9 be continued by the addition except that in no case shall the addition be closer than 20 feet to the
10 rear lot line or centerline of an alley abutting the rear lot line;

11 c. Front yard. If the addition is a front wall, the existing wall line may
12 be continued by the addition except that in no case shall the addition be closer than 15 feet to the
13 front lot line;

14 d. If the nonconforming wall of the single-family structure is not
15 parallel or is otherwise irregular, relative to the lot line, then the Director shall determine the
16 limit of the wall extension, except that the wall extension shall not be located closer than
17 specified in subsections 23.44.014.C.4.a, 23.44.014.C.4.b, and 23.44.014.C.4.c.

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

1 **Exhibit A for 23.44.014**
2 **Additions into yards for existing single-family structures**



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4 5. Uncovered porches or steps. Uncovered, unenclosed porches ((=)) or steps
5 may project into any required yard, if each component is no higher than 4 feet above existing
6 grade, no closer than 3 feet to any side lot line, and has no horizontal distance greater than 6 feet
7 within the required yard. For each entry to a principal structure, one uncovered, unenclosed
8 porch and/or associated steps are permitted in the required yards.

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

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

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

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

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

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

21 8. Access bridges. Uncovered, unenclosed access bridges are permitted as
22 follows:

1 a. Pedestrian bridges 5 feet or less in width, and of any height
2 necessary for access, are permitted in required yards, except that in side yards an access bridge
3 must be at least 3 feet from any side lot line.

4 b. A driveway access bridge is permitted in the required yard abutting
5 the street if necessary for access to parking. The vehicular access bridge shall be no wider than
6 12 feet for access to one parking space or 18 feet for access to two or more parking spaces and of
7 any height necessary for access. The driveway access bridge may not be located closer than 5
8 feet to an adjacent property line.

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

12 10. Freestanding structures and bulkheads

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

1 b. The Director may allow variation from the development standards
2 listed in subsection 23.44.014.C.10.a, according to the following:

3 1) No part of the structure may exceed 8 feet; and

4 2) Any portion of the structure above 6 feet shall be
5 predominately open, such that there is free circulation of light and air.

6 c. Bulkheads and retaining walls used to raise grade may be placed in
7 any required yard when limited to 6 feet in height, measured above existing grade. A guardrail
8 no higher than 42 inches may be placed on top of a bulkhead or retaining wall existing as of
9 February 20, 1982. If a fence is placed on top of a new bulkhead or retaining wall, the maximum
10 combined height is limited to 9 1/2 feet.

11 d. Bulkheads and retaining walls used to protect a cut into existing
12 grade may be placed in any required yard when limited to the minimum height necessary to
13 support the cut. If the bulkhead or retaining wall is measured from the low side and it exceeds 6
14 feet, an open guardrail of no more than 42 inches meeting Building Code requirements may be
15 placed on top of the bulkhead or retaining wall. If the bulkhead or retaining wall is 6 feet or less,
16 a fence may be placed on top up to a maximum combined height of 9.5 feet for both fence and
17 bulkhead or retaining wall.

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

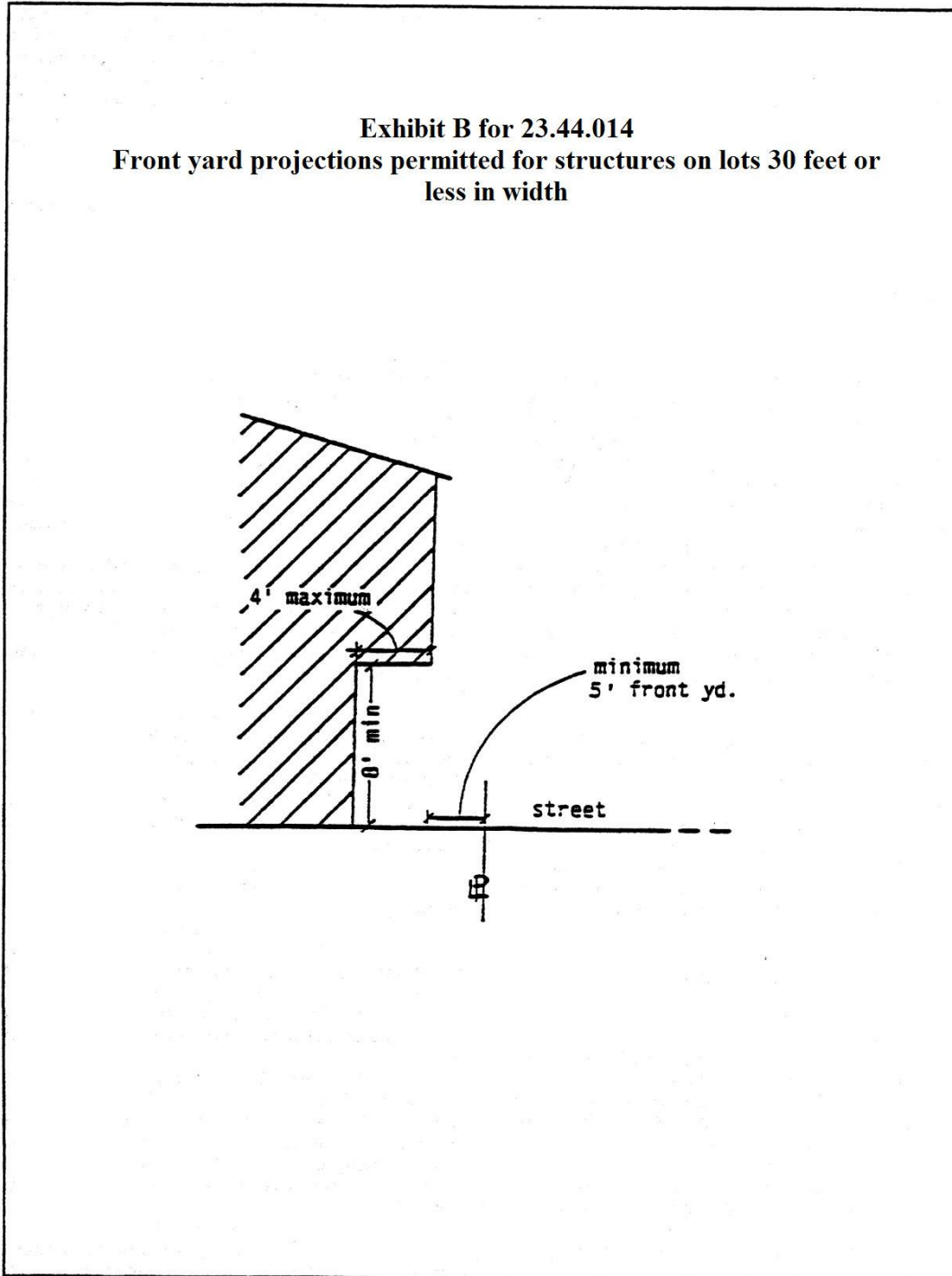
21 11. Decks in yards. Decks no higher than 18 inches above existing or finished
22 grade, whichever is lower, may extend into required yards.

