

ORDINANCE No. 118472

*oversight*

COUNCIL BILL No. 111592

INDEXED

The City of Seattle - Legislative

ORDINANCE  
AN ORDINANCE relating to land use and zoning; amending Sections 22.901E.010, 22.901P.040, 23.44.025, 23.45.005, 23.47.004, 23.76.032, 23.84.008, 23.85.028, 23.90.006 and 23.90.019 of the Seattle Municipal Code (SMC), and adding a new Section 23.44.041 to the SMC, amending the regulations for accessory dwelling units and the permit fees related thereto

REPORT OF COMMITTEE

Honorable President:

Your Committee on \_\_\_\_\_

to which was referred the within Council Bill No. \_\_\_\_\_  
report that we have considered the same and respectfully recommend that

1/21/97 Parks, Public Grounds and Recreation

1-21-97 Held one week motion

Full Council vote 7-1 cho  
Abstain - 1 pod

COMPTROLLER FILE No. \_\_\_\_\_

Introduced: DEC 16 1996	By: DONALDSON
Referred: DEC 16 1996	To: PARKS, PUBLIC GROUNDS AND RECREATION COMMITTEE
Referred:	To:
Referred:	To:
Reported: JAN 2 7 1997	Second Reading: JAN 27 1997
Third Reading: JAN 27 1997	Signed: JAN 27 1997
Presented to Mayor: JAN 29 1997	Approved: FEB - 4 1997
Returned to City Clerk: FEB - 5 1997	Published: <u>18 pp.</u>
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

Committee Chair

DS5047

*NO DISC*

*oversight*

INDEXED

# The City of Seattle--Legislative Department

Date Reported  
and Adopted

## REPORT OF COMMITTEE

Honorable President:

Your Committee on \_\_\_\_\_

to which was referred \_\_\_\_\_ within Council Bill No. \_\_\_\_\_  
report that we have considered the same and respectfully recommend that the same:

*1/3/97 Parks, Public Grounds and Recreation 1-1  
Divided*

*1-21-97 Held one week motion by Donaldson.*

*Full Council vote 7-1 change  
Abstain - 1 Podlowski*

\_\_\_\_\_  
Committee Chair

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01E.010.  
1628.23.90.006  
on 23.44.041 to  
purposes related

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ORDINANCE 118472

AN ORDINANCE relating to land use and zoning; amending Sections 22.901E.010, 22.901P.040, 23.44.025, 23.45.005, 23.47.004, 23.76.032, 23.84.008, 23.84.028, 23.90.006 and 23.90.019 of the Seattle Municipal Code (SMC), and adding a new Section 23.44.041 to the SMC, amending the regulations for accessory dwelling units and the permit fees related thereto.

WHEREAS, the City of Seattle adopted accessory dwelling unit legislation in response to the State Housing Policy Act on July 11, 1994, and the regulations went into effect on December 1, 1994; and

WHEREAS, in a continued attempt to: provide opportunities to more efficiently use the existing housing stock, allow for the development of a range of housing types to meet the diverse housing needs of its citizens at prices that are affordable; provide a simple and inexpensive permitting process; and to assure the development of accessory dwelling units does not cause unanticipated impacts on the character of single family zones, the City of Seattle seeks to revise the accessory dwelling unit requirements for parking, notice, owner-occupancy, maximum size, penalties and other provisions; NOW THEREFORE

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

**Section 1.** The subsection of Section 22.901E.010 entitled "Table 6, Land Use Fees", of the Seattle Municipal Code, as last amended by Ordinance 118398, is amended as follows:

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**Table 6  
LAND USE AND ZONING FEES**

Type	Minimum Review Fee	Hourly Fee <sup>1</sup>	Zoning Review Fee (See Chap. 22.901C for explanation of DFI)
<b>MASTER USE PERMIT APPROVALS</b>			
1. Administrative conditional uses (ACUs)	\$1,430	None	21% of DFI
2. Design review <sup>2</sup>	\$1,430	None	21% of DFI
3. Environmental reviews (SEPA) <sup>3</sup> (including projects with more than one addressed site)			
a. DNSs, mitigated DNSs, other lead agency project review	\$1,430	\$125 per hour	21% of DFI
b. Dss and EISs	\$1,900	\$125 per hour in excess of 8 hours of review (40 hour deposit)	21% of DFI
c. EIS addenda/SEIS	\$1,430	\$125 per hour (10-hour deposit)	21% of DFI
d. EIS prepared by consultant	None	In addition to fees above, the contract amounts plus administration charge equal to 3.5% of total EIS contract amount including EIS addenda and SEIS work.	N/A
e. PEIS Latecomers fees	Reserved	Reserved	Reserved
4. General Development Plan	\$1,430	\$125 per hour	21% of DFI
5. Lot boundary adjustment	\$625	None	\$110
6. Plan shoreline permit	See Council approvals	See Council approvals	See Council approvals
7. Public benefit feature review	\$250	\$125 per hour in excess of 1 hour of review	\$125 per hour
8. Shoreline permits			
a. Substantial development permits	\$1,430	\$125 per hour	21% of DFI
b. Variances <sup>5</sup> and conditional uses	\$1,430	\$125 per hour	21% of DFI
c. Revisions (not due to required conditions)	\$250	\$125 per hour in excess of 1 hour of review	\$125 per hour
9. Short subdivisions	\$1,430	\$125 per hour	\$110 per lot

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11.	Special accommodation	None	None	\$250
12.	Special exceptions	\$1,430	\$125 per hour	21% of DFI
13.	Structural building overhangs and areaways	\$1,430	\$125 per hour	None
14.	Temporary uses			
	a. Temporary use permit for relocation of police and fire protection	None	None	21% of DFI
	b. Temporary use permit for more than 4 weeks	\$1,430	\$125 per hour	21% of DFI
15.	Variances <sup>5</sup>	\$1,430	None	None
<b>COUNCIL AND HEARING EXAMINER APPROVALS</b>				
1.	Concept approvals (e.g., planned community/residential development, public projects, City facilities, plan shoreline developments, other general development plans)	\$1,430	\$125 per hour	21% of DFI
2.	Council conditional uses	\$1,430	\$125 per hour	21% of DFI
3.	Full subdivisions <sup>7</sup>	\$1,430	\$125 per hour	\$110 per lot
4.	Major Institution			
	a. Master Plans	\$1,900	\$125 per hour in excess of 8 hours of review (40 hour deposit)	21% of DFI
	b. Designation	\$1,430	\$125 per hour	21% of DFI
5.	Zoning map changes and rezones	\$1,430	\$125 per hour	21% of DFI
<b>MISCELLANEOUS REVIEWS, RESEARCH, &amp; SERVICES</b>				
1.	Accessory dwelling unit notification fee	<del>\$(150)</del> \$0	None	N/A
2.	Certificate of land use	\$110	None	N/A
3.	Certificate of Occupancy Inspection	(Reserved)	(Reserved)	(Reserved)
4.	Concurrency	(Reserved)		
5.	Curbcuts <sup>8</sup>	\$65.00 each commercial, \$26.00 each residential	None	N/A
6.	Development potential analysis	\$500.00	\$125 per hour in excess of 4 hours of review	N/A
7.	Establishing Use for the Record	\$190	None	N/A
8.	House barge license	\$330	None	N/A
9.	House barge license renewal		None	N/A
10.	Interpretations <sup>9</sup>			
	a. Interpretations	\$660	None	N/A

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10.	Interpretations <sup>9</sup>			
a.	Interpretations	\$660	None	N/A
b.	Interpretations requested after publication of Director's report	\$880	None	N/A
c.	Major Institution Master Plan	\$250	\$125 per hour in excess of 2 hours of review	N/A
11.	Legal building site letters	\$375	None	N/A
12.	Liquor License Review	\$50	None	N/A
13.	Major institution -- review of annual plan	\$1,300 per year	N/A	N/A
14.	Neighborhood planning	(Reserved)		
15.	Notice (additional) <sup>10</sup>			
a.	Land use information bulletin	\$65	N/A	N/A
b.	Reposting large sign or placards	\$125	N/A	N/A
c.	Mailed notice	\$250	N/A	N/A
16.	Open space remainder lots and surplus state property	\$625	None	\$110
17.	Preapplication conference <sup>11</sup>	\$100		None
18.	Rebuild letters	\$250	None	N/A
19.	Records research	\$125	Hourly \$125 per hour in excess of 1 hour of research	N/A
20.	Renewals including shoreline renewals	\$190	\$125 per hour in excess of 1-1/2 hours of review	\$125 per hour
21.	Revisions other than shoreline revisions	\$250	\$125 per hour in excess of 2 hours of review	\$125 per hour
22.	School development advisory committee reviews	\$1,430 <sup>12</sup>	\$125 per hour	21% of DFI
23.	Soils analyses with M U P. (for projects not located in Environmentally Critical Areas)			
	Projects with EISs	\$500	None	None
	All others	\$250	None	None

Notes to Table 6:

- The hourly fee will be charged for hours in excess of the review hours covered by the minimum review fee except when an application includes both a land use component with an hourly fee and either an administrative conditional use, design review, or variance component. In that case, the hourly fee will be charged for all hours spent on the hourly component.
- Design review shall be collected as follows: 50% upon application for predesign process and 50% upon master use permit application.

