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CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

1
2
3
4 ..title

5 AN ORDINANCE relating to land use and zoning, amending Sections 23.44.011, 23.44.014,
6 23.44.020, 23.44.041, 23.84A.002, 23.84A.032, and 23.86.007 of the Seattle Municipal
7 Code to remove barriers to the creation of attached and detached accessory dwelling
8 units.

9 ..body

10 WHEREAS, the City Council adopted Resolution 31547 in September 2014, directing the

11 Department of Planning and Development to explore policy changes that would increase
12 the production of attached accessory dwelling units and detached accessory dwelling
13 units, including regulatory changes, incentives, marketing, and promotion; and

14 WHEREAS, the Housing Affordability and Livability Agenda (HALA) Advisory Committee

15 made recommendations in July 2015 to the Mayor and City Council, including
16 Recommendation SF.1a to remove code barriers to accessory dwelling units and
17 backyard cottages by removing the parking requirement, removing the owner-occupancy
18 requirement, allowing a single lot to have both an attached and detached accessory
19 dwelling unit, and making minor modifications to existing development standards for
20 detached accessory dwelling units; and

21 WHEREAS, the City Council adopted Resolution 31609 in September 2015, declaring its intent

22 to consider strategies to increase the availability of affordable housing in Seattle,
23 outlining an overarching policy framework and timeline for the Mayor's HALA
24 recommendations, and establishing the Council Work Plan for HALA Recommendations,

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1 which included Strategy (h) to remove barriers to the development of detached and
2 attached accessory dwelling units; and

3 WHEREAS, attached accessory dwelling units have been allowed on single-family lots since
4 1994, and detached accessory dwelling units have been allowed on single-family lots
5 since 2010, subject to certain development standards; and

6 WHEREAS, since 2010 only approximately 600 detached accessory dwelling units have been
7 constructed, accounting for less than one percent of eligible single-family lots;

8 NOW, THEREFORE,

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

10 Section 1. Section 23.44.011 of the Seattle Municipal Code, enacted by Ordinance
11 125791, is amended as follows:

12 **23.44.011 Floor area in ((RSL)) single-family zones**

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

18 B. Floor area ratio (FAR) limits.

19 1. The FAR limit in SF 5000, SF 7200, and SF 9600 zones is 0.5 or 2,500 sq.
20 ft. of gross floor area, whichever is greater. The applicable FAR limit applies to the total
21 chargeable floor area of all structures on the lot.

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

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

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

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

9 ((3)) 4. ((Fifty)) In RSL zones, 50 percent of floor area contained in
10 structures built prior to January 1, 1982, as single-family dwelling units that will remain in
11 residential use, regardless of the number of dwelling units within the existing structure, provided
12 the exemption is limited to the gross square footage in the single-family dwelling unit as of
13 January 1, 1982.

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

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

22 **23.44.014 Yards and separations**

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

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

6 2. Certain accessory structures in side and rear yards

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

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

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

21 3. A principal residential structure or a detached accessory dwelling unit may
22 extend into one side yard if an easement is provided along the side or rear lot line of the abutting

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

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

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

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

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

20 4. Certain additions. Certain additions to a single-family structure may
21 extend into a required yard if the existing single-family structure is already nonconforming with
22 respect to that yard. The presently nonconforming portion must be at least 60 percent of the total

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1 width of the respective facade of the structure prior to the addition. The line formed by the
2 existing nonconforming wall of the structure is the limit to which any additions may be built,
3 except as described in subsections 23.44.014.C.4.a through 23.44.014.C.4.e. Additions may
4 extend up to the height limit and may include basement additions. New additions to the
5 nonconforming wall or walls shall comply with the following requirements (Exhibit A for
6 23.44.014):