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

6 13. Solar collectors. Solar collectors may be located in required yards, subject
7 to the provisions of Section 23.44.046.

8 14. Front yard projections for structures on lots 30 feet or less in width. For a
9 structure on a lot in an SF 5000, SF 7200, or SF 9600 zone that is 30 feet or less in width,
10 portions of the front facade that begin 8 feet or more above finished grade may project up to 4
11 feet into the required front yard, provided that no portion of the facade, including eaves and
12 gutters, shall be closer than 5 feet to the front lot line (Exhibit B for 23.44.014), and provided
13 further that no portion of the facade of an existing structure that is less than 8 feet or more above
14 finished grade already projects into the required front yard.

- 1 **Exhibit B for 23.44.014**
- 2 **Front yard projections permitted for structures on lots 30 feet or less in width**



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

4 16. Arbors. Arbors may be permitted in required yards under the following
5 conditions:

6 a. In any required yard, an arbor may be erected with no more than a
7 40-square-foot footprint, measured on a horizontal roof plane inclusive of eaves, to a maximum
8 height of 8 feet. Both the sides and the roof of the arbor shall be at least 50 percent open, or if
9 latticework is used, there shall be a minimum opening of 2 inches between crosspieces.

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

15 17. Stormwater management

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

18 1) Each above-grade GSI feature is less than 4.5 feet tall,
19 excluding piping;

20 2) Each above-grade GSI feature is less than 4 feet wide; and

21 3) The total storage capacity of all above-grade GSI features
22 is no greater than 600 gallons.

- 1 b. Above-grade GSI features larger than what is allowed in
2 subsection 23.44.014.C.17.a are allowed within a required yard if:
- 3 1) Above-grade GSI features do not exceed ten percent
4 coverage of any one yard area;
- 5 2) No portion of an above-grade GSI feature is located closer
6 than 3 feet from a side lot line;
- 7 3) No portion of an above-grade GSI feature is located closer
8 than 20 feet from a rear lot line or centerline of an alley abutting the rear lot line; and
- 9 4) No portion of an above-grade GSI feature is located closer
10 than 15 feet from the front lot line.

11 18. A structure may be permitted to extend into front and rear yards as
12 necessary to protect exceptional trees and trees over 2 feet in diameter pursuant to Section
13 25.11.060.

14 D. Additional standards for structures if allowed in required yards. Structures in
15 required yards shall comply with the following:

- 16 1. Accessory structures, attached garages, and portions of a principal
17 structure shall not exceed a maximum combined coverage of 40 percent of the required rear yard,
18 except that a detached accessory dwelling unit may cover an additional 20 percent of the rear
19 yard provided that the increased rear yard coverage does not require removal of any exceptional
20 trees or trees over 2 feet in diameter measured 4.5 feet above the ground. In the case of a rear
21 yard abutting an alley, rear yard coverage shall be calculated from the centerline of the alley.

1 1. Trees sufficient to meet the following requirements shall be provided
2 when single-family dwelling units are constructed:

3 a. For lots over 3,000 square feet, at least 2 caliper inches of tree per
4 1,000 square feet of lot area.