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3. A flat fee of Four Hundred Thirty Dollars (\$430) shall be assessed by DCLU for Determinations of Non-Significance (DNSs) and Mitigated Determinations of Non-Significance (MDNSs) for projects that include City of Seattle landmarks and projects located within a special review or landmark district. No hourly fees shall be assessed for these types of approvals.
4. The minimum review fee covers administrative costs and the first one (1) hour of review.
5. A fee for one (1) variance shall be charged for all variances associated with a project.
6. Includes short subdivisions in Environmentally Critical Areas.
7. Includes full subdivisions in Environmentally Critical Areas.
8. Curbscut fees are charged only when a separate curbscut permit is applied for, not when the curbscut is part of a development permit application.
9. The fees for interpretations of SMC Chapters 25.12, 25.16, 25.20, 25.22, and 25.24 shall be collected by the Director of the Department of Neighborhoods.
10. Additional notice may be given in circumstances including but not limited to the following: inaccurate large signs, new component reviews added subsequent to the original notice, revised decisions, and changes to the scope of the project.
11. To be paid no later than the time of the conference. This fee shall be applied towards the permit application fee if an application for a permit is made within six (6) months of the date of the preapplication conference and if the project is identified by address at the time of the preapplication conference.
12. The minimum review fee covers administrative and public notice costs and the first eight (8) hours of review.

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1 Section 2. Section 22.901P 040 of the Seattle Municipal Code, which was adopted  
2 by Ordinance 117405, is amended as follows:

3  
4 **22.901P.040 Accessory dwelling unit fees.**

5  
6 A. New Units: The fee for a new accessory dwelling unit shall be calculated  
7 according to Tables 3 and 4, with the minimum fee of One Hundred Forty Dollars (\$140.00).

8  
9 B. Existing Units: The application fee to legalize an existing accessory dwelling  
10 unit shall be Three Hundred Ninety Dollars (\$390.00) (~~Two Hundred Fifty Dollars~~  
11 ~~(\$250.00))~~). A plan review fee calculated according to Tables 3 and 4 shall be charged for  
12 projects where additional plans are required for ordinance and structural review.

13 C. A notification fee of (~~One Hundred Fifty~~) Fifty dollars (\$50) (~~(\$150.00))~~)  
14 shall be assessed for all approved accessory dwelling units.

15  
16 D. The fee for review of parking waiver(~~(s)~~) surveys shall be charged at the rate  
17 of (~~(two (2) times the Base Fee)~~) One Hundred and Ten Dollars (\$110).

18 *two (2) times the Base Fee*  
19 Section 3. Section 23.44.025 of the Seattle Municipal Code (SMC) is hereby  
20 amended and renumbered to Section 23.44.041 to read as follows:

21  
22 **23.44.0(~~25~~)41 Accessory dwelling units.**

23  
24 Accessory dwelling units may be permitted subject to the standards in subsection A  
25 (~~below~~) until two thousand five hundred (2,500) applications for new (not for legalization  
26 of existing) accessory dwelling units are filed. If, prior to the occurrence of the foregoing  
27 condition, applications are filed for accessory dwelling units which would cause the  
28 concentration of single-family structures with new accessory dwelling units to exceed  
29 twenty percent (20%) of all single-family structures in single-family zones in any one  
30 census tract or in an area formed by a circle with a radius of one thousand feet (1,000') from  
31 the point at which three (3) or more census tracts meet, no further applications may be  
32 accepted for accessory dwelling units in such census tract or area. The Master Use Permit  
33 process set forth in Chapter 23.76 shall be followed to authorize these uses.

34  
35 A. The Director may authorize an accessory dwelling unit if the Director finds  
36 that the unit meets the following development and use standards:

37  
38 1. A single-family dwelling may have no more than one (1) accessory  
39 dwelling unit, and only one (1) accessory dwelling unit shall be allowed per lot.

40  
41 2. One (1) of the dwelling units in the structure shall be occupied by one  
42 or more owners of the property as the owner's(s) permanent and principal residence;  
43 provided that the Director may waive this requirement for temporary absences of less than  
44 one (1) year, where the accessory unit has been a permitted use for at least two (2) years and  
45 the owner submits proof of absence from the Puget Sound region.

46  
47 3. Any number of related persons may occupy each unit in a  
48 single-family residence with an accessory dwelling unit provided that if unrelated persons  
49 occupy either unit, the total number of persons occupying both units together may not  
50 exceed eight (8).

51  
52 4. Accessory dwelling units may not be located in any structure detached  
53 from the single-family dwelling.  
54

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1 5. The floor area of ~~((at least one (1) of))~~ the accessory dwelling unit(s)  
2 shall not exceed one thousand (1,000) square feet if a permit was filed to construct the  
3 portion of the structure in which the accessory dwelling unit is located on or after May 31,  
4 1996. ~~((The Director may waive the one thousand (1,000) square foot limitation where~~  
5 ~~exceeded in an accessory dwelling unit existing on January 1, 1993, if an application to~~  
6 ~~legalize the accessory dwelling unit is filed within eighteen (18) months of the effective date~~  
7 ~~of the ordinance codified in this section and if the Director finds that reduction of the floor~~  
8 ~~area would be impractical.))~~

9  
10 6. Only one (1) entrance may be located on each front or street side of  
11 the residence except where two (2) entrances on the front or street side existed on January 1,  
12 1993.

13  
14 7. A minimum of two (2) off-street parking spaces shall be provided,  
15 which spaces may be in tandem. The Director may waive the requirement for one (1) or  
16 both of the spaces if the accessory dwelling unit is not located in the University District  
17 Parking Overlay Area or Alki Area, pursuant to Maps A and B, Section 23.54.015, and if  
18 topography or location of existing principal or accessory structures makes provision of one  
19 (1) or both of the parking spaces unduly burdensome and if adequate parking capacity exists.  
20 On-street parking shall be considered at capacity when the utilization rate is seventy-five  
21 percent (75%) or greater within a four hundred foot (400') walking distance of the subject  
22 property. The Council shall reconsider the definition of on-street parking capacity within  
23 one (1) year of the effective date of this ordinance. The parking waiver process cannot be  
24 used to eliminate existing parking spaces in order to create an accessory dwelling unit.  
25

26 8. If the portion of the single-family dwelling in which the accessory  
27 dwelling unit is located was in existence prior to October 17, 1979, the minimum ceiling  
28 height shall be six feet eight inches (6'8") measured per Sections 310.6.1 and 3403  
29 ~~((4207))~~ of the Seattle Building Code. The minimum ceiling height shall be six feet four  
30 inches (6' 4") if a hard-wired smoke detector is located in the dwelling unit. If the portion of  
31 the single-family dwelling in which the accessory dwelling unit is located was constructed  
32 on or subsequent to October 17, 1979, the minimum ceiling height shall be seven feet six  
33 inches (7'6") measured per Sections 310.6.1 and 3403 ~~((4207))~~ of the Seattle Building Code.  
34

35 B. Legalization of Existing Accessory Dwelling Units. Accessory dwelling units  
36 which existed on January 1, 1993, and are not otherwise qualified as a legal nonconforming  
37 use, may be legally established if the following requirements are satisfied:  
38

39 1. An application for a Master Use Permit meeting the requirements of  
40 SMC Chapter 23.76 is filed on or before May 31, 1996 ~~((within eighteen (18) months of the~~  
41 ~~effective date of the ordinance codified in this section));~~  
42

43 2. The accessory dwelling unit shall be determined to meet the Housing  
44 and Building Maintenance Code (Chapters 22.200 through 22.208) standards. In addition, if  
45 the portion of the single-family dwelling in which the accessory dwelling unit is located was  
46 in existence prior to October 17, 1979, the minimum ceiling height shall be six feet eight  
47 inches (6'8") measured per Sections 310.6.1 and 3403 ~~((4207))~~ of the Seattle Building  
48 Code. The minimum ceiling height shall be six feet four inches (6' 4") if a hard-wired  
49 smoke detector is located in the dwelling unit. If the portion of the single-family dwelling in  
50 which the accessory dwelling unit is located was constructed on or subsequent to October  
51 17, 1979, the minimum ceiling height shall be seven feet six inches (7'6") measured per  
52 Sections 310.6.1 and 3403 ~~((4207))~~ of the Seattle Building Code.  
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3. Development and use standards in subsection A, above, and met or applications for permits for modifications required for compliance are filed. If an inspection approval for those modifications is not obtained within two (2) years from the date of application for the Master Use Permit, the Master Use Permit and Building Permit shall be canceled and the unit removed or application made to establish the unit as a new accessory dwelling unit. The Director may require final approval of permits in less than two (2) years in high hazard situations.

