

Ordinance No. 122190

Council Bill No. 115666

AN ORDINANCE relating to land use and zoning, amending Sections 23.22.062, 23.24.045, 23.34.011, 23.44.008, 23.44.012, 23.44.014, 23.44.040, 23.44.041, 23.44.050, 23.84.004, 23.84.008, 23.84.032, 23.90.018 and 23.90.019 of the Seattle Municipal Code, to allow detached accessory dwelling units (ADUs) in single family zones in southeast Seattle, making other changes relating to accessory dwelling units and making minor corrections.

# The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: \_\_\_\_\_

Councilmember  
*Passed as amended*

## Committee Action:

*3-0-1*  
*PS, DR*      *SC*  
*AC*

7-31-06 Held 1 week

CF No. \_\_\_\_\_

Date Introduced:	<u>July 24, 2006</u>	
Date 1st Referred:	To: (committee) <u>Urban Development + Planning</u>	
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote: <u>8-7-06</u> <u>8-1</u>	
Date Presented to Mayor:	Date Approved: <u>8-8-06</u> <u>8/15/06</u>	
Date Returned to City Clerk:	Date Published:	T.O. <input checked="" type="checkbox"/> E.T. <input checked="" type="checkbox"/>
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

8-7-06 *(E)* Passed As Amended 8-1  
(No: McIver)

This file is complete and ready for presentation to Full Council. Committee: \_\_\_\_\_ (initial/date)

**Law Department**

Law Dept. Review      OMP Review      City Clerk Review      Electronic Copy Loaded      Indexed

ORDINANCE 122190

AN ORDINANCE relating to land use and zoning, amending Sections 23.22.062, 23.24.045, 23.34.011, 23.44.008, 23.44.012, 23.44.014, 23.44.040, 23.44.041, 23.44.050, 23.84.004, 23.84.008, 23.84.032, 23.90.018 and 23.90.019 of the Seattle Municipal Code, to allow detached accessory dwelling units (ADUs) in single family zones in southeast Seattle, making other changes relating to accessory dwelling units and making minor corrections.

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

Section 1. Subsections A and B of Section 23.22.062 of the Seattle Municipal Code, which section was last amended by Ordinance 119618, is amended as follows:

**23.22.062 Unit lot subdivisions.**

A. The provisions of this section apply exclusively to the unit subdivision of land for townhouses, cottage housing developments, residential cluster developments, and single-family ((residences)) dwelling units in zones where such uses are permitted.

B. Except for any site for which a permit has been issued pursuant to Section 23.44.041 for a detached accessory dwelling unit, sites ((Sites)) developed or proposed to be developed with dwelling units listed in subsection A above may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.

\* \* \*

Section 2. Subsections A and B of Section 23.24.045 of the Seattle Municipal Code, which section was last amended by Ordinance 119618, is amended as follows:



1 **23.24.045 Unit lot subdivisions.**

2 A. The provisions of this section apply exclusively to the unit subdivision of land for  
3 townhouses, cottage housing developments, residential cluster developments, and single-family  
4 ((residences)) dwelling units in zones where such uses are permitted.

5  
6 B. Except for any site for which a permit has been issued pursuant to Section 23.44.041  
7 for a detached accessory dwelling unit, sites ((Sites)) developed or proposed to be developed  
8 with dwelling units listed in subsection A above may be subdivided into individual unit lots. The  
9 development as a whole shall meet development standards applicable at the time the permit  
10 application is vested. As a result of the subdivision, development on individual unit lots may be  
11 nonconforming as to some or all of the development standards based on analysis of the  
12 individual unit lot, except that any private, usable open space for each dwelling unit shall be  
13 provided on the same lot as the dwelling unit it serves.  
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15 \* \* \*

16 Section 3. Section 23.34.011, which Section was last amended by Ordinance 117430, is  
17 amended as follows:

18  
19 **23.34.011 Single-family zones, function and locational criteria.**

20 A. Function. An area that provides predominantly detached single-family structures on  
21 lot sizes compatible with the existing pattern of development and the character of single-family  
22 neighborhoods.

23 B. Locational Criteria. A single-family zone designation is most appropriate in areas  
24 meeting the following criteria:  
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1           1. Areas that consist of blocks with at least seventy (70) percent of the existing  
2 structures, not including detached accessory dwelling units, in single-family residential use; or

3           2. Areas that are designated by an adopted neighborhood plan as appropriate for  
4 single-family residential use; or

5           3. Areas that consist of blocks with less than seventy (70) percent of the existing  
6 structures, not including detached accessory dwelling units, in single-family residential use but in  
7 which an increasing trend toward single-family residential use can be demonstrated; for example:

8           a. The construction of single-family structures, not including detached  
9 accessory dwelling units, in the last five (5) years has been increasing proportionately to the total  
10 number of constructions for new uses in the area, or

11           b. The area shows an increasing number of improvements and  
12 rehabilitation efforts to single-family structures, not including detached accessory dwelling units,  
13 or

14           c. The number of existing single-family structures, not including detached  
15 accessory dwelling units, has been very stable or increasing in the last five (5) years, or

16           d. The area's location is topographically and environmentally suitable for  
17 single-family residential developments.

18           C. An area that meets at least one (1) of the locational criteria in subsection B above  
19 should also satisfy the following size criteria in order to be designated as a single-family zone:

20           1. The area proposed for rezone should comprise fifteen (15) contiguous acres or  
21 more, or should abut an existing single-family zone.

1                   2. If the area proposed for rezone contains less than fifteen (15) contiguous acres,  
2 and does not abut an existing single-family zone, then it should demonstrate strong or stable  
3 single-family residential use trends or potentials such as:

4                   a. That the construction of single-family structures, not including  
5 detached accessory dwelling units, in the last five (5) years has been increasing proportionately  
6 to the total number of constructions for new uses in the area, or

7                   b. That the number of existing single-family structures, not including  
8 detached accessory dwelling units, has been very stable or increasing in the last five (5) years, or

9                   c. That the area's location is topographically and environmentally suitable  
10 for single-family structures, or

11                   d. That the area shows an increasing number of improvements or  
12 rehabilitation efforts to single-family structures, not including detached accessory dwelling units

13                   D. Half-blocks at the edges of single-family zones which have more than fifty (50)  
14 percent single-family structures, not including detached accessory dwelling units, or portions of  
15 blocks on an arterial which have a majority of single-family structures, not including detached  
16 accessory dwelling units, shall generally be included. This shall be decided on a case-by-case  
17 basis, but the policy is to favor including them.

18                   Section 4. Subsection F of Section 23.44.008, which section was last amended by  
19 Ordinance 120293, is further amended as follows:

20 **23.44.008 Development standards for uses permitted outright.**

21 \* \* \*



1 F. ((A)) Except for a detached accessory dwelling unit, any structure occupied by a  
2 permitted use other than single-family residential use may be converted to single-family  
3 residential use even if the structure does not conform to the development standards for single-  
4 family structures. Expansions of converted nonconforming structures shall be regulated by  
5 Section 23.42.108. Conversion of structures occupied by nonconforming uses shall be regulated  
6 by Sections 23.42.108 and 23.42.110.

8 \* \* \*

9 Section 5. Subsections A and B of Section 23.44.012 of the Seattle Municipal Code,  
10 which section was last amended by Ordinance 121476, is further amended as follows:

11 **23.44.012 Height Limits.**

12 A. ((Base)) Maximum Height Established.

13 1. ((Except as provided in subsection A2, the base permitted height for any  
14 structure not located in required yards, except as permitted in Section 23.44.014 D3, shall not  
15 exceed the greater of the following:)) Except as permitted in Sections 23.44.014 D3 and  
16 23.44.041B, and except as provided in subsections A2 and A3 below, the maximum permitted  
17 height for any structure not located in required yards shall not exceed the greater of the  
18 following:

- 19
- 20 a. Thirty (30) feet;
  - 21 b. The average height of the two (2) single-family structures which the  
22 subject structure abuts if one (1) or both of the abutting structures exceed thirty (30) feet.

23 2. The ((base)) maximum permitted height for any structure on lots thirty (30)  
24 feet or less in width shall not exceed the greater of the following:  
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- 1 a. Twenty-five (25) feet;  
2 b. The average height of the two (2) single-family structures on abutting  
3 lots, but not to exceed thirty (30) feet.

4 3. Expansions, extensions or replacements to any structure on lots  
5 established pursuant to 23.24.046, Multiple single-family dwelling units on a single-family lot,  
6 on lots thirty (30) feet or less in width are subject to the following:

- 7 a. The ~~((base))~~ maximum permitted height shall not exceed twenty-five  
8 (25) feet, and  
9 b. The averaging provisions of subsection 2b, above, do not apply.

10 4. The methods of determining structure height, height averages, and lot width  
11 are detailed in Chapter 23.86, Measurements.

12 B. Special Features.

13 1. Pitched Roofs. The ridge of a pitched roof on a principal structure may extend up to  
14 five (5) feet above the ~~((base))~~ maximum height limit, as determined under subsection A above.  
15 All parts of the roof above the height limit must be pitched at a rate of not less than three to  
16 twelve (3:12) (Exhibit 23.44.012 A). No portion of a shed roof shall be permitted to extend  
17 beyond the ~~((base))~~ maximum height limit, as determined under subsection A above.

18 2. Sloped Lots. Except for structures containing a detached accessory dwelling unit,  
19 ~~((Additional))~~ additional height shall be permitted for sloped lots, at the rate of one (1) foot for  
20 each six (6) percent of slope. The additional height shall be permitted on the downhill side of the  
21 structure only, as described in the measurements portion of this Land Use Code (Exhibit  
22 23.44.012 B). When the downhill portion of a sloped lot fronts on the street where the required  
23 front yard exemption in Section 23.44.014A is claimed, the permitted height of the wall along  
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1 the lowest elevation of the site shall be reduced one (1) foot for each foot of exemption claimed.

2 In no case shall the height of the wall be required to be less than the ((base)) maximum height  
3 limit, as determined under subsection A above.

4 \* \* \*

5  
6 Section 6. Subsection D of Section 23.44.014, which section was last amended by  
7 Ordinance 121476, is amended as follows:

8 **23.44.014 Yards.**

9 \* \* \*

10 D. Exceptions from Standard Yard Requirements. No structure shall be placed in a  
11 required yard except pursuant to the following subsections:

12  
13 1. Certain Accessory Structures. Any accessory structure may be constructed in a  
14 side yard which abuts the rear or side yard of another lot, or in that portion of the rear yard of a  
15 reversed corner lot within five (5) feet of the key lot and not abutting the front yard of the key  
16 lot, upon recording with the King County Department of Records and Elections an agreement to  
17 this effect between the owners of record of the abutting properties. Any accessory structure  
18 which is a private garage may be located in that portion of a side yard which is either within  
19 thirty-five (35) feet of the centerline of an alley or within twenty-five (25) feet of any rear lot line  
20 which is not an alley lot line, without providing an agreement as provided in Section 23.44.016.

21  
22 2. A single-family structure may extend into one (1) side yard if an easement is  
23 provided along the side or rear lot line of the abutting lot, sufficient to leave a ten (10) foot  
24 separation between that structure and any principal or accessory structures on the abutting lot.  
25 Features and projections such as porches, eaves, and chimneys shall be permitted in the ten (10)  
26





1 foot separation area as if the property line were five (5) feet from the wall of the house on the  
2 dominant lot, provided that no portion of either principal structure including eaves shall cross the  
3 actual property line. The easement shall be recorded with the King County Department of  
4 Records and Elections. The easement shall provide access for normal maintenance activities to  
5 the principal structure on the lot with less than the required side yard.  
6

7 3. Certain Additions. Certain additions may extend into a required yard when the  
8 existing single-family structure is already nonconforming with respect to that yard. The presently  
9 nonconforming portion must be at least sixty (60) percent of the total width of the respective  
10 facade of the structure prior to the addition. The line formed by the nonconforming wall of the  
11 structure shall be the limit to which any additions may be built, except as described below. They  
12 may extend up to the height limit and may include basement additions. New additions to the  
13 nonconforming wall or walls shall comply with the following requirements (Exhibit 23.44.014  
14 A):  
15

16 a. Side Yard. When the addition is a side wall, the existing wall line may  
17 be continued by the addition except that in no case shall the addition be closer than three (3) feet  
18 to the side lot line;  
19

20 b. Rear Yard. When the addition is a rear wall, the existing wall line may  
21 be continued by the addition except that in no case shall the addition be closer than twenty (20)  
22 feet to the rear lot line or centerline of an alley abutting the rear lot line;  
23

24 c. Front Yard. When the addition is a front wall, the existing wall line  
25 may be continued by the addition except that in no case shall the addition be closer than fifteen  
26 (15) feet to the front lot line;  
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1                   d. When the nonconforming wall of the single-family structure is not  
2 parallel or is otherwise irregular, relative to the lot line, then the Director shall determine the  
3 limit of the wall extension, except that the wall extension shall not be located closer than  
4 specified in subsections D3a-c above.

5                   4. Uncovered Porches or Steps. Uncovered, unenclosed porches or steps may  
6 project into any required yard, provided that they are no higher than four (4) feet on average  
7 above existing grade, no closer than three (3) feet to any side lot line, no wider than six (6) feet  
8 and project no more than six (6) feet into required front or rear yards. The height of porches and  
9 steps are to be calculated separately from each other.  
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11                   5. Special Features of a Structure. Special features of a structure may extend into  
12 required yards subject to the following standards only, unless permitted elsewhere in this  
13 chapter:  
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15                   a. External architectural details with no living area, such as chimneys,  
16 eaves, cornices and columns, may project no more than eighteen (18) inches into any required  
17 yard;  
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19                   b. Bay windows shall be limited to eight (8) feet in width and may project  
20 no more than two (2) feet into a required front, rear, and street side yard;

21                   c. Other projections which include interior space, such as garden  
22 windows, may extend no more than eighteen (18) inches into any required yard, starting a  
23 minimum of thirty (30) inches above finished floor, and with maximum dimensions of six (6)  
24 feet tall and eight (8) feet wide;  
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1 d. The combined area of features permitted in subsections D5b and c  
2 above may comprise no more than thirty (30) percent of the area of the facade.

3 6. Private Garages, Covered Unenclosed Decks, ~~((or))~~ Roofs Over Patios and  
4 Other Accessory Structures in Rear Yards.

5 a. Any attached private garages or covered, unenclosed decks or roofs  
6 over patios are portions of principal structures. They may extend into the required rear yard, but  
7 shall not be within twelve (12) feet of the centerline of any alley, nor within twelve (12) feet of  
8 any rear lot line which is not an alley lot line, nor closer than five (5) feet to any accessory  
9 structure. The height of private garages shall meet the provisions of Section 23.44.016 D2 and  
10 the height of the roof over unenclosed decks and patios may not exceed twelve (12) feet. The  
11 roof over these decks, patios and garages shall not be used as a deck. Any detached private  
12 garage meeting the requirements of Section 23.44.016, Parking location and access, or detached  
13 permitted accessory structure meeting the requirements of Section 23.44.040, General  
14 provisions, may be located in a rear yard. If a private garage has its vehicular access facing the  
15 alley, the private garage shall not be within twelve (12) feet of the centerline of the alley.

16 b. Garages meeting the standards of Section 23.44.016 and other  
17 accessory structures meeting the standards of Sections 23.44.040 or 23.44.041, shall be permitted  
18 in required rear yards, subject to a maximum combined coverage of forty (40) percent of the  
19 required rear yard. In the case of a rear yard abutting an alley, rear yard coverage shall be  
20 calculated from the centerline of the alley.

21 7. Private Garages in Front Yards of Through Lots. On through lots less than one  
22 hundred twenty-five (125) feet in depth, either an accessory garage structure or a portion of the  
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1 principal structure containing a garage shall be permitted to locate in one (1) of the front yards.  
2 Private garages, either as accessory structures or as a portion of the principal structure, shall be  
3 limited as set forth in Section 23.44.016. The front yard in which the garage may be located shall  
4 be determined by the Director based on the location of other accessory garages on the block. If  
5 no pattern of garage location can be determined, the Director shall determine in which yard the  
6 accessory garage shall be located based on the prevailing character and setback patterns of the  
7 block.  
8

9           8. Access Bridges. Uncovered, unenclosed pedestrian bridges of any height,  
10 necessary for access and five (5) feet or less in width, are permitted in required yards except that  
11 in side yards an access bridge must be at least three (3) feet from any side lot line.  
12

13           9. Barrier-free Access. Access facilities for the disabled and elderly meeting  
14 Washington State Building Code, Chapter 11 are permitted in any required yards.  
15

16           10. Freestanding Structures and Bulkheads.

17           a. Fences, freestanding walls, signs and similar structures six (6) feet or  
18 less in height above existing or finished grade, whichever is lower, may be erected in any  
19 required yard. The six (6) foot height may be averaged along sloping grade for each six (6) foot  
20 long segment of the fence, but in no case may any portion of the fence exceed eight (8) feet.  
21 Architectural features may be added to the top of the fence or freestanding wall above the six (6)  
22 foot height when the following provisions are met: horizontal architectural feature(s), no more  
23 than ten (10) inches high, and separated by a minimum of six (6) inches of open area, measured  
24 vertically from the top of the fence, may be permitted when the overall height of all parts of the  
25 structure, including post caps, are no more than eight (8) feet high; averaging the eight (8) foot  
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1 height is not permitted. Structural supports for the horizontal architectural feature(s) may be  
2 spaced no closer than three (3) feet on center.

3 b. The Director may allow variation from the development standards  
4 listed in subsection D10a above, according to the following:

5 (1) No part of the structure may exceed eight (8) feet; and

6 (2) Any portion of the structure above six (6) feet shall be  
7 predominately open, such that there is free circulation of light and air.

8 c. Bulkheads and retaining walls used to raise grade may be placed in any  
9 required yard when limited to six (6) feet in height, measured above existing grade. A guardrail  
10 no higher than forty-two (42) inches may be placed on top of a bulkhead or retaining wall  
11 existing as of the date of the ordinance codified in this section. If a fence is placed on top of a  
12 new bulkhead or retaining wall, the maximum combined height is limited to nine and one-half (9  
13 1/2) feet.

14 d. Bulkheads and retaining walls used to protect a cut into existing grade  
15 may not exceed the minimum height necessary to support the cut or six (6) feet, whichever is  
16 greater. When the bulkhead is measured from the low side and it exceeds six (6) feet, an open  
17 guardrail of no more than forty-two (42) inches meeting Building Code requirements may be  
18 placed on top of the bulkhead or retaining wall. A fence must be set back a minimum of three (3)  
19 feet from such a bulkhead or retaining wall.

20 e. When located in the shoreline setbacks or in view corridors in the  
21 Shoreline District as regulated in Chapter 23.60, these structures shall not obscure views  
22 protected by Chapter 23.60 and the Director shall determine the permitted height.  
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1                   11. Decks in Yards. Decks no greater than eighteen (18) inches above existing or  
2 finished grade, whichever is lower, may extend into required yards.

3                   12. Heat Pumps. Heat pumps and similar mechanical equipment, not including  
4 incinerators, may be permitted in required yards if the requirements of the Noise Control  
5 Ordinance, Chapter 25.08, are not violated. Any heat pump or similar equipment shall not be  
6 located within three (3) feet of any lot line.

7                   13. Solar Collectors. Solar collectors may be located in required yards, subject to  
8 the provisions of Section 23.44.046.

9                   14. Front Yard Projections for Structures on Lots Thirty (30) Feet or Less in  
10 Width. For a structure on a lot which is thirty (30) feet or less in width, portions of the front  
11 facade which begin eight (8) feet or more above finished grade may project up to four (4) feet  
12 into the required front yard, provided that no portion of the facade, including eaves and gutters,  
13 shall be closer than five (5) feet to the front line (Exhibit 23.44.014 B).

14                   15. Front and rear yards may be reduced by twenty-five (25) percent, but no more  
15 than five (5) feet, if the site contains a required environmentally critical area buffer or other area  
16 of the property which can not be disturbed pursuant to subsection A of Section 25.09.280 of  
17 SMC Chapter 25.09, Regulations for Environmentally Critical Areas.