5 b. On lots that are 3,000 square feet or smaller, at least 3 caliper
6 inches of tree.

7 2. Trees sufficient to meet the following requirements shall be provided
8 when a new structure, or an addition to an existing structure, containing an accessory dwelling
9 unit is constructed:

10 a. For lots that do not contain the minimum number of caliper inches
11 of tree required by subsection 23.44.020.A.1 at the time a permit application is submitted for any
12 number of accessory dwelling units, at least 2 caliper inches of tree shall be planted;

13 b. For lots that contain the minimum number of caliper inches of tree
14 required by subsection 23.44.020.A.1 at the time a permit application is submitted for any
15 number of accessory dwelling units, no new trees are required.

16 ((2)) 3. The minimum number of caliper inches of tree required may be
17 met by preserving existing trees, planting new trees, or by a combination of preservation and
18 planting. The preservation or planting of trees in the right-of-way may be counted, provided that
19 they are approved by the Director of Transportation.

20 ((3)) 4. Submerged land shall not be included in calculating lot area for
21 purposes of either the tree preservation option or tree planting option.

22 ((4)) 5. Tree measurements. Trees planted to meet the requirements in this
23 subsection 23.44.020.A shall be at least 1.5 inches in diameter. The diameter of new trees shall

1 be measured (in caliper inches) 6 inches above the ground. Existing trees shall be measured 4.5
2 feet above the ground. When an existing tree is 3 to 10 inches in diameter, each 1 inch counts as
3 1 inch toward meeting the tree requirements in this subsection 23.44.020.A. When an existing
4 tree is more than 10 inches in diameter, each 1 inch of the tree that is over 10 inches shall count
5 as 3 inches toward meeting the tree requirement.

6 ((5)) 6. Tree preservation plans. If the tree preservation option is chosen, a
7 tree preservation plan must be submitted by a certified arborist and approved. Tree preservation
8 plans shall provide for protection of trees during construction according to standards
9 promulgated by the Director.

10 7. The owner of the subject lot shall ensure that the trees planted remain
11 healthy for at least five years after inspection by the City and be responsible for replacing any
12 trees that do not remain healthy after inspection by the City.

13 * * *

14 Section 5. Section 23.44.041 of the Seattle Municipal Code, last amended by Ordinance
15 125791, is amended as follows:

16 **23.44.041 Accessory dwelling units**

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

20 1. Number of accessory dwelling units allowed on a lot.

21 a. In an SF 5000, SF 7200, or SF 9600 zone, a lot with or proposed
22 for a principal single-family dwelling unit may have ((no more than one)) up to two accessory
23 dwelling units, provided that the following conditions are met:

1 4)) 3. Any number of related persons may occupy each unit (~~(in a single family~~
2 ~~dwelling unit)~~) on a lot with ((an)) one or more accessory dwelling units.~~((; provided that, if))~~ If
3 unrelated persons occupy ((either-)) any dwelling unit, the total number of persons occupying
4 ~~((both))~~ all dwelling units may not altogether exceed eight if there is none or one accessory
5 dwelling unit on the lot. If there are two accessory dwelling units on the lot, the total number of
6 unrelated persons occupying all units may not altogether exceed 12.

7 ~~((5.— All accessory dwelling units are required to meet the development~~
8 ~~standards in Table A for 23.44.041, unless modified in subsection 23.44.041.B:~~

| 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. ¹ 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. |
| b. Entrances | In SF 5000, SF 7200, and SF 9600 zones, 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: ¹ The 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. ² More 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.) | |

9 4. In an SF 5000, SF 7200, or SF 9600 zone, accessory dwelling units are
10 subject to the tree requirements in subsection 23.44.020.A.2.

11 ~~((6))~~ 5. ~~((Except on lots located within areas that are defined as either an~~
12 ~~urban center or urban village in the City's Comprehensive Plan, one off-street parking space is~~
13 ~~required for the accessory dwelling unit and may be provided as tandem parking with the parking~~
14 ~~space provided for the principal dwelling unit.))~~ No off-street parking is required for accessory

1 dwelling units. An existing required parking space may not be eliminated to accommodate an
2 accessory dwelling unit unless it is replaced elsewhere on the lot. ~~((Except for lots located in
3 either Map A for 23.54.015, University District Parking Impact Area, or Map B for 23.54.015,
4 Alki Area Parking Overlay, the Director may waive the off-street parking space requirement for
5 an accessory dwelling unit if:~~

6 a. ~~— The topography or location of existing principal or accessory
7 structures on the lot makes provision of an off-street parking space physically infeasible; or~~

8 b. ~~— The lot is located in a restricted parking zone (RPZ) and a current
9 parking study is submitted showing a utilization rate of less than 75 percent for on-street parking
10 within 400 feet of all property lines of the site.))~~

11 B. Attached accessory dwelling units. Attached accessory dwelling units are subject
12 to the following additional conditions:

13 1. The gross floor area of an attached accessory dwelling unit may not
14 exceed 1,000 square feet, excluding garage area, unless the portion of the structure in which the
15 attached accessory dwelling unit is located existed as of December 31, 2017.