C. Certification of Owner Occupancy. ~~((Prior to the))~~ After issuance of a permit establishing an accessory dwelling unit, the Department of Construction and Land Use shall record as a deed restriction in the King County Office of Records and Elections a certification by the owner(s) under oath in a form prescribed by the Director that one (1) of the dwelling units is occupied by the owner(s) of the property as the owner's(s') principal and permanent residence ~~((but only when the other unit is being rented by the owner(s) of the property))~~. When ownership of a single-family residence with an approved accessory dwelling unit changes, the new owner(s) shall either submit a new owner occupancy certification to the Department of Construction and Land Use for recording or remove the accessory dwelling unit ~~((if the new owner(s) intend to continue renting the accessory dwelling unit use))~~. Failure to submit a new certificate or remove the accessory dwelling unit within thirty (30) days of transfer of ownership shall be a violation of the Land Use Code subject to civil penalties provided in Section 23.90.018. Falsely certifying owner occupancy or failing to comply with the terms of the owner occupancy certification ((is)) shall be subject to a civil penalty of five thousand dollars (\$5,000), in addition to any criminal penalties.

D. Notice of ~~((Issuance of Permit))~~ Application for an Accessory Housing Unit. The Director shall provide notice of the ~~((issuance))~~ application of a permit for an accessory housing unit by general mailed release and by posting four (4) placards near the site or when possible by door to door delivery to properties within two hundred feet (200') of the site. ~~((to record owners of real property within two hundred feet (200') of the site))~~. The notice shall state ~~((that))~~ the criteria the proposed unit must meet in order for a permit to be granted and that the DCLU decision is non-appealable, ~~((unit complies with the standards and conditions of this chapter, shall describe the requirements for maintaining the unit))~~ and shall explain how to obtain general information and how to report non-compliance with the criteria ~~((file a complaint))~~ before and after the permit is issued.

E. Single-Family Status Unaffected. A single-family dwelling with an accessory dwelling unit shall be considered a single-family residence for purposes of rezone criteria (Section 23.34.011~~((2))~~) ~~((and for purposes of rental housing registration (Section 22.202.060)))~~.

F. At least three (3) months prior to reaching the two thousand five hundred (2,500) limit on applications for new accessory dwelling units or on September 1, 1999, whichever is earlier, the Department of Construction and Land Use and the Office of Management and Planning ~~((Department))~~ shall submit to the City Council a report regarding accessory dwelling units established, and, if deemed necessary, recommendations for revisions to the regulations and procedures related to accessory dwelling units. Such report shall include an analysis of the number, location and characteristics of accessory dwelling units (e.g., size, number of parking ~~((spaces))~~ waivers granted, ~~((whether the structure was expanded to add the accessory unit))~~ the number of previously unauthorized units legalized, etc.) and an analysis of the impacts of those units.

Within six (6) months of receiving the report, the City Council shall review the report and consider the recommendations proposed. If the City has reached or is nearing

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~~((the))~~ two thousand five hundred (2,500) ~~((limit on))~~ applications, the City Council shall determine whether to authorize further permits or otherwise revise the provisions. Any revisions that would involve amendments to the City's Comprehensive Plan shall be considered as part of the annual process for amending the Plan.

If applications are filed for permits for accessory dwelling units which would cause the concentration of new structures with accessory dwelling units to exceed twenty percent (20%) of the number of single-family residences in single-family zones in any one (1) census tract or in an area bounded by a circle with a radius of one thousand feet (1,000') from a point where three (3) or more census tracts meet, the Department of Construction and Land Use shall notify the City Council. Within three (3) months, that department shall submit a report to the City Council containing an analysis of the number, location and character of the single-family structures with accessory dwelling units in the tract or area exceeding the twenty percent (20%) threshold. The City Council shall request that the neighborhood planning organization for the affected neighborhood submit a recommendation within three (3) months of that request regarding action to be taken. Within six (6) months of receiving the neighborhood planning organization's recommendation, the City Council shall review the report and consider recommendations proposed. The City Council shall determine whether to authorize further permits or otherwise revise the provisions. Any revisions that would involve amendments to the City's Comprehensive Plan shall be considered as part of the annual process for amending that Plan.

~~((Biennially-(e)))~~ Every two (2) years ~~((s))~~, DCLU shall prepare a report for the City Council stating the number and location of permits issued for new accessory housing units.

**Section 4.** Subsection D of Section 23.45.005 of the SMC, which Section was last amended by Ordinance 117203, is amended as follows:

**23.45.005 Development standards for single family structures.**

D. An accessory dwelling unit in an established single-family dwelling shall be considered an accessory use to the single family dwelling, shall meet the standards listed for accessory dwelling units ~~((per))~~ in Section 23.44. ~~((025))~~ 041 and shall not be considered a separate dwelling unit for ~~((and))~~ any development standard purposes in multifamily zones.

**Section 5.** The subsection of Section 23.47.004, entitled "Uses: Chart A", of the Seattle Municipal Code, which Section was last amended by Ordinance 118362, is amended as follows:

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**COMMERCIAL  
USES: CHART A  
For Section 23.47.004**

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	NC1	NC2	ZONES NC3	C1	C2
<b>COMMERCIAL USE</b>					
<b>A. Retail Sales and Services.</b>					
<b>1. Personal and Household Retail Sales and Services</b>					
- Multi-purpose convenience stores	P	P	P	P	P
- General retail sales and service	P	P	P	P	P
- Major durables sales, service and rental	P	P	P	P	P
- Specialty food stores	P	P	P	P	P
<b>2. Medical Services</b>					
	P	P/CU <sup>1</sup>	P/CU <sup>1</sup>	P/CU <sup>1</sup>	P/CU <sup>1</sup>
<b>3. Animal Services<sup>2</sup></b>					
- Animal health services	P	P	P	P	P
- Kennels	X	X	X	X	P
- Animal shelters	X	X	X	X	X
<b>4. Automotive Retail Sales and Services</b>					
- Gas stations	P	P	P	P	P
- Sales and rental of motorized vehicles	X	P	P	P	P
- Vehicle repair, minor	P	P	P	P	P
- Vehicle repair, major	X	P	P	P	P
- Car wash	X	P	P	P	P
- Towing services	X	X	X	P	P
- Automotive parts or accessory sales	P	P	P	P	P
<b>5. Marine Retail Sales and Services</b>					
- Sales and rental of large boats	X	P	P	P	P
- Vessel repair, minor	P	P	P	P	P
- Vessel repair, major	X	X	X	S	S
- Marine service station	P	P	P	P	P
- Dry storage of boats	X	P	P	P	P
- Recreational marinas	S	S	S	S	S
- Commercial moorage	S	S	S	S	S
- Sale of boat parts or accessories	P	P	P	P	P
<b>6. Eating and Drinking Establishments</b>					
- Restaurants without cocktail lounges	P	P	P	P	P
- Restaurants with cocktail lounges	X	P	P	P	P
- Fast-food restaurant (750 square feet and under)	P	P	P	P	P
- Fast-food restaurant (over 750 square feet)	CU	CU	CU	CU	CU
- Tavern	CU	CU	P	P	P
- Brewpub	CU	CU	P	P	P
<b>7. Lodging</b>					
- Hotel	X	X	P	P	P
- Motel	X	X	P	P	P
- Bed and breakfast	P <sup>3</sup>	P <sup>3</sup>	P	P	P
<b>8. Mortuary Services</b>					
	X	P	P	P	P
<b>9. Existing Cemeteries</b>					
	P	P	P	P	P
<b>B. Principal Use Parking</b>					
	X	P	P	P	P
<b>C. Non-Household Sales and Services</b>					
<b>1. Business support services</b>					
	P	P	P	P	P

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**COMMERCIAL  
USES: CHART A  
For Section 23.47.004 (Continued)**

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	ZONES				
	NC1	NC2	NC3	C1	C2
2. Business incubator	P	P	P	P	P
3. Sales, service and rental office equipment	X	(X)P	P	P	P
4. Sales, service and rental of commercial equipment and construction materials	X	X	P	P	P
5. Sale of heating fuel	X	X	P	P	P
6. Heavy commercial services	X	X	X	P	P
- Construction services	X	X	X	P	P
- Commercial laundries	X	X	X	P	P
<b>D. Offices</b>					
1. Customer service office	P	P	P	P	P
2. Administrative office	P	P	P	P	P
<b>E. Entertainment</b>					
1. Places of Public Assembly					
- Performing arts theater	X	P	P	P	P
- Spectator sports facility	X	P	P	P	P
- Lecture and meeting halls	X	P	P	P	P
- Motion picture theater	X	P	P	P	P
- Adult motion picture theater	X	X	X	X	X
- Adult panoramas	X	X	X	X	X
2. Participant Sports and Recreation					
-- Indoor	P	P	P	P	P
-- Outdoor	X	X	X <sup>4</sup>	P	P
<b>F. Wholesale Showroom</b>					
	X	X	P	P	P
<b>G. Mini-warehouse</b>					
	X	X	P	P	P
<b>H. Warehouse</b>					
	X	X	P	P	P
<b>I. Outdoor Storage</b>					
	X	X	X <sup>5</sup>	P	P
<b>J. Transportation Facilities</b>					
1. Personal transportation services	X	X	P	P	P
2. Passenger terminals	X	X	P	P	P
3. Cargo terminals	X	X	X	S	P
4. Transit vehicle base	X	X	X	CCU <sup>6</sup>	CCU <sup>6</sup>
5. Helistops	X	X	CCU <sup>7</sup>	CCU <sup>7</sup>	CCU <sup>7</sup>
6. Heliports	X	X	X	X	X
7. Airport, land-based	X	X	X	X	X
8. Airport, water-based	X	X	X	X	S
9. Railroad switchyard	X	X	X	X	X
10. Railroad switchyard with mechanized hump	X	X	X	X	X
<b>K. Food Processing and Craft Work</b>					
1. Food processing for human consumption	P	P	P	P	P
2. Custom and craft work	P	P	P	P	P
<b>L. Research and Development Laboratories</b>					
	P	P	P	P	P
<b>II. SALVAGE AND RECYCLING</b>					
A. Recycling Collection Station	P	P	P	P	P
B. Recycling Center	X	X	X	P	P

