DCLU

Director's Rule 7-83

Applicant	Page 1 of 3	Supersedes 35-78
CITY OF SEATTLE DEPARTMENT OF CONSTRUCTION AND LAND USE	Publication May 12, 1983	Effective June 20, 1983
	Code and Section Reference Land Use Ordinance 110381 Sec. 23.84	
Subject DETERMINING THE EXISTENCE OF A DWELLING UNIT FOR THE PURPOSE OF CODE ENFORCEMENT	Type of Ruling Code Interpretation	
	Ordinance Authority Ord. 110381, Sec. 23.88.1D	
Index ZONING/USE	Approved William J. Justen	Date 6-20-83

Section 23.84.08"D" of the Land Use Code (110381) defines a dwelling unit as follows:

Dwelling Unit

A room or rooms located within a structure, designed, arranged, occupied or intended to be occupied by not more than one family and permitted roomers or boarders, as living accomodations independent from any other family. The existence of a food preparation area within such room or rooms shall be evidence of the existence of a dwelling unit.

Section 23.84.12"F" of the Land Use Code (110381) defines family and food preparation area as follows:

Family

A non-profit housekeeping unit consisting of any number of related person, eight or fewer non-related, non-transient persons or eight or fewer related and non-related, non-transient persons other than fraternities, sororities, boarding houses or groups occupying a club. (Compare congregate housing, group home.)

Food Preparation Area

A room or portion of a room designed, arranged, intended or used for cooking or otherwise making food ready for consumption.

In enforcing the Land Use Code requirements for the addition of dwelling units, it is the intent of this ruling not to include a "wet bar" within the above definition of a "food preparation area." Upon investigating a potentially illegal dwelling unit, the inspector shall consider whether a "food preparation area" exists, evidencing the existence of a dwelling unit, or whether it is simply a "wet bar" which shall be allowable.

For the purposes of distinguishing between a "food preparation area" and a "wet bar", a "wet bar" shall be defined as follows:

Wet Bar

A bar facility located in a larger room used for the mixing and serving of beverages and previously prepared or packaged food items. A dwelling unit wet bar will not contain permanently installed appliances other than a refrigerator, and will not have a 208 or 220-volt appliance outlet or gas appliance outlets.

Existence of one and/or several of the following elements shall be considered evidence of the existence of more than one dwelling unit:

a. Separate electrical and/or gas meters.

b. Separate addresses.

c. Lockable interior doors that can exclude a portion of the dwelling unit from access to the entire dwelling unit.

d. Separate lockable entrance to rooms or areas which are separated from other rooms or areas by key locks or privacy locks. Privacy locks on bathrooms and bedrooms shall be allowed.

e. Number of door signalling devices.

f. Occupancy of the premises by more than one separate family, independent from any other family, and using any of the facilities listed herein.

g. Existence of rental agreements or leases for a portion of the permitted single family dwelling other than permitted "lodger" agreements.

h. Stacked identical floor plans or very similar plans with more than one food preparation area in a single family dwelling. Interior enclosed staircases in single units.

i. Relationship of one floor to the next and the ease of creating separate entrances.

j. Additional food preparation areas, including some combination of the following features: stove, refrigerator, kitchen cabinets, microwave oven, hotplate, sink, dishwasher.

   1. Size of Area - If the area is as large as the primary kitchen, it should not be considered a convenience food preparation area unless there is no other factor indicating that a separate dwelling unit exists or is intended.

2. Location of Area - If the convenience food preparation area is located in a recreation room, not in a separate room, it is generally assumed to be accessory. However, if the recreation room is located in an area which could be altered to be used as a separate dwelling unit, the food preparation area should not be permitted. It must not be in a separate room.

3. Name of Area - No matter what it is called (wet bar, refreshment area, or canning room), if it appears to be a food preparation area as indicated by the factors listed above, it shall not be permitted.

4. Even if there is no food preparation area, a dwelling unit might exist.

k. A separate water heater.

l. Additional heat source.

m. Additional complete bathroom facilities in a separable part of the structure.

n. Advertisements listing availability of a rental unit, or "for sale" advertisements describing a single family house with an additional unit or apartment.

Second range permits in single family dwellings will not be approved without field inspection by a Zoning inspector to ensure that such installation will not enable the creation of an unapproved dwelling unit.

ENFORCEMENT

When the field inspector finds an illegal housing unit, he/she will require all disallowed equipment to be removed. This shall include the removal of the 208 or 220-volt wiring back to the electric service panel, or severing it in a way to prevent resplicing the wiring, and the removal of gas lines if the disallowed equipment is a gas stove. Both the removal of the equipment and its gas or electric source shall be completed prior to certifying the structure as being in compliance.

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