16 2. In an SF 5000, SF 7200, or SF 9600 zone, only one entrance to the
17 structure may be located on each street-facing facade of the structure, unless multiple entrances
18 on the street-facing facade existed on January 1, 1993, or unless the Director determines that
19 topography, screening, or another design solution is effective in de-emphasizing the presence of
20 an additional entrance.

21 ~~((B))~~ C. ((Accessory)) Detached accessory dwelling units. ~~((; detached, additional
22 provisions. The Director may authorize a detached))~~ Detached accessory dwelling units are ((;

1 ~~and that unit may be used as a residence, only under the conditions set forth in subsection~~
 2 ~~23.44.041.A and~~) subject to the following additional conditions:

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

| Table ((B)) <u>A</u> for 23.44.041 Development standards for detached accessory dwelling units^{1,2} | |
|---|---|
| a. Minimum lot size | ((4,000)) <u>3,200</u> square feet |
| b. Minimum lot width | 25 feet |
| c. Minimum lot depth | 70 feet ³ ((2)) |
| d. Maximum lot coverage | ((The provisions of Section 23.44.010 apply.)) <u>Detached accessory dwelling units are subject to the requirements governing maximum lot coverage and lot coverage exceptions in subsections 23.44.010.C and 23.44.010.D.</u> |
| e. Maximum rear yard coverage | ((A detached)) <u>Detached accessory dwelling units, 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)) are subject to the requirements governing maximum rear yard coverage and lot coverage exceptions in subsections 23.44.014.D.</u> |
| f. Maximum ((gross floor area)) <u>size</u> | ((800)) <u>The gross floor area of a detached accessory dwelling unit may not exceed 1,000 square feet ((including)) excluding garage and storage areas, ((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)) <u>gross floor area below grade.</u></u> |
| g. Front yard | A detached accessory dwelling unit may not be located within the front yard required by subsection 23.44.014.B, except on a through lot pursuant to Section 23.40.030 or Section 23.40.035. ((and row i of this Table B for 23.44.041.)) |
| h. Minimum side yard | ((The provisions of subsection 23.44.014.C apply.⁷)) <u>A detached accessory dwelling unit may not be located within the side yard required by subsection 23.44.014.B except as provided in subsection 23.44.014.C.3 or 23.44.014.C.4.⁴</u> |
| 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, 5, 6} |

| Table ((B)) A for 23.44.041 Development standards for detached accessory dwelling units^{1,2} | | | | | |
|--|---|--|-----------------------|--|------------------|
| j. Location of entry | ((Entrances to detached accessory dwelling units may not be located on facades)) <u>If the entrance to a detached accessory dwelling unit is located on a facade facing ((the nearest)) a side lot line or ((the)) a 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 ^{7,8,9 ((6))} | Lot width (feet) | | | | |
| | Less than 30 | 30 ((or greater)) up to ((35)) <u>40</u> | ((Above 35 up to 40)) | ((Above))40 up to 50((⁶)) | 50 or greater |
| (1) Base structure height limit (in feet) ¹⁰ | ((12)) <u>14</u> | ((14)) <u>16</u> | ((15)) | ((16)) <u>18</u> | ((16)) <u>18</u> |
| (2) Height allowed for pitched roof above base structure height limit (in feet) | 3 | 7 | ((7)) | ((6)) <u>5</u> | 7 |
| (3) Height allowed for shed or butterfly roof above base structure height limit (in feet); see Exhibit A for 23.44.041 | 3 | 4 | ((4)) | 4 | 4 |
| l. Minimum separation from principal ((structure)) <u>single-family dwelling unit</u> | 5 feet | | | | |
| ((m. Number per lot | Only one detached accessory dwelling unit is allowed on a lot.)) | | | | |

Table ((B)) A for 23.44.041
Development standards for detached accessory dwelling units^{1,2}

Footnotes to Table ((B)) A for 23.44.041

¹ The Director may allow an exception to standards a through f ((~~g~~)) and h ((~~i~~, and ~~j~~)) through k pursuant to subsection ((23.44.041.B.3)) 23.44.041.C.2, for converting existing accessory structures to a detached accessory dwelling unit, including additions to an existing accessory structure.

² The Director may allow an exception to standards e, i, and j if the exception allows for the preservation of an exceptional tree or a tree over 2 feet in diameter measured 4.5 feet above the ground.

~~((2))³ For lots that do not meet the lot depth requirement ((~~g~~)) 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.~~

~~((³The exceptions from standard yard requirements in subsection 23.44.014.C.6.a shall also apply.))~~

⁴ External architectural details with no living area, such as chimneys, eaves, cornices, and columns, may project no closer than 3 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 the finished floor, have a maximum dimension of 6 feet in height and 8 feet in width, and project no closer than 3 feet from any lot line.