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

20                   a. In any required yard, an arbor may be erected with no more than a forty  
21 (40) square foot footprint, measured on a horizontal roof plane inclusive of eaves, to a maximum  
22 height of eight (8) feet. Both the sides and the roof of the arbor must be at least fifty (50) percent  
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1           A. Accessory dwelling units, general provisions. The Director may authorize an  
2 accessory dwelling unit ~~((if the Director finds that the unit meets the following development and~~  
3 ~~use standards))~~ under the following conditions:

4                   1. A lot with or proposed for a single-family dwelling may have no more than  
5 one (1) accessory dwelling unit ~~((, and only one (1) accessory dwelling unit shall be allowed per~~  
6 ~~lot)).~~

7                   2. One (1) of the dwelling units ~~((in the structure))~~ shall be occupied by one (1)  
8 or more owners of the property as the owner's(s') permanent and principal residence~~((,))~~, and the  
9 owner-occupant shall comply with the requirements of subsection C, Owner Occupancy. ~~((The~~  
10 ~~owner-occupant must occupy the owner-occupied dwelling unit for more than six (6) months of~~  
11 ~~each calendar year. The owner-occupant may not receive rent for the owner-occupied dwelling~~  
12 ~~unit. If a complaint that an owner has violated these requirements is filed, the owner shall:~~

13                           a. ~~Submit evidence to the Director showing good cause, such as job~~  
14 ~~dislocation, sabbatical leave, education, or illness, for waiver of this requirement for up to three~~  
15 ~~(3) years absence from the Puget Sound region. Upon such showing the Director may waive the~~  
16 ~~requirement;~~

17                           b. ~~Re-occupy the structure; or~~

18                           c. ~~Remove the accessory dwelling unit.))~~

19                   3. Any number of related persons may occupy each unit in a single-family  
20 ~~((residence-))~~ dwelling unit with an accessory dwelling unit; provided that, if unrelated persons  
21 occupy either unit, the total number of persons occupying both units ~~((together))~~ may not exceed  
22 eight (8).  
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1                   4. (~~Accessory dwelling units may not be located in any structure detached from~~  
2 ~~the single family dwelling.~~) All accessory dwelling units must meet the following, unless  
3 modified in subsection B:

4                   a. <u>Maximum Gross Floor Area</u>	<u>One thousand (1,000) square feet, including garage and storage area.<sup>1</sup></u>
5                   b. <u>Entrances</u>	<u>Only one (1) entrance to the structure may be located on each street-facing facade of the dwelling unit.<sup>2</sup></u>
6                   c. <u>Parking</u>	<u>One (1) off-street parking space is required, and may be provided as tandem parking with the parking space provided for the principal dwelling unit.<sup>3</sup> An existing required parking space may not be eliminated to accommodate an accessory dwelling unit, unless it is replaced elsewhere on the lot.</u>

7                   Footnotes:

8                   1. The gross floor area of an accessory dwelling unit may exceed one thousand (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 (1) level.

9                   2. More than one entrance may be allowed if: a) two (2) entrances on the street-facing facade 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.

10                  3. No off-street parking space will be required for an accessory dwelling unit if:

11                   a.       The topography or location of existing principal or accessory structures makes provision of an off-street parking space physically infeasible; or

12                   b.       The site is located in a residential parking zone (RPZ) and a current parking study is submitted showing a utilization rate of less than seventy-five percent (75%) for on-street parking within four hundred feet (400') of all property lines of the site.

13                   c.       The provisions in this footnote 3 providing for exceptions to the parking requirement do not apply to sites located in either the University District Parking Overlay Area (Exhibit for Chart A, Section 23.54.015, Map A) or the Alki Area Parking Overlay (Exhibit for Chart A, Section 23.54.015, Map B).

14                  B. Accessory Dwelling Units, detached.

15                   1. Locations allowed. An accessory dwelling unit may be located in a structure  
16 separate from a principal single-family dwelling unit in single-family zones within the area  
17 bounded by I-5 to the west, I-90 to the north, Lake Washington to the east, and the Seattle  
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1 corporate limits to the south. Detached accessory dwelling units are not permitted on a lot if any  
2 portion of the lot is within the Shoreline District established by Section 23.60.010.

3 2. Development standards. Detached accessory dwelling units shall meet the  
4 following standards and the standards of subsection A, except as modified in this subsection:  
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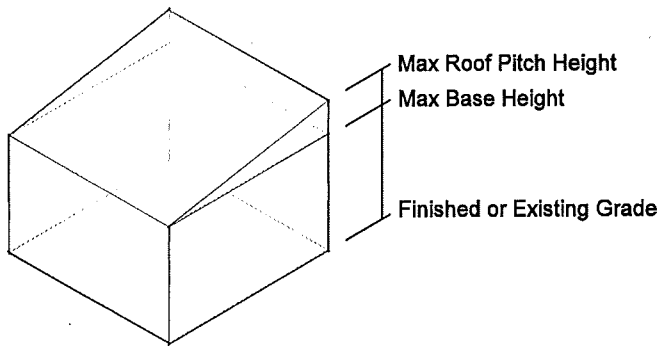
<u>Development Standards for Detached Accessory Dwelling Units<sup>1</sup></u>					
<u>a. Minimum Lot Size</u>	4,000 square feet				
<u>b. Minimum Lot Width</u>	25 feet				
<u>c. Minimum Lot Depth</u>	70 feet <sup>2</sup>				
<u>d. Maximum Lot Coverage</u>	The provisions of Section 23.44.010 apply.				
<u>e. Maximum Rear Yard Coverage</u>	The provisions of Section 23.44.014 D.6.b apply.				
<u>f. Maximum Gross Floor Area</u>	20% of the lot size, or 800 square feet, whichever is less, including garage or storage area. <sup>3</sup>				
<u>g. Front Yard</u>	A detached accessory dwelling unit may not be located within the front yard required by Section 23.44.014A.				
<u>h. Minimum Side Yard</u>	The provisions of Section 23.44.014 C apply.				
<u>i. Minimum Rear Yard</u>	A detached accessory dwelling unit may be located within a required rear yard when it is not within 5 feet of the rear lot line, unless the rear lot line is adjacent to an alley, in which case a detached accessory dwelling unit may be located at the rear lot line. <sup>4</sup>				
<u>j. Location of Entry</u>	Entrances to detached accessory dwelling units may not be located on façades facing the nearest side lot line or the rear lot line unless the nearest side lot line or rear lot line abuts an alley or other public right-of-way.				
<u>k. Maximum Height Limits<sup>5</sup></u>	<u>Lot Width (feet)</u>				
	<u>Less than 30</u>	<u>30-35</u>	<u>36-40</u>	<u>41 or greater</u>	
	<u>(1) Maximum Structure Height (feet)</u>	<u>12</u>	<u>14</u>	<u>15</u>	<u>16</u>
	<u>(2) Maximum Structure Height with Pitched Roof (feet)</u>	<u>15</u>	<u>21</u>	<u>22</u>	<u>23</u>
<u>(3) Maximum Structure Height with Shed or Butterfly Roof (feet); see Exhibit 23.44.041 B.</u>	<u>15</u>	<u>18</u>	<u>19</u>	<u>20</u>	
<u>Footnotes:</u>					
<u>1 Exceptions to the standards contained in subsections a through j are permitted pursuant to 23.44.041B2, when converting existing nonconforming structures.</u>					



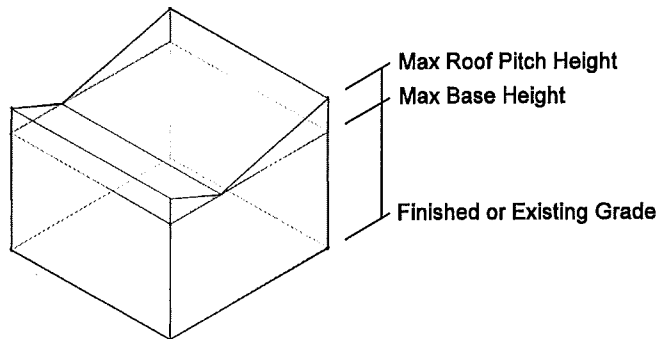
- 2. For lots that do not meet the lot depth requirement, but have a greater width than depth and an area greater than 5,000 square feet, a detached accessory dwelling unit is permitted, provided the detached accessory dwelling unit is not located in a required yard.
- 3. Areas below grade are exempt from the calculation of gross floor area.
- 4. When the rear 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.
- 5. Features such as chimneys, antennas, and flagpoles may extend up to four (4) feet above the maximum allowed height. The additional height for sloped lots permitted by 23.44.012B does not apply.

Exhibit 23.44.041 B: Explanation of Terms for Shed and Butterfly Roofs for Detached Accessory Dwelling Units.

**Shed Roof Example**



**Butterfly Roof Example**



3. Conversion of accessory structures. An existing accessory structure that is not located in a required front yard may be converted into a detached accessory dwelling unit if:



1                                   a. the accessory structure complies with the minimum standards set  
2 forth in Sections 22.206.010 through 22.206.140 of the Housing and Building Maintenance  
3 Code, SMC chapter 22.206; and

4                                   b. nonconformity with the development standards for accessory  
5 dwelling units contained in Sections 23.044.041A4 and 23.044.041B1 is not increased; and

6                                   c. the applicant can demonstrate that the accessory structure was  
7 constructed prior to June 1, 1999.

8  
9                                   ~~((5. The floor area of the accessory dwelling unit may exceed one thousand~~  
10 ~~(1,000) square feet only if the portion of the structure in which the accessory dwelling unit is~~  
11 ~~located was in existence as of June 1, 1999 and if the entire accessory dwelling unit is located on~~  
12 ~~one (1) level.~~

13  
14                                   ~~6. Only one (1) principal entrance to the structure may be located on each street-~~  
15 ~~facing facade of the residence except:~~

16                                   ~~a. Where two (2) entrances on the front or street side existed on January~~  
17 ~~1, 1993 or;~~

18                                   ~~b. Where the Director determines that topography, screening or other~~  
19 ~~design solution is effective in de-emphasizing the presence of a second entrance, so there do not~~  
20 ~~appear to be two principal entrances.~~

21  
22                                   ~~7. A minimum of one (1) off-street parking space per accessory dwelling unit~~  
23 ~~shall be provided, which space may be in tandem with parking provided for the principal~~  
24 ~~dwelling unit.~~



1 a. ~~The Director may waive the parking requirement for an accessory~~  
2 ~~dwelling unit if topography or location of existing principal or accessory structures makes~~  
3 ~~provision of a parking space physically or economically infeasible and, for properties located in~~  
4 ~~residential parking zones (RPZs), a parking study is conducted and shows that the utilization rate~~  
5 ~~for on-street parking within a four hundred (400) foot walking distance of the subject property is~~  
6 ~~less than seventy five (75) percent. Parking may not be waived for accessory dwelling units~~  
7 ~~within the University District or Alki Parking Overlay Areas as shown on Maps A and B,~~  
8 ~~Section 23.54.015.~~

9  
10 b. ~~The applicant need not apply for a variance in order to waive the~~  
11 ~~parking requirement. The parking waiver process cannot be used to eliminate an existing~~  
12 ~~required parking space in order to create an accessory dwelling unit, unless replaced elsewhere~~  
13 ~~on the lot.))~~

14  
15 ~~8. Ceiling Height.~~

16  
17 ~~If the portion of the single-family dwelling in which the accessory dwelling unit is~~  
18 ~~located was in existence prior to October 17, 1979, the minimum ceiling height shall be six (6)~~  
19 ~~feet eight (8) inches measured per Sections 310.6.1 and 3403 of the Seattle Building Code~~  
20 ~~(SBC), or the minimum ceiling height shall be six (6) feet four (4) inches if a hard-wired smoke~~  
21 ~~detector is located in the accessory dwelling unit. If the portion of the single-family dwelling in~~  
22 ~~which the accessory dwelling unit is located was constructed on or subsequent to October 17,~~  
23 ~~1979, the minimum ceiling height shall be as determined according to Sections 310.6.1 and 3403~~  
24 ~~of the Seattle Building Code.~~



1           ~~B. Certification of Owner Occupancy. After issuance of a permit establishing an~~  
2 ~~accessory dwelling unit, the Department of Planning and Development shall record as a deed~~  
3 ~~restriction in the King County Office of Records and Elections a certification by the owner(s)~~  
4 ~~under oath in a form prescribed by the Director that one (1) of the dwelling units is occupied by~~  
5 ~~the owner(s) of the property as the owner's(s') principal and permanent residence and a statement~~  
6 ~~by the owner(s) that the owner(s) will notify any prospective purchasers of the requirements of~~  
7 ~~this section. When ownership of a single family residence with an approved accessory dwelling~~  
8 ~~unit changes, the new owner(s) shall either submit a new owner occupancy certification to the~~  
9 ~~Department of Planning and Development for recording, or remove the accessory dwelling unit.~~  
10 ~~Failure to submit a new certificate or remove the accessory dwelling unit within one (1) year of~~  
11 ~~transfer of ownership shall be a violation of the Land Use Code subject to civil penalties~~  
12 ~~provided in Section 23.90.018. Falsely certifying owner occupancy or failure to comply with the~~  
13 ~~terms of the owner occupancy certification shall be subject to a civil penalty of Five Thousand~~  
14 ~~Dollars (\$5,000), in addition to any criminal penalties.))~~

17  
18           C. Owner Occupancy.

19                 1. Requirement. An owner of the property must occupy either the principal  
20 dwelling unit or the accessory dwelling unit for more than six (6) months of each calendar year.

21                 2. Violation. If there is a violation of the requirements of subsection C1, the  
22 owner shall:

23                         a. Re-occupy the structure; or

24                         b. Remove the accessory dwelling unit; or  
25  
26  
27  
28



1                                    c. Submit evidence to the Director showing good cause why the  
2 requirement for owner occupancy should be waived. Good cause may include job dislocation,  
3 sabbatical leave, education, or illness. Upon such showing the Director may waive the  
4 requirement for up to three (3) years; and

5                                    d. Be subject to the penalties provided in Sections 23.90.018, 23.90.019  
6 and 23.90.020.

7                                    3. Deed Restriction. Prior to issuance of a permit establishing an accessory  
8 dwelling unit, the owner shall sign under oath, and the Department of Planning and Development  
9 shall record in the King County Office of Records and Elections, an agreement by the owner(s)  
10 that is binding on subsequent owners, in a form prescribed by the Director, agreeing to:

11                                    a. Comply with the requirements of this Subsection C; and

12                                    b. Notify all prospective purchasers of the requirements of this subsection

13 C.

14                                    D. Single-family Status Unaffected. A single-family ((dwelling)) lot with an accessory  
15 dwelling unit shall be considered a single-family residence for purposes of rezone criteria  
16 (Section 23.34.011).

17                                    ~~((D. Every two (2) years, DPD shall prepare a report for the City Council stating the~~  
18 ~~number and location of permits issued for new accessory housing units.))~~

19                                    E. DPD shall report annually to the Urban Development and Planning Committee or its  
20 successor committee on detached and attached accessory dwelling unit permit activity in the  
21 geographic area described in Section 23.44.041.B.1. This reporting shall include the number of  
22 applications filed since the previous annual report, the number of permits issued and the number  
23





1 of permits finalized since the previous annual report, and the location and dispersion of the  
2 accessory dwelling units that were the subject of all permit applications since the previous report,  
3 indicating which have been denied, which have been issued, which have been finalized, whether  
4 any waivers were granted for parking, and which are still in the application stage.

6  
7 Section 9. Subsection D of Section 23.44.050 of the Seattle Municipal Code, which  
8 section was last amended by Ordinance 117263, is amended as follows:

9 **23.44.050 Home occupations.**

10 \* \* \*

11  
12 D. The occupation ~~((shall))~~ may be conducted only within the principal structure or ~~((and~~  
13 ~~not))~~ in an accessory dwelling unit. ~~((structure, except that parking))~~ Parking of vehicles  
14 associated with the home occupation shall be permitted anywhere that parking is permitted on  
15 the lot.

16  
17  
18 Section 10. Section 23.84.004 of the Seattle Municipal Code, which section was last  
19 amended by Ordinance 121196, is amended to add a definition of "Butterfly Roof" as follows:

20 **23.84.004 "B."**

21 \* \* \*

22 "Butterfly roof" means a roof having planes that slope upward from the interior of a  
23 structure toward its exterior walls.

24  
25 Section 11. Section 23.84.008 of the Seattle Municipal Code, which section was last  
26 amended by Ordinance 122054, is amended as follows:



1 **23.84.008 "D."**

2 \*\*\*

3 "Dwelling unit, accessory" means an additional room or set of rooms located within an  
4 owner-occupied single-family structure or within an accessory structure on the same lot as an  
5 owner-occupied single family dwelling unit, meeting the standards of Section 23.44.041, and  
6 designed, arranged, occupied or intended to be occupied by not more than one (1) household as  
7 living accommodations independent from any other household.  
8

9 "Dwelling unit, detached accessory" means an additional room or set of rooms located  
10 within an accessory structure on the same lot as an owner-occupied single family dwelling unit,  
11 meeting the standards of Section 23.44.041, and designed, arranged, occupied or intended to be  
12 occupied by not more than one (1) household as living accommodations independent from any  
13 other household.  
14

15 Section 12. Section 23.84.032 of the Seattle Municipal Code, which Section was last  
16 amended by Ordinance 122054, is amended as follows:

17 **23.84.032 "R."**

18 \* \* \*

19 "Residential" means a use within a structure intended to be occupied as a dwelling.  
20 Residential uses include but are not limited to the following:  
21

22 1. "Accessory dwelling unit." See "Dwelling unit, accessory."

23 ~~((1.))~~ 2. "Adult family home" means a residential use as defined and licensed by  
24 The State of Washington in a dwelling unit.  
25  
26  
27  
28

1           ~~((2-))~~ 3. “Artist’s studio/dwelling” means a combination working studio and  
2 dwelling unit for artists, consisting of a room or suite of rooms occupied by not more than one  
3 (1) household.

4           ~~((3-))~~ 4. “Assisted living facility” means a multifamily residential use licensed by  
5 The State of Washington as a boarding home pursuant to RCW 18.20, for people who have either  
6 a need for assistance with activities of daily living (which are defined as eating, toileting,  
7 ambulation, transfer [e.g., moving from bed to chair or chair to bath], and bathing) or some form  
8 of cognitive impairment but who do not need the skilled critical care provided by nursing homes.  
9 An “assisted living facility” contains multiple assisted living units. An assisted living unit is a  
10 dwelling unit permitted only in an assisted living facility.

11           ~~((4-))~~ 5. “Caretaker’s quarters” means a residential use accessory to a  
12 nonresidential use consisting of a dwelling unit not exceeding eight hundred (800) square feet of  
13 living area and occupied by a caretaker or watchperson.

14           ~~((5-))~~ 6. “Congregate residence” means a dwelling unit in which rooms or  
15 lodging, with or without meals, are provided for nine (9) or more non-transient persons not  
16 constituting a single household, excluding single-family residences for which special or  
17 reasonable accommodation has been granted.

18           7. “Detached accessory dwelling unit.” See “Dwelling unit, detached accessory.”

19           ~~((6-))~~ 8. “Domestic violence shelter” means a dwelling unit managed by a  
20 nonprofit organization which provides housing at a confidential location and support services for  
21 victims of family violence.  
22  
23  
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1           ~~((7.))~~ 9. "Floating home" means a dwelling unit constructed on a float, which is  
2 moored, anchored or otherwise secured in the water.

3           ~~((8.))~~ 10. "Mobile home park" means a residential use in which a tract of land is  
4 rented for the use of more than one (1) mobile home occupied as a dwelling unit.

5           ~~((9.))~~ 11. "Multifamily structure" means a structure or portion of a structure  
6 containing two (2) or more dwelling units.

7           ~~((10.))~~ 12. "Nursing home" means a residence, licensed by the state, that provides  
8 full-time convalescent and/or chronic care for individuals who, by reason of chronic illness or  
9 infirmity, are unable to care for themselves. No care for the acutely ill or surgical or obstetrical  
10 services shall be provided in such a residence. This definition excludes hospitals or sanitariums.

11           ~~((11.))~~ 13. "Single-family dwelling unit" means a detached structure containing  
12 one (1) dwelling unit and having a permanent foundation. The structure may also contain an  
13 accessory dwelling unit. A detached accessory dwelling unit is not considered a single-family  
14 dwelling unit for purposes of this chapter.

15 \* \* \*

16 "Roof, butterfly." See "Butterfly roof."

17 \* \* \*

18 Section 13. Subsections A and B of Section 23.90.018, which section was last amended  
19 by Ordinance 122054, is amended as follows:

20 **23.90.018 Civil penalty.**

21 A. In addition to any other sanction or remedial procedure (~~which~~) that may be  
22 available, any person violating or failing to comply with any of the provisions of Title 23 and  
23



1 who is identified in an order of the Director shall be subject to a cumulative penalty in the  
2 amount of Seventy-five Dollars (\$75) per day for each violation from the date set for compliance  
3 until the person complies with the requirements of the code, except as provided in subsection B  
4 of this section.

5  
6 **B. Specific Violations.**

7 1. Violations of Section 23.71.018 are subject to penalty in the amount specified  
8 in Section 23.71.018 H.

9 2. Violations of the requirements of Section 23.44.041C are subject to a civil  
10 penalty of five thousand dollars (\$5,000).