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

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

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

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

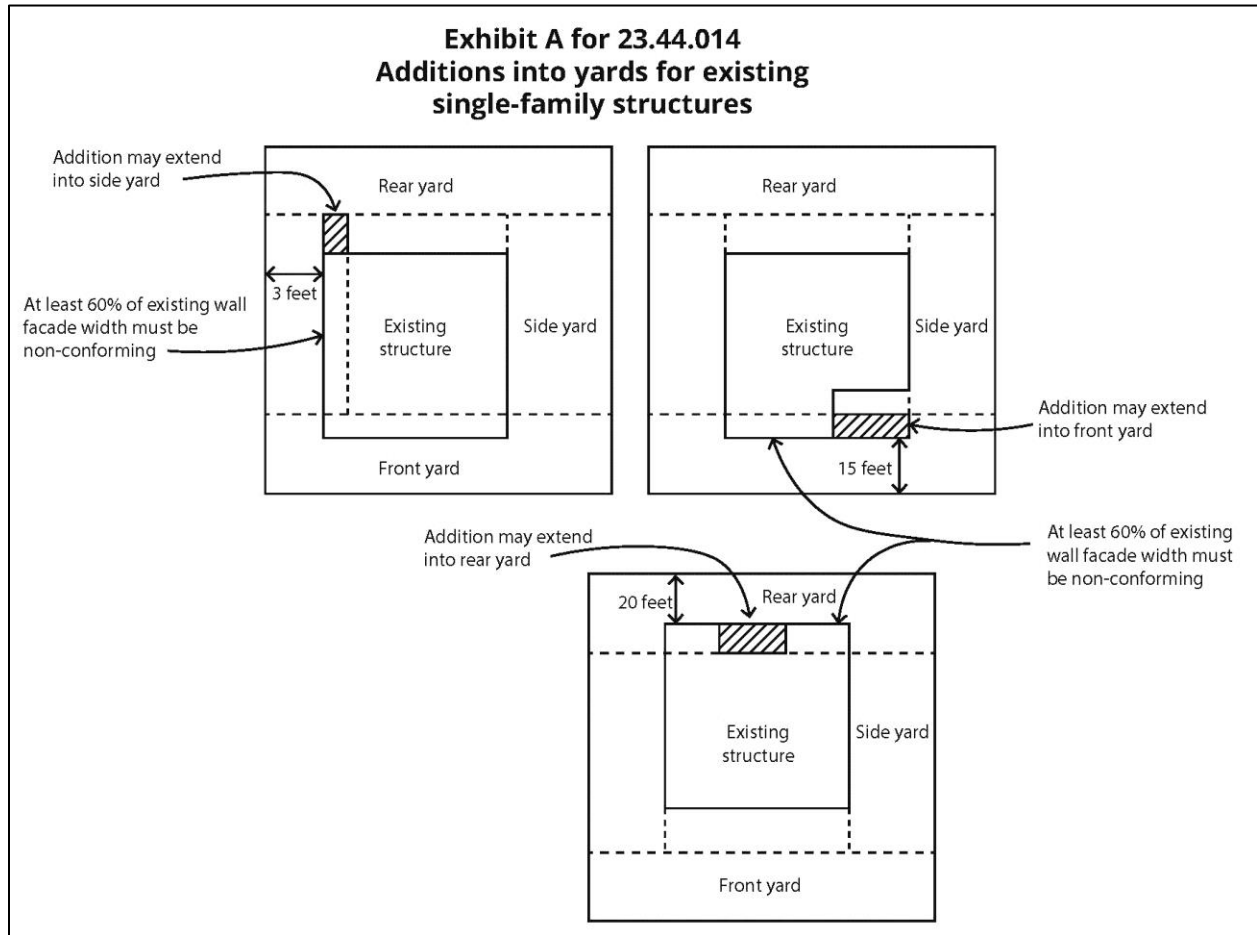
20 e. Roof eaves, gutters, and chimneys on such additions may extend
21 an additional 18 inches into a required yard, but in no case shall such features be closer than 2
22 feet to the side lot line.

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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 (($\frac{7}{}$)) 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.

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1 6. Certain features of a structure. Unless otherwise provided elsewhere in
2 this 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
5 chimneys, eaves, cornices, and columns, may project no more than 18 inches into any required
6 yard;

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

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

13 d. The combined area of features permitted by subsections
14 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
15 facade.

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

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1 decks and patios shall not exceed 12 feet. The roof over such decks or patios shall not be used as
2 a deck.

3 8. Access bridges. Uncovered, unenclosed access bridges are permitted as
4 follows:

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

8 b. A driveway access bridge is permitted in the required yard abutting
9 the street if necessary for access to parking. The vehicular access bridge shall be no wider than
10 12 feet for access to one parking space or 18 feet for access to two or more parking spaces and of
11 any height necessary for access. The driveway access bridge may not be located closer than 5
12 feet to an adjacent property line.

