AN ORDINANCE relating to land use and zoning, amending Sections 23.44.011, 23.44.014, 23.44.020, 23.44.041, 23.84A.002, 23.84A.032, and 23.86.007 of the Seattle Municipal Code to remove barriers to the creation of attached and detached accessory dwelling units.

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

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

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

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

3. In SF 5000, SF 7200, and SF 9600 zones, any floor area contained in an accessory dwelling unit.

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

D. In SF 5000, SF 7200, and SF 9600 zones, the maximum floor area ratio limit in subsection 23.44.011.B.1 does not apply to additions to single-family dwelling units existing on the effective date of the ordinance introduced as Council Bill ####### if the addition adds floor area equal to or less than 20 percent of the floor area that existed on the effective date of the ordinance introduced as Council Bill #######. Only one addition to any single-family dwelling unit may be exempted under this subsection 23.44.011.D.

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

23.44.014 Yards and separations

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Exhibit A for 23.44.014

Additions into yards for existing single-family structures

5. Uncovered porches or steps. Uncovered, unenclosed porches (\(\cdot\)) or steps may project into any required yard, if each component is no higher than 4 feet above existing grade, no closer than 3 feet to any side lot line, and has no horizontal distance greater than 6 feet within the required yard. For each entry to a principal structure, one uncovered, unenclosed porch and/or associated steps are permitted in the required yards.
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Decks and patios shall not exceed 12 feet. The roof over such decks or patios shall not be used as a deck.

8. Access bridges. Uncovered, unenclosed access bridges are permitted as follows:
   a. Pedestrian bridges 5 feet or less in width, and of any height necessary for access, are permitted in required yards, except that in side yards an access bridge must be at least 3 feet from any side lot line.
   b. A driveway access bridge is permitted in the required yard abutting the street if necessary for access to parking. The vehicular access bridge shall be no wider than 12 feet for access to one parking space or 18 feet for access to two or more parking spaces and of any height necessary for access. The driveway access bridge may not be located closer than 5 feet to an adjacent property line.


10. Freestanding structures and bulkheads
   a. Fences, freestanding walls, bulkheads, signs, and similar structures 6 feet or less in height above existing or finished grade, whichever is lower, may be erected in any required yard. The 6-foot height may be averaged along sloping grade for each 6-foot-long segment of the fence, but in no case may any portion of the fence exceed 8 feet. Architectural features may be added to the top of the fence or freestanding wall above the 6-foot height if the features comply with the following: horizontal architectural feature(s), no more than 10 inches...
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15. Front and rear yards may be reduced by 25 percent, but no more than 5 feet, if the site contains a required environmentally critical area buffer or other area of the property that cannot be disturbed pursuant to subsection 25.09.280.A.

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

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

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

17. Stormwater management

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

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

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

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

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

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

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

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

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

((4)) 5. Tree measurements. Trees planted to meet the requirements in this subsection 23.44.020.A shall be at least 1.5 inches in diameter. The diameter of new trees shall be measured (in caliper inches) 6 inches above the ground. Existing trees shall be measured 4.5 feet above the ground. When an existing tree is 3 to 10 inches in diameter, each 1 inch counts as 1 inch toward meeting the tree requirements in this subsection 23.44.020.A. When an existing tree is more than 10 inches in diameter, each 1 inch of the tree that is over 10 inches shall count as 3 inches toward meeting the tree requirement.
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((§)) 6. Tree preservation plans. If the tree preservation option is chosen, a tree preservation plan must be submitted by a certified arborist and approved. Tree preservation plans shall provide for protection of trees during construction according to standards promulgated by the Director.

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

Section 4. Section 23.44.041 of the Seattle Municipal Code, last amended by Ordinance 125791, is amended as follows:

23.44.041 Accessory dwelling units

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

1. Number of accessory dwelling units permitted on a lot

   a. In an SF 5000, SF 7200, or SF 9600 zone, a lot with or proposed for a principal single-family dwelling unit may have ((no more than)) one accessory dwelling unit; if owned by the same person or persons for 12 months prior to permit application, the lot may have up to two attached accessory dwelling units, or one attached and one detached accessory dwelling unit.

   b. In an RSL zone, each principal dwelling unit may have no more than one accessory dwelling unit.

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2. In the Shoreline District, accessory dwelling units shall be as provided in Chapter 23.60A; where allowed in the Shoreline District, they are also subject to the provisions in this Section 23.44.041.

((3. — The owner(s) of the lot shall comply with the owner occupancy requirements of subsection 23.44.041.C.

4) 3. Any number of related persons may occupy each unit (in) on a single-family dwelling unit zoned lot with (an) one or more accessory dwelling units; provided that, if there is only one accessory dwelling unit and unrelated persons occupy either unit, the total number of persons occupying both units may not altogether exceed eight. In an SF 5000, SF 7200, or SF 9600 zone, for lots meeting the requirements of subsection 23.44.041.A.1 to allow two accessory dwelling units, the total number of unrelated persons who may occupy the single-family zoned lot is increased to 12.