~~((4))⁵ 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.~~

~~((5))⁶ 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.~~

~~((6))⁷ Features such as chimneys, antennas, and flagpoles may extend up to 4 feet above the maximum allowed height.~~

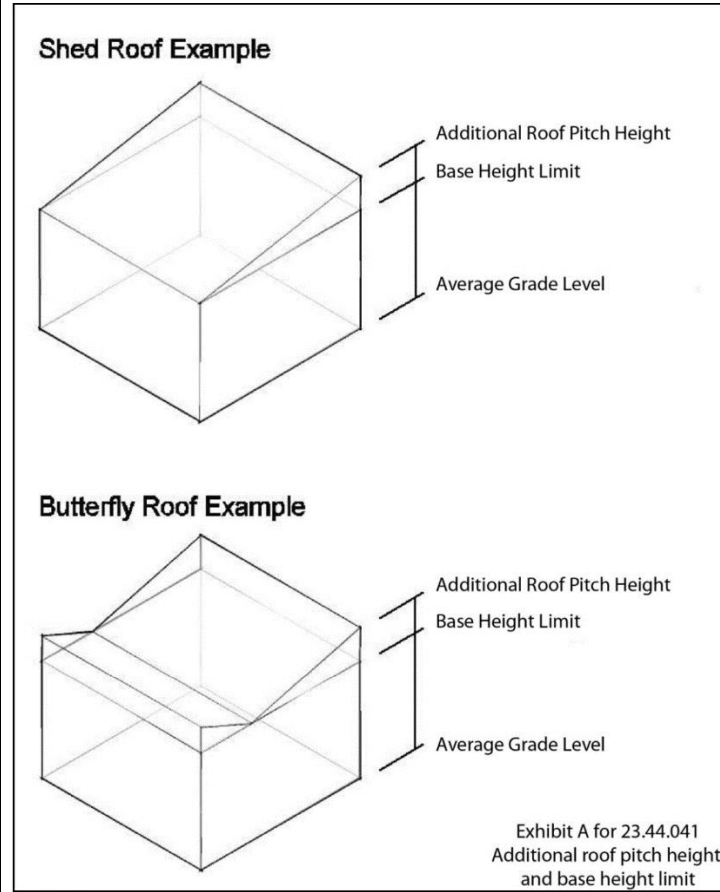
~~((⁷Detached accessory dwelling units on lots that have a width greater than 40 feet up to 50 feet may be built to the maximum height limit applicable in the column for lots greater than 50 feet when the detached accessory dwelling unit is located on a lot with a rear lot line that is adjacent to an alley.))~~

⁸ 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 if all of conditions of subsection 23.44.012.C.3 are satisfied.

⁹ Any structure with a green roof or other features necessary to meet a green building standard as defined by the Director by rule, may extend up to 2 feet above the maximum allowed height.

¹⁰ Open railings that accommodate roof decks may extend 4 feet above the base structure height limit.

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



3

1 2. Conversion of accessory structures. An existing accessory structure that is
2 not located in a required front yard, or that is located in a front yard where Section 23.40.030 or
3 23.40.035 applies, may be converted into a detached accessory dwelling unit if the structure
4 complies with the minimum standards set forth in Sections 22.206.010 through 22.206.140 of the
5 Housing and Building Maintenance Code and with the Seattle Residential Code, if work
6 requiring a permit is performed on the structure or has previously been performed without a
7 permit. ~~((The))~~ To allow the conversion of an existing accessory structure, the Director may
8 allow an exception to one or more of the development standards for accessory dwelling units
9 contained in ~~((subsection 23.44.041.A.5 and))~~ standards a through f, and h ~~((, i and j))~~ through k,
10 listed in Table ~~((B))~~ A for 23.44.041, provided the conversion does not increase the structure’s
11 nonconformity with the standard. ~~((and))~~ An existing accessory structure may be converted if the
12 applicant can demonstrate that the accessory structure ~~((was constructed))~~ existed prior to ~~((June~~
13 ~~1, 1999))~~ December 31, 2017, as an accessory structure. If an accessory structure ~~((constructed))~~
14 existing prior to ~~((June 1, 1999))~~ December 31, 2017, was replaced to the same configuration in
15 accordance with the standards of Section 23.42.112, then the replacement structure also qualifies
16 for conversion under this subsection 23.44.041.C.2. For purposes of this subsection
17 23.44.041.C.2, the term “conversion” means either keeping the accessory structure intact or
18 removing and rebuilding the accessory structure, provided that any expansion or relocation of the
19 accessory structure complies with the development standards for detached accessory dwelling
20 units.

21 ~~((C. — Owner occupancy~~

22 1. ~~— Requirement. An owner with at least a 50 percent interest in the property~~
23 ~~must occupy either the principal dwelling unit or the accessory dwelling unit for six or more~~

1 ~~months of each calendar year as the owner's permanent residence. The Director may waive this~~
2 ~~requirement for up to three years if a letter is submitted that provides evidence to the Director~~
3 ~~showing good cause why the requirement for owner occupancy should be waived. Good cause~~
4 ~~may include job dislocation, sabbatical leave, education, or illness.~~

5 2. ~~Violation. If an owner is unable or unwilling to fulfill the requirements of~~
6 ~~subsection 23.44.041.C.1, the owner shall remove those features of the accessory dwelling unit~~
7 ~~that make it a dwelling unit. Failure to do so will constitute a violation of this Title 23 and the~~
8 ~~owner will be subject to penalties pursuant to Sections 23.90.018, 23.90.019 and 23.90.020.~~