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

16 10. Freestanding structures and bulkheads
17 a. Fences, freestanding walls, bulkheads, signs, and similar structures
18 6 feet or less in height above existing or finished grade, whichever is lower, may be erected in
19 any required yard. The 6-foot height may be averaged along sloping grade for each 6-foot-long
20 segment of the fence, but in no case may any portion of the fence exceed 8 feet. Architectural
21 features may be added to the top of the fence or freestanding wall above the 6-foot height if the
22 features comply with the following: horizontal architectural feature(s), no more than 10 inches

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1 high, and separated by a minimum of 6 inches of open area, measured vertically from the top of
2 the fence, are permitted if the overall height of all parts of the structure, including post caps, is
3 no more than 8 feet. Averaging the 8-foot height is not permitted. Structural supports for the
4 horizontal architectural feature(s) may be spaced no closer than 3 feet on center.

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

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

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

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

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

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

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

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

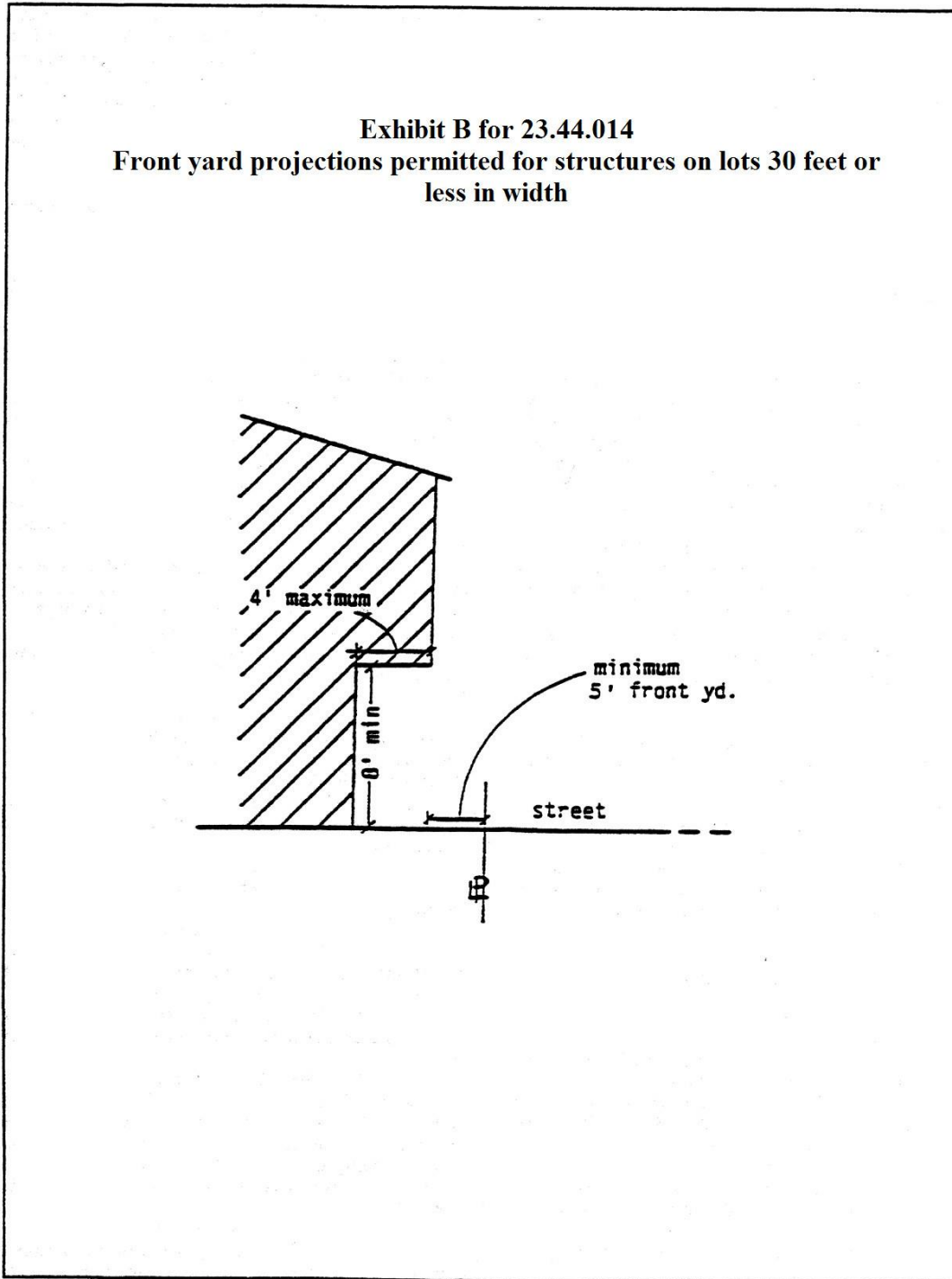
13 14. Front yard projections for structures on lots 30 feet or less in width. For a
14 structure on a lot in an SF 5000, SF 7200, or SF 9600 zone that is 30 feet or less in width,
15 portions of the front facade that begin 8 feet or more above finished grade may project up to 4
16 feet into the required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