11 3. Violation of Section 23.49.011 or 23.49.015 with respect to failure to  
12 demonstrate compliance with commitments to earn LEED Silver ratings under either  
13 such Section are subject to penalty in amounts determined under Section 23.49.020, and  
14 not to any other penalty.

15  
16 \* \* \*

17  
18 Section 14. Section 23.90.019 of the Seattle Municipal Code, which Section was last  
19 amended by Ordinance 119617, is further amended as follows:

20 **23.90.019 Civil penalty for unauthorized dwelling units in single-family structures and for**  
21 **unauthorized detached accessory dwelling units.**

22 A. In addition to any other sanction or remedial procedure ~~((which))~~ that may be  
23 available, the following penalties ~~((shall))~~ apply to any owner of a single-family dwelling unit  
24 ~~((structure))~~ with one (1) or more unauthorized dwelling unit(s) in the single family dwelling unit  
25 or in a detached accessory structure. Any owner of a single-family dwelling unit ~~((structure))~~  
26 who is issued a notice of violation for an ~~((one (1) or more))~~ unauthorized dwelling unit ~~((unit(s))~~  
27  
28



1 ~~and which dwelling unit(s) are))~~ that is not a ((legal(ly))) legal nonconforming use, ((uses shall  
2 be)) is subject to a civil penalty of Five Thousand Dollars (\$5,000). This penalty shall be reduced  
3 to One Hundred Dollars (\$100) if, prior to the compliance date stated on the notice, the owner  
4 removes ~~((the))~~ all unauthorized dwelling ~~((unit(s)))~~ units. Any owner of a single-family  
5 dwelling unit ((structure)) who voluntarily applies to legalize an accessory dwelling unit prior to  
6 issuance of a notice of violation for an unauthorized dwelling unit, and obtains final inspection  
7 approval for the unit within one (1) year of issuance of permit, shall not be subject to a civil  
8 penalty.  
9

10 B. After discovery of the existence of one (1) or more unauthorized dwelling unit(s) in a  
11 single-family dwelling unit ((structure)) or the existence of an unauthorized detached accessory  
12 dwelling unit, the Director shall issue a Notice of Violation in the manner set forth in Section  
13 23.90.006, which notice shall impose the civil penalty and notify the owner of the date by which  
14 action to remove or legally establish the ~~((illegal))~~ unauthorized unit(s) must be completed to  
15 avoid additional penalty. Failure to complete the required action by the date stated shall be a  
16 further violation of the Land Use Code, subjecting the owner to an additional penalty of Seventy-  
17 five Dollars (\$75) per day until the Notice is satisfied. Such penalties shall be collected in the  
18 manner provided in Section 23.90.018.  
19

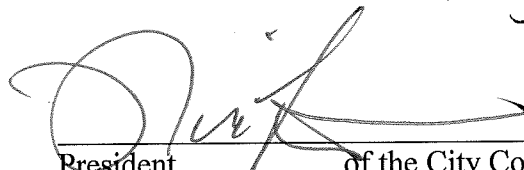
20  
21 Section 15. The provisions of this ordinance are declared to be separate and severable.  
22 The invalidity of any particular provision shall not affect the validity of any other provision.  
23

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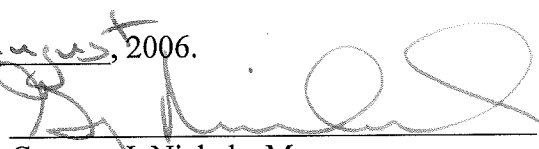


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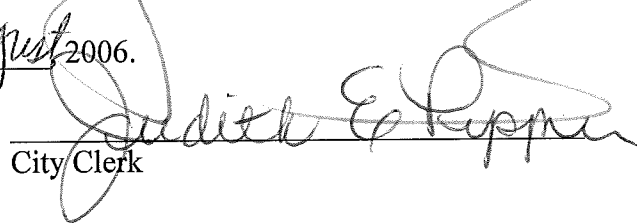
Passed by the City Council the 7<sup>th</sup> day of August, 2006, and signed  
by me in open session in authentication of its passage this 7<sup>th</sup> day of August,  
2006.

  
\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

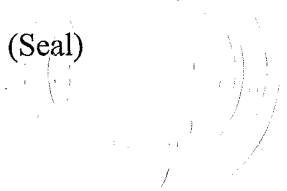
Approved by me this 15<sup>th</sup> day of August, 2006.

  
\_\_\_\_\_  
Gregory J. Nickels, Mayor

Filed by me this 15<sup>th</sup> day of August, 2006.

  
\_\_\_\_\_  
City Clerk

(Seal)



**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>DOF Analyst/Phone:</b>
DPD / Legislative	Mike Podowski 6-1988 / Ketil Freeman 4-8178	NA

**Legislation Title:**

AN ORDINANCE relating to land use and zoning, amending Sections 23.22.062, 23.24.045, 23.34.011, , 23.44.008, 23.44.012, 23.44.014, 23.44.040, 23.44.041, 23.44.050, 23.84.004, 23.84.008, 23.84.032, 23.90.018 and 23.90.019 of the Seattle Municipal Code, to allow detached accessory dwelling units (ADUs) in single family zones in southeast Seattle, making other changes relating to accessory dwelling units and making minor corrections.

• **Summary of the Legislation:**

The proposed legislation would allow detached accessory units (detached ADUs) in Single Family zones in SE Seattle. The proposal includes changes to development standards to allow detached ADUs. Accessory dwelling units (inside the principle structure) are currently allowed in Single Family zones. Additionally, detached accessory structures such as garages and sheds are allowed in Single Family zones.

The proposal also includes some changes to the regulations governing ADUs citywide to help simplify and clarify the Land Use Code.

The legislation is proposed to further Comprehensive Plan goals and the Southeast Seattle Action Agenda, and to encourage more housing opportunities and choices for Seattle residents without significantly impacting neighborhoods.

• **Background:**

See Director's Report for policy background on the proposal itself. This Council Bill essentially supersedes CB 115616, which contained references in the title to unadopted code sections related to the Mayor's Neighborhood District Strategy.

• *Please check one of the following:*

**This legislation does not have any financial implications.** (Stop here and delete the remainder of this document prior to saving and printing.)







1 Section 2. Subsections A and B of Section 23.24.045 of the Seattle Municipal Code,  
2 which section was last amended by Ordinance 119618, is amended as follows:

3 **23.24.045 Unit lot subdivisions.**

4 A. The provisions of this section apply exclusively to the unit subdivision of land for  
5 townhouses, cottage housing developments, residential cluster developments, and single-family  
6 ((residences)) dwelling units in zones where such uses are permitted.

7 B. Except for any site for which a permit has been issued pursuant to Section 23.44.041  
8 for a detached accessory dwelling unit, sites ((Sites)) developed or proposed to be developed  
9 with dwelling units listed in subsection A above may be subdivided into individual unit lots. The  
10 development as a whole shall meet development standards applicable at the time the permit  
11 application is vested. As a result of the subdivision, development on individual unit lots may be  
12 nonconforming as to some or all of the development standards based on analysis of the  
13 individual unit lot, except that any private, usable open space for each dwelling unit shall be  
14 provided on the same lot as the dwelling unit it serves.

15 \* \* \*

16 Section 3. Section 23.34.011, which Section was last amended by Ordinance 117430, is  
17 amended as follows:

18 **23.34.011 Single-family zones, function and locational criteria.**

19 A. Function. An area that provides predominantly detached single-family structures on  
20 lot sizes compatible with the existing pattern of development and the character of single-family  
21 neighborhoods.



1 B. Locational Criteria. A single-family zone designation is most appropriate in areas  
2 meeting the following criteria:

3 1. Areas that consist of blocks with at least seventy (70) percent of the existing  
4 structures, not including detached accessory dwelling units, in single-family residential use; or

5  
6 2. Areas that are designated by an adopted neighborhood plan as appropriate for  
7 single-family residential use; or

8 3. Areas that consist of blocks with less than seventy (70) percent of the existing  
9 structures, not including detached accessory dwelling units, in single-family residential use but in  
10 which an increasing trend toward single-family residential use can be demonstrated; for example:

11 a. The construction of single-family structures, not including detached  
12 accessory dwelling units, in the last five (5) years has been increasing proportionately to the total  
13 number of constructions for new uses in the area, or

14 b. The area shows an increasing number of improvements and  
15 rehabilitation efforts to single-family structures, not including detached accessory dwelling units,  
16  
17 or

18 c. The number of existing single-family structures, not including detached  
19 accessory dwelling units, has been very stable or increasing in the last five (5) years, or

20 d. The area's location is topographically and environmentally suitable for  
21 single-family residential developments.

22  
23 C. An area that meets at least one (1) of the locational criteria in subsection B above  
24 should also satisfy the following size criteria in order to be designated as a single-family zone:  
25  
26  
27  
28



1           1. The area proposed for rezone should comprise fifteen (15) contiguous acres or  
2 more, or should abut an existing single-family zone.

3           2. If the area proposed for rezone contains less than fifteen (15) contiguous acres,  
4 and does not abut an existing single-family zone, then it should demonstrate strong or stable  
5 single-family residential use trends or potentials such as:  
6

7           a. That the construction of single-family structures, not including  
8 detached accessory dwelling units, in the last five (5) years has been increasing proportionately  
9 to the total number of constructions for new uses in the area, or

10           b. That the number of existing single-family structures, not including  
11 detached accessory dwelling units, has been very stable or increasing in the last five (5) years, or

12           c. That the area's location is topographically and environmentally suitable  
13 for single-family structures, or

14           d. That the area shows an increasing number of improvements or  
15 rehabilitation efforts to single-family structures, not including detached accessory dwelling units  
16

17           D. Half-blocks at the edges of single-family zones which have more than fifty (50)  
18 percent single-family structures, not including detached accessory dwelling units, or portions of  
19 blocks on an arterial which have a majority of single-family structures, not including detached  
20 accessory dwelling units, shall generally be included. This shall be decided on a case-by-case  
21 basis, but the policy is to favor including them.  
22

23           Section 4. Subsection F of Section 23.44.008, which section was last amended by  
24 Ordinance 120293, is further amended as follows:  
25

26 **23.44.008 Development standards for uses permitted outright.**  
27  
28



1 \* \* \*

2 F. ((A)) Except for a detached accessory dwelling unit, any structure occupied by a  
3 permitted use other than single-family residential use may be converted to single-family  
4 residential use even if the structure does not conform to the development standards for single-  
5 family structures. Expansions of converted nonconforming structures shall be regulated by  
6 Section 23.42.108. Conversion of structures occupied by nonconforming uses shall be regulated  
7 by Sections 23.42.108 and 23.42.110.

9 \* \* \*

10 Section 5. Subsections A and B of Section 23.44.012 of the Seattle Municipal Code,  
11 which section was last amended by Ordinance 121476, is further amended as follows:

12 **23.44.012 Height Limits.**

13 A. ((Base)) Maximum Height Established.

14 1. ((Except as provided in subsection A2, the base permitted height for any  
15 structure not located in required yards, except as permitted in Section 23.44.014 D3, shall not  
16 exceed the greater of the following:)) Except as permitted in Sections 23.44.014 D3 and  
17 23.44.041B, and except as provided in subsections A2 and A3 below, the maximum permitted  
18 height for any structure not located in required yards shall not exceed the greater of the  
19 following:

20 a. Thirty (30) feet;

21 b. The average height of the two (2) single-family structures which the  
22 subject structure abuts if one (1) or both of the abutting structures exceed thirty (30) feet.  
23  
24  
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1                   2. The ~~((base))~~ maximum permitted height for any structure on lots thirty (30)  
2 feet or less in width shall not exceed the greater of the following:

3                   a. Twenty-five (25) feet;

4                   b. The average height of the two (2) single-family structures on abutting  
5 lots, but not to exceed thirty (30) feet.  
6

7                   3. Expansions, extensions or replacements to any structure on lots  
8 established pursuant to 23.24.046, Multiple single-family dwelling units on a single-family lot,  
9 on lots thirty (30) feet or less in width are subject to the following:

10                   a. The ~~((base))~~ maximum permitted height shall not exceed twenty-five  
11 (25) feet, and

12                   b. The averaging provisions of subsection 2b, above, do not apply.

13                   4. The methods of determining structure height, height averages, and lot width  
14 are detailed in Chapter 23.86, Measurements.  
15

16                   B. Special Features.

17                   1. Pitched Roofs. The ridge of a pitched roof on a principal structure may extend up to  
18 five (5) feet above the ~~((base))~~ maximum height limit, as determined under subsection A above.  
19 All parts of the roof above the height limit must be pitched at a rate of not less than three to  
20 twelve (3:12) (Exhibit 23.44.012 A). No portion of a shed roof shall be permitted to extend  
21 beyond the ~~((base))~~ maximum height limit, as determined under subsection A above.  
22

23                   2. Sloped Lots. Except for structures containing a detached accessory dwelling unit,  
24 ~~((Additional))~~ additional height shall be permitted for sloped lots, at the rate of one (1) foot for  
25 each six (6) percent of slope. The additional height shall be permitted on the downhill side of the  
26 structure only, as described in the measurements portion of this Land Use Code (Exhibit  
27  
28



1 23.44.012 B). When the downhill portion of a sloped lot fronts on the street where the required  
2 front yard exemption in Section 23.44.014A is claimed, the permitted height of the wall along  
3 the lowest elevation of the site shall be reduced one (1) foot for each foot of exemption claimed.  
4 In no case shall the height of the wall be required to be less than the ((base)) maximum height  
5 limit, as determined under subsection A above.  
6

7 \* \* \*

8 Section 6. Subsection D of Section 23.44.014, which section was last amended by  
9 Ordinance 121476, is amended as follows:

10 **23.44.014 Yards.**

11 \* \* \*

12  
13 D. Exceptions from Standard Yard Requirements. No structure shall be placed in a  
14 required yard except pursuant to the following subsections:

15 1. Certain Accessory Structures. Any accessory structure may be constructed in a  
16 side yard which abuts the rear or side yard of another lot, or in that portion of the rear yard of a  
17 reversed corner lot within five (5) feet of the key lot and not abutting the front yard of the key  
18 lot, upon recording with the King County Department of Records and Elections an agreement to  
19 this effect between the owners of record of the abutting properties. Any accessory structure  
20 which is a private garage may be located in that portion of a side yard which is either within  
21 thirty-five (35) feet of the centerline of an alley or within twenty-five (25) feet of any rear lot line  
22 which is not an alley lot line, without providing an agreement as provided in Section 23.44.016.  
23

24 2. A single-family structure may extend into one (1) side yard if an easement is  
25 provided along the side or rear lot line of the abutting lot, sufficient to leave a ten (10) foot  
26  
27  
28



1 separation between that structure and any principal or accessory structures on the abutting lot.  
2 Features and projections such as porches, eaves, and chimneys shall be permitted in the ten (10)  
3 foot separation area as if the property line were five (5) feet from the wall of the house on the  
4 dominant lot, provided that no portion of either principal structure including eaves shall cross the  
5 actual property line. The easement shall be recorded with the King County Department of  
6 Records and Elections. The easement shall provide access for normal maintenance activities to  
7 the principal structure on the lot with less than the required side yard.  
8

9           3. Certain Additions. Certain additions may extend into a required yard when the  
10 existing single-family structure is already nonconforming with respect to that yard. The presently  
11 nonconforming portion must be at least sixty (60) percent of the total width of the respective  
12 facade of the structure prior to the addition. The line formed by the nonconforming wall of the  
13 structure shall be the limit to which any additions may be built, except as described below. They  
14 may extend up to the height limit and may include basement additions. New additions to the  
15 nonconforming wall or walls shall comply with the following requirements (Exhibit 23.44.014  
16

17 A):

18           a. Side Yard. When the addition is a side wall, the existing wall line may  
19 be continued by the addition except that in no case shall the addition be closer than three (3) feet  
20 to the side lot line;  
21

22           b. Rear Yard. When the addition is a rear wall, the existing wall line may  
23 be continued by the addition except that in no case shall the addition be closer than twenty (20)  
24 feet to the rear lot line or centerline of an alley abutting the rear lot line;  
25





1 c. Front Yard. When the addition is a front wall, the existing wall line  
2 may be continued by the addition except that in no case shall the addition be closer than fifteen  
3 (15) feet to the front lot line;

4 d. When the nonconforming wall of the single-family structure is not  
5 parallel or is otherwise irregular, relative to the lot line, then the Director shall determine the  
6 limit of the wall extension, except that the wall extension shall not be located closer than  
7 specified in subsections D3a-c above.

8  
9 4. Uncovered Porches or Steps. Uncovered, unenclosed porches or steps may  
10 project into any required yard, provided that they are no higher than four (4) feet on average  
11 above existing grade, no closer than three (3) feet to any side lot line, no wider than six (6) feet  
12 and project no more than six (6) feet into required front or rear yards. The height of porches and  
13 steps are to be calculated separately from each other.

14  
15 5. Special Features of a Structure. Special features of a structure may extend into  
16 required yards subject to the following standards only, unless permitted elsewhere in this  
17 chapter:

18 a. External architectural details with no living area, such as chimneys,  
19 eaves, cornices and columns, may project no more than eighteen (18) inches into any required  
20 yard;

21  
22 b. Bay windows shall be limited to eight (8) feet in width and may project  
23 no more than two (2) feet into a required front, rear, and street side yard;

24  
25 c. Other projections which include interior space, such as garden  
26 windows, may extend no more than eighteen (18) inches into any required yard, starting a  
27  
28



1 minimum of thirty (30) inches above finished floor, and with maximum dimensions of six (6)  
2 feet tall and eight (8) feet wide;

3 d. The combined area of features permitted in subsections D5b and c  
4 above may comprise no more than thirty (30) percent of the area of the facade.

5  
6 6. Private Garages, Covered Unenclosed Decks, ((~~or~~)) Roofs Over Patios and  
7 Other Accessory Structures in Rear Yards.

8 a. Any attached private garages or covered, unenclosed decks or roofs  
9 over patios are portions of principal structures. They may extend into the required rear yard, but  
10 shall not be within twelve (12) feet of the centerline of any alley, nor within twelve (12) feet of  
11 any rear lot line which is not an alley lot line, nor closer than five (5) feet to any accessory  
12 structure. The height of private garages shall meet the provisions of Section 23.44.016 D2 and  
13 the height of the roof over unenclosed decks and patios may not exceed twelve (12) feet. The  
14 roof over these decks, patios and garages shall not be used as a deck. Any detached private  
15 garage meeting the requirements of Section 23.44.016, Parking location and access, or detached  
16 permitted accessory structure meeting the requirements of Section 23.44.040, General  
17 provisions, may be located in a rear yard. If a private garage has its vehicular access facing the  
18 alley, the private garage shall not be within twelve (12) feet of the centerline of the alley.

19  
20  
21 b. Garages meeting the standards of Section 23.44.016 and other  
22 accessory structures meeting the standards of Sections 23.44.040 or 23.44.041, shall be permitted  
23 in required rear yards, subject to a maximum combined coverage of forty (40) percent of the  
24 required rear yard. In the case of a rear yard abutting an alley, rear yard coverage shall be  
25 calculated from the centerline of the alley.  
26



1           7. Private Garages in Front Yards of Through Lots. On through lots less than one  
2 hundred twenty-five (125) feet in depth, either an accessory garage structure or a portion of the  
3 principal structure containing a garage shall be permitted to locate in one (1) of the front yards.  
4 Private garages, either as accessory structures or as a portion of the principal structure, shall be  
5 limited as set forth in Section 23.44.016. The front yard in which the garage may be located shall  
6 be determined by the Director based on the location of other accessory garages on the block. If  
7 no pattern of garage location can be determined, the Director shall determine in which yard the  
8 accessory garage shall be located based on the prevailing character and setback patterns of the  
9 block.  
10

11           8. Access Bridges. Uncovered, unenclosed pedestrian bridges of any height,  
12 necessary for access and five (5) feet or less in width, are permitted in required yards except that  
13 in side yards an access bridge must be at least three (3) feet from any side lot line.  
14

15           9. Barrier-free Access. Access facilities for the disabled and elderly meeting  
16 Washington State Building Code, Chapter 11 are permitted in any required yards.  
17

18           10. Freestanding Structures and Bulkheads.