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

<table>
<thead>
<tr>
<th>Table A for 23.44.041</th>
<th>Development standards for all accessory dwelling units</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Maximum gross floor area</td>
<td>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.</td>
</tr>
<tr>
<td>b. Entrances</td>
<td>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.</td>
</tr>
</tbody>
</table>

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

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B. Attached accessory dwelling units. The Director may authorize an attached accessory dwelling unit subject to the following additional conditions:

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

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

((B)) C. Detached accessory dwelling units. The Director may authorize a detached accessory dwelling unit (and that unit may be used as a residence, only under the conditions set forth in subsection 23.44.041.A and) subject to the following additional conditions:

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

<table>
<thead>
<tr>
<th>Table ((B)) A for 23.44.041</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development standards for detached accessory dwelling units¹,²</td>
</tr>
<tr>
<td>a. Minimum lot size</td>
</tr>
<tr>
<td>b. Minimum lot width</td>
</tr>
<tr>
<td>c. Minimum lot depth</td>
</tr>
<tr>
<td>d. Maximum lot coverage</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Table ((B)) A for 23.44.041</th>
<th>Development standards for detached accessory dwelling units[^1,2]</th>
</tr>
</thead>
<tbody>
<tr>
<td>e. Maximum rear yard coverage</td>
<td>A detached accessory dwelling unit more than 15 feet in height, together with any other (accessory) structures ((and other portions of the principal structure)) located in the rear yard, is limited to a maximum combined rear yard 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: (1) rear yard coverage for all structures other than the detached accessory dwelling unit does not exceed 40 percent; and (2) the increased rear yard coverage does not require removal of any exceptional trees or trees over 2 feet in diameter measured 4.5 feet above the ground. For the purpose of this paragraph in the case of a rear yard abutting an alley, rear yard coverage shall be calculated by considering the rear yard to extend to the centerline of the alley.</td>
</tr>
<tr>
<td>f. Maximum ((gross floor area)) size</td>
<td>((800)) The gross floor area of a detached accessory dwelling unit may not exceed 1,000 square feet ((including) excluding garage and storage area, (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)) gross floor area that is below grade.</td>
</tr>
<tr>
<td>g. Front yard</td>
<td>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).</td>
</tr>
<tr>
<td>h. Minimum side yard</td>
<td>((The provisions of)) A detached accessory dwelling unit may not be located within the side yard required by subsection 23.44.014.B.1 ((apply)[^2])</td>
</tr>
<tr>
<td>i. Minimum rear yard</td>
<td>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. (([^4, 5, 6]))</td>
</tr>
<tr>
<td>j. Location of entry</td>
<td>((Entrances to detached accessory dwelling units may not be located on facades)) 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.</td>
</tr>
</tbody>
</table>
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2. Conversion of accessory structures. An existing accessory structure that is not located in a required front yard, or that is located in a front yard where Section 23.40.030 or 23.40.035 applies, may be converted into a detached accessory dwelling unit if the structure complies with the minimum standards set forth in Sections 22.206.010 through 22.206.140 of the Housing and Building Maintenance Code and with the Seattle Residential Code, if work requiring a permit is performed on the structure or has previously been performed without a permit. (The) To allow the conversion of an existing accessory structure, the Director may allow an exception to one or more of the development standards for accessory dwelling units contained in (subsection 23.44.041.A.5 and)) standards a through f, and h ((i and)) through j, listed in Table ((B)) A for 23.44.041, provided the conversion does not increase the structure’s nonconformity with the standard. ((and)) An existing accessory structure may be converted if the applicant can demonstrate that the accessory structure ((was constructed)) existed prior to June 1, 1999, as an accessory structure. If an accessory structure ((constructed)) existing prior to June 1, 1999, was replaced to the same configuration in accordance with the standards of Section 23.42.112, then the replacement structure also qualifies for conversion under this subsection 23.44.041.B.2. For purposes of this subsection 23.44.041.B.2, the term “conversion” means either keeping the accessory structure intact or removing and rebuilding the accessory structure, provided that any expansion or relocation of the accessory structure complies with the development standards for detached accessory dwelling units.

(C. Owner occupancy

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

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chair or chair to bath (which) and bathing) or some form of cognitive impairment but who do not need the skilled critical care provided by nursing homes. See “Assisted living unit.”

“Carriage house” means a dwelling unit in a carriage house structure.

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

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

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

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

“Detached accessory dwelling unit” means an accessory dwelling unit in an accessory structure.

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

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

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

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

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

* * *

Section 7. Section 23.86.007 of the Seattle Municipal Code, last amended by Ordinance 125791, is amended as follows:

23.86.007 Floor area and floor area ratio measurement

* * *

D. Pursuant to subsections 23.44.011.C, 23.45.510.D, and 23.47A.013.B, and Section 23.48.020, for certain structures in ((RSL)) single-family, multifamily, commercial, and

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Section 8. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the ______ day of ______________________, 2019, and signed by me in open session in authentication of its passage this ___ day of ______________________, 2019.

____________________________________
President ____________ of the City Council

Approved by me this ______ day of ______________________, 2019.

____________________________________
Jenny A. Durkan, Mayor

Filed by me this ______ day of ______________________, 2019.

____________________________________
Monica Martinez Simmons, City Clerk

(Seal)