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- 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.

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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~~) Except as provided for detached accessory dwelling units
17 pursuant to subsection 23.44.041.B, structures, attached garages, and portions of a principal
18 structure shall not exceed a maximum combined coverage of 40 percent of the required rear yard.
19 In the case of a rear yard abutting an alley, rear yard coverage shall be calculated from the
20 centerline of the alley.

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

4 3. Except for detached accessory dwelling units, ~~((in subsection~~
5 ~~23.44.041.B,))~~ any accessory structure located in a required yard shall meet both the following
6 standards:

- 7 a. A maximum height of 12 feet; and
- 8 b. A maximum size of 1,000 square feet in area.

9 4. Any detached accessory dwelling unit located in a required yard is subject
10 to the requirements of subsection 23.44.041.B.

11 * * *

12 Section 3. Section 23.44.020 of the Seattle Municipal Code, enacted by Ordinance
13 125791, is amended as follows:

14 **23.44.020 Tree requirements**

- 15 A. Tree requirements in SF 5000, SF 7200, and SF 9600 zones
 - 16 1. Trees sufficient to meet the following requirements shall be provided
17 when single-family dwelling units are constructed:
 - 18 a. For lots over 3,000 square feet, at least 2 caliper inches of tree per
19 1,000 square feet of lot area.
 - 20 b. On lots that are 3,000 square feet or smaller, at least 3 caliper
21 inches of tree.

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

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

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

10 ~~((2))~~ 3. The minimum number of caliper inches of tree required may be
11 met by preserving existing trees, planting new trees, or by a combination of preservation and
12 planting. The preservation or planting of trees in the right-of-way may be counted, provided that
13 they are approved by the Director of Transportation.

14 ~~((3))~~ 4. Submerged land shall not be included in calculating lot area for
15 purposes of either the tree preservation option or tree planting option.

16 ~~((4))~~ 5. Tree measurements. Trees planted to meet the requirements in this
17 subsection 23.44.020.A shall be at least 1.5 inches in diameter. The diameter of new trees shall
18 be measured (in caliper inches) 6 inches above the ground. Existing trees shall be measured 4.5
19 feet above the ground. When an existing tree is 3 to 10 inches in diameter, each 1 inch counts as
20 1 inch toward meeting the tree requirements in this subsection 23.44.020.A. When an existing
21 tree is more than 10 inches in diameter, each 1 inch of the tree that is over 10 inches shall count
22 as 3 inches toward meeting the tree requirement.

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1 ~~(5)~~ 6. Tree preservation plans. If the tree preservation option is chosen, a
2 tree preservation plan must be submitted by a certified arborist and approved. Tree preservation
3 plans shall provide for protection of trees during construction according to standards
4 promulgated by the Director.

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

9 Section 4. Section 23.44.041 of the Seattle Municipal Code, last amended by Ordinance
10 125791, is amended as follows:

11 **23.44.041 Accessory dwelling units**

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

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

21 b. In an RSL zone, each principal dwelling unit may have no more
22 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 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:

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

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Table A for 23.44.041
Development standards for all accessory dwelling units

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.))