19           a. Fences, freestanding walls, signs and similar structures six (6) feet or  
20 less in height above existing or finished grade, whichever is lower, may be erected in any  
21 required yard. The six (6) foot height may be averaged along sloping grade for each six (6) foot  
22 long segment of the fence, but in no case may any portion of the fence exceed eight (8) feet.  
23 Architectural features may be added to the top of the fence or freestanding wall above the six (6)  
24 foot height when the following provisions are met: horizontal architectural feature(s), no more  
25 than ten (10) inches high, and separated by a minimum of six (6) inches of open area, measured  
26  
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1 vertically from the top of the fence, may be permitted when the overall height of all parts of the  
2 structure, including post caps, are no more than eight (8) feet high; averaging the eight (8) foot  
3 height is not permitted. Structural supports for the horizontal architectural feature(s) may be  
4 spaced no closer than three (3) feet on center.  
5

6 b. The Director may allow variation from the development standards  
7 listed in subsection D10a above, according to the following:

8 (1) No part of the structure may exceed eight (8) feet; and

9 (2) Any portion of the structure above six (6) feet shall be  
10 predominately open, such that there is free circulation of light and air.  
11

12 c. Bulkheads and retaining walls used to raise grade may be placed in any  
13 required yard when limited to six (6) feet in height, measured above existing grade. A guardrail  
14 no higher than forty-two (42) inches may be placed on top of a bulkhead or retaining wall  
15 existing as of the date of the ordinance codified in this section. If a fence is placed on top of a  
16 new bulkhead or retaining wall, the maximum combined height is limited to nine and one-half (9  
17 1/2) feet.  
18

19 d. Bulkheads and retaining walls used to protect a cut into existing grade  
20 may not exceed the minimum height necessary to support the cut or six (6) feet, whichever is  
21 greater. When the bulkhead is measured from the low side and it exceeds six (6) feet, an open  
22 guardrail of no more than forty-two (42) inches meeting Building Code requirements may be  
23 placed on top of the bulkhead or retaining wall. A fence must be set back a minimum of three (3)  
24 feet from such a bulkhead or retaining wall.  
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1 e. When located in the shoreline setbacks or in view corridors in the  
2 Shoreline District as regulated in Chapter 23.60, these structures shall not obscure views  
3 protected by Chapter 23.60 and the Director shall determine the permitted height.

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

6 12. Heat Pumps. Heat pumps and similar mechanical equipment, not including  
7 incinerators, may be permitted in required yards if the requirements of the Noise Control  
8 Ordinance, Chapter 25.08, are not violated. Any heat pump or similar equipment shall not be  
9 located within three (3) feet of any lot line.

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

12 14. Front Yard Projections for Structures on Lots Thirty (30) Feet or Less in  
13 Width. For a structure on a lot which is thirty (30) feet or less in width, portions of the front  
14 facade which begin eight (8) feet or more above finished grade may project up to four (4) feet  
15 into the required front yard, provided that no portion of the facade, including eaves and gutters,  
16 shall be closer than five (5) feet to the front line (Exhibit 23.44.014 B).

17 15. Front and rear yards may be reduced by twenty-five (25) percent, but no more  
18 than five (5) feet, if the site contains a required environmentally critical area buffer or other area  
19 of the property which can not be disturbed pursuant to subsection A of Section 25.09.280 of  
20 SMC Chapter 25.09, Regulations for Environmentally Critical Areas.

21 16. Arbors. Arbors may be permitted in required yards under the following  
22 conditions:  
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24  
25  
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1 a. In any required yard, an arbor may be erected with no more than a forty  
2 (40) square foot footprint, measured on a horizontal roof plane inclusive of eaves, to a maximum  
3 height of eight (8) feet. Both the sides and the roof of the arbor must be at least fifty (50) percent  
4 open, or, if latticework is used, there must be a minimum opening of two (2) inches between  
5 crosspieces.  
6

7 b. In each required yard abutting a street, an arbor over a private  
8 pedestrian walkway with no more than a thirty (30) square foot footprint, measured on the  
9 horizontal roof plane and inclusive of eaves, may be erected to a maximum height of eight (8)  
10 feet. The sides of the arbor shall be at least fifty (50) percent open, or if latticework is used, there  
11 must be a minimum opening of two (2) inches between crosspieces.  
12

13 Section 7. Subsection E of Section 23.44.040 of the Seattle Municipal Code, which  
14 section was last amended by Ordinance 117263, is amended as follows:

15 **23.44.040 General provisions.**

16 \* \* \*

17  
18 E. Except as provided for detached accessory dwelling units in Section 23.44.041B, any  
19 ~~((Any))~~ accessory structure located in a required yard shall not exceed twelve (12) feet in height  
20 nor one thousand (1,000) square feet in area.

21 \* \* \*

22 Section 8. Section 23.44.041 of the Seattle Municipal Code, which section was last  
23 amended by Ordinance 121477, is amended as follows:

24 **23.44.041 Accessory dwelling units.**



1           ~~((Accessory dwelling units may be permitted subject to the standards in subsection A of~~  
2 ~~this section. The Master Use Permit process set forth in Chapter 23.76 shall be followed to~~  
3 ~~authorize these uses.))~~

4           A. Accessory dwelling units, general provisions. The Director may authorize an  
5 accessory dwelling unit ~~((if the Director finds that the unit meets the following development and~~  
6 ~~use standards))~~ under the following conditions:

7           1. A lot with or proposed for a single-family dwelling may have no more than  
8 one (1) accessory dwelling unit ~~((, and only one (1) accessory dwelling unit shall be allowed per~~  
9 ~~lot)).~~

10           2. One (1) of the dwelling units ~~((in the structure))~~ shall be occupied by one (1)  
11 or more owners of the property as the owner's(s) permanent and principal residence~~((,))~~, and the  
12 owner-occupant shall comply with the requirements of subsection C, Owner Occupancy. ~~((The~~  
13 ~~owner-occupant must occupy the owner-occupied dwelling unit for more than six (6) months of~~  
14 ~~each calendar year. The owner-occupant may not receive rent for the owner-occupied dwelling~~  
15 ~~unit. If a complaint that an owner has violated these requirements is filed, the owner shall:~~

16           a. ~~Submit evidence to the Director showing good cause, such as job~~  
17 ~~dislocation, sabbatical leave, education, or illness, for waiver of this requirement for up to three~~  
18 ~~(3) years absence from the Puget Sound region. Upon such showing the Director may waive the~~  
19 ~~requirement;~~

20           b. ~~Re-occupy the structure; or~~

21           c. ~~Remove the accessory dwelling unit.))~~



1                   3. Any number of related persons may occupy each unit in a single-family  
2 ~~((residence-))~~ dwelling unit with an accessory dwelling unit; provided that, if unrelated persons  
3 occupy either unit, the total number of persons occupying both units ~~((together))~~ may not exceed  
4 eight (8).

5  
6                   4. ~~((Accessory dwelling units may not be located in any structure detached from  
7 the single-family dwelling-))~~ All accessory dwelling units must meet the following, unless  
8 modified in subsection B:

a. <u>Maximum Gross Floor Area</u>	<u>One thousand (1,000) square feet, including garage and storage area.<sup>1</sup></u>
b. <u>Entrances</u>	<u>Only one (1) entrance to the structure may be located on each street-facing facade of the dwelling unit.<sup>2</sup></u>
c. <u>Parking</u>	<u>One (1) off-street parking space is required, and may be provided as tandem parking with the parking space provided for the principal dwelling unit.<sup>3</sup> An existing required parking space may not be eliminated to accommodate an accessory dwelling unit, unless it is replaced elsewhere on the lot.</u>

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17 Footnotes:

18 1. The gross floor area of an accessory dwelling unit may exceed one thousand (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 (1) level.

19 2. More than one entrance may be allowed if: a) two (2) entrances on the street-facing facade 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.

20 3. No off-street parking space will be required for an accessory dwelling unit if:

21                   a. The topography or location of existing principal or accessory structures makes provision of an off-street parking space physically infeasible; or

22                   b. The site is located in a residential parking zone (RPZ) and a current parking study is submitted showing a utilization rate of less than seventy-five percent (75%) for on-street parking within four hundred feet (400') of all property lines of the site.

23                   c. The provisions in this footnote 3 providing for exceptions to the parking requirement do not apply to sites located in either the University District Parking Overlay Area (Exhibit for Chart A, Section 23.54.015, Map A) or the Alki Area Parking Overlay (Exhibit for Chart A, Section 23.54.015, Map B).





1           B. Accessory Dwelling Units, detached.

2                   1. Locations allowed. An accessory dwelling unit may be located in a structure  
3 separate from a principal single-family dwelling unit in single-family zones within the area  
4 bounded by I-5 to the west, I-90 to the north, Lake Washington to the east, and the Seattle  
5 corporate limits to the south. Detached accessory dwelling units are not permitted on a lot if any  
6 portion of the lot is within the Shoreline District established by Section 23.60.010.

7  
8                   2. Development standards. Detached accessory dwelling units shall meet the  
9 following standards and the standards of subsection A, except as modified in this subsection:

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<u>Development Standards for Detached Accessory Dwelling Units<sup>1</sup></u>				
<u>a. Minimum Lot Size</u>	<u>3,000 square feet</u>			
<u>b. Minimum Lot Width</u>	<u>25 feet</u>			
<u>c. Minimum Lot Depth</u>	<u>70 feet<sup>2</sup></u>			
<u>d. Maximum Lot Coverage</u>	<u>The provisions of Section 23.44.010 apply.</u>			
<u>e. Maximum Rear Yard Coverage</u>	<u>The provisions of Section 23.44.014 D.6.b apply.</u>			
<u>f. Maximum Gross Floor Area</u>	<u>20% of the lot size, or 1,000 square feet, whichever is less, including garage or storage area.<sup>3</sup></u>			
<u>g. Front Yard</u>	<u>A detached accessory dwelling unit may not be located within the front yard required by Section 23.44.014A.</u>			
<u>h. Minimum Side Yard</u>	<u>The provisions of Section 23.44.014 C apply.</u>			
<u>i. Minimum Rear Yard</u>	<u>A detached accessory dwelling unit may be located within a required rear yard when it is not within 5 feet of the rear lot line, unless the rear lot line is adjacent to an alley, in which case a detached accessory dwelling unit may be located at the rear lot line.<sup>4</sup></u>			
<u>j. Maximum Height Limits<sup>5</sup></u>	<u>Lot Width (feet)</u>			
	<u>Less than 30</u>	<u>30-35</u>	<u>36-40</u>	<u>41 or greater</u>
<u>(1) Maximum Structure Height (feet)</u>	<u>12</u>	<u>14</u>	<u>15</u>	<u>16</u>
<u>(2) Maximum Structure Height with Pitched Roof (feet)</u>	<u>15</u>	<u>21</u>	<u>22</u>	<u>23</u>
<u>(3) Maximum Structure Height with Shed or Butterfly Roof (feet); see Exhibit 23.44.041 B.</u>	<u>15</u>	<u>18</u>	<u>19</u>	<u>20</u>
<u>Footnotes:</u>				
<u>1 Exceptions to the standards contained in subsections a through j are permitted pursuant to 23.44.041B2, when converting existing nonconforming structures.</u>				
<u>2. 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.</u>				
<u>3. Areas below grade are exempt from the calculation of gross floor area.</u>				
<u>4. When the rear lot line is adjacent to an alley and a detached accessory dwelling unit includes a</u>				

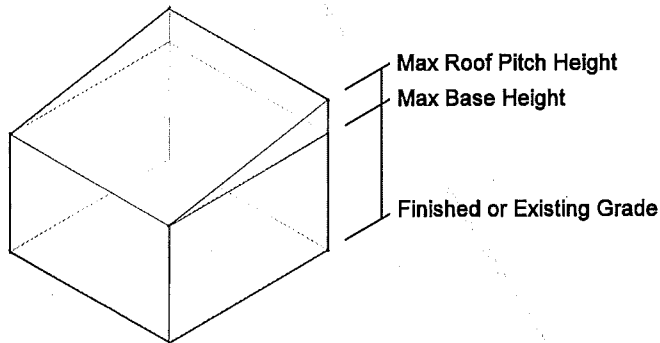


garage with a vehicle entrance that faces the alley, the garage portion of the structure may not be located within 12 feet of the centerline of the alley.

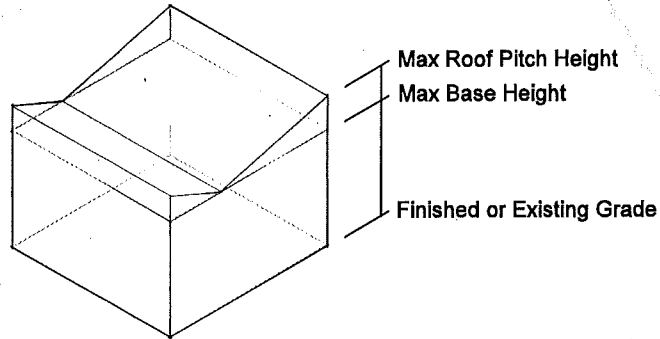
5. Features such as chimneys, antennas, and flagpoles may extend up to four (4) feet above the maximum allowed height. The additional height for sloped lots permitted by 23.44.012B does not apply.

Exhibit 23.44.041 B: Explanation of Terms for Shed and Butterfly Roofs for Detached Accessory Dwelling Units.

**Shed Roof Example**



**Butterfly Roof Example**



3. Conversion of accessory structures. An existing accessory structure that is not located in a required front yard may be converted into a detached accessory dwelling unit if:

- a. the accessory structure complies with the minimum standards set forth in Sections 22.206.010 through 22.206.140 of the Housing and Building Maintenance Code, SMC chapter 22.206; and





1 ~~for on-street parking within a four hundred (400) foot walking distance of the subject property is~~  
2 ~~less than seventy five (75) percent. Parking may not be waived for accessory dwelling units~~  
3 ~~within the University District or Alki Parking Overlay Areas as shown on Maps A and B,~~  
4 ~~Section 23.54.015.~~

5  
6 ~~b. The applicant need not apply for a variance in order to waive the~~  
7 ~~parking requirement. The parking waiver process cannot be used to eliminate an existing~~  
8 ~~required parking space in order to create an accessory dwelling unit, unless replaced elsewhere~~  
9 ~~on the lot.)~~

10 ~~8. Ceiling Height.~~

11  
12 ~~If the portion of the single-family dwelling in which the accessory dwelling unit is~~  
13 ~~located was in existence prior to October 17, 1979, the minimum ceiling height shall be six (6)~~  
14 ~~feet eight (8) inches measured per Sections 310.6.1 and 3403 of the Seattle Building Code~~  
15 ~~(SBC), or the minimum ceiling height shall be six (6) feet four (4) inches if a hard-wired smoke~~  
16 ~~detector is located in the accessory dwelling unit. If the portion of the single-family dwelling in~~  
17 ~~which the accessory dwelling unit is located was constructed on or subsequent to October 17,~~  
18 ~~1979, the minimum ceiling height shall be as determined according to Sections 310.6.1 and 3403~~  
19 ~~of the Seattle Building Code.~~

20  
21 ~~B. Certification of Owner Occupancy. After issuance of a permit establishing an~~  
22 ~~accessory dwelling unit, the Department of Planning and Development shall record as a deed~~  
23 ~~restriction in the King County Office of Records and Elections a certification by the owner(s)~~  
24 ~~under oath in a form prescribed by the Director that one (1) of the dwelling units is occupied by~~  
25 ~~the owner(s) of the property as the owner's(s)' principal and permanent residence and a statement~~  
26



1 ~~by the owner(s) that the owner(s) will notify any prospective purchasers of the requirements of~~  
2 ~~this section. When ownership of a single family residence with an approved accessory dwelling~~  
3 ~~unit changes, the new owner(s) shall either submit a new owner occupancy certification to the~~  
4 ~~Department of Planning and Development for recording, or remove the accessory dwelling unit.~~  
5 ~~Failure to submit a new certificate or remove the accessory dwelling unit within one (1) year of~~  
6 ~~transfer of ownership shall be a violation of the Land Use Code subject to civil penalties~~  
7 ~~provided in Section 23.90.018. Falsely certifying owner occupancy or failure to comply with the~~  
8 ~~terms of the owner occupancy certification shall be subject to a civil penalty of Five Thousand~~  
9 ~~Dollars (\$5,000), in addition to any criminal penalties.))~~

11 C. Owner Occupancy.

12 1. Requirement.

13 a. An owner of the property must occupy either the principal dwelling unit  
14 or the accessory dwelling unit for more than six (6) months of each calendar year; and

15 b. An owner may not receive rent for an owner-occupied dwelling unit.

16 2. Violation. If there is a violation of the requirements of subsection C1, the  
17 owner shall:

18 a. Re-occupy the structure; or

19 b. Remove the accessory dwelling unit; or

20 c. Submit evidence to the Director showing good cause why the  
21 requirement for owner occupancy should be waived. Good cause may include job dislocation,  
22 sabbatical leave, education, or illness. Upon such showing the Director may waive the  
23 requirement for up to three (3) years; and





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Section 10. Section 23.84.004 of the Seattle Municipal Code, which section was last amended by Ordinance 121196, is amended to add a definition of "Butterfly Roof" as follows:

**23.84.004 "B."**

\* \* \*

"Butterfly roof" means a roof having planes that slope upward from the interior of a structure toward its exterior walls.

Section 11. Section 23.84.008 of the Seattle Municipal Code, which section was last amended by Ordinance 122054, is amended as follows:

**23.84.008 "D."**

\*\*\*

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

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





1 Section 12. Section 23.84.032 of the Seattle Municipal Code, which Section was last  
2 amended by Ordinance 122054, is amended as follows:

3 **23.84.032 "R."**

4 \* \* \*

5 "Residential" means a use within a structure intended to be occupied as a dwelling.

6 Residential uses include but are not limited to the following:

7 1. "Accessory dwelling unit." See "Dwelling unit, accessory."

8  
9 ~~((1-))~~ 2. "Adult family home" means a residential use as defined and licensed by  
10 The State of Washington in a dwelling unit.

11  
12 ~~((2-))~~ 3. "Artist's studio/dwelling" means a combination working studio and  
13 dwelling unit for artists, consisting of a room or suite of rooms occupied by not more than one  
14 (1) household.

15  
16 ~~((3-))~~ 4. "Assisted living facility" means a multifamily residential use licensed by  
17 The State of Washington as a boarding home pursuant to RCW 18.20, for people who have either  
18 a need for assistance with activities of daily living (which are defined as eating, toileting,  
19 ambulation, transfer [e.g., moving from bed to chair or chair to bath], and bathing) or some form  
20 of cognitive impairment but who do not need the skilled critical care provided by nursing homes.  
21 An "assisted living facility" contains multiple assisted living units. An assisted living unit is a  
22 dwelling unit permitted only in an assisted living facility.

23  
24 ~~((4-))~~ 5. "Caretaker's quarters" means a residential use accessory to a  
25 nonresidential use consisting of a dwelling unit not exceeding eight hundred (800) square feet of  
26 living area and occupied by a caretaker or watchperson.



1                   ((5-)) 6. “Congregate residence” means a dwelling unit in which rooms or  
2 lodging, with or without meals, are provided for nine (9) or more non-transient persons not  
3 constituting a single household, excluding single-family residences for which special or  
4 reasonable accommodation has been granted.

5  
6                   7. “Detached accessory dwelling unit.” See “Dwelling unit, detached accessory.”

7                   ((6-)) 8. “Domestic violence shelter” means a dwelling unit managed by a  
8 nonprofit organization which provides housing at a confidential location and support services for  
9 victims of family violence.

10                   ((7-)) 9. “Floating home” means a dwelling unit constructed on a float, which is  
11 moored, anchored or otherwise secured in the water.

12                   ((8-)) 10. “Mobile home park” means a residential use in which a tract of land is  
13 rented for the use of more than one (1) mobile home occupied as a dwelling unit.

14                   ((9-)) 11. “Multifamily structure” means a structure or portion of a structure  
15 containing two (2) or more dwelling units.

16                   ((10-)) 12. “Nursing home” means a residence, licensed by the state, that provides  
17 full-time convalescent and/or chronic care for individuals who, by reason of chronic illness or  
18 infirmity, are unable to care for themselves. No care for the acutely ill or surgical or obstetrical  
19 services shall be provided in such a residence. This definition excludes hospitals or sanitariums.

20                   ((11-)) 13. “Single-family dwelling unit” means a detached structure containing  
21 one (1) dwelling unit and having a permanent foundation. The structure may also contain an  
22 accessory dwelling unit. A detached accessory dwelling unit is not considered a single-family  
23 dwelling unit for purposes of this chapter.  
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1 \* \* \*

2 “Roof, butterfly.” See “Butterfly roof.”

3 \* \* \*

4 Section 13. Subsections A and B of Section 23.90.018, which section was last amended  
5 by Ordinance 122054, is amended as follows:

6 **23.90.018 Civil penalty.**

7  
8 A. In addition to any other sanction or remedial procedure ((which)) that may be  
9 available, any person violating or failing to comply with any of the provisions of Title 23 and  
10 who is identified in an order of the Director shall be subject to a cumulative penalty in the  
11 amount of Seventy-five Dollars (\$75) per day for each violation from the date set for compliance  
12 until the person complies with the requirements of the code, except as provided in subsection B  
13 of this section.  
14

15 B. Specific Violations.

16 1. Violations of Section 23.71.018 are subject to penalty in the amount specified  
17 in Section 23.71.018 H.