9 3. ~~Covenant recording. Prior to issuance of a permit establishing an~~
10 ~~accessory dwelling unit, the owner(s) shall sign under oath and record in the King County~~
11 ~~Recorder a covenant by the owner(s) to the City of Seattle stating that the owner(s) agree to~~
12 ~~restrict use of the principal and accessory dwelling units in compliance with the requirements of~~
13 ~~this subsection 23.44.041.C and notify all prospective purchasers of those requirements. Falsely~~
14 ~~certifying to the terms of the covenant or failure to comply with the terms of the covenant is~~
15 ~~subject to penalties pursuant to Sections 23.90.018, 23.90.019 and 23.90.020.~~

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

22 4. ~~Covenant release. At the request of a property owner and after an~~
23 ~~inspection finding that an accessory dwelling unit has been removed from the owner's property,~~

1 ~~the Department shall record a release of any previously recorded covenant for that accessory~~
2 ~~dwelling unit.))~~

3 D. Single-family status unaffected. A single-family lot with any number of accessory
4 dwelling units shall be considered a single-family (~~(residence))~~ dwelling unit for purposes of
5 rezone criteria (Section 23.34.011).

6 Section 6. Section 23.45.545 of the Seattle Municipal Code, last amended by Ordinance
7 125791, is amended as follows:

8 **23.45.545 Standards for certain accessory uses**

9 ***

10 I. In LR zones, accessory dwelling units are allowed(~~(:))~~) in single-family, rowhouse and
11 townhouse units, as follows:

12 1. One accessory dwelling unit is allowed for each single-family, rowhouse, or
13 townhouse unit that is a "principal unit."~~(:))~~ A "principal unit" is a dwelling unit that is not an
14 accessory dwelling unit.

15 2. ~~((The owner of a principal unit shall comply with the owner occupancy~~
16 ~~requirements of subsection 23.44.041.C.~~

17 ~~3.))~~2. The height limit for a detached accessory dwelling unit is 20 feet, except
18 that the ridge of a pitched roof on a detached accessory dwelling unit may extend up to 3 feet
19 above the 20-foot height limit. All parts of the roof above the height limit shall be pitched at a
20 rate of not less than 4:12. No portion of a shed roof is permitted to extend beyond the 20-foot
21 height limit.

22 ~~((4))~~3. The maximum gross floor area of an accessory dwelling unit is 650 square
23 feet, provided that the total gross floor area of the accessory dwelling unit does not exceed 40

1 percent of the total gross floor area in residential use on the lot or unit lot, if present, exclusive of
2 garages, storage sheds, and other non-habitable spaces.

3 ((5))4. An accessory dwelling unit shall be located completely within the same
4 structure as the principal unit or in an accessory structure located between the single-family,
5 rowhouse, or townhouse unit and the rear lot line.

6 ((6))5. The entrance to an accessory dwelling unit provided within the same
7 structure as the principal unit shall be provided through one of the following configurations:

- 8 a. Through the primary entry to the principal unit; or
9 b. Through a secondary entry on a different facade than the primary entry
10 to the principal unit; or
11 c. Through a secondary entry on the same facade as the primary entry to
12 the principal unit that is smaller and less visually prominent than the entry to the principal unit,
13 and does not have a prominent stoop, porch, portico or other entry feature.

14 ((7))6. Exterior stairs. Exterior stairs providing access to an accessory dwelling
15 unit may not exceed 4 feet in height, except for exterior stairs providing access to an accessory
16 dwelling unit located above a garage.

17 ((8))7. Parking. Parking is not required for an accessory dwelling unit.

18 ((9))8. In the Shoreline District, accessory dwelling units in single-family,
19 rowhouse, and townhouse units shall be as provided in Chapter 23.60A and where allowed in the
20 Shoreline District, they are also subject to the provisions in this subsection 23.45.545.I.

21 J. Urban farms are subject to the standards in Section 23.42.051 and the conditional use
22 requirement in subsection 23.45.504.C.8.

1 Section 7. Section 23.84A.002 of the Seattle Municipal Code, last amended by Ordinance
2 125791, is amended as follows:

3 **23.84A.002 “A”**

4 * * *

5 “Atrium, shopping.” See “Shopping atrium.”

6 “Attached accessory dwelling unit.” See “Residential use.”

7 “Automobile wrecking yard.” See “Solid waste management, Salvage yard,” under
8 “Utility.”

9 * * *

10 Section 8. Section 23.84A.032 of the Seattle Municipal Code, last amended by Ordinance
11 125603, is amended as follows:

12 **23.84A.032 “R”**

13 * * *

14 “Residential use” means any one or more of the following:

- 15 1. “Accessory dwelling unit” means one or more rooms that:
 - 16 a. ~~((are))~~ Are located within ~~((an owner occupied))~~ a principal single-
17 family dwelling unit ~~((;))~~ or within an accessory structure on the same lot as ~~((an owner-~~
18 ~~occupied))~~ a principal single-family dwelling unit;
 - 19 b. ~~((meet))~~ Meet the standards of Section 23.44.041, ~~((or))~~ Section
20 23.45.545, or Chapter 23.47A, as applicable;
 - 21 c. ~~((are))~~ Are designed, arranged, and intended to be occupied by not
22 more than one household as living accommodations independent from any other household; and
 - 23 d. ~~((are))~~ Are so occupied or vacant.