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For Section 23.47.004 (Continued)**

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	ZONES				
	NC1	NC2	NC3	C1	C2
C. Salvage Yard	X	X	X	X	X
<b>III. UTILITIES</b>					
A. Utility Service Uses	P	P	P	P	P
B. Major Communication Utility <sup>8</sup>	X	X	X	CCU	CCU
C. Minor Communication Utility <sup>8</sup>	P	P	P	P	P
D. Solid Waste Transfer Station	X	X	X	X	X
E. Power Plants	X	X	X	X	X
F. Sewage Treatment Plants	X	X	X	X	X
G. Solid Waste Incineration Facility	X	X	X	X	X
H. Solid Waste Landfill	X	X	X	X	X
<b>IV. MANUFACTURING</b>					
A. Light Manufacturing	X	P	P	P	P
B. General Manufacturing	X	X	X	P	P
C. Heavy Manufacturing	X	X	X	X	X
<b>V. HIGH-IMPACT USES</b>					
	X	X	X	X	X
<b>VI. INSTITUTIONS</b>					
A. Institute for Advanced Study	P	P	P	P	P
B. Private Club	P	P	P	P	P
C. Child Care Center	P	P	P	P	P
D. Museum	P	P	P	P	P
E. School, Elementary or Secondary	P	P	P	P	P
F. College	P	P	P	P	P
G. Community Center	P	P	P	P	P
H. Community Club	P	P	P	P	P
I. Vocational or Fine Arts School	P	P	P	P	P
J. Hospital	P	P	P	P	P
K. Religious Facility	P	P	P	P	P
L. University	P	P	P	P	P
M. Major Institutions within a Major Institution Overlay District subject to Chapter 23.69	P	P	P	P	P
<b>VII. PUBLIC FACILITIES</b>					
A. Jails	X	X	X	X	X
B. Work-Release Centers <sup>9</sup>	CCU	CCU	CCU	CCU	CCU
<b>VIII. PARK AND POOL/RIDE LOTS</b>					
A. Park and Pool Lots	P <sup>10</sup>	P	P	P	P
B. Park and Ride Lots	X	X	CU	CU	CU
<b>IX. RESIDENTIAL<sup>11</sup></b>					
A. Single-Family Dwelling Units	P/CU <sup>12</sup>	P/CU <sup>12</sup>	P/CU <sup>12</sup>	P/CU <sup>12</sup>	CU <sup>12</sup>
B. Multi-Family Structures	P/CU	P/CU	P/CU	P/CU	CU
C. Congregate Residences	P/CU	P/CU	P/CU	P/CU	CU
D. Floating Homes	S	S	S	S	S
E. Mobile Home Park	X	X	X	P	CU
F. Artist Studio Dwelling	P/CU	P/CU	P/CU	P/CU	CU
G. Caretaker's Quarters	P/CU	P/CU	P/CU	P/CU	P
H. Adult Family Homes	P/CU	P/CU	P/CU	P/CU	P
I. Home Occupations	P <sup>13</sup>	P <sup>13</sup>	P <sup>13</sup>	P <sup>13</sup>	P <sup>13</sup>
J. Nursing Homes	P	P	P	P	P

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For Section 23.47.004 (Continued)**

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ZONES				
NC1	NC2	NC3	C1	C2

X. OPEN SPACE

A. Parks	P	P	P	P	P
B. Playgrounds	P	P	P	P	P

XI. AGRICULTURAL USES

A. Animal Husbandry	X <sup>13</sup>	X <sup>13</sup>	X <sup>13</sup>	X <sup>13</sup>	P
B. Horticultural Uses	P	P	P	P	P
C. Aquaculture	P	P	P	P	P

- P - Permitted
- X - Prohibited
- CU - Administrative Conditional Use
- CCU - Council Conditional Use
- S - Permitted only in the Shoreline District, when permitted by the Seattle Shoreline Master Program

- <sup>1</sup> Medical service uses over 10,000 square feet, within 2,500 feet of a medical Major Institution Overlay District boundary, shall require administrative conditional use approval, unless included in an adopted Major Institution Master Plan or located in a downtown zone. See Section 23.47.006.
- <sup>2</sup> The keeping of animals for other than business purposes shall be regulated by Section 23.47.026.
- <sup>3</sup> In existing structures only.
- <sup>4</sup> Outdoor participant sports and recreation uses are permitted at the Seattle Center.
- <sup>5</sup> Outdoor storage is permitted at the Seattle Center, subject to the provisions of 23.47.011.
- <sup>6</sup> New transit vehicle bases accommodating 150 or fewer buses or existing transit vehicle bases seeking to expand.
- <sup>7</sup> Permitted only as an accessory use according to Section 23.47.006.
- <sup>8</sup> See Chapter 23.57 for regulation of communication utilities.
- <sup>9</sup> Subject to dispersion criteria in Section 23.47.006.
- <sup>10</sup> Permitted only on parking lots existing at least five years prior to the proposed establishment of the park and pool lot.
- <sup>11</sup> Residential uses in mixed-use development are permitted outright in NC1, NC2, NC3 and C1 zones. Single-purpose residential structures, other than nursing homes, are permitted in NC1, NC2, NC2/R, NC3, NC3/R and C1 zones as an administrative conditional use according to the provisions of Section 23.47.023, except where the height limit is 85 feet or higher. All residential uses, other than nursing homes, in C2 zones are subject to an administrative conditional use approval. Nursing homes are permitted outright in all commercial zones, whether in a mixed use structure or as a single-purpose residential use, except in Pedestrian-Designated Zones (See Section 23.47.040).
- <sup>12</sup> An accessory dwelling unit added to a single-family residence shall be allowed outright and shall not require a separate conditional use permit. The unit shall be considered accessory to the single-family residence, shall meet the standards listed for accessory dwelling units in Section 23.44.0(25)11 and shall not be considered a separate dwelling unit for (a) any development standard purposes in commercial zones.
- <sup>13</sup> Permitted only as an accessory use

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1                   **Section 6.** Subsection A of Section 23.76.032 of the SMC, which Section was last  
2 amended by Ordinance 118181, is amended as follows:  
3

4                   **23.76.032    Expiration and renewal of Type I and II Master Use Permits.**

5                   A.    Expiration.

6  
7  
8                   1.    A Type I or II Master Use Permit shall expire eighteen (18) months  
9 from the date a permit is approved for issuance as described in Section 23.76.028, except as  
10 follows:

11                   a.    Expiration of a Master Use Permit with a shoreline component  
12 shall be governed by WAC 173-14-060.

13                   b.    Expiration of a variance component of a Master Use Permit  
14 shall be governed by the following:

15                   (1)    Variances for access, yards, setback, open space, or lot  
16 area minimums granted as part of short plat or lot boundary adjustment shall run with the  
17 land in perpetuity as recorded with the Director of the King County Department of Records  
18 and Elections.

19                   (2)    Variances granted as separate Master Use Permits  
20 pursuant to Section 23.76.010D shall expire eighteen (18) months from the date the permit is  
21 approved for issuance as described in Section 23.76.028 or on the effective date of any text  
22 amendment making more stringent the development standard from which the variance was  
23 granted, whichever is sooner. If a Master Use Permit to establish the use is granted within  
24 this period, the variance's expiration date shall be extended until the expiration date  
25 established for the use approval.

26                   c.    The time during which pendency of litigation related to the  
27 Master Use Permit made it reasonable not to submit an application for a building permit, or  
28 to establish a use where a building permit is not required, shall not be included in the  
29 eighteen (18) month term of the Master Use Permit.