18 2. Violations of the requirements of Section 23.44.041C are subject to a civil  
19 penalty of five thousand dollars (\$5,000).

20 3. Violation of Section 23.49.011 or 23.49.015 with respect to failure to  
21 demonstrate compliance with commitments to earn LEED Silver ratings under either  
22 such Section are subject to penalty in amounts determined under Section 23.49.020, and  
23 not to any other penalty.  
24

25 \* \* \*



1 Section 14. Section 23.90.019 of the Seattle Municipal Code, which Section was last  
2 amended by Ordinance 119617, is further amended as follows:

3 **23.90.019 Civil penalty for unauthorized dwelling units in single-family structures and for**  
4 **unauthorized detached accessory dwelling units.**

5 A. In addition to any other sanction or remedial procedure ~~((which))~~ that may be  
6 available, the following penalties ~~((shall))~~ apply to any owner of a single-family dwelling unit  
7 ~~((structure))~~ with one (1) or more unauthorized dwelling unit(s) in the single family dwelling unit  
8 or in a detached accessory structure. Any owner of a single-family dwelling unit ~~((structure))~~  
9 who is issued a notice of violation for an ~~((one (1) or more))~~ unauthorized dwelling unit ~~((unit(s)~~  
10 ~~and which dwelling unit(s) are))~~ that is not a ~~((legal(ly)))~~ legal nonconforming use. ~~((uses shall~~  
11 ~~be))~~ is subject to a civil penalty of One Thousand Dollars (\$1,000). This penalty shall be reduced  
12 to One Hundred Dollars (\$100) if, prior to the compliance date stated on the notice, the owner  
13 removes ~~((the))~~ all unauthorized dwelling ~~((unit(s)))~~ units. Any owner of a single-family  
14 dwelling unit ~~((structure))~~ who voluntarily applies to legalize an accessory dwelling unit prior to  
15 issuance of a notice of violation for an unauthorized dwelling unit, and obtains final inspection  
16 approval for the unit within one (1) year of issuance of permit, shall not be subject to a civil  
17 penalty.

18 B. After discovery of the existence of one (1) or more unauthorized dwelling unit(s) in a  
19 single-family dwelling unit ~~((structure))~~ or the existence of an unauthorized detached accessory  
20 dwelling unit, the Director shall issue a Notice of Violation in the manner set forth in Section  
21 23.90.006, which notice shall impose the civil penalty and notify the owner of the date by which  
22 action to remove or legally establish the ~~((illegal))~~ unauthorized unit(s) must be completed to  
23 avoid additional penalty. Failure to complete the required action by the date stated shall be a  
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1 further violation of the Land Use Code, subjecting the owner to an additional penalty of Seventy-  
2 five Dollars (\$75) per day until the Notice is satisfied. Such penalties shall be collected in the  
3 manner provided in Section 23.90.018.

4 Section 15. The provisions of this ordinance are declared to be separate and severable.  
5  
6 The invalidity of any particular provision shall not affect the validity of any other provision.

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

10 Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2006, and signed  
11 by me in open session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_,  
12 2006.

13  
14 \_\_\_\_\_  
15 President \_\_\_\_\_ of the City Council

16 Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2006.

17 \_\_\_\_\_  
18 Gregory J. Nickels, Mayor

19 Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2006.

20 \_\_\_\_\_  
21 City Clerk

22 (Seal)  
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1 **23.24.045 Unit lot subdivisions.**

2 A. The provisions of this section apply exclusively to the unit subdivision of land for  
3 townhouses, cottage housing developments, residential cluster developments, and single-family  
4 ((residences)) dwelling units in zones where such uses are permitted.  
5

6 B. Except for any site for which a permit has been issued pursuant to Section 23.44.041  
7 for a detached accessory dwelling unit, sites ((Sites)) developed or proposed to be developed  
8 with dwelling units listed in subsection A above may be subdivided into individual unit lots. The  
9 development as a whole shall meet development standards applicable at the time the permit  
10 application is vested. As a result of the subdivision, development on individual unit lots may be  
11 nonconforming as to some or all of the development standards based on analysis of the  
12 individual unit lot, except that any private, usable open space for each dwelling unit shall be  
13 provided on the same lot as the dwelling unit it serves.  
14

15 \* \* \*

16 Section 3. Section 23.34.011, which Section was last amended by Ordinance 117430, is  
17 amended as follows:

18 **23.34.011 Single-family zones, function and locational criteria.**

19 A. Function. An area that provides predominantly detached single-family structures on  
20 lot sizes compatible with the existing pattern of development and the character of single-family  
21 neighborhoods.  
22

23 B. Locational Criteria. A single-family zone designation is most appropriate in areas  
24 meeting the following criteria:  
25

1           1. Areas that consist of blocks with at least seventy (70) percent of the existing  
2 structures, not including detached accessory dwelling units, in single-family residential use; or

3           2. Areas that are designated by an adopted neighborhood plan as appropriate for  
4 single-family residential use; or

5           3. Areas that consist of blocks with less than seventy (70) percent of the existing  
6 structures, not including detached accessory dwelling units, in single-family residential use but in  
7 which an increasing trend toward single-family residential use can be demonstrated; for example:

8                 a. The construction of single-family structures, not including detached  
9 accessory dwelling units, in the last five (5) years has been increasing proportionately to the total  
10 number of constructions for new uses in the area, or

11                 b. The area shows an increasing number of improvements and  
12 rehabilitation efforts to single-family structures, not including detached accessory dwelling units,  
13 or

14                 c. The number of existing single-family structures, not including detached  
15 accessory dwelling units, has been very stable or increasing in the last five (5) years, or

16                 d. The area's location is topographically and environmentally suitable for  
17 single-family residential developments.

18           C. An area that meets at least one (1) of the locational criteria in subsection B above  
19 should also satisfy the following size criteria in order to be designated as a single-family zone:

20                 1. The area proposed for rezone should comprise fifteen (15) contiguous acres or  
21 more, or should abut an existing single-family zone.



1                   2. If the area proposed for rezone contains less than fifteen (15) contiguous acres,  
2 and does not abut an existing single-family zone, then it should demonstrate strong or stable  
3 single-family residential use trends or potentials such as:

4                   a. That the construction of single-family structures, not including  
5 detached accessory dwelling units, in the last five (5) years has been increasing proportionately  
6 to the total number of constructions for new uses in the area, or

7                   b. That the number of existing single-family structures, not including  
8 detached accessory dwelling units, has been very stable or increasing in the last five (5) years, or

9                   c. That the area's location is topographically and environmentally suitable  
10 for single-family structures, or

11                   d. That the area shows an increasing number of improvements or  
12 rehabilitation efforts to single-family structures, not including detached accessory dwelling units

13                   D. Half-blocks at the edges of single-family zones which have more than fifty (50)  
14 percent single-family structures, not including detached accessory dwelling units, or portions of  
15 blocks on an arterial which have a majority of single-family structures, not including detached  
16 accessory dwelling units, shall generally be included. This shall be decided on a case-by-case  
17 basis, but the policy is to favor including them.

18                   Section 4. Subsection F of Section 23.44.008, which section was last amended by  
19 Ordinance 120293, is further amended as follows:

20                   **23.44.008 Development standards for uses permitted outright.**

21                   \* \* \*

1 F. ~~((A))~~ Except for a detached accessory dwelling unit, any structure occupied by a  
2 permitted use other than single-family residential use may be converted to single-family  
3 residential use even if the structure does not conform to the development standards for single-  
4 family structures. Expansions of converted nonconforming structures shall be regulated by  
5 Section 23.42.108. Conversion of structures occupied by nonconforming uses shall be regulated  
6 by Sections 23.42.108 and 23.42.110.

8 \* \* \*

9 Section 5. Subsections A and B of Section 23.44.012 of the Seattle Municipal Code,  
10 which section was last amended by Ordinance 121476, is further amended as follows:

11 **23.44.012 Height Limits.**

12 A. ~~((Base))~~ Maximum Height Established.

13 1. ~~((Except as provided in subsection A2, the base permitted height for any~~  
14 ~~structure not located in required yards, except as permitted in Section 23.44.014 D3, shall not~~  
15 ~~exceed the greater of the following:))~~ Except as permitted in Sections 23.44.014 D3 and  
16 23.44.041B, and except as provided in subsections A2 and A3 below, the maximum permitted  
17 height for any structure not located in required yards shall not exceed the greater of the  
18 following:

- 19
- 20
- 21 a. Thirty (30) feet;
- 22 b. The average height of the two (2) single-family structures which the
- 23 subject structure abuts if one (1) or both of the abutting structures exceed thirty (30) feet.
- 24
- 25 2. The ~~((base))~~ maximum permitted height for any structure on lots thirty (30)
- 26 feet or less in width shall not exceed the greater of the following:
- 27
- 28

- 1 a. Twenty-five (25) feet;  
2 b. The average height of the two (2) single-family structures on abutting  
3 lots, but not to exceed thirty (30) feet.

4 3. Expansions, extensions or replacements to any structure on lots  
5 established pursuant to 23.24.046, Multiple single-family dwelling units on a single-family lot,  
6 on lots thirty (30) feet or less in width are subject to the following:

- 7 a. The ~~((base))~~ maximum permitted height shall not exceed twenty-five  
8 (25) feet, and  
9 b. The averaging provisions of subsection 2b, above, do not apply.

10 4. The methods of determining structure height, height averages, and lot width  
11 are detailed in Chapter 23.86, Measurements.

12  
13 B. Special Features.

14 1. Pitched Roofs. The ridge of a pitched roof on a principal structure may extend up to  
15 five (5) feet above the ~~((base))~~ maximum height limit, as determined under subsection A above.  
16 All parts of the roof above the height limit must be pitched at a rate of not less than three to  
17 twelve (3:12) (Exhibit 23.44.012 A). No portion of a shed roof shall be permitted to extend  
18 beyond the ~~((base))~~ maximum height limit, as determined under subsection A above.

19 2. Sloped Lots. Except for structures containing a detached accessory dwelling unit,  
20 ~~((Additional))~~ additional height shall be permitted for sloped lots, at the rate of one (1) foot for  
21 each six (6) percent of slope. The additional height shall be permitted on the downhill side of the  
22 structure only, as described in the measurements portion of this Land Use Code (Exhibit  
23 23.44.012 B). When the downhill portion of a sloped lot fronts on the street where the required  
24 front yard exemption in Section 23.44.014A is claimed, the permitted height of the wall along  
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1 the lowest elevation of the site shall be reduced one (1) foot for each foot of exemption claimed.

2 In no case shall the height of the wall be required to be less than the ((base)) maximum height  
3 limit, as determined under subsection A above.

4 \* \* \*

5  
6 Section 6. Subsection D of Section 23.44.014, which section was last amended by  
7 Ordinance 121476, is amended as follows:

8 **23.44.014 Yards.**

9 \* \* \*

10 D. Exceptions from Standard Yard Requirements. No structure shall be placed in a  
11 required yard except pursuant to the following subsections:

12  
13 1. Certain Accessory Structures. Any accessory structure may be constructed in a  
14 side yard which abuts the rear or side yard of another lot, or in that portion of the rear yard of a  
15 reversed corner lot within five (5) feet of the key lot and not abutting the front yard of the key  
16 lot, upon recording with the King County Department of Records and Elections an agreement to  
17 this effect between the owners of record of the abutting properties. Any accessory structure  
18 which is a private garage may be located in that portion of a side yard which is either within  
19 thirty-five (35) feet of the centerline of an alley or within twenty-five (25) feet of any rear lot line  
20 which is not an alley lot line, without providing an agreement as provided in Section 23.44.016.

21  
22 2. A single-family structure may extend into one (1) side yard if an easement is  
23 provided along the side or rear lot line of the abutting lot, sufficient to leave a ten (10) foot  
24 separation between that structure and any principal or accessory structures on the abutting lot.  
25 Features and projections such as porches, eaves, and chimneys shall be permitted in the ten (10)  
26

1 foot separation area as if the property line were five (5) feet from the wall of the house on the  
2 dominant lot, provided that no portion of either principal structure including eaves shall cross the  
3 actual property line. The easement shall be recorded with the King County Department of  
4 Records and Elections. The easement shall provide access for normal maintenance activities to  
5 the principal structure on the lot with less than the required side yard.  
6

7 3. Certain Additions. Certain additions may extend into a required yard when the  
8 existing single-family structure is already nonconforming with respect to that yard. The presently  
9 nonconforming portion must be at least sixty (60) percent of the total width of the respective  
10 facade of the structure prior to the addition. The line formed by the nonconforming wall of the  
11 structure shall be the limit to which any additions may be built, except as described below. They  
12 may extend up to the height limit and may include basement additions. New additions to the  
13 nonconforming wall or walls shall comply with the following requirements (Exhibit 23.44.014  
14

15 A):

16 a. Side Yard. When the addition is a side wall, the existing wall line may  
17 be continued by the addition except that in no case shall the addition be closer than three (3) feet  
18 to the side lot line;  
19

20 b. Rear Yard. When the addition is a rear wall, the existing wall line may  
21 be continued by the addition except that in no case shall the addition be closer than twenty (20)  
22 feet to the rear lot line or centerline of an alley abutting the rear lot line;  
23

24 c. Front Yard. When the addition is a front wall, the existing wall line  
25 may be continued by the addition except that in no case shall the addition be closer than fifteen  
26 (15) feet to the front lot line;  
27  
28

1                   d. When the nonconforming wall of the single-family structure is not  
2 parallel or is otherwise irregular, relative to the lot line, then the Director shall determine the  
3 limit of the wall extension, except that the wall extension shall not be located closer than  
4 specified in subsections D3a-c above.

5                   4. Uncovered Porches or Steps. Uncovered, unenclosed porches or steps may  
6 project into any required yard, provided that they are no higher than four (4) feet on average  
7 above existing grade, no closer than three (3) feet to any side lot line, no wider than six (6) feet  
8 and project no more than six (6) feet into required front or rear yards. The height of porches and  
9 steps are to be calculated separately from each other.  
10

11                   5. Special Features of a Structure. Special features of a structure may extend into  
12 required yards subject to the following standards only, unless permitted elsewhere in this  
13 chapter:  
14

15                   a. External architectural details with no living area, such as chimneys,  
16 eaves, cornices and columns, may project no more than eighteen (18) inches into any required  
17 yard;  
18

19                   b. Bay windows shall be limited to eight (8) feet in width and may project  
20 no more than two (2) feet into a required front, rear, and street side yard;

21                   c. Other projections which include interior space, such as garden  
22 windows, may extend no more than eighteen (18) inches into any required yard, starting a  
23 minimum of thirty (30) inches above finished floor, and with maximum dimensions of six (6)  
24 feet tall and eight (8) feet wide;  
25

1 d. The combined area of features permitted in subsections D5b and c  
2 above may comprise no more than thirty (30) percent of the area of the facade.

3 6. Private Garages, Covered Unenclosed Decks, ~~((or))~~ Roofs Over Patios and  
4 Other Accessory Structures in Rear Yards.

5 a. Any attached private garages or covered, unenclosed decks or roofs  
6 over patios are portions of principal structures. They may extend into the required rear yard, but  
7 shall not be within twelve (12) feet of the centerline of any alley, nor within twelve (12) feet of  
8 any rear lot line which is not an alley lot line, nor closer than five (5) feet to any accessory  
9 structure. The height of private garages shall meet the provisions of Section 23.44.016 D2 and  
10 the height of the roof over unenclosed decks and patios may not exceed twelve (12) feet. The  
11 roof over these decks, patios and garages shall not be used as a deck. Any detached private  
12 garage meeting the requirements of Section 23.44.016, Parking location and access, or detached  
13 permitted accessory structure meeting the requirements of Section 23.44.040, General  
14 provisions, may be located in a rear yard. If a private garage has its vehicular access facing the  
15 alley, the private garage shall not be within twelve (12) feet of the centerline of the alley.

16 b. Garages meeting the standards of Section 23.44.016 and other  
17 accessory structures meeting the standards of Sections 23.44.040 or 23.44.041, shall be permitted  
18 in required rear yards, subject to a maximum combined coverage of forty (40) percent of the  
19 required rear yard. In the case of a rear yard abutting an alley, rear yard coverage shall be  
20 calculated from the centerline of the alley.

21 7. Private Garages in Front Yards of Through Lots. On through lots less than one  
22 hundred twenty-five (125) feet in depth, either an accessory garage structure or a portion of the  
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1 principal structure containing a garage shall be permitted to locate in one (1) of the front yards.  
2 Private garages, either as accessory structures or as a portion of the principal structure, shall be  
3 limited as set forth in Section 23.44.016. The front yard in which the garage may be located shall  
4 be determined by the Director based on the location of other accessory garages on the block. If  
5 no pattern of garage location can be determined, the Director shall determine in which yard the  
6 accessory garage shall be located based on the prevailing character and setback patterns of the  
7 block.  
8

9           8. Access Bridges. Uncovered, unenclosed pedestrian bridges of any height,  
10 necessary for access and five (5) feet or less in width, are permitted in required yards except that  
11 in side yards an access bridge must be at least three (3) feet from any side lot line.  
12

13           9. Barrier-free Access. Access facilities for the disabled and elderly meeting  
14 Washington State Building Code, Chapter 11 are permitted in any required yards.  
15

16           10. Freestanding Structures and Bulkheads.

17           a. Fences, freestanding walls, signs and similar structures six (6) feet or  
18 less in height above existing or finished grade, whichever is lower, may be erected in any  
19 required yard. The six (6) foot height may be averaged along sloping grade for each six (6) foot  
20 long segment of the fence, but in no case may any portion of the fence exceed eight (8) feet.  
21 Architectural features may be added to the top of the fence or freestanding wall above the six (6)  
22 foot height when the following provisions are met: horizontal architectural feature(s), no more  
23 than ten (10) inches high, and separated by a minimum of six (6) inches of open area, measured  
24 vertically from the top of the fence, may be permitted when the overall height of all parts of the  
25 structure, including post caps, are no more than eight (8) feet high; averaging the eight (8) foot  
26  
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1 height is not permitted. Structural supports for the horizontal architectural feature(s) may be  
2 spaced no closer than three (3) feet on center.

3 b. The Director may allow variation from the development standards  
4 listed in subsection D10a above, according to the following:

5 (1) No part of the structure may exceed eight (8) feet; and

6 (2) Any portion of the structure above six (6) feet shall be  
7 predominately open, such that there is free circulation of light and air.

8 c. Bulkheads and retaining walls used to raise grade may be placed in any  
9 required yard when limited to six (6) feet in height, measured above existing grade. A guardrail  
10 no higher than forty-two (42) inches may be placed on top of a bulkhead or retaining wall  
11 existing as of the date of the ordinance codified in this section. If a fence is placed on top of a  
12 new bulkhead or retaining wall, the maximum combined height is limited to nine and one-half (9  
13 1/2) feet.

14 d. Bulkheads and retaining walls used to protect a cut into existing grade  
15 may not exceed the minimum height necessary to support the cut or six (6) feet, whichever is  
16 greater. When the bulkhead is measured from the low side and it exceeds six (6) feet, an open  
17 guardrail of no more than forty-two (42) inches meeting Building Code requirements may be  
18 placed on top of the bulkhead or retaining wall. A fence must be set back a minimum of three (3)  
19 feet from such a bulkhead or retaining wall.

20 e. When located in the shoreline setbacks or in view corridors in the  
21 Shoreline District as regulated in Chapter 23.60, these structures shall not obscure views  
22 protected by Chapter 23.60 and the Director shall determine the permitted height.  
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1                   11. Decks in Yards. Decks no greater than eighteen (18) inches above existing or  
2 finished grade, whichever is lower, may extend into required yards.

3                   12. Heat Pumps. Heat pumps and similar mechanical equipment, not including  
4 incinerators, may be permitted in required yards if the requirements of the Noise Control  
5 Ordinance, Chapter 25.08, are not violated. Any heat pump or similar equipment shall not be  
6 located within three (3) feet of any lot line.

7                   13. Solar Collectors. Solar collectors may be located in required yards, subject to  
8 the provisions of Section 23.44.046.

9                   14. Front Yard Projections for Structures on Lots Thirty (30) Feet or Less in  
10 Width. For a structure on a lot which is thirty (30) feet or less in width, portions of the front  
11 facade which begin eight (8) feet or more above finished grade may project up to four (4) feet  
12 into the required front yard, provided that no portion of the facade, including eaves and gutters,  
13 shall be closer than five (5) feet to the front line (Exhibit 23.44.014 B).

14                   15. Front and rear yards may be reduced by twenty-five (25) percent, but no more  
15 than five (5) feet, if the site contains a required environmentally critical area buffer or other area  
16 of the property which can not be disturbed pursuant to subsection A of Section 25.09.280 of  
17 SMC Chapter 25.09, Regulations for Environmentally Critical Areas.