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

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

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

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

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

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

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

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

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

Table ((B)) A 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> |

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Table ((B)) A for 23.44.041

Development standards for detached accessory dwelling units^{1,2}

| | |
|---|---|
| <p>e. Maximum rear yard coverage</p> | <p>A detached accessory dwelling unit <u>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.</u></p> |
| <p>f. Maximum ((gross floor area)) size</p> | <p>((800)) <u>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.</u></p> |
| <p>g. Front yard</p> | <p>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.))</p> |
| <p>h. Minimum side yard</p> | <p>((The provisions of)) <u>A detached accessory dwelling unit may not be located within the side yard required by subsection 23.44.014.B.⁴ ((apply.³))</u></p> |
| <p>i. Minimum rear yard</p> | <p>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}</p> |
| <p>j. Location of entry</p> | <p>((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></p> |

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

| k. Maximum height limits ^{7,8,9 ((6))} | Lot width (feet) | | | | |
|--|--|--|-----------------------|-------------------------------------|------------------|
| | Less than 30 | 30 ((or greater)) up to ((35)) <u>50</u> | ((Above 35 up to 40)) | ((Above 40 up to 50 ⁶)) | 50 or greater |
| (1) Base structure height limit (in 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 (in feet) | 3 | 7 | ((7)) | ((6)) | 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.)) | | | | |

Footnotes to Table ((B)) A for 23.44.041

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

² The Director may allow an exception to standards e, h, 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 ((;)) 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.

((³ The 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 3.5 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 the finished floor, have a maximum dimension of 6 feet in height and 8 feet in width, and project no closer than 3.5 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.

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Table ((B)) A for 23.44.041

Development standards for detached accessory dwelling units^{1,2}

⁽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.

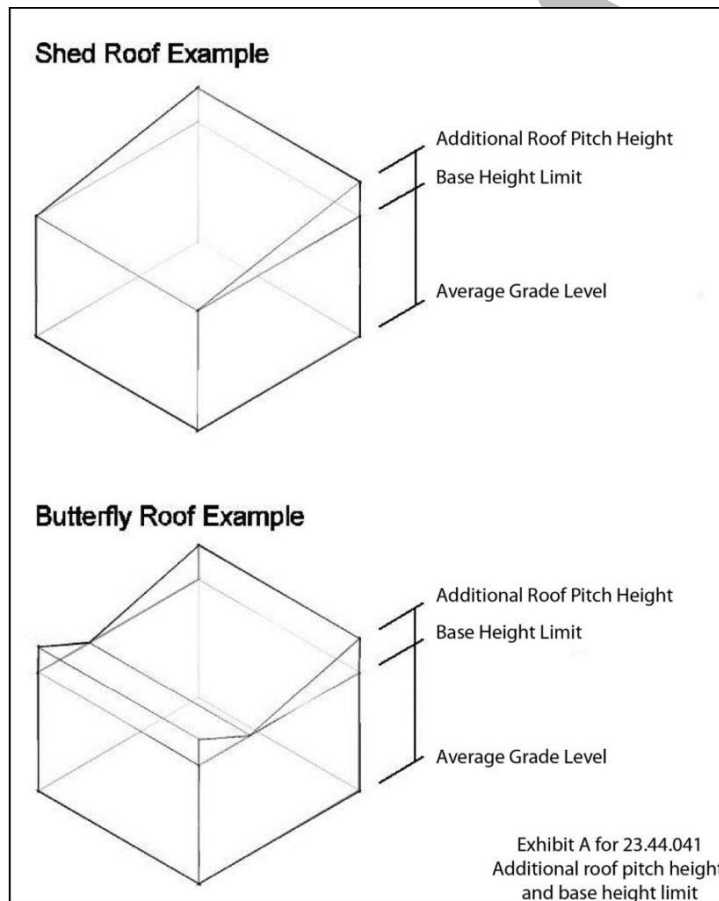
⁽⁷⁾ ~~Detached accessory dwelling units on lots that have a width greater than 40 feet up to 50 feet may be built to the maximum height limit applicable in the column for lots greater than 50 feet when the detached accessory dwelling unit is located on a lot with a rear lot line that is adjacent to an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

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.

1 **Exhibit A for 23.44.041**

2 **Additional roof pitch height and base height limit**



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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))~~ through j,
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 1,
13 1999, as an accessory structure. If an accessory structure ~~((constructed))~~ existing prior to June 1,
14 1999, was replaced to the same configuration in accordance with the standards of Section
15 23.42.112, then the replacement structure also qualifies for conversion under this subsection
16 23.44.041.B.2. For purposes of this subsection 23.44.041.B.2, the term "conversion" means
17 either keeping the accessory structure intact or removing and rebuilding the accessory structure,
18 provided that any expansion or relocation of the accessory structure complies with the
19 development standards for detached accessory dwelling units.