30                   d.    Master Use Permits entered in the competition for office space  
31 downtown established under Section 23.49.011 shall expire as follows:

32                   (1)    Eighteen (18) months from the date that the project is  
33 chosen to receive an office space allocation; or

34                   (2)    If the project is not chosen to receive an office space  
35 allocation in the first year that it is entered in the competition, it shall expire either:

36                   (a)    On the date that the opportunity to enter the  
37 next competition has passed, and the project has not been entered;

38                   (b)    If it is chosen in the next competition to receive  
39 an office space allocation, eighteen (18) months from the date that the project is chosen; or

40                   (c)    On the date that it is not chosen to receive an  
41 office allocation in the next competition; or

42                   (d)    Eighteen (18) months from the date that the  
43 permit is approved for issuance as described in Section 23.76.028, whichever is greater.

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(3) Master use permits entered in the competition for office space downtown may be renewed pursuant to subsection B.

e. Expiration of use approval to legalize previously unauthorized accessory dwelling units when final inspection approval for modifications required for Building or Housing Code compliance is not obtained within two (2) years from the date of application for the Master Use Permit is governed by Section 23.44.041((25)) B.

f. Master Use Permits with a Major Phased Development component established under Section 23.47.007 or 23.50.015 shall expire as follows:

(1) For the first phase, twenty-four (24) months from the date the permit is approved for issuance, except as provided in subsection B;

(2) For subsequent phases, expiration shall be determined at the time of permit issuance.

g. Master Use Permits with a Design Review Component are subject to Section 23.76.026C2. If the Land Use Code or other land use control ordinances change prior to publication of the Director's decision on a Master Use Permit that contains a design review component and qualifies for vesting pursuant to Section 23.76.026C2, such Master Use Permit shall expire one hundred and twenty (120) days from the date the Master Use Permit is approved for issuance, unless a complete application for a building permit meeting the requirements of Section 106 of the Seattle Building Code is submitted within 120 days of the date the Master Use Permit is approved for issuance.

2. At the end of the eighteen (18) month term, Master Use Permits shall expire unless:

a. A building permit is issued before the end of the eighteen (18) month term, or an application for a building permit is: 1) submitted at least sixty (60) days before the end of the eighteen (18) month term; 2) made sufficiently complete to meet the requirements of Section 106 of the Seattle Building Code before the end of the eighteen (18) month term; and 3) subsequently issued. In such cases, the Master Use Permit shall be extended for the same term as the building permit is issued. For highrise structures regulated under Section 403 of the Seattle Building Code, the building permit application may be a partial one, provided that it includes the complete structural frame of the building, and schematic plans for the exterior shell of the building. If a building permit is issued and renewed within the original eighteen (18) month term of a Master Use Permit, the Master Use Permit shall be extended in the same manner; or

b. For projects which do not require a building permit, the use has been established prior to the expiration date of the Master Use Permit and is not terminated by abandonment or otherwise. In such cases the Master Use Permit shall not expire; or

c. The Master Use Permit is extended pursuant to subsection A3; or

d. The Master Use Permit is renewed as provided in subsection B; or

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1 e. A Major Phased Development component is part of the Master  
2 Use Permit, in which case subsection A1f shall apply.

3  
4 3. When a building permit has been issued and the conditions of Section  
5 106.9.2 of the Seattle Building Code are met, the Master Use Permit shall be automatically  
6 extended for the life of the building permit and no Master Use Permit renewal shall be  
7 required.

8  
9 Section 7. Section 23.84.008 "D" of the SMC, last amended by Ordinance  
10 117430, is amended as follows:

11  
12 **23.84.008 "D."**

13  
14 "Duplex" means a single structure containing two (2) dwelling units, neither of  
15 which is an accessory dwelling unit authorized under Section 23.44.((035))041.

16  
17 \* \* \*

18  
19 "Dwelling unit, accessory" means an additional room or set of rooms located within  
20 an owner-occupied single-family structure meeting the standards of Section 23.44.041 and  
21 designed, arranged, occupied or intended to be occupied by not more than one (1) household  
22 as living accommodations independent from any other household.

23  
24 Section 8. Section 23.84.028 "O" of the SMC, last amended by Ordinance 117263 is  
25 amended as follows:

26  
27 **23.84.028 "O."**

28  
29 "Owner Occupancy" means an occupancy of a dwelling by the legal property owner  
30 as reflected in title records, or by the contract purchaser ((vendee)). The owner-occupant of  
31 the residence containing the accessory dwelling unit must have an interest equal to or greater  
32 than any other partial owner of the property, and the owner occupant's interest must be fifty  
33 percent (50%) or greater. The owner occupant must occupy the owner-occupied dwelling  
34 unit for more than six months of each calendar year and may not receive rent for the owner-  
35 occupied dwelling unit at any time during the year.

36  
37 Section 9. Subsection B of Section 23.90.006 of the SMC, which Section was last  
38 amended by Ordinance 118414, is amended as follows:

39  
40 **23.90.006 Investigation and notice of violation.**

41  
42 B. If after investigation the Director determines that the standards or  
43 requirements have been violated, the Director shall serve a notice of violation upon the  
44 owner, tenant or other person responsible for the condition. The notice of violation shall  
45 state separately each standard or requirement violated, shall state what corrective action, if  
46 any, is necessary to comply with the standards or requirements; and shall set a reasonable  
47 time for compliance. The notice shall state that any subsequent violations may result in  
48 criminal prosecution as provided in Section 23.90.020. In the event of violations of the  
49 standards or requirements of the Seattle Shoreline Master Program, Chapter 23.60, the  
50 required corrective action shall include, if appropriate, but shall not be limited to, mitigating  
51 measures such as restoration of the area. ~~((In the event of violation of Section 23.44.025,~~  
52 ~~regarding accessory dwelling units)) Civil penalties for unauthorized dwelling units in~~  
53 ~~single family structures shall be applied((the notice shall state that a civil penalty))~~ pursuant  
54 to Section 23.90.019 ~~((is imposed and notify the owner(s) of the procedure for contesting~~  
55 ~~that penalty)).~~

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1                   Section 10. Section 23.90.019 of the SMC, as last amended by Ordinance 117789, is  
2 amended to read as follows:  
3

4                   **23.90.019     Civil penalty for unauthorized ((illegal-accessory)) dwelling units in**  
5                   **single family structures.**  
6

7                   A.     In addition to any other sanction or remedial procedure which may be  
8 available, ~~((eighteen (18) months following the effective date of the ordinance codified in~~  
9 ~~this section)) the following penalties shall apply to any owner of a single-family structure~~  
10 ~~((in a single family zone)) with one or more unauthorized ((an-accessory)) dwelling unit(s).~~  
11 ~~Any owner of a single family structure who is issued a notice of violation for one or more~~  
12 ~~unauthorized dwelling unit(s) ((without a filed application to legally establish the accessory~~  
13 ~~dwelling unit pursuant to Section 23.44.025 or without evidence that the accessory)) and~~  
14 ~~which dwelling unit(s) are ((is) not ((a)) legal(ly) nonconforming uses shall be subject to a~~  
15 ~~civil penalty ((in the amount)) of One Thousand Dollars (\$1,000.00). This penalty shall be~~  
16 ~~reduced to One Hundred Dollars (\$100) if, prior to the compliance date stated on the notice,~~  
17 ~~the owner removes the unauthorized dwelling unit(s). Any owner of a single family~~  
18 ~~structure who voluntarily applies to legalize an accessory dwelling unit prior to issuance of a~~  
19 ~~notice of violation for an unauthorized dwelling unit shall be subject to a civil penalty of~~  
20 ~~One Hundred Dollars (\$100). This penalty shall be waived if: (1) the purchaser of a~~  
21 ~~property with an existing unauthorized dwelling unit applies to legalize the unit within sixty~~  
22 ~~(60) days of becoming an owner of the property as reflected in the real estate records of King~~  
23 ~~County and; (2) final inspection approval for the unit is obtained within two (2) years from~~  
24 ~~the date of application for the Master Use Permit.~~

25                   B.     ~~((Within a reasonable time a))~~After discovery of the existence of ~~((an illegal~~  
26 ~~accessory)) one or more unauthorized dwelling units in a single family structure, the~~  
27 Director shall issue a Notice of Violation in the manner set forth in Section 23.90.006 which  
28 notice shall impose the civil penalty and notify the owner of the date by which action to  
29 remove or legally establish the illegal unit(s) must be ~~((initiated))~~ completed to avoid  
30 additional penalty. Failure to ~~((initiate))~~ complete the required action by the date stated shall  
31 be a further violation of the Land Use Code subjecting the owner to additional penalty of  
32 Seventy-five Dollars (\$75.00) per day until the ~~((order))~~ Notice is satisfied. Such penalties  
33 shall be collected in the manner provided in Section 23.90.018.  
34

35                   C.     ~~((C. — An owner(s) may contest the initial Notice of Violation and/or civil penalty~~  
36 ~~by requesting a hearing before the Office of Hearing Examiner. The request shall be filed~~  
37 ~~with the Office of Hearing Examiner within fifteen (15) days of the date of Notice of~~  
38 ~~Violation is mailed. The Hearing Examiner shall mail notice of the hearing to the owner and~~  
39 ~~Director at least twenty (20) days prior to the date of the hearing.~~

40                   D.     ~~Conduct of the Hearing. The Hearing Examiner shall conduct a hearing on~~  
41 ~~the Notice of Violation according to the Administrative Code and any applicable Hearing~~  
42 ~~Examiner Appeal Rules. Parties to the hearing shall be the Director and owner(s) of the~~  
43 ~~property subject to the Notice of Violation.~~

44                   E.     ~~Standard of Review and Burden of Proof. The Notice of Violation shall be~~  
45 ~~accorded substantial weight by the Hearing Examiner. The owner(s) shall have the burden~~  
46 ~~of providing that the Notice of Violation is clearly erroneous and/or the amount of the civil~~  
47 ~~penalty is clearly excessive due to unusual circumstances.~~

48                   F.     ~~Hearing Examiner Decision. Within fifteen (15) days of the close of the~~  
49 ~~hearing the Hearing Examiner shall mail to the parties a written decision containing findings~~  
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of fact, conclusions of law and an order affirming, modifying, or reversing the Notice of Violation and penalty.