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

20                   a. In any required yard, an arbor may be erected with no more than a forty  
21 (40) square foot footprint, measured on a horizontal roof plane inclusive of eaves, to a maximum  
22 height of eight (8) feet. Both the sides and the roof of the arbor must be at least fifty (50) percent  
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1           A. Accessory dwelling units, general provisions. The Director may authorize an  
2 accessory dwelling unit ~~((if the Director finds that the unit meets the following development and~~  
3 ~~use standards))~~ under the following conditions:

4                   1. A lot with or proposed for a single-family dwelling may have no more than  
5 one (1) accessory dwelling unit ~~((, and only one (1) accessory dwelling unit shall be allowed per~~  
6 ~~lot)).~~

7  
8                   2. One (1) of the dwelling units ~~((in the structure))~~ shall be occupied by one (1)  
9 or more owners of the property as the owner's(s') permanent and principal residence~~((:)), and the~~  
10 owner-occupant shall comply with the requirements of subsection C, Owner Occupancy. ~~((The~~  
11 ~~owner-occupant must occupy the owner-occupied dwelling unit for more than six (6) months of~~  
12 ~~each calendar year. The owner-occupant may not receive rent for the owner-occupied dwelling~~  
13 ~~unit. If a complaint that an owner has violated these requirements is filed, the owner shall:~~

14                           a. ~~Submit evidence to the Director showing good cause, such as job~~  
15 ~~dislocation, sabbatical leave, education, or illness, for waiver of this requirement for up to three~~  
16 ~~(3) years absence from the Puget Sound region. Upon such showing the Director may waive the~~  
17 ~~requirement;~~

18                           b. ~~Re-occupy the structure; or~~

19                           c. ~~Remove the accessory dwelling unit.)~~

20                   3. Any number of related persons may occupy each unit in a single-family  
21 ~~((residence-))~~ dwelling unit with an accessory dwelling unit; provided that, if unrelated persons  
22 occupy either unit, the total number of persons occupying both units ~~((together))~~ may not exceed  
23 eight (8).  
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1 4. (~~Accessory dwelling units may not be located in any structure detached from~~  
 2 ~~the single-family dwelling.~~) All accessory dwelling units must meet the following, unless  
 3 modified in subsection B:

a. <u>Maximum Gross Floor Area</u>	One thousand (1,000) square feet, including garage and storage area. <sup>1</sup>
b. <u>Entrances</u>	Only one (1) entrance to the structure may be located on each street-facing facade of the dwelling unit. <sup>2</sup>
c. <u>Parking</u>	One (1) off-street parking space is required, and may be provided as tandem parking with the parking space provided for the principal dwelling unit. <sup>3</sup> An existing required parking space may not be eliminated to accommodate an accessory dwelling unit, unless it is replaced elsewhere on the lot.

Footnotes:

1. The gross floor area of an accessory dwelling unit may exceed one thousand (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 (1) level.

2. More than one entrance may be allowed if: a) two (2) entrances on the street-facing facade 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.

3. No off-street parking space will be required for an accessory dwelling unit if:

a. The topography or location of existing principal or accessory structures makes provision of an off-street parking space physically infeasible; or

b. The site is located in a residential parking zone (RPZ) and a current parking study is submitted showing a utilization rate of less than seventy-five percent (75%) for on-street parking within four hundred feet (400') of all property lines of the site.

c. The provisions in this footnote 3 providing for exceptions to the parking requirement do not apply to sites located in either the University District Parking Overlay Area (Exhibit for Chart A, Section 23.54.015, Map A) or the Alki Area Parking Overlay (Exhibit for Chart A, Section 23.54.015, Map B).

B. Accessory Dwelling Units, detached.

1. Locations allowed. An accessory dwelling unit may be located in a structure separate from a principal single-family dwelling unit in single-family zones within the area bounded by I-5 to the west, I-90 to the north, Lake Washington to the east, and the Seattle

1 corporate limits to the south. Detached accessory dwelling units are not permitted on a lot if any  
2 portion of the lot is within the Shoreline District established by Section 23.60.010.

3 2. Development standards. Detached accessory dwelling units shall meet the  
4 following standards and the standards of subsection A, except as modified in this subsection:  
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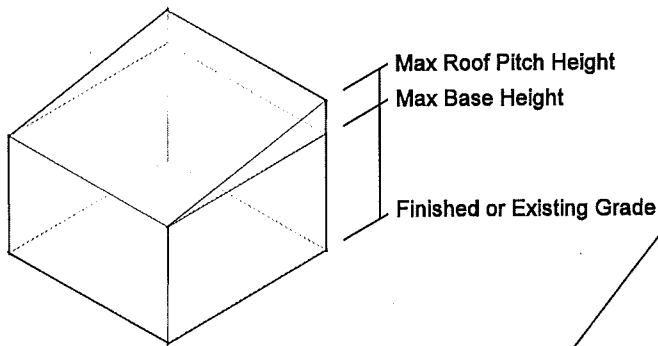
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<u>Development Standards for Detached Accessory Dwelling Units<sup>1</sup></u>					
<u>a. Minimum Lot Size</u>	4,000 square feet				
<u>b. Minimum Lot Width</u>	25 feet				
<u>c. Minimum Lot Depth</u>	70 feet <sup>2</sup>				
<u>d. Maximum Lot Coverage</u>	The provisions of Section 23.44.010 apply.				
<u>e. Maximum Rear Yard Coverage</u>	The provisions of Section 23.44.014 D/6.b apply.				
<u>f. Maximum Gross Floor Area</u>	20% of the lot size, or 800 square feet, whichever is less, including garage or storage area. <sup>3</sup>				
<u>g. Front Yard</u>	A detached accessory dwelling unit may not be located within the front yard required by Section 23.44.014A.				
<u>h. Minimum Side Yard</u>	The provisions of Section 23.44.014 C apply.				
<u>i. Minimum Rear Yard</u>	A detached accessory dwelling unit may be located within a required rear yard when it is not within 5 feet of the rear lot line, unless the rear lot line is adjacent to an alley, in which case a detached accessory dwelling unit may be located at the rear lot line. <sup>4</sup>				
<u>j. Location of Entry</u>	Entrances to detached accessory dwelling units may not be located on façades facing the nearest side lot line or the rear lot line unless the nearest side lot line or rear lot line abuts an alley or other public right-of-way.				
<u>k. Maximum Height Limits<sup>5</sup></u>	<u>Lot Width (feet)</u>				
	<u>Less than 30</u>	<u>30-35</u>	<u>36-40</u>	<u>41 or greater</u>	
	<u>(1) Maximum Structure Height (feet)</u>	12	14	15	16
	<u>(2) Maximum Structure Height with Pitched Roof (feet)</u>	15	21	22	23
<u>(3) Maximum Structure Height with Shed or Butterfly Roof (feet); see Exhibit 23.44.041 B.</u>	15	18	19	20	
<u>Footnotes:</u>					
1 Exceptions to the standards contained in subsections a through j are permitted pursuant to 23.44.041B2, when converting existing nonconforming structures.					

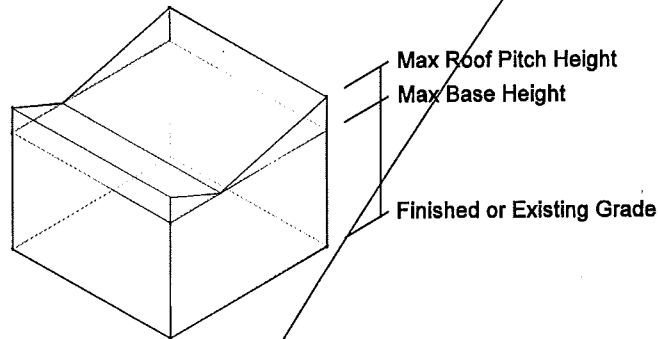
- 1 2. For lots that do not meet the lot depth requirement, but have a greater width than depth and an area  
2 greater than 5,000 square feet, a detached accessory dwelling unit is permitted, provided the detached  
3 accessory dwelling unit is not located in a required yard.
- 3 3. Areas below grade are exempt from the calculation of gross floor area.
- 4 4. When the rear lot line is adjacent to an alley and a detached accessory dwelling unit includes a  
5 garage with a vehicle entrance that faces the alley, the garage portion of the structure may not be  
6 located within 12 feet of the centerline of the alley.
- 7 5. Features such as chimneys, antennas, and flagpoles may extend up to four (4) feet above the  
8 maximum allowed height. The additional height for sloped lots permitted by 23.44.012B does not  
9 apply.

7 Exhibit 23.44.041 B: Explanation of Terms for Shed and Butterfly Roofs for Detached  
8 Accessory Dwelling Units.

9 **Shed Roof Example**



16 **Butterfly Roof Example**



23 3. Conversion of accessory structures. An existing accessory structure that is not  
24 located in a required front yard may be converted into a detached accessory dwelling unit if:



1                                    a. the accessory structure complies with the minimum standards set  
2 forth in Sections 22.206.010 through 22.206.140 of the Housing and Building Maintenance  
3 Code, SMC chapter 22.206; and

4                                    b. nonconformity with the development standards for accessory  
5 dwelling units contained in Sections 23.044.041A4 and 23.044.041B1 is not increased; and

6                                    c. the applicant can demonstrate that the accessory structure was  
7 constructed prior to June 1, 1999.

8  
9                                    ~~((5. The floor area of the accessory dwelling unit may exceed one thousand~~  
10 ~~(1,000) square feet only if the portion of the structure in which the accessory dwelling unit is~~  
11 ~~located was in existence as of June 1, 1999 and if the entire accessory dwelling unit is located on~~  
12 ~~one (1) level.~~

13  
14                                    ~~6. Only one (1) principal entrance to the structure may be located on each street-~~  
15 ~~facing facade of the residence except:~~

16                                    ~~a. Where two (2) entrances on the front or street side existed on January~~  
17 ~~1, 1993 or;~~

18                                    ~~b. Where the Director determines that topography, screening or other~~  
19 ~~design solution is effective in de-emphasizing the presence of a second entrance, so there do not~~  
20 ~~appear to be two principal entrances.~~

21  
22                                    ~~7. A minimum of one (1) off street parking space per accessory dwelling unit~~  
23 ~~shall be provided, which space may be in tandem with parking provided for the principal~~  
24 ~~dwelling unit.~~

1                   a. ~~The Director may waive the parking requirement for an accessory~~  
2 ~~dwelling unit if topography or location of existing principal or accessory structures makes~~  
3 ~~provision of a parking space physically or economically infeasible and, for properties located in~~  
4 ~~residential parking zones (RPZs), a parking study is conducted and shows that the utilization rate~~  
5 ~~for on-street parking within a four hundred (400) foot walking distance of the subject property is~~  
6 ~~less than seventy five (75) percent. Parking may not be waived for accessory dwelling units~~  
7 ~~within the University District or Alki Parking Overlay Areas as shown on Maps A and B,~~  
8 ~~Section 23.54.015.~~

9  
10                   b. ~~The applicant need not apply for a variance in order to waive the~~  
11 ~~parking requirement. The parking waiver process cannot be used to eliminate an existing~~  
12 ~~required parking space in order to create an accessory dwelling unit, unless replaced elsewhere~~  
13 ~~on the lot.))~~

14  
15                   8. ~~Ceiling Height.~~

16                   If the portion of the single family dwelling in which the accessory dwelling unit is  
17 ~~located was in existence prior to October 17, 1979, the minimum ceiling height shall be six (6)~~  
18 ~~feet eight (8) inches measured per Sections 310.6.1 and 3403 of the Seattle Building Code~~  
19 ~~(SBC), or the minimum ceiling height shall be six (6) feet four (4) inches if a hard-wired smoke~~  
20 ~~detector is located in the accessory dwelling unit. If the portion of the single family dwelling in~~  
21 ~~which the accessory dwelling unit is located was constructed on or subsequent to October 17,~~  
22 ~~1979, the minimum ceiling height shall be as determined according to Sections 310.6.1 and 3403~~  
23 ~~of the Seattle Building Code.~~

1           ~~B. Certification of Owner Occupancy. After issuance of a permit establishing an~~  
2 ~~accessory dwelling unit, the Department of Planning and Development shall record as a deed~~  
3 ~~restriction in the King County Office of Records and Elections a certification by the owner(s)~~  
4 ~~under oath in a form prescribed by the Director that one (1) of the dwelling units is occupied by~~  
5 ~~the owner(s) of the property as the owner's(s') principal and permanent residence and a statement~~  
6 ~~by the owner(s) that the owner(s) will notify any prospective purchasers of the requirements of~~  
7 ~~this section. When ownership of a single family residence with an approved accessory dwelling~~  
8 ~~unit changes, the new owner(s) shall either submit a new owner occupancy certification to the~~  
9 ~~Department of Planning and Development for recording, or remove the accessory dwelling unit.~~  
10 ~~Failure to submit a new certificate or remove the accessory dwelling unit within one (1) year of~~  
11 ~~transfer of ownership shall be a violation of the Land Use Code subject to civil penalties~~  
12 ~~provided in Section 23.90.018. Falsely certifying owner occupancy or failure to comply with the~~  
13 ~~terms of the owner occupancy certification shall be subject to a civil penalty of Five Thousand~~  
14 ~~Dollars (\$5,000), in addition to any criminal penalties.))~~

17  
18           C. Owner Occupancy.

19                   1. Requirement. An owner of the property must occupy either the principal  
20 dwelling unit or the accessory dwelling unit for more than six (6) months of each calendar year.

21                   2. Violation. If there is a violation of the requirements of subsection C1, the  
22 owner shall:

23                           a. Re-occupy the structure; or

24                           b. Remove the accessory dwelling unit; or  
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1                                   c. Submit evidence to the Director showing good cause why the  
2 requirement for owner occupancy should be waived. Good cause may include job dislocation,  
3 sabbatical leave, education, or illness. Upon such showing the Director may waive the  
4 requirement for up to three (3) years; and

5                                   d. Be subject to the penalties provided in Sections 23.90.018, 23.90.019  
6 and 23.90.020.

7                                   3. Deed Restriction. Prior to issuance of a permit establishing an accessory  
8 dwelling unit, the owner shall sign under oath, and the Department of Planning and Development  
9 shall record in the King County Office of Records and Elections, an agreement by the owner(s)  
10 that is binding on subsequent owners, in a form prescribed by the Director, agreeing to:

11                                   a. Comply with the requirements of this Subsection C; and

12                                   b. Notify all prospective purchasers of the requirements of this subsection

13 C.

14                                   D. Single-family Status Unaffected A single-family ((~~dwelling~~)) lot with an accessory  
15 dwelling unit shall be considered a single-family residence for purposes of rezone criteria  
16 (Section 23.34.011).

17                                   (~~D. Every two (2) years, DPD shall prepare a report for the City Council stating the~~  
18 ~~number and location of permits issued for new accessory housing units.~~)

19                                   Section 9. Subsection D of Section 23.44.050 of the Seattle Municipal Code, which  
20 section was last amended by Ordinance 117263, is amended as follows:

21 **23.44.050 Home occupations.**

22 \* \* \*

1 D. The occupation ~~((shall))~~ may be conducted only within the principal structure ~~or ((and~~  
2 ~~not))~~ in an accessory dwelling unit. ~~((structure, except that parking))~~ Parking of vehicles  
3 associated with the home occupation shall be permitted anywhere that parking is permitted on  
4 the lot.  
5

6  
7 Section 10. Section 23.84.004 of the Seattle Municipal Code, which section was last  
8 amended by Ordinance 121196, is amended to add a definition of "Butterfly Roof" as follows:

9 **23.84.004 "B."**

10 \* \* \*

11  
12 "Butterfly roof" means a roof having planes that slope upward from the interior of a  
13 structure toward its exterior walls.

14 Section 11. Section 23.84.008 of the Seattle Municipal Code, which section was last  
15 amended by Ordinance 122054, is amended as follows:

16 **23.84.008 "D."**

17 \*\*\*

18  
19 "Dwelling unit, accessory" means an additional room or set of rooms located within an  
20 owner-occupied single-family structure or within an accessory structure on the same lot as an  
21 owner-occupied single family dwelling unit, meeting the standards of Section 23.44.041, and  
22 designed, arranged, occupied or intended to be occupied by not more than one (1) household as  
23 living accommodations independent from any other household.  
24

25 "Dwelling unit, detached accessory" means an additional room or set of rooms located  
26 within an accessory structure on the same lot as an owner-occupied single family dwelling unit,  
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1 meeting the standards of Section 23.44.041, and designed, arranged, occupied or intended to be  
2 occupied by not more than one (1) household as living accommodations independent from any  
3 other household.

4 Section 12. Section 23.84.032 of the Seattle Municipal Code, which Section was last  
5 amended by Ordinance 122054, is amended as follows:

6 **23.84.032 “R.”**

7 \* \* \*

8 "Residential" means a use within a structure intended to be occupied as a dwelling.

9 Residential uses include but are not limited to the following:

10 1. “Accessory dwelling unit.” See “Dwelling unit, accessory.”

11 ((1-)) 2. “Adult family home” means a residential use as defined and licensed by  
12 The State of Washington in a dwelling unit.

13 ((2-)) 3. “Artist’s studio/dwelling” means a combination working studio and  
14 dwelling unit for artists, consisting of a room or suite of rooms occupied by not more than one  
15 (1) household.

16 ((3-)) 4. “Assisted living facility” means a multifamily residential use licensed by  
17 The State of Washington as a boarding home pursuant to RCW 18.20, for people who have either  
18 a need for assistance with activities of daily living (which are defined as eating, toileting,  
19 ambulation, transfer [e.g., moving from bed to chair or chair to bath], and bathing) or some form  
20 of cognitive impairment but who do not need the skilled critical care provided by nursing homes.

21 An “assisted living facility” contains multiple assisted living units. An assisted living unit is a  
22 dwelling unit permitted only in an assisted living facility.

1                    ~~((4.))~~ 5. "Caretaker's quarters" means a residential use accessory to a  
2 nonresidential use consisting of a dwelling unit not exceeding eight hundred (800) square feet of  
3 living area and occupied by a caretaker or watchperson.

4                    ~~((5.))~~ 6. "Congregate residence" means a dwelling unit in which rooms or  
5 lodging, with or without meals, are provided for nine (9) or more non-transient persons not  
6 constituting a single household, excluding single-family residences for which special or  
7 reasonable accommodation has been granted.

8                    7. "Detached accessory dwelling unit." See "Dwelling unit, detached accessory."

9                    ~~((6.))~~ 8. "Domestic violence shelter" means a dwelling unit managed by a  
10 nonprofit organization which provides housing at a confidential location and support services for  
11 victims of family violence.

12                    ~~((7.))~~ 9. "Floating home" means a dwelling unit constructed on a float, which is  
13 moored, anchored or otherwise secured in the water.

14                    ~~((8.))~~ 10. "Mobile home park" means a residential use in which a tract of land is  
15 rented for the use of more than one (1) mobile home occupied as a dwelling unit.

16                    ~~((9.))~~ 11. "Multifamily structure" means a structure or portion of a structure  
17 containing two (2) or more dwelling units.

18                    ~~((10.))~~ 12. "Nursing home" means a residence, licensed by the state, that provides  
19 full-time convalescent and/or chronic care for individuals who, by reason of chronic illness or  
20 infirmity, are unable to care for themselves. No care for the acutely ill or surgical or obstetrical  
21 services shall be provided in such a residence. This definition excludes hospitals or sanitariums.





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3. Violation of Section 23.49.011 or 23.49.015 with respect to failure to demonstrate compliance with commitments to earn LEED Silver ratings under either such Section are subject to penalty in amounts determined under Section 23.49.020, and not to any other penalty.

\* \* \*

1 Section 14. Section 23.90.019 of the Seattle Municipal Code, which Section was last  
2 amended by Ordinance 119617, is further amended as follows:

3 **23.90.019 Civil penalty for unauthorized dwelling units in single-family structures and for**  
4 **unauthorized detached accessory dwelling units.**

5 A. In addition to any other sanction or remedial procedure ~~((which))~~ that may be  
6 available, the following penalties ~~((shall))~~ apply to any owner of a single-family dwelling unit  
7 ~~((structure))~~ with one (1) or more unauthorized dwelling unit(s) in the single family dwelling unit  
8 or in a detached accessory structure. Any owner of a single-family dwelling unit ~~((structure))~~  
9 who is issued a notice of violation for an ~~((one (1) or more))~~ unauthorized dwelling unit ~~((unit(s)~~  
10 ~~and which dwelling unit(s) are))~~ that is not a ~~((legal(ly)))~~ legal nonconforming use, ~~((uses shall~~  
11 ~~be))~~ is subject to a civil penalty of One Thousand Dollars (\$1,000). This penalty shall be reduced  
12 to One Hundred Dollars (\$100) if, prior to the compliance date stated on the notice, the owner  
13 removes ~~((the))~~ all unauthorized dwelling ~~((unit(s)))~~ units. Any owner of a single-family  
14 dwelling unit ~~((structure))~~ who voluntarily applies to legalize an accessory dwelling unit prior to  
15 issuance of a notice of violation for an unauthorized dwelling unit, and obtains final inspection  
16 approval for the unit within one (1) year of issuance of permit, shall not be subject to a civil  
17 penalty.

