

DPD

Director's Rule 28-2006

Applicant: City of Seattle Department of Planning and Development	Page 1 of 3	Supersedes: 10-95
	Publication: 9/11/06	Effective:
Subject: Attached vs. Detached as applied to Accessory Structures and Accessory Uses	Code and Section Reference: Land Use Code Title 23	
	Type of Rule: Code Interpretation	
	Ordinance Authority: SMC 3.06.040	
Index: Land Use Code	Approved	Date
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BACKGROUND

A distinction is made in the use and development standards of The Land Use Code between detached accessory structures and portions of principal structures. For example, provisions allowing portions of principal structures to extend into required yards in the Single Family zones are much more limited than provisions governing detached accessory structures.

In addition, activities and uses, such as certain home occupations, are not permitted in detached accessory structures. These accessory uses are allowed only if clearly incidental to the use of the property. Bed and breakfast home occupations can only be located in the principal structure. Other home occupations are allowed in the principal structure and a detached accessory dwelling unit (DADU) if conducted by the resident of

the DADU, but not in any other accessory structure. The intent of these provisions is to limit the size and impact of the uses on neighboring properties and to preserve the residential character of the property.

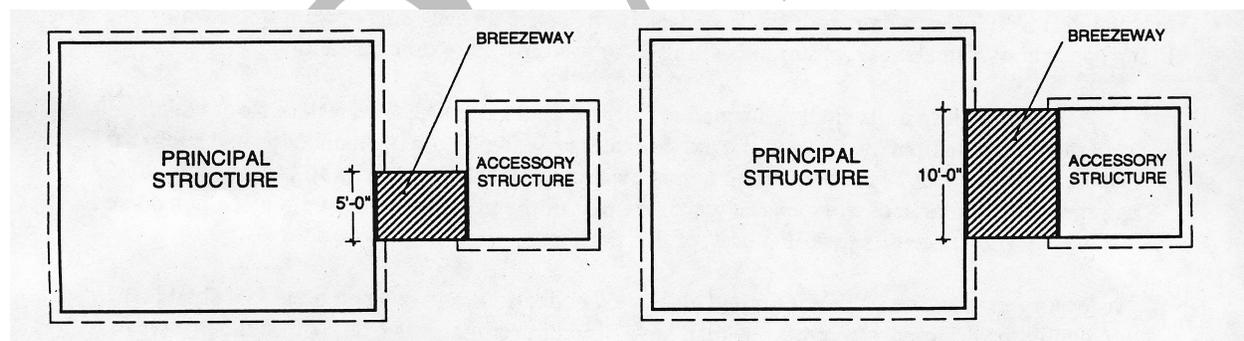
Therefore, it is necessary to clearly define the *physical circumstances* that are considered attachment for the purposes of regulating both **accessory structures** and **accessory uses**.

RULE

1. When an **accessory structure** is located in a required yard or setback, the following applies:

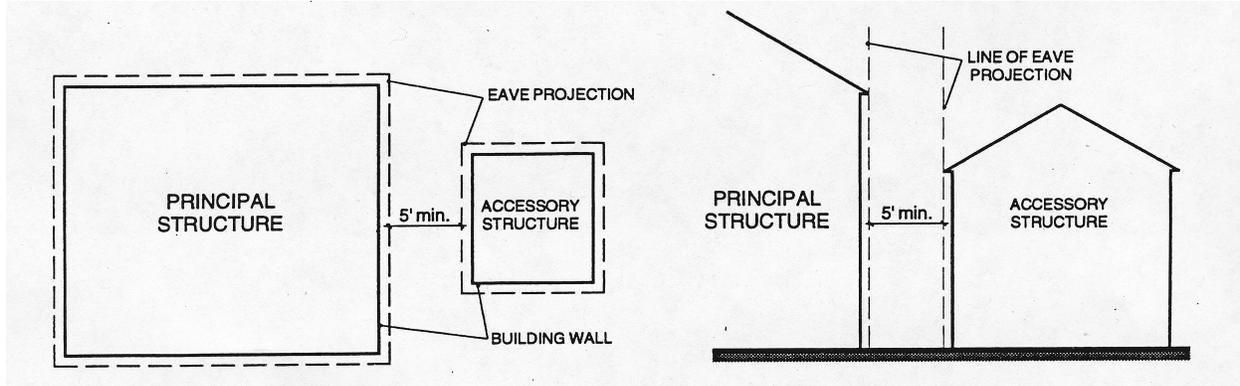
a) An accessory structure is *detached* from a principal structure if it is not physically connected to that other structure. Connection of two otherwise separate structures by a minor attachment does not render these structures attached. Examples of minor attachments include, but are not limited to, decks 18" or less above grade, arbors and fences, and similar open unenclosed structures. Breezeways open on both sides along the length of the pedestrian pathway between structures and no wider than 5'-0" also are considered minor attachments. The length of the breezeway, considered to be the distance the breezeway extends between the principal and accessory structures, is not limited provided all other applicable development standards are met.

See examples below.



b) Accessory structures connected by more than a minor attachment are considered part of the principal structure and are subject to the development standards for a principal structure. For example, if a breezeway is wider than 5'-0", it is not a minor attachment and attaches the two structures.

See examples on next page.



c) The required "separation" between principal structures and accessory structures (located in required yards or setbacks) is determined by measuring the projected horizontal distance from the closest feature on the principal structure (e.g. eaves) to the closest feature on the accessory structure. Minor attachments, described in item "a" above, may be located in the required separation and do not render the structures attached. See diagram below.

d) Existing detached accessory structures located in required yards or setbacks that do not meet the required separation standard for the zone are considered legally nonconforming, provided they were built under permit or complied with applicable development standards at the time they were built. Existing accessory structures located in required yards or setbacks that are connected to principal structures by open, unenclosed attachments that are more substantial than the minor attachments described in item "1a" above are considered part of the principle structure and are prohibited from expanding, extending or enclosing in any way that increases the nonconformity.

2. When an **accessory use** is required to be located in the principal structure, the portion of structure where the accessory use is located must be physically connected by a building component that has usable interior living space on both sides, such as living space on each side of a common wall, or living space above and below a common ceiling/floor system. See examples below.

a) When an accessory dwelling unit is located in a principal structure, the wall or floor that separates the principal dwelling unit from the accessory dwelling unit must be located such that usable interior space of each dwelling unit is located on each side of the wall or floor. Enclosed garages and similar accessory spaces that are part of the principal structure may be considered usable interior space of a dwelling unit for this purpose.

b) Certain accessory uses such as bed and breakfast uses must be located in the principal structure and have direct interior access from within the principal dwelling unit.