G. The decision of the Hearing Examiner shall be final if the applicant has not paid the civil penalty or filed a land use petition in King County within twenty-one days of the decision of the Hearing Examiner within twenty-one days of the decision, as provided by Section 705 of Chapter 347 of the Revised Code. The applicant shall refer the matter to the City Attorney's office for approval.

Section 11. The provisions of this ordinance shall be severable. The invalidity of any clause, sentence, phrase, or provision of this ordinance, or the invalidity of the application of this ordinance to any person or circumstance shall not affect the validity of the remainder of this ordinance or its application to other persons or circumstances.

Section 12. This ordinance shall take effect after its approval by the Mayor, but if not approved within ten (10) days after presentation, it shall take effect as if approved on 1.04.020.

Passed by the City Council the 27 day of Jan in open session in authentication of its passage this 27 day of 1996.

Jan Drago  
President of the City Council

Approved by me this 4 day of February, 1996.

Norman B. Rice  
Norman B. Rice, Mayor

Filed by me this 5 day of February, 1996.

Justin E. Papp  
City Clerk

(SEAL)

Published \_\_\_\_\_

NOTICE: THIS DOCUMENT IS LESS CLEAR THAN THIS NOTICE DOCUMENT.

1                   5.     The floor area of ~~((at least one (1) of))~~ the accessory dwelling unit(s)  
2     ~~((shall not))~~ may exceed one thousand (1,000) square feet but only if a permit was filed to  
3     construct the portion of the structure in which the accessory dwelling unit is located before  
4     May 31, 1996, and if all of the accessory dwelling unit is located on the same level. ~~((The~~  
5     ~~Director may waive the one thousand (1,000)-square-foot limitation where exceeded in an~~  
6     ~~accessory dwelling unit existing on January 1, 1993, if an application to legalize the~~  
7     ~~accessory dwelling unit is filed within eighteen (18) months of the effective date of the~~  
8     ~~ordinance codified in this section and if the Director finds that reduction of the floor area~~  
9     ~~would be impractical.))~~

10                   6.     Only one (1) entrance may be located on each front or street side of  
11     the residence except where two (2) entrances on the front or street side existed on January 1,  
12     1993.  
13

14                   7.     A minimum of two (2) off-street parking spaces shall be provided,  
15     which spaces may be in tandem. The Director may waive the requirement for one (1) or  
16     both of the spaces if the accessory dwelling unit is not located in a residential parking zone  
17     (RPZ) or in the University District Parking Overlay Area or Alki Area, pursuant to Maps A  
18     and B, Section 23.54.015, and if topography or location of existing principal or accessory  
19     structures makes provision of one (1) or both of the parking spaces unduly burdensome. The  
20     applicant need not apply for a variance in order for the Director to waive this requirement. If  
21     the accessory dwelling unit is located in a RPZ and if topography or location of existing  
22     structures makes provision of one or both of the parking spaces unduly burdensome, the  
23     Director may waive the parking requirement if a parking study is completed and if adequate  
24     parking capacity exists. The parking waiver process cannot be used to eliminate existing  
25     parking spaces in order to create an accessory dwelling unit.  
26

27                   8.     If the portion of the single-family dwelling in which the accessory  
28     dwelling unit is located was in existence prior to October 17, 1979, the minimum ceiling  
29     height shall be six feet eight inches (6'8") measured per Sections 310.6.1 and 3403  
30     ~~((+207))~~ of the Seattle Building Code. The minimum ceiling height shall be six feet six  
31     inches (6'6") if a hard-wired smoke detector is located in the dwelling unit. If the portion of  
32     the single-family dwelling in which the accessory dwelling unit is located was constructed  
33     on or subsequent to October 17, 1979, the minimum ceiling height shall be seven feet six  
34     inches (7'6") measured per Sections 310.6.1 and 3403 ~~((+207))~~ of the Seattle Building Code.  
35

36                   B.     Legalization of Existing Accessory Dwelling Units. Accessory dwelling units  
37     which existed on January 1, 1993, and are not otherwise qualified as a legal nonconforming  
38     use, may be legally established if the following requirements are satisfied:  
39

40                   1.     An application for a Master Use Permit meeting the requirements of  
41     SMC Chapter 23.76 is filed on or before May 31, 1996 ~~((within eighteen (18) months of the~~  
42     ~~effective date of the ordinance codified in this section))~~;  
43

44                   2.     The accessory dwelling unit shall be determined to meet the Housing  
45     and Building Maintenance Code (Chapters 22.200 through 22.208) standards. In addition, if  
46     the portion of the single-family dwelling in which the accessory dwelling unit is located was  
47     in existence prior to October 17, 1979, the minimum ceiling height shall be six feet eight  
48     inches (6'8") measured per Sections 310.6.1 and 3403 ~~((+207))~~ of the Seattle Building Code.  
49     The minimum ceiling height shall be six feet six inches (6'6") if a hard-wired smoke  
50     detector is located in the dwelling unit. If the portion of the single-family dwelling in which  
51     the accessory dwelling unit is located was constructed on or subsequent to October 17, 1979,  
52     the minimum ceiling height shall be seven feet six inches (7'6") measured per Sections  
53     310.6.1 and 3403 ~~((+207))~~ of the Seattle Building Code.  
54

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE  
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

1  
2 **Section 10.** Section 23.90.019 of the SMC, as last amended by Ordinance 117789, is  
3 amended to read as follows:

4  
5 **23.90.019 Civil penalty for unauthorized ((illegal-accessory)) dwelling units in**  
6 **single family structures.**

7  
8 A. In addition to any other sanction or remedial procedure which may be  
9 available, ~~((eighteen (18) months following the effective date of the ordinance codified in~~  
10 ~~this section)) the following penalties shall apply to any owner of a single-family structure~~  
11 ~~((in a single-family zone)) with one or more unauthorized ((an-accessory)) dwelling unit(s).~~  
12 ~~Any owner of a single family structure who is issued a notice of violation for one or more~~  
13 ~~unauthorized dwelling unit(s) ((without a filed application to legally establish the accessory~~  
14 ~~dwelling unit pursuant to Section 23.44.025 or without evidence that the accessory)) and~~  
15 ~~which dwelling unit(s) are ((ie)) not ((a)) legal(ly) nonconforming uses shall be subject to a~~  
16 ~~civil penalty ((in the amount)) of One Thousand Dollars (\$1,000.00). This penalty shall be~~  
17 ~~reduced to One Hundred Dollars (\$100) if, prior to the compliance date stated on the notice,~~  
18 ~~the owner removes the unauthorized dwelling unit(s). Any owner of a single family~~  
19 ~~structure who voluntarily applies to legalize an accessory dwelling unit prior to issuance of a~~  
20 ~~notice of violation for an unauthorized dwelling unit shall be subject to a civil penalty of~~  
21 ~~One Hundred Dollars (\$100).~~

22  
23 B. ~~((Within a reasonable time a))~~ After discovery of the existence of ~~((an illegal~~  
24 ~~accessory)) one or more unauthorized dwelling units in a single family structure, the~~  
25 Director shall issue a Notice of Violation in the manner set forth in Section 23.90.006 which  
26 notice shall impose the civil penalty and notify the owner of the date by which action to  
27 remove or legally establish the illegal unit(s) must be ~~((initiated)) completed~~ to avoid  
28 additional penalty. Failure to ~~((initiate)) complete~~ the required action by the date stated shall  
29 be a further violation of the Land Use Code subjecting the owner to additional penalty of  
30 Seventy-five Dollars (\$75.00) per day until the ~~((order)) Notice~~ is satisfied. Such penalties  
31 shall be collected in the manner provided in Section 23.90.018.