18 B. After discovery of the existence of one (1) or more unauthorized dwelling unit(s) in a  
19 single-family dwelling unit ~~((structure))~~ or the existence of an unauthorized detached accessory  
20 dwelling unit, the Director shall issue a Notice of Violation in the manner set forth in Section  
21 23.90.006, which notice shall impose the civil penalty and notify the owner of the date by which  
22 action to remove or legally establish the ~~((illegal))~~ unauthorized unit(s) must be completed to  
23 avoid additional penalty. Failure to complete the required action by the date stated shall be a  
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1 further violation of the Land Use Code, subjecting the owner to an additional penalty of Seventy-  
2 five Dollars (\$75) per day until the Notice is satisfied. Such penalties shall be collected in the  
3 manner provided in Section 23.90.018.

4 Section 15. The provisions of this ordinance are declared to be separate and severable.  
5  
6 The invalidity of any particular provision shall not affect the validity of any other provision.

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

10 Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2006, and signed  
11 by me in open session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_,  
12 2006.

13  
14 \_\_\_\_\_  
15 President \_\_\_\_\_ of the City Council

16 Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2006.

17 \_\_\_\_\_  
18 Gregory J. Nickels, Mayor

19 Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2006.

20 \_\_\_\_\_  
21 City Clerk

22 (Seal)  
23  
24  
25  
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28

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**STATE OF WASHINGTON – KING COUNTY**

--SS.

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201716  
CITY OF SEATTLE, CLERKS OFFICE

No.

**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 12<sup>th</sup> 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:122190 ORDINANCE

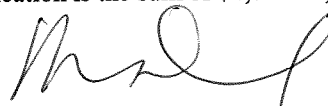
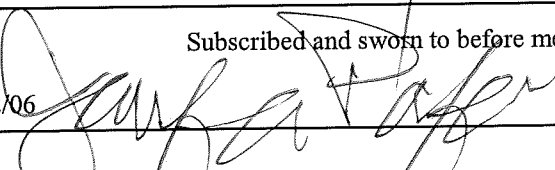
was published on

08/22/06

The amount of the fee charged for the foregoing publication is the sum of \$4,723.74, which amount has been paid in full.



Affidavit of Publication

  
\_\_\_\_\_  
Subscribed and sworn to before me on  
08/22/06   
\_\_\_\_\_  
Notary public for the State of Washington,  
residing in Seattle

# City of Seattle

## ORDINANCE 122190

AN ORDINANCE relating to land use and zoning, amending Sections 23.22.062, 23.24.045, 23.34.011, 23.44.008, 23.44.012, 23.44.014, 23.44.040, 23.44.041, 23.44.050, 23.84.004, 23.84.008, 23.84.032, 23.90.018 and 23.90.019 of the Seattle Municipal Code, to allow detached accessory dwelling units (ADUs) in single family zones in southeast Seattle, making other changes relating to accessory dwelling units and making minor corrections.

### BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsections A and B of Section 23.22.062 of the Seattle Municipal Code, which section was last amended by Ordinance 119618, is amended as follows:

#### 23.22.062 Unit lot subdivisions.

A. The provisions of this section apply exclusively to the unit subdivision of land for townhouses, cottage housing developments, residential cluster developments, and single-family ~~((residences))~~ dwelling units in zones where such uses are permitted.

B. Except for any site for which a permit has been issued pursuant to Section 23.44.041 for a detached accessory dwelling unit, sites ((Sites)) developed or proposed to be developed with dwelling units listed in subsection A above may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.

\*\*\*

Section 2. Subsections A and B of Section 23.24.045 of the Seattle Municipal Code, which section was last amended by Ordinance 119618, is amended as follows:

#### 23.24.045 Unit lot subdivisions.

A. The provisions of this section apply exclusively to the unit subdivision of land for townhouses, cottage housing developments, residential cluster developments, and single-family ~~((residences))~~ dwelling units in zones where such uses are permitted.

B. Except for any site for which a permit has been issued pursuant to Section 23.44.041 for a detached accessory dwelling unit, sites ((Sites)) developed or proposed to be developed with dwelling units listed in subsection A above may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.

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Section 3. Section 23.34.011, which Section was last amended by Ordinance 117430, is amended as follows:

#### 23.34.011 Single-family zones, function and locational criteria.

A. Function. An area that provides predominantly detached single-family structures on lot sizes compatible with the existing pattern of development and the character of single-family neighborhoods.

B. Locational Criteria. A single-family zone designation is most appropriate in areas meeting the following criteria:

1. Areas that consist of blocks with at least seventy (70) percent of the existing structures, not including detached accessory dwelling units, in single-family residential use; or

2. Areas that are designated by an adopted neighborhood plan as appropriate for single-family residential use; or

3. Areas that consist of blocks with less than seventy (70) percent of the existing structures, not including detached accessory dwelling units, in single-family residential use but in which an increasing trend toward single-family residential use can be demonstrated; for example:

a. The construction of single-family structures, not including detached accessory dwelling units, in the last five (5) years has been increasing proportionately to the total number of constructions for new uses in the area, or

b. The area shows an increasing number of improvements and rehabilitation efforts to single-family structures, not including detached accessory dwelling units, or

c. The number of existing single-family structures, not including detached accessory dwelling units, has been very stable or increasing in the last five (5) years, or

d. The area's location is topographically and environmentally suitable for single-family residential developments.

C. An area that meets at least one (1) of the locational criteria in subsection B above should also satisfy the following size criteria in order to be designated as a single-family zone:

1. The area proposed for rezoning should comprise fifteen (15) contiguous acres or more, or should abut an existing single-family zone.

Section 4. Subsection F of Section 23.44.008, which section was last amended by Ordinance 120293, is further amended as follows:

#### 23.44.008 Development standards for uses permitted outright.

F. ~~((A))~~ Except for a detached accessory dwelling unit, any structure occupied by a permitted use other than single-family residential use may be converted to single-family residential use even if the structure does not conform to the development standards for single-family structures. Expansions of converted nonconforming structures shall be regulated by Section 23.42.108. Conversion of structures occupied by nonconforming uses shall be regulated by Sections 23.42.108 and 23.42.110.

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Section 5. Subsections A and B of Section 23.44.012 of the Seattle Municipal Code, which section was last amended by Ordinance 121476, is further amended as follows:

#### 23.44.012 Height Limits.

A. ~~((Base))~~ Maximum Height Established.

1. ~~((Except as provided in subsection A2, the base permitted height for any structure not located in required yards, except as permitted in Section 23.44.014 D3, shall not exceed the greater of the following:))~~ Except as permitted in Sections 23.44.014 D3 and 23.44.041B, and except as provided in subsections A2 and A3 below, the maximum permitted height for any structure not located in required yards shall not exceed the greater of the following:

a. Thirty (30) feet;

b. The average height of the two (2) single-family structures which the subject structure abuts if one (1) or both of the abutting structures exceed thirty (30) feet.

2. The ~~((base))~~ maximum permitted height for any structure on lots thirty (30) feet or less in width shall not exceed the greater of the following:

a. Twenty-five (25) feet;

b. The average height of the two (2) single-family structures on abutting lots, but not to exceed thirty (30) feet.

3. Expansions, extensions or replacements to any structure on lots established pursuant to 23.24.046, Multiple single-family dwelling units on a single-family lot, on lots thirty (30) feet or less in width are subject to the following:

a. The ~~((base))~~ maximum permitted height shall not exceed twenty-five (25) feet, and

b. The averaging provisions of subsection 2b, above, do not apply.

4. The methods of determining structure height, height averages, and lot width are detailed in Chapter 23.86, Measurements.

B. Special Features.

1. Pitched Roofs. The ridge of a pitched roof on a principal structure may extend up to five (5) feet above the ~~((base))~~ maximum height limit, as determined under subsection A above. All parts of the roof above the height limit must be pitched at a rate of not less than three to twelve (3:12) (Exhibit 23.44.012 A). No portion of a shed roof shall be permitted to extend beyond the ~~((base))~~ maximum height limit, as determined under subsection A above.

2. Sloped Lots. Except for structures containing a detached accessory dwelling unit, ((Additional)) additional height shall be permitted for sloped lots, at the rate of one (1) foot for each six (6) percent of slope. The additional height shall be permitted on the downhill side of the structure only, as described in the measurements portion of this Land Use Code (Exhibit 23.44.012 B). When the downhill portion of a sloped lot fronts on the street where the required front yard exemption in Section 23.44.014A is claimed, the permitted height of the wall along the lowest elevation of the site shall be reduced one (1) foot for each foot of exemption claimed. In no case shall the height of the wall be required to be less than the ~~((base))~~ maximum height limit, as determined under subsection A above.

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Section 6. Subsection D of Section 23.44.014, which section was last amended by Ordinance 121476, is amended as follows:

#### 23.44.014 Yards.

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D. Exceptions from Standard Yard Requirements. No structure shall be placed in a required yard except pursuant to the following subsections:

1. Certain Accessory Structures. Any accessory structure may be constructed in a side yard which abuts the rear or side yard of another lot, or in that portion of the rear yard of a reversed corner lot within five (5) feet of the key lot and not abutting the front yard of the key lot, upon recording with the King County Department of Records and Elections an agreement to this effect between the owners of record of the abutting properties. Any accessory structure which is a private garage may be located in that portion of a side yard which is either within thirty-five (35) feet of the centerline of an alley or within twenty-five (25) feet of any rear lot line which is not an alley lot line, without providing an agreement as provided in Section 23.44.016.

2. A single-family structure may extend into one (1) side yard if an easement is provided along the side or rear lot line of the abutting lot, sufficient to leave a ten (10) foot separation between that structure and any principal or accessory structures on the abutting lot. Features and projections such as porches, eaves, and chimneys shall be permitted in the ten (10) foot separation area as if the property line were five (5) feet from the wall of the house on the dominant lot, provided that no portion of either principal structure including eaves shall cross the actual property line. The easement shall be recorded with the King County Department of Records and Elections. The easement shall provide access for normal maintenance activities to

with dwelling units listed in subsection A above may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.

\*\*\*

Section 2. Subsections A and B of Section 23.24.045 of the Seattle Municipal Code, which section was last amended by Ordinance 119618, is amended as follows:  
**23.24.045 Unit lot subdivisions.**

A. The provisions of this section apply exclusively to the unit subdivision of land for townhouses, cottage housing developments, residential cluster developments, and single-family ((residences)) dwelling units in zones where such uses are permitted.

B. Except for any site for which a permit has been issued pursuant to Section 23.44.041 for a detached accessory dwelling unit, sites ((Sites)) developed or proposed to be developed with dwelling units listed in subsection A above may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.

\*\*\*

Section 3. Section 23.34.011, which Section was last amended by Ordinance 117430, is amended as follows:

**23.34.011 Single-family zones, function and locational criteria.**

A. Function. An area that provides predominantly detached single-family structures on lot sizes compatible with the existing pattern of development and the character of single-family neighborhoods.

B. Locational Criteria. A single-family zone designation is most appropriate in areas meeting the following criteria:

1. Areas that consist of blocks with at least seventy (70) percent of the existing structures, not including detached accessory dwelling units, in single-family residential use; or
2. Areas that are designated by an adopted neighborhood plan as appropriate for single-family residential use; or
3. Areas that consist of blocks with less than seventy (70) percent of the existing structures, not including detached accessory dwelling units, in single-family residential use but in which an increasing trend toward single-family residential use can be demonstrated; for example:
  - a. The construction of single-family structures, not including detached accessory dwelling units, in the last five (5) years has been increasing proportionately to the total number of constructions for new uses in the area, or
  - b. The area shows an increasing number of improvements and rehabilitation efforts to single-family structures, not including detached accessory dwelling units, or
  - c. The number of existing single-family structures, not including detached accessory dwelling units, has been very stable or increasing in the last five (5) years, or
  - d. The area's location is topographically and environmentally suitable for single-family residential developments.

C. An area that meets at least one (1) of the locational criteria in subsection B above should also satisfy the following size criteria in order to be designated as a single-family zone:

1. The area proposed for rezone should comprise fifteen (15) contiguous acres or more, or should abut an existing single-family zone.
2. If the area proposed for rezone contains less than fifteen (15) contiguous acres, and does not abut an existing single-family zone, then it should demonstrate strong or stable single-family residential use trends or potentials such as:
  - a. That the construction of single-family structures, not including detached accessory dwelling units, in the last five (5) years has been increasing proportionately to the total number of constructions for new uses in the area, or
  - b. That the number of existing single-family structures, not including detached accessory dwelling units, has been very stable or increasing in the last five (5) years, or
  - c. That the area's location is topographically and environmentally suitable for single-family structures, or
  - d. That the area shows an increasing number of improvements or rehabilitation efforts to single-family structures, not including detached accessory dwelling units

D. Half-blocks at the edges of single-family zones which have more than fifty (50) percent single-family structures, not including detached accessory dwelling units, or portions of blocks on an arterial which have a majority of single-family structures, not including detached accessory dwelling units, shall generally be included. This shall be decided on a case-by-case basis, but the policy is to favor including them.

feet or less in width shall not exceed the greater of the following:

- a. Twenty-five (25) feet;
  - b. The average height of the two (2) single-family structures on abutting lots, but not to exceed thirty (30) feet.
3. Expansions, extensions or replacements to any structure on lots established pursuant to 23.24.046, Multiple single-family dwelling units on a single-family lot, on lots thirty (30) feet or less in width are subject to the following:
- a. The ((base)) maximum permitted height shall not exceed twenty-five (25) feet, and
  - b. The averaging provisions of subsection 2b, above, do not apply.
4. The methods of determining structure height, height averages, and lot width are detailed in Chapter 23.86, Measurements.

B. Special Features.

1. Pitched Roofs. The ridge of a pitched roof on a principal structure may extend up to five (5) feet above the ((base)) maximum height limit, as determined under subsection A above. All parts of the roof above the height limit must be pitched at a rate of not less than three to twelve (3:12) (Exhibit 23.44.012 A). No portion of a shed roof shall be permitted to extend beyond the ((base)) maximum height limit, as determined under subsection A above.

2. Sloped Lots. Except for structures containing a detached accessory dwelling unit, ((Additional)) additional height shall be permitted for sloped lots, at the rate of one (1) foot for each six (6) percent of slope. The additional height shall be permitted on the downhill side of the structure only, as described in the measurements portion of this Land Use Code (Exhibit 23.44.012 B). When the downhill portion of a sloped lot fronts on the street where the required front yard exemption in Section 23.44.014A is claimed, the permitted height of the wall along the lowest elevation of the site shall be reduced one (1) foot for each foot of exemption claimed. In no case shall the height of the wall be required to be less than the ((base)) maximum height limit, as determined under subsection A above.

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Section 6. Subsection D of Section 23.44.014, which section was last amended by Ordinance 121476, is amended as follows:

**23.44.014 Yards.**

\*\*\*

D. Exceptions from Standard Yard Requirements. No structure shall be placed in a required yard except pursuant to the following subsections:

1. Certain Accessory Structures. Any accessory structure may be constructed in a side yard which abuts the rear or side yard of another lot, or in that portion of the rear yard of a reversed corner lot within five (5) feet of the key lot and not abutting the front yard of the key lot, upon recording with the King County Department of Records and Elections an agreement to this effect between the owners of record of the abutting properties. Any accessory structure which is a private garage may be located in that portion of a side yard which is either within thirty-five (35) feet of the centerline of an alley or within twenty-five (25) feet of any rear lot line which is not an alley lot line, without providing an agreement as provided in Section 23.44.016.

2. A single-family structure may extend into one (1) side yard if an easement is provided along the side or rear lot line of the abutting lot, sufficient to leave a ten (10) foot separation between that structure and any principal or accessory structures on the abutting lot. Features and projections such as porches, eaves, and chimneys shall be permitted in the ten (10) foot separation area as if the property line were five (5) feet from the wall of the house on the dominant lot, provided that no portion of either principal structure including eaves shall cross the actual property line. The easement shall be recorded with the King County Department of Records and Elections. The easement shall provide access for normal maintenance activities to the principal structure on the lot with less than the required side yard.

3. Certain Additions. Certain additions may extend into a required yard when the existing single-family structure is already nonconforming with respect to that yard. The presently nonconforming portion must be at least sixty (60) percent of the total width of the respective facade of the structure prior to the addition. The line formed by the nonconforming wall of the structure shall be the limit to which any additions may be built, except as described below. They may extend up to the height limit and may include basement additions. New additions to the nonconforming wall or walls shall comply with the following requirements (Exhibit 23.44.014 A):

- a. Side Yard. When the addition is a side wall, the existing wall line may be continued by the addition except that in no case shall the addition be closer than three (3) feet to the side lot line;
- b. Rear Yard. When the addition is a rear wall, the existing wall line may be continued by the addition except that in no case shall the addition be closer than twenty (20) feet to the rear lot line or centerline of an alley abutting the rear lot line;
- c. Front Yard. When the addition is a front wall, the existing wall line may be continued by the addition except that in no case shall the addition be closer than fifteen (15) feet to the front lot line;

d. When the nonconforming wall of the single-family structure is not parallel or is otherwise irregular, relative to the lot line, then the Director shall determine the limit of the wall extension, except that the wall extension shall not be located closer than specified in subsections D3a-c above.

4. Uncovered Porches or Steps. Uncovered, unenclosed porches or steps may project into any required yard, provided that they are no higher than four (4) feet on average above existing grade, no closer than three (3) feet to any side lot line, no wider than six (6) feet and project no more than six (6) feet into required front or rear yards. The height of porches and steps are to be calculated separately from each other.

5. Special Features of a Structure. Special features of a structure may extend into required yards subject to the following standards only, unless permitted elsewhere in this chapter:

- a. External architectural details with no living area, such as chimneys, eaves, cornices and columns, may project no more than eighteen (18) inches into any required yard;
- b. Bay windows shall be limited to eight (8) feet in width and may project no more than two (2) feet into a required front, rear, and street side yard;
- c. Other projections which include interior space, such as garden windows, may extend no more than eighteen (18) inches into any required yard, starting a minimum of thirty (30) inches above finished floor, and with maximum dimensions of six (6) feet tall and eight (8) feet wide;
- d. The combined area of features permitted in subsections D5b and c above may comprise no more than thirty (30) percent of the area of the facade.

6. Private Garages, Covered Unenclosed Decks, ((or)) Roofs Over Patios and Other Accessory Structures in Rear Yards.

- a. Any attached private garages or covered, unenclosed decks or roofs over patios are portions of principal structures. They may extend into the required rear yard, but shall not be within twelve (12) feet of the centerline of any alley, nor within twelve (12) feet of any rear lot line which is not an alley lot line, nor closer than five (5) feet to any accessory structure. The height of private garages shall meet the provisions of Section 23.44.016 D2 and the height of the roof over unenclosed decks and patios may not exceed twelve (12) feet. The roof over these decks, patios and garages shall not be used as a deck. Any detached private garage meeting the requirements of Section 23.44.016, Parking location and access, or detached permitted accessory structure meeting the requirements of Section 23.44.040. General provisions, may be located in a rear yard. If a private garage has its vehicular access facing the alley, the private garage shall not be within twelve (12) feet of the centerline of the alley.
- b. Garages meeting the standards of Section 23.44.016 and other accessory structures meeting the standards of Sections 23.44.040 or 23.44.041, shall be permitted in required rear yards, subject to a maximum combined coverage of forty (40) percent of the required rear yard. In the case of a rear yard abutting an alley, rear yard coverage shall be calculated from the centerline of the alley.

7. Private Garages in Front Yards of Through Lots. On through lots less than one hundred twenty-five (125) feet in depth, either an accessory garage structure or a portion of the principal structure containing a garage shall be permitted to project into the front yard.

Ordinance, Chapter 25.08, are not violated. Any heat pump or similar equipment shall not be located within three (3) feet of any lot line.

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

14. Front Yard Projections for Structures on Lots Thirty (30) Feet or Less in Width. For a structure on a lot which is thirty (30) feet or less in width, portions of the front facade which begin eight (8) feet or more above finished grade may project up to four (4) feet into the required front yard, provided that no portion of the facade, including eaves and gutters, shall be closer than five (5) feet to the front line (Exhibit 23.44.014 B).