20 ~~((C. — Owner occupancy~~

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

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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.~~

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1 4. ~~Covenant release. At the request of a property owner and after an~~
2 ~~inspection finding that an accessory dwelling unit has been removed from the owner's property,~~
3 ~~the Department shall record a release of any previously recorded covenant for that accessory~~
4 ~~dwelling unit.)~~)

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

8 Section 5. Section 23.84A.002 of the Seattle Municipal Code, last amended by Ordinance
9 125791, is amended as follows:

10 **23.84A.002 “A”**

11 * * *

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

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

14 “Automobile wrecking yard.” See “Solid waste management, Salvage yard,” under
15 “Utility.”

16 * * *

17 Section 6. Section 23.84A.032 of the Seattle Municipal Code, last amended by Ordinance
18 125603, is amended as follows:

19 **23.84A.032 “R”**

20 * * *

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

- 22 1. “Accessory dwelling unit” means one or more rooms that:

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1 a. ~~((are))~~ Are located within ~~((an owner-occupied))~~ a principal single-
2 family dwelling unit ~~((r))~~ or within an accessory structure on the same lot as ~~((an owner-
3 occupied))~~ a principal single-family dwelling unit;

4 b. ~~((meet))~~ Meet the standards of Section 23.44.041, ~~((or))~~ Section
5 23.45.545, or Chapter 23.47A, as applicable;

6 c. ~~((are))~~ Are designed, arranged, and intended to be occupied by not
7 more than one household as living accommodations independent from any other household; and

8 d. ~~((are))~~ Are so occupied or vacant.

9 2. “Attached accessory dwelling unit” means an accessory dwelling unit that
10 is within or attached to a principal single-family dwelling unit.

11 ~~((2))~~ 3. “Adult family home” means an adult family home defined and
12 licensed as such by ~~((The))~~ the State of Washington in a dwelling unit.

13 ~~((3))~~ 4. “Apartment” means a multifamily residential use that is not a
14 cottage housing development, rowhouse development, or townhouse development.

15 ~~((4))~~ 5. “Artist’s studio/dwelling” means a combination working studio
16 and dwelling unit for artists, consisting of a room or suite of rooms occupied by not more than
17 one household.

18 ~~((5))~~ 6. “Assisted living facility” means a use licensed by ~~((The))~~ the State
19 of Washington as a boarding home pursuant to RCW Chapter 18.20, that contains at least two
20 assisted living units for people who have either a need for assistance with activities of daily
21 living (which are defined as eating, toileting, ambulation, transfer ~~((f))~~ (e.g., moving from bed to

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1 chair or chair to bath), ((7)) and bathing) or some form of cognitive impairment but who do not
2 need the skilled critical care provided by nursing homes. See “Assisted living unit.”

3 ((6)) 7. “Carriage house” means a dwelling unit in a carriage house
4 structure.

5 ((7)) 8. “Carriage house structure” means a structure within a cottage
6 housing development, in which one or more dwelling units are located on the story above an
7 enclosed parking garage at ground level that either abuts an alley and has vehicle access from
8 that alley, or is located on a corner lot and has access to the parking in the structure from a
9 driveway that abuts and runs parallel to the rear lot line of the lot. See also “Carriage house.”

10 ((8)) 9. “Caretaker’s quarters” means a use accessory to a non-residential
11 use consisting of a dwelling unit not exceeding 800 square feet of living area and occupied by a
12 caretaker or watchperson.

13 ((9)) 10. “Congregate residence” means a use in which rooms or lodging,
14 with or without meals, are provided for nine or more non-transient persons not constituting a
15 single household, excluding single-family dwelling units for which special or reasonable
16 accommodation has been granted.

17 ((10)) 11. “Cottage housing development” means a use consisting of cottages
18 arranged on at least two sides of a common open space or a common amenity area. A cottage
19 housing development may include a carriage house structure. See “Cottage,” “Carriage house,”
20 and “Carriage house structure.”

21 ((11)) 12. “Detached accessory dwelling unit” means an accessory dwelling
22 unit in an accessory structure.