32  
33 ~~((C. — An owner(s) may contest the initial Notice of Violation and/or civil penalty~~  
34 ~~by requesting a hearing before the Office of Hearing Examiner. The request shall be filed~~  
35 ~~with the Office of Hearing Examiner within fifteen (15) days of the date of Notice of~~  
36 ~~Violation is mailed. The Hearing Examiner shall mail notice of the hearing to the owner and~~  
37 ~~Director at least twenty (20) days prior to the date of the hearing.~~

38  
39 D. ~~Conduct of the Hearing. The Hearing Examiner shall conduct a hearing on~~  
40 ~~the Notice of Violation according to the Administrative Code and any applicable Hearing~~  
41 ~~Examiner Appeal Rules. Parties to the hearing shall be the Director and owner(s) of the~~  
42 ~~property subject to the Notice of Violation.~~

43  
44 E. ~~Standard of Review and Burden of Proof. The Notice of Violation shall be~~  
45 ~~accorded substantial weight by the Hearing Examiner. The owner(s) shall have the burden~~  
46 ~~of providing that the Notice of Violation is clearly erroneous and/or the amount of the civil~~  
47 ~~penalty is clearly excessive due to unusual circumstances.~~

48  
49 F. ~~Hearing Examiner Decision. Within fifteen (15) days of the close of the~~  
50 ~~hearing the Hearing Examiner shall mail to the parties a written decision containing findings~~  
51 ~~of fact, conclusions of law and an order affirming, modifying, or reversing the Notice of~~  
52 ~~Violation and penalty.~~

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1 G. The decision of the Hearing Examiner shall be final. If the owner(s) has not  
2 paid the civil penalty or filed a land use petition in King County Superior Court appealing  
3 the decision of the Hearing Examiner within twenty one (21) days of issuance of the  
4 decision, as provided by Section 705 of Chapter 347 of the Laws of 1995, the Director may  
5 refer the matter to the City Attorney's office for appropriate action.)  
6

7 **Section 11.** The provisions of this ordinance are declared to be separate and  
8 severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion  
9 of this ordinance, or the invalidity of the application thereof to any person or circumstance  
10 shall not affect the validity of the remainder of this ordinance, or the validity of its  
11 application to other persons or circumstances.  
12

13 **Section 12.** This ordinance shall take effect and be in force thirty (30) days from and  
14 after its approval by the Mayor, but if not approved and returned by the Mayor within ten  
15 (10) days after presentation, it shall take effect as provided by Municipal Code Section  
16 1.04.020.  
17

18 Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 1996, and signed by me  
19 in open session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_,  
20 1996.

21 \_\_\_\_\_  
22 President of the City Council  
23

24  
25 Approved by me this \_\_\_\_ day of \_\_\_\_\_, 1996.  
26

27 \_\_\_\_\_  
28 Norman B. Rice, Mayor  
29

30  
31 Filed by me this \_\_\_\_ day of \_\_\_\_\_, 1996.  
32

33 \_\_\_\_\_  
34 City Clerk  
35

36  
37 (SEAL)

38 Published \_\_\_\_\_  
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10.	Sidewalk cafés	\$1,430	\$125 per hour	None
11.	Special accommodation	None	None	\$250
12.	Special exceptions	\$1,430	\$125 per hour	21% of DFI
13.	Structural building overhangs and areaways	\$1,430	\$125 per hour	None
14.	Temporary uses			
	a. Temporary use permit for relocation of police and fire protection	None	None	21% of DFI
	b. Temporary use permit for more than 4 weeks	\$1,430	\$125 per hour	21% of DFI
15.	Variances <sup>5</sup>	\$1,430	None	None
<b>COUNCIL AND HEARING EXAMINER APPROVALS</b>				
1.	Concept approvals (e.g., planned community/residential development, public projects, City facilities, plan, shoreline developments, other general development plans)	\$1,430	\$125 per hour	21% of DFI
2.	Council conditional uses	\$1,430	\$125 per hour	21% of DFI
3.	Full subdivisions <sup>7</sup>	\$1,430	\$125 per hour	\$110 per lot
4.	Major Institution			
	a. Master Plans	\$1,900	\$125 per hour in excess of 8 hours of review (40 hour deposit)	21% of DFI
	b. Designation	\$1,430	\$125 per hour	21% of DFI
5.	Zoning map changes and rezones	\$1,430	\$125 per hour	21% of DFI
<b>MISCELLANEOUS REVIEWS, RESEARCH, &amp; SERVICES</b>				
1.	Accessory dwelling unit notification fee	\$(460) <sup>10</sup>	None	N/A
2.	Certificate of land use	\$110	None	N/A
3.	Certificate of Occupancy inspection	(Reserved)	(Reserved)	(Reserved)
4.	Concurrency	(Reserved)		
5.	Curbcuts <sup>8</sup>	\$55.00 each commercial; \$26.00 each residential	None	N/A
6.	Development potential analysis	\$500.00	\$125 per hour in excess of 4 hours of review	N/A
7.	Establishing Use for the Record	\$190	None	N/A
8.	House barge license	\$330	None	N/A
9.	House barge license renewal	\$165	None	N/A

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1           **Section 2.** Section 22.901P.040 of the Seattle Municipal Code, which was adopted  
2 by Ordinance 117405, is amended as follows:

3  
4           **22.901P.040 Accessory dwelling unit fees.**

5  
6           A. New Units: The fee for a new accessory dwelling unit shall be calculated  
7 according to Tables 3 and 4, with the minimum fee of One Hundred Forty Dollars (\$140.00).

8  
9           B. Existing Units: The application fee to legalize an existing accessory dwelling  
10 unit shall be ~~Three Hundred Ninety Dollars (\$390.00)~~ ~~((Two Hundred Fifty Dollars~~  
11 ~~(\$250.00)))~~. A plan review fee calculated according to Tables 3 and 4 shall be charged for  
12 projects where additional plans are required for ordinance and structural review.

13           C. A notification fee of ~~((One Hundred Fifty)) Ten dollars (\$10)~~ ~~(((\$150.00)))~~  
14 shall be assessed for all approved accessory dwelling units.

15  
16           D. The fee for review of parking waiver~~(s)~~ ~~studies~~ shall be charged at the rate  
17 of two (2) times the Base Fee.

18  
19           **Section 3.** Section 23.44.025 of the Seattle Municipal Code (SMC) is hereby  
20 amended and renumbered to Section 23.44.041 to read as follows:

21           **23.44.0(25)41 Accessory dwelling units.**

22  
23           Accessory dwelling units may be permitted subject to the standards in subsection A  
24 ~~((below))~~ until two thousand five hundred (2,500) applications for new (not for legalization  
25 of existing) accessory dwelling units are filed. If, prior to the occurrence of the foregoing  
26 condition, applications are filed for accessory dwelling units which would cause the  
27 concentration of single-family structures with new accessory dwelling units to exceed  
28 twenty percent (20%) of all single-family structures in single-family zones in any one  
29 census tract or in an area formed by a circle with a radius of one thousand feet (1,000') from  
30 the point at which three (3) or more census tracts meet, no further applications may be  
31 accepted for accessory dwelling units in such census tract or area. The Master Use Permit  
32 process set forth in Chapter 23.76 shall be followed to authorize these uses.

33  
34           A. The Director may authorize an accessory dwelling unit if the Director finds  
35 that the unit meets the following development and use standards:

36  
37           1. A single-family dwelling may have no more than one (1) accessory  
38 dwelling unit, ~~and only one (1) accessory dwelling unit shall be allowed per lot.~~

39  
40           2. One (1) of the dwelling units in the structure shall be occupied by one  
41 or more owners of the property as the owner's(s) permanent and principal residence;  
42 provided that the Director may waive this requirement for temporary absences of less than  
43 one (1) year, where the accessory unit has been a permitted use for at least two (2) years and  
44 the owner submits proof of absence from the Puget Sound region.

45  
46           3. Any number of related persons may occupy each unit in a  
47 single-family residence with an accessory dwelling unit provided that if unrelated persons  
48 occupy either unit, the total number of persons occupying both units together may not  
49 exceed eight (8).

50  
51           4. Accessory dwelling units may not be located in any structure detached  
52 from the single-family dwelling.  
53  
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5. The floor area of ~~((at least one (1) of))~~ the accessory dwelling unit~~((s))~~ shall not exceed one thousand (1,000) square feet if a permit was filed to construct the portion of the structure in which the accessory dwelling unit is located on or after May 31, 1996. ((The Director may waive the one thousand (1,000) square foot limitation where exceeded in an accessory dwelling unit existing on January 1, 1993, if an application to legalize the accessory dwelling unit is filed within eighteen (18) months of the effective date of the ordinance codified in this section and if the Director finds that reduction of the floor area would be impractical.))

6. Only one (1) entrance may be located on each front or street side of the residence except where two (2) entrances on the front or street side existed on January 1, 1993.

7. A minimum of two (2) off-street parking spaces shall be provided, which spaces may be in tandem. The Director may waive the requirement for one (1) or both of the spaces if the accessory dwelling unit is not located in the University District Parking Overlay Area or Alki Area, pursuant to Maps A and B, Section 22.54.015, and if topography or location of existing principal or accessory structures makes provision of one (1) or both of the parking spaces unduly burdensome and if adequate parking capacity exists. On-street parking shall be considered at capacity when the utilization rate is seventy-five percent (75%) or greater within a four hundred foot (400') walking distance of the subject property. The parking waiver process cannot be used to eliminate existing parking spaces in order to create an accessory dwelling unit.