1 2. “Attached accessory dwelling unit” means an accessory dwelling unit that
2 is within a principal single-family dwelling unit.

3 ~~((2))~~ 3. “Adult family home” means an adult family home defined and
4 licensed as such by ~~((The))~~ the State of Washington in a dwelling unit.

5 ~~((3))~~ 4. “Apartment” means a multifamily residential use that is not a
6 cottage housing development, rowhouse development, or townhouse development.

7 ~~((4))~~ 5. “Artist’s studio/dwelling” means a combination working studio
8 and dwelling unit for artists, consisting of a room or suite of rooms occupied by not more than
9 one household.

10 ~~((5))~~ 6. “Assisted living facility” means a use licensed by ~~((The))~~ the State
11 of Washington as a boarding home pursuant to RCW Chapter 18.20, that contains at least two
12 assisted living units for people who have either a need for assistance with activities of daily
13 living (which are defined as eating, toileting, ambulation, transfer ~~((f))~~ (e.g., moving from bed to
14 chair or chair to bath), ~~((t))~~ and bathing) or some form of cognitive impairment but who do not
15 need the skilled critical care provided by nursing homes. See “Assisted living unit.”

16 ~~((6))~~ 7. “Carriage house” means a dwelling unit in a carriage house
17 structure.

18 ~~((7))~~ 8. “Carriage house structure” means a structure within a cottage
19 housing development, in which one or more dwelling units are located on the story above an
20 enclosed parking garage at ground level that either abuts an alley and has vehicle access from
21 that alley, or is located on a corner lot and has access to the parking in the structure from a
22 driveway that abuts and runs parallel to the rear lot line of the lot. See also “Carriage house.”

1 ~~((8))~~ 9. “Caretaker’s quarters” means a use accessory to a non-residential
2 use consisting of a dwelling unit not exceeding 800 square feet of living area and occupied by a
3 caretaker or watchperson.

4 ~~((9))~~ 10. “Congregate residence” means a use in which rooms or lodging,
5 with or without meals, are provided for nine or more non-transient persons not constituting a
6 single household, excluding single-family dwelling units for which special or reasonable
7 accommodation has been granted.

8 ~~((10))~~ 11. “Cottage housing development” means a use consisting of cottages
9 arranged on at least two sides of a common open space or a common amenity area. A cottage
10 housing development may include a carriage house structure. See “Cottage,” “Carriage house,”
11 and “Carriage house structure.”

12 ~~((11))~~ 12. “Detached accessory dwelling unit” means an accessory dwelling
13 unit in an accessory structure.

14 ~~((12))~~ 13. “Domestic violence shelter” means a dwelling unit managed by a
15 nonprofit organization, which unit provides housing at a confidential location and support
16 services for victims of domestic violence.

17 ~~((13))~~ 14. “Floating home” means a dwelling unit constructed on a float that
18 is moored, anchored, or otherwise secured in the water.

19 ~~((14))~~ 15. “Mobile home park” means a tract of land that is rented for the use
20 of more than one mobile home occupied as a dwelling unit.

21 ~~((15))~~ 16. “Multifamily residential use” means a use consisting of two or
22 more dwelling units in a structure or portion of a structure, excluding accessory dwelling units.

1 ~~((16))~~ 17. “Multifamily residential use, low-income disabled” means a
2 multifamily residential use in which at least 90 percent of the dwelling units are occupied by one
3 or more persons who have a handicap as defined in the Federal Fair Housing Amendments Act
4 and who constitute a low-income household.

5 ~~((17))~~ 18. “Multifamily residential use, low-income elderly” means a
6 residential use in which at least 90 percent of the dwelling units are occupied by one or more
7 persons 62 or more years of age who constitute a low-income household.

8 ~~((18))~~ 19. “Multifamily residential use, low-income elderly/low-income
9 disabled” means a multifamily residential use in which at least 90 percent of the dwelling units
10 (not including vacant units) are occupied by a low-income household that includes a person who
11 has a handicap as defined in the Federal Fair Housing Amendment Act or a person 62 years of
12 age or older, as long as the housing qualifies for exemptions from prohibitions against
13 discrimination against families with children and against age discrimination under all applicable
14 fair housing laws and ordinances.

15 ~~((19))~~ 20. “Nursing home” means a use licensed by The State of Washington
16 as a nursing home, which provides full-time convalescent and/or chronic care for individuals
17 who, by reason of chronic illness or infirmity, are unable to care for themselves, but that does not
18 provide care for the acutely ill or surgical or obstetrical services. This definition excludes
19 hospitals or sanitariums.