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1 ((12)) 13. “Domestic violence shelter” means a dwelling unit managed by a
2 nonprofit organization, which unit provides housing at a confidential location and support
3 services for victims of domestic violence.

4 ((13)) 14. “Floating home” means a dwelling unit constructed on a float that
5 is moored, anchored, or otherwise secured in the water.

6 ((14)) 15. “Mobile home park” means a tract of land that is rented for the use
7 of more than one mobile home occupied as a dwelling unit.

8 ((15)) 16. “Multifamily residential use” means a use consisting of two or
9 more dwelling units in a structure or portion of a structure, excluding accessory dwelling units.

10 ((16)) 17. “Multifamily residential use, low-income disabled” means a
11 multifamily residential use in which at least 90 percent of the dwelling units are occupied by one
12 or more persons who have a handicap as defined in the Federal Fair Housing Amendments Act
13 and who constitute a low-income household.

14 ((17)) 18. “Multifamily residential use, low-income elderly” means a
15 residential use in which at least 90 percent of the dwelling units are occupied by one or more
16 persons 62 or more years of age who constitute a low-income household.

17 ((18)) 19. “Multifamily residential use, low-income elderly/low-income
18 disabled” means a multifamily residential use in which at least 90 percent of the dwelling units
19 (not including vacant units) are occupied by a low-income household that includes a person who
20 has a handicap as defined in the Federal Fair Housing Amendment Act or a person 62 years of
21 age or older, as long as the housing qualifies for exemptions from prohibitions against

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1 discrimination against families with children and against age discrimination under all applicable
2 fair housing laws and ordinances.

3 ~~((19))~~ 20. “Nursing home” means a use licensed by The State of Washington
4 as a nursing home, which provides full-time convalescent and/or chronic care for individuals
5 who, by reason of chronic illness or infirmity, are unable to care for themselves, but that does not
6 provide care for the acutely ill or surgical or obstetrical services. This definition excludes
7 hospitals or sanitariums.

8 ~~((20))~~ 21. “Rowhouse development” means a multifamily residential use in
9 which all principal dwelling units on the lot meet the following conditions:

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

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

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

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

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

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

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1 ~~((21))~~ 22. “Single-family dwelling unit” means a detached structure having a
2 permanent foundation, containing one dwelling unit, except that the structure may also contain
3 ~~((an))~~ one or two attached accessory dwelling units where expressly authorized pursuant to this
4 Title 23. A detached accessory dwelling unit is not considered a single-family dwelling unit for
5 purposes of this Chapter 23.84A.

6 ~~((22))~~ 23. “Townhouse development” means a multifamily residential use
7 that is not a rowhouse development, and in which:

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

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

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

16 * * *

17 Section 7. Section 23.86.007 of the Seattle Municipal Code, last amended by Ordinance
18 125791, is amended as follows:

19 **23.86.007 Floor area and floor area ratio measurement**

20 * * *

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

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1 Seattle Mixed zones, portions of a story that extend no more than 4 feet above existing or
2 finished grade, whichever is lower, are exempt from calculation of gross floor area. The exempt
3 gross floor area of such partially below-grade stories is measured as follows:

4 1. Determine the elevation 4 feet below the ceiling of the partially below-
5 grade story, or 4 feet below the roof surface if there is no next floor above the partially below-
6 grade story;

7 2. Determine the points along the exterior wall of the story where the
8 elevation determined in subsection 23.86.007.D.1 ~~((above))~~ intersects the abutting corresponding
9 existing or finished grade elevation, whichever is lower;

10 3. Draw a straight line across the story connecting the two points on the
11 exterior walls; and

12 4. The gross floor area of the partially below-grade story or portion of a
13 partially below-grade story is the area of the story that is at or below the straight line drawn in
14 subsection 23.86.007.D.3, excluding openings required by the Building Code for egress. (See
15 Exhibit B for 23.86.007.)

16 * * *

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1 Section 8. 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 _____, 2019,
5 and signed by me in open session in authentication of its passage this _____ day of
6 _____, 2019.

7 _____
8 President _____ of the City Council

9 Approved by me this _____ day of _____, 2019.

10 _____
11 Jenny A. Durkan, Mayor

12 Filed by me this _____ day of _____, 2019.

13 _____
14 Monica Martinez Simmons, City Clerk

15 (Seal)

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