8. If the portion of the single-family dwelling in which the accessory dwelling unit is located was in existence prior to October 17, 1979, the minimum ceiling height shall be six feet eight inches (6'8") measured per Sections 310.6.1 and 3403 ((1207)) of the Seattle Building Code. The minimum ceiling height shall be six feet four inches (6'4") if a hard-wired smoke detector is located in the dwelling unit. If the portion of the single-family dwelling in which the accessory dwelling unit is located was constructed on or subsequent to October 17, 1979, the minimum ceiling height shall be seven feet six inches (7'6") measured per Sections 310.6.1 and 3403 ((1207)) of the Seattle Building Code.

B. Legalization of Existing Accessory Dwelling Units. Accessory dwelling units which existed on January 1, 1993, and are not otherwise qualified as a legal nonconforming use, may be legally established if the following requirements are satisfied:

1. An application for a Master Use Permit meeting the requirements of SMC Chapter 23.76 is filed on or before May 31, 1996 ((within eighteen (18) months of the effective date of the ordinance codified in this section));

2. The accessory dwelling unit shall be determined to meet the Housing and Building Maintenance Code (Chapters 22.200 through 22.208) standards. In addition, if the portion of the single-family dwelling in which the accessory dwelling unit is located was in existence prior to October 17, 1979, the minimum ceiling height shall be six feet eight inches (6'8") measured per Sections 310.6.1 and 3403 ((1207)) of the Seattle Building Code. The minimum ceiling height shall be six feet four inches (6'4") if a hard-wired smoke detector is located in the dwelling unit. If the portion of the single-family dwelling in which the accessory dwelling unit is located was constructed on or subsequent to October 17, 1979, the minimum ceiling height shall be seven feet six inches (7'6") measured per sections 310.6.1 and 3403 ((1207)) of the Seattle Building Code.

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1 3. Development and use standards in subsection A, above, are met or  
2 applications for permits for modifications required for compliance are filed. If final  
3 inspection approval for those modifications is not obtained within two (2) years from the  
4 date of application for the Master Use Permit, the Master Use Permit and Building Permit  
5 shall be canceled and the unit removed or application made to establish the unit as a new  
6 accessory dwelling unit. The Director may require final approval of permits in less  
7 than two (2) years in high hazard situations.

8  
9 C. Certification of Owner Occupancy. ~~((Prior to the))~~ After issuance of a  
10 permit establishing an accessory dwelling unit, the Department of Construction and Land  
11 Use shall record as a deed restriction in the King County Office of Records and Elections a  
12 certification by the owner(s) under oath in a form prescribed by the Director that one (1) of  
13 the dwelling units is occupied by the owner(s) of the property as the owner's(s') principal  
14 and permanent residence ~~((but only when the other unit is being rented by the owner(s) of  
15 the property))~~. When ownership of a single-family residence with an approved accessory  
16 dwelling unit changes, the new owner(s) shall either submit a new owner occupancy  
17 certification to the Department of Construction and Land Use for recording ~~or remove the  
18 accessory dwelling unit ((if the new owner(s) intend to continue renting the accessory  
19 dwelling unit use))~~. Failure to submit a new certificate ~~or remove the accessory dwelling  
20 unit~~ within thirty (30) days of transfer of ownership shall be a violation of the Land Use  
21 Code ~~subject to civil penalties provided in Section 23.90.018~~. Falsely certifying owner  
22 occupancy ~~or failing to comply with the terms of the owner occupancy certification ((#))~~  
23 shall be subject to a civil penalty of five thousand dollars (\$5,000), in addition to any  
24 criminal penalties.

25  
26 D. Notice of Issuance of Permit for an Accessory Housing Unit. The  
27 Director shall provide notice of the issuance of a permit for an accessory housing unit by  
28 ~~general mailed release ((to record owners of real property within two hundred feet (200') of  
29 the site))~~. The notice shall state that the unit complies with the standards and conditions of  
30 this chapter, shall describe the requirements for maintaining the unit, and shall explain how  
31 to obtain general information and how to file a complaint.

32  
33 E. Single-Family Status Unaffected. A single-family dwelling with an  
34 accessory dwelling unit shall be considered a single-family residence for purposes of rezoning  
35 criteria (Section 23.34.011((2))) ~~((and for purposes of rental housing registration (Section  
36 22.202.060)))~~.

37  
38 F. At least three (3) months prior to reaching the two thousand five  
39 hundred (2,500) limit on applications ~~for new accessory dwelling units~~ or on September 1,  
40 1999, whichever is earlier, the Department of Construction and Land Use and the Office of  
41 Management and Planning ~~((Department))~~ shall submit to the City Council a report  
42 regarding accessory dwelling units established, and, if deemed necessary, recommendations  
43 for revisions to the regulations and procedures related to accessory dwelling units. Such  
44 report shall include an analysis of the number, location and characteristics of accessory  
45 dwelling units (e.g., size, number of parking ((spaces)) waivers granted, ~~((whether the  
46 structure was expanded to add the accessory unit))~~ the number of previously unauthorized  
47 units legalized, etc.) and an analysis of the impacts of those units.

48  
49 Within six (6) months of receiving the report, the City Council shall review  
50 the report and consider the recommendations proposed. If the City has reached or is nearing  
51 ~~((the))~~ two thousand five hundred (2,500) ~~((limit on))~~ applications, the City Council shall  
52 determine whether to authorize further permits or otherwise revise the provisions. Any  
53 revisions that would involve amendments to the City's Comprehensive Plan shall be  
54 considered as part of the annual process for amending the Plan.

55

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1 If applications are filed for permits for accessory dwelling units which would  
2 cause the concentration of new structures with accessory dwelling units to exceed twenty  
3 percent (20%) of the number of single-family residences in single-family zones in any one  
4 (1) census tract or in an area bounded by a circle with a radius of one thousand feet (1,000')  
5 from a point where three (3) or more census tracts meet, the Department of Construction and  
6 Land Use shall notify the City Council. Within three (3) months, that department shall  
7 submit a report to the City Council containing an analysis of the number, location and  
8 character of the single-family structures with accessory dwelling units in the tract or area  
9 exceeding the twenty percent (20%) threshold. The City Council shall request that the  
10 neighborhood planning organization for the affected neighborhood submit a  
11 recommendation within three (3) months of that request regarding action to be taken.  
12 Within six (6) months of receiving the neighborhood planning organization's  
13 recommendation, the City Council shall review the report and consider recommendations  
14 proposed. The City Council shall determine whether to authorize further permits or  
15 otherwise revise the provisions. Any revisions that would involve amendments to the City's  
16 Comprehensive Plan shall be considered as part of the annual process for amending that  
17 Plan.

18  
19 ((Biennially (e))) Every two (2) years ((3)), DCLU shall prepare a report for the City  
20 Council stating the number and location of permits issued for new accessory housing units.

21  
22 **Section 4.** Subsection D of Section 23.45.005 of the SMC, which Section was  
23 last amended by Ordinance 117203, is amended as follows:

24  
25 **23.45.005 Development standards for single family structures.**

26  
27 D. An accessory dwelling unit in an established single-family dwelling shall be  
28 considered an accessory use to the single family dwelling, shall meet the standards listed for  
29 accessory dwelling units ((per)) in Section 23.44.((025))041 and shall not be considered a  
30 separate dwelling unit for ((all)) any development standard purposes in multifamily zones.

31  
32 **Section 5.** The subsection of Section 23.47.004, entitled "Uses: Chart A", of the  
33 Seattle Municipal Code, which Section was last amended by Ordinance 118362, is amended  
34 as follows:

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE  
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TIME AND DATE STAMP

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

Justin Malden

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
PRESIDENT'S SIGNATURE

C. S. 20.28

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

STATE OF WASHINGTON - KING COUNTY

77156  
City of Seattle, City Clerk

-ss.

No. ORD IN FULL

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:ORD 118472

was published on

02/13/97

The amount of the fee charged for the foregoing publication is the sum of \$ \_\_\_\_\_, which amount has been paid in full.

*K. Patterson*

Subscribed and sworn to before me on

02/13/97

*M. Williams*

Notary Public for the State of Washington,  
residing in Seattle

Affidavit of Publication

mes Streets in t... city of  
401 - 4th Avenue North,  
Seattle, King County, Washington  
97-2-03580-5 Misc. Guardianship Svcs. of  
Seattle, King County, Washington  
McGregor (estate), Michael J. McGregor  
Pauline Elaine Peterson  
97-2-03582-1 Tort-Other, Hjordis Mad-  
sen v Chas Sauber, Fabian N Acosta  
97-2-03583-0 Comm. Terry A Brender v  
Danielle Washburn, Danielle Swenson,  
Danielle Washburn-Swenson, Paula Rozner,  
Pawn Exchange, Carl John Kocis II

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