20 ~~((20))~~ 21. “Rowhouse development” means a multifamily residential use in
21 which all principal dwelling units on the lot meet the following conditions:

22 a. ~~((each))~~ Each dwelling unit occupies the space from the ground to
23 the roof of the structure in which it is located;

1 b. ~~((no))~~ No portion of a dwelling unit, except for an accessory
2 dwelling unit or shared parking garage, occupies space above or below another dwelling unit;

3 c. ~~((each))~~ Each dwelling unit is attached along at least one common
4 wall to at least one other dwelling unit, with habitable interior space on both sides of the
5 common wall, or abuts another dwelling unit on a common lot line;

6 d. ~~((the))~~ The front of each dwelling unit faces a street lot line;

7 e. ~~((each))~~ Each dwelling unit provides pedestrian access directly to
8 the street that it faces; and

9 f. ~~((no))~~ No portion of any other dwelling unit, except for an attached
10 accessory dwelling unit, is located between any dwelling unit and the street faced by the front of
11 that unit.

12 ~~((21))~~ 22. “Single-family dwelling unit” means a detached principal structure
13 having a permanent foundation, containing one dwelling unit, except that the structure may also
14 contain ~~((an))~~ one or two attached accessory dwelling units where expressly authorized pursuant
15 to this Title 23. A detached accessory dwelling unit is not considered a single-family dwelling
16 unit for purposes of this Chapter 23.84A.

17 ~~((22))~~ 23. “Townhouse development” means a multifamily residential use
18 that is not a rowhouse development, and in which:

19 a. ~~((each))~~ Each dwelling unit occupies space from the ground to the
20 roof of the structure in which it is located;

21 b. ~~((no))~~ No portion of a dwelling unit occupies space above or below
22 another dwelling unit, except for an attached accessory dwelling unit and except for dwelling
23 units constructed over a shared parking garage; and

1 C. A map that shows the location and dispersion of both attached and detached
2 accessory dwelling units, including the number and location of lots that have two ADUs; and

3 D. For each detached accessory dwelling unit permit issued, the report shall state the
4 height, gross floor area, total square footage of the lot where the detached accessory dwelling
5 unit is located, and total lot coverage of all structures on the lot.

6 E. Information on the number of short-term rental operator licenses issued by the
7 Department of Finance and Administration (FAS) that authorizes short-term rental use in an
8 ADU. In addition, the Council requests that SDCI works with FAS to develop this information
9 and identify recommendations, as appropriate, for modifications to the regulations governing
10 short-term rental use.

11 F. The number of ADU permits that have included the addition of new off-street
12 parking spaces. In addition, report on parking related impacts, if any, that have been identified by
13 the City that are a result of new ADUs in an area. This should include a recommendation on any
14 modifications the Council should consider to the off-street parking requirements for accessory
15 dwelling units, including geographic specific recommendations.

16 G. By July 1, 2022, SDCI and the Office of Planning & Community Development
17 (OPCD) shall conduct a voluntary survey of ADU owners and occupants to collect descriptive
18 statistics of owners and occupants of ADUs. This shall include information on the use, size,
19 financing, rent charged, ownership, design, and construction of ADUs built in Seattle, and
20 general demographic information of ADU owners and occupants. Any information collected
21 must be in compliance with applicable legal limitations. The OPCD and SDCI shall provide a
22 report to the Planning, Land Use and Zoning Committee, or its successor committee, on the

1 survey results. In addition, OPCD and SDCI shall report on challenges to constructing ADUs
2 identified through the survey results and recommend changes to address identified challenges.

3 Section 12. The Council requests that the Seattle Department of Construction and
4 Inspections develops a process to ensure that property owners are provided educational materials
5 at the time a permit to construct an accessory dwelling unit is issued about becoming a landlord,
6 including applicable state and local laws about landlords obligations and the rights of renters. In
7 addition, SDCI shall notify those property owners of available trainings for landlords.

8 Section 13. The Council requests that the Seattle Department of Construction and
9 Inspections (SDCI) develops an amnesty program for accessory dwelling units that were
10 constructed without permits. The program shall permit owners of accessory dwelling units
11 constructed without a permit to come forward during a certain time period and legalize their
12 units without penalty. SDCI shall develop standards that will not discourage owners from
13 seeking legalization of the units voluntarily, including identifying the potential for flexibility
14 from Land Use Code and Building Code standards that would simplify and reduce the cost of
15 legalizing these units while ensuring that the accessory dwelling units are safe and habitable.

16 Section 14. The Council requests that the Office of Housing reports to the Council by
17 September 1, 2020, on the outcomes and lessons learned from the pilot program that authorizes
18 loans to low-income homeowners who want to create additional habitable space on their property
19 or an accessory dwelling unit. In addition, OH shall provide recommendations on the potential
20 for expanding this program, or creating a new program, to offer financial support to any
21 homeowner who enter into an agreement to offer the ADU as a rent- and income-restricted unit.

1 Section 15. Sections 1 this ordinance shall take effect and be in force 180 days after its
2 approval by the Mayor, but if not approved and returned by the Mayor within ten days after
3 presentation, it shall take effect on March 1, 2020.