15. Front and rear yards may be reduced by twenty-five (25) percent, but no more than five (5) feet, if the site contains a required environmentally critical area buffer or other area of the property which can not be disturbed pursuant to subsection A of Section 25.09.280 of SMC Chapter 25.09, Regulations for Environmentally Critical Areas.

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

- a. In any required yard, an arbor may be erected with no more than a forty (40) square foot footprint, measured on a horizontal roof plane inclusive of eaves, to a maximum height of eight (8) feet. Both the sides and the roof of the arbor must be at least fifty (50) percent open, or, if latticework is used, there must be a minimum opening of two (2) inches between crosspieces.
- b. In each required yard abutting a street, an arbor over a private pedestrian walkway with no more than a thirty (30) square foot footprint, measured on the horizontal roof plane and inclusive of eaves, may be erected to a maximum height of eight (8) feet. The sides of the arbor shall be at least fifty (50) percent open, or if latticework is used, there must be a minimum opening of two (2) inches between crosspieces.

Section 7. Subsection E of Section 23.44.040 of the Seattle Municipal Code, which section was last amended by Ordinance 117263, is amended as follows:

**23.44.040 General provisions.**

\*\*\*

E. Except as provided for detached accessory dwelling units in Section 23.44.041B, any ((Any)) accessory structure located in a required yard shall not exceed twelve (12) feet in height nor one thousand (1,000) square feet in area.

\*\*\*

Section 8. Section 23.44.041 of the Seattle Municipal Code, which section was last amended by Ordinance 121477, is amended as follows:

**23.44.041 Accessory dwelling units.**

((Accessory dwelling units may be permitted subject to the standards in subsection A of this section. The Master Use Permit process set forth in Chapter 23.76 shall be followed to authorize these uses.))

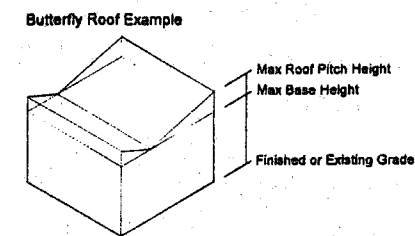
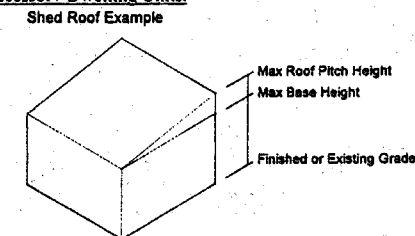
A. Accessory dwelling units, general provisions. The Director may authorize an accessory dwelling unit ((if the Director finds that the unit meets the following development and use standards)) under the following conditions:

- 1. A lot with or proposed for a single-family dwelling may have no more than

Development Standards for Detached Accessory Dwelling Units <sup>1</sup>				
a. Minimum Lot Size	4,000 square feet			
b. Minimum Lot Width	25 feet			
c. Minimum Lot Depth	70 feet <sup>2</sup>			
d. Maximum Lot Coverage	The provisions of Section 23.44.010 apply.			
e. Maximum Rear Yard Coverage	The provisions of Section 23.44.014 D.6.b apply.			
f. Maximum Gross Floor Area	20% of the lot size, or 800 square feet, whichever is less, including garage or storage area. <sup>3</sup>			
g. Front Yard	A detached accessory dwelling unit may not be located within the front yard required by Section 23.44.014A.			
h. Minimum Side Yard	The provisions of Section 23.44.014 C apply.			
i. Minimum Rear Yard	A detached accessory dwelling unit may be located within a required rear yard when it is not within 5 feet of the rear lot line, unless the rear lot line is adjacent to an alley, in which case a detached accessory dwelling unit may be located at the rear lot line. <sup>4</sup>			
j. Location of Entry	Entrances to detached accessory dwelling units may not be located on facades facing the nearest side lot line or the rear lot line unless the nearest side lot line or rear lot line abuts an alley or other public right-of-way.			
k. Maximum Height Limits <sup>5</sup>	Lot Width (feet)			
	Less than 30	30-35	36-40	41 or greater
(1) Maximum Structure Height (feet)	12	14	15	16
(2) Maximum Structure Height with Pitched Roof (feet)	15	21	22	23
(3) Maximum Structure Height with Shed or Butterfly Roof (feet); see Exhibit 23.44.041 B.	15	18	19	20

**Footnotes:**  
 1. Exceptions to the standards contained in subsections a through i are permitted pursuant to 23.44.041B2, when converting existing nonconforming structures.  
 2. 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. Areas below grade are exempt from the calculation of gross floor area.  
 4. When the rear 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.  
 5. Features such as chimneys, antennas, and flagpoles may extend up to four (4) feet above the maximum allowed height. The additional height for sloped lots permitted by 23.44.012B does not apply.

Exhibit 23.44.041 B: Explanation of Terms for Shed and Butterfly Roofs for Detached Accessory Dwelling Units.



3. Conversion of accessory structures. An existing accessory structure that is not located in a required front yard may be converted into a detached accessory dwelling unit if:

yard;

- b. Bay windows shall be limited to eight (8) feet in width and may project no more than two (2) feet into a required front, rear, and street side yard;
- c. Other projections which include interior space, such as garden windows, may extend no more than eighteen (18) inches into any required yard, starting a minimum of thirty (30) inches above finished floor, and with maximum dimensions of six (6) feet tall and eight (8) feet wide;
- d. The combined area of features permitted in subsections D5b and c above may comprise no more than thirty (30) percent of the area of the facade.

6. Private Garages, Covered Unenclosed Decks, ~~((or))~~ Roofs Over Patios and Other Accessory Structures in Rear Yards.

a. Any attached private garages or covered, unenclosed decks or roofs over patios are portions of principal structures. They may extend into the required rear yard, but shall not be within twelve (12) feet of the centerline of any alley, nor within twelve (12) feet of any rear lot line which is not an alley lot line, nor closer than five (5) feet to any accessory structure. The height of private garages shall meet the provisions of Section 23.44.016 D2 and the height of the roof over unenclosed decks and patios may not exceed twelve (12) feet. The roof over these decks, patios and garages shall not be used as a deck. Any detached private garage meeting the requirements of Section 23.44.016, Parking location and access, or detached permitted accessory structure meeting the requirements of Section 23.44.040. General provisions, may be located in a rear yard. If a private garage has its vehicular access facing the alley, the private garage shall not be within twelve (12) feet of the centerline of the alley.

b. Garages meeting the standards of Section 23.44.016 and other accessory structures meeting the standards of Sections 23.44.040 or 23.44.041, shall be permitted in required rear yards, subject to a maximum combined coverage of forty (40) percent of the required rear yard. In the case of a rear yard abutting an alley, rear yard coverage shall be calculated from the centerline of the alley.

7. Private Garages in Front Yards of Through Lots. On through lots less than one hundred twenty-five (125) feet in depth, either an accessory garage structure or a portion of the principal structure containing a garage shall be permitted to locate in one (1) of the front yards. Private garages, either as accessory structures or as a portion of the principal structure, shall be limited as set forth in Section 23.44.016. The front yard in which the garage may be located shall be determined by the Director based on the location of other accessory garages on the block. If no pattern of garage location can be determined, the Director shall determine in which yard the accessory garage shall be located based on the prevailing character and setback patterns of the block.

8. Access Bridges. Uncovered, unenclosed pedestrian bridges of any height, necessary for access and five (5) feet or less in width, are permitted in required yards except that in side yards an access bridge must be at least three (3) feet from any side lot line.

9. Barrier-free Access. Access facilities for the disabled and elderly meeting Washington State Building Code, Chapter 11 are permitted in any required yards.

10. Freestanding Structures and Bulkheads.

a. Fences, freestanding walls, signs and similar structures six (6) feet or less in height above existing or finished grade, whichever is lower, may be erected in any required yard. The six (6) foot height may be averaged along sloping grade for each six (6) foot long segment of the fence, but in no case may any portion of the fence exceed eight (8) feet.

Architectural features may be added to the top of the fence or freestanding wall above the six (6)

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

conditions:

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

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

Section 7. Subsection E of Section 23.44.040 of the Seattle Municipal Code, which section was last amended by Ordinance 117263, is amended as follows:

23.44.040 General provisions.

\*\*\*

E. Except as provided for detached accessory dwelling units in Section 23.44.041B, any ~~((Any))~~ accessory structure located in a required yard shall not exceed twelve (12) feet in height nor one thousand (1,000) square feet in area.

\*\*\*

Section 8. Section 23.44.041 of the Seattle Municipal Code, which section was last amended by Ordinance 121477, is amended as follows:

23.44.041 Accessory dwelling units.

~~((Accessory dwelling units may be permitted subject to the standards in subsection A of this section. The Master Use Permit process set forth in Chapter 23.76 shall be followed to authorize these uses.))~~

A. Accessory dwelling units, general provisions. The Director may authorize an accessory dwelling unit ~~((if the Director finds that the unit meets the following development and use standards))~~ under the following conditions:

1. A lot with or proposed for a single-family dwelling may have no more than one (1) accessory dwelling unit ~~((and only one (1) accessory dwelling unit shall be allowed per lot)).~~

2. One (1) of the dwelling units ~~((in the structure))~~ shall be occupied by one (1) or more owners of the property as the owner's(s) permanent and principal residence~~((s))~~, and the owner-occupant shall comply with the requirements of subsection C, Owner Occupancy. ~~((The owner-occupant must occupy the owner-occupied dwelling unit for more than six (6) months of each calendar year. The owner-occupant may not receive rent for the owner-occupied dwelling unit. If a complaint that an owner has violated these requirements is filed, the owner shall:~~

a. ~~Submit evidence to the Director showing good cause, such as job dislocation, sabbatical leave, education, or illness, for waiver of this requirement for up to three (3) years absence from the Puget Sound region. Upon such showing the Director may waive the requirement;~~

b. ~~Re-occupy the structure; or~~  
c. ~~Remove the accessory dwelling unit.))~~

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

be located on facades facing the nearest side lot line or the rear lot line unless the nearest side lot line or rear lot line abuts an alley or other public right-of-way.

k. Maximum Height Limits <sup>5</sup>	Lot Width (feet)			
	Less than 30	30-35	36-40	41 or greater
(1) Maximum Structure Height (feet)	12	14	15	16
(2) Maximum Structure Height with Pitched Roof (feet)	15	21	22	23
(3) Maximum Structure Height with Shed or Butterfly Roof (feet); see Exhibit 23.44.041 B.	15	18	19	20

Footnotes:

1. Exceptions to the standards contained in subsections a through i are permitted pursuant to 23.44.041B2, when converting existing nonconforming structures.

2. 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.

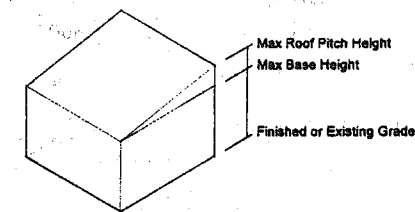
3. Areas below grade are exempt from the calculation of gross floor area.

4. When the rear 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.

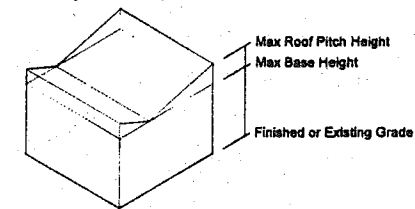
5. Features such as chimneys, antennas, and flagpoles may extend up to four (4) feet above the maximum allowed height. The additional height for sloped lots permitted by 23.44.012B does not apply.

Exhibit 23.44.041 B: Explanation of Terms for Shed and Butterfly Roofs for Detached Accessory Dwelling Units.

Shed Roof Example



Butterfly Roof Example



3. Conversion of accessory structures. An existing accessory structure that is not located in a required front yard may be converted into a detached accessory dwelling unit if:

- a. the accessory structure complies with the minimum standards set forth in Sections 22.206.010 through 22.206.140 of the Housing and Building Maintenance Code, SMC chapter 22.206; and
- b. nonconformity with the development standards for accessory dwelling units contained in Sections 23.044.041A4 and 23.044.041B1 is not increased; and
- c. the applicant can demonstrate that the accessory structure was constructed prior to June 1, 1999.

~~((5. The floor area of the accessory dwelling unit may exceed one thousand (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 (1) level.~~

6. Only one (1) principal entrance to the structure may be located on each street-facing facade of the residence except:

a. ~~Where two (2) entrances on the front or street side existed on January 1, 1993 or;~~

b. ~~Where the Director determines that topography, screening or other design solution is effective in de-emphasizing the presence of a second entrance, so there do not appear to be two principal entrances.~~



block.

8. Access Bridges. Uncovered, unenclosed pedestrian bridges of any height, necessary for access and five (5) feet or less in width, are permitted in required yards except that in side yards an access bridge must be at least three (3) feet from any side lot line.

9. Barrier-free Access. Access facilities for the disabled and elderly meeting Washington State Building Code, Chapter 11 are permitted in any required yards.

10. Freestanding Structures and Bulkheads.

a. Fences, freestanding walls, signs and similar structures six (6) feet or less in height above existing or finished grade, whichever is lower, may be erected in any required yard. The six (6) foot height may be averaged along sloping grade for each six (6) foot long segment of the fence, but in no case may any portion of the fence exceed eight (8) feet. Architectural features may be added to the top of the fence or freestanding wall above the six (6) foot height when the following provisions are met: horizontal architectural feature(s), no more than ten (10) inches high, and separated by a minimum of six (6) inches of open area, measured vertically from the top of the fence, may be permitted when the overall height of all parts of the structure, including post caps, are no more than eight (8) feet high; averaging the eight (8) foot height is not permitted. Structural supports for the horizontal architectural feature(s) may be spaced no closer than three (3) feet on center.

b. The Director may allow variation from the development standards listed in subsection D10a above, according to the following:

- (1) No part of the structure may exceed eight (8) feet; and
(2) Any portion of the structure above six (6) feet shall be

predominately open, such that there is free circulation of light and air.

c. Bulkheads and retaining walls used to raise grade may be placed in any required yard when limited to six (6) feet in height, measured above existing grade. A guardrail no higher than forty-two (42) inches may be placed on top of a bulkhead or retaining wall existing as of the date of the ordinance codified in this section. If a fence is placed on top of a new bulkhead or retaining wall, the maximum combined height is limited to nine and one-half (9 1/2) feet.

d. Bulkheads and retaining walls used to protect a cut into existing grade may not exceed the minimum height necessary to support the cut or six (6) feet, whichever is greater. When the bulkhead is measured from the low side and it exceeds six (6) feet, an open guardrail of no more than forty-two (42) inches meeting Building Code requirements may be placed on top of the bulkhead or retaining wall. A fence must be set back a minimum of three (3) feet from such a bulkhead or retaining wall.

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

11. Decks in Yards. Decks no greater than eighteen (18) inches above existing or finished grade, whichever is lower, may extend into required yards.

12. Heat Pumps. Heat pumps and similar mechanical equipment, not including incinerators, may be permitted in required yards if the requirements of the Noise Control

owner-occupant must occupy the owner-occupied dwelling unit for more than six (6) months of each calendar year. The owner-occupant may not receive rent for the owner-occupied dwelling unit. If a complaint that an owner has violated these requirements is filed, the owner shall:

a. Submit evidence to the Director showing good cause, such as job dislocation, sabbatical leave, education, or illness, for waiver of this requirement for up to three (3) years absence from the Puget Sound region. Upon such showing the Director may waive the requirement;

b. Re-occupy the structure; or

c. Remove the accessory dwelling unit.)

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

4. ((Accessory dwelling units may not be located in any structure detached from the single-family dwelling.)) All accessory dwelling units must meet the following, unless modified in subsection B:

Table with 2 columns: Requirement (a, b, c) and Description. a. Maximum Gross Floor Area: One thousand (1,000) square feet, including garage and storage area. b. Entrances: Only one (1) entrance to the structure may be located on each street-facing facade of the dwelling unit. c. Parking: One (1) off-street parking space is required, and may be provided as tandem parking with the parking space provided for the principal dwelling unit.

Footnotes: 1. The gross floor area of an accessory dwelling unit may exceed one thousand (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 (1) level. 2. More than one entrance may be allowed if: a) two (2) entrances on the street-facing facade 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. 3. No off-street parking space will be required for an accessory dwelling unit if: a. The topography or location of existing principal or accessory structures makes provision of an off-street parking space physically infeasible; or b. The site is located in a residential parking zone (RPZ) and a current parking study is submitted showing a utilization rate of less than seventy-five percent (75%) for on-street parking within four hundred feet (400') of all property lines of the site. c. The provisions in this footnote 3 providing for exceptions to the parking requirement do not apply to sites located in either the University District Parking Overlay Area (Exhibit for Chart A, Section 23.54.015, Map A) or the Alki Area Parking Overlay (Exhibit for Chart A, Section 23.54.015, Map B).

B. Accessory Dwelling Units, detached.

1. Locations allowed. An accessory dwelling unit may be located in a structure separate from a principal single-family dwelling unit in single-family zones within the area bounded by I-5 to the west, I-90 to the north, Lake Washington to the east, and the Seattle corporate limits to the south. Detached accessory dwelling units are not permitted on a lot if any portion of the lot is within the Shoreline District established by Section 23.60.010.

2. Development standards. Detached accessory dwelling units shall meet the following standards and the standards of subsection A, except as modified in this subsection:

DJC web site www.djc.com A great way to access the wealth of information published in the Daily Journal of Commerce. Phone 206-622-8272 for information

constructed prior to June 1, 1999.

((5. The floor area of the accessory dwelling unit may exceed one thousand (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 (1) level.

6. Only one (1) principal entrance to the structure may be located on each street-facing facade of the residence except:

a. Where two (2) entrances on the front or street side existed on January 1, 1993 or;

b. Where the Director determines that topography, screening or other design solution is effective in de-emphasizing the presence of a second entrance, so there do not appear to be two principal entrances.

7. A minimum of one (1) off-street parking space per accessory dwelling unit shall be provided, which space may be in tandem with parking provided for the principal dwelling unit.

a. The Director may waive the parking requirement for an accessory dwelling unit if topography or location of existing principal or accessory structures makes provision of a parking space physically or economically infeasible and, for properties located in residential parking zones (RPZs), a parking study is conducted and shows that the utilization rate for on-street parking within a four hundred (400) foot walking distance of the subject property is less than seventy-five (75) percent. Parking may not be waived for accessory dwelling units within the University District or Alki Parking Overlay Areas as shown on Maps A and B, Section 23.54.015.

b. The applicant need not apply for a variance in order to waive the parking requirement. The parking waiver process cannot be used to eliminate an existing required parking space in order to create an accessory dwelling unit, unless replaced elsewhere on the lot.)

8. Ceiling Height.

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 (6) feet eight (8) inches measured per Sections 210.6.1 and 210.3 of the Seattle Building Code (SBC); or the minimum ceiling height shall be six (6) feet four (4) inches if a hard-wired smoke detector is located in the accessory 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 as determined according to Sections 210.6.1 and 210.3 of the Seattle Building Code.

B. Certification of Owner Occupancy. After issuance of a permit establishing an accessory dwelling unit, the Department of Planning and Development 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 and a statement

by the owner(s) that the owner(s) will notify any prospective purchasers of the requirements of this section. 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 Planning and Development for recording, or remove the accessory dwelling unit. Failure to submit a new certificate or remove the accessory dwelling unit within one (1) year 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 failure to comply with the terms of the owner occupancy certification shall be subject to a civil penalty of Five Thousand Dollars (\$5,000), in addition to any criminal penalties.)

**C. Owner Occupancy.**

**1. Requirement.** An owner of the property must occupy either the principal dwelling unit or the accessory dwelling unit for more than six (6) months of each calendar year.

**2. Violation.** If there is a violation of the requirements of subsection C1, the owner shall:

- a. Re-occupy the structure; or
- b. Remove the accessory dwelling unit; or
- c. Submit evidence to the Director showing good cause why the requirement for owner occupancy should be waived. Good cause may include job dislocation, sabbatical leave, education, or illness. Upon such showing the Director may waive the requirement for up to three (3) years; and

d. Be subject to the penalties provided in Sections 23.90.018, 23.90.019 and 23.90.020.

**3. Deed Restriction.** Prior to issuance of a permit establishing an accessory dwelling unit, the owner shall sign under oath, and the Department of Planning and Development shall record in the King County Office of Records and Elections, an agreement by the owner(s) that is binding on subsequent owners, in a form prescribed by the Director, agreeing to:

- a. Comply with the requirements of this Subsection C; and
- b. Notify all prospective purchasers of the requirements of this subsection

**C.**

**D. Single-family Status Unaffected.** A single-family ((dwelling)) lot with an accessory dwelling unit shall be considered a single-family residence for purposes of rezone criteria (Section 23.34.011).

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

**E. DPD shall report annually to the Urban Development and Planning Committee or its successor committee on detached and attached accessory dwelling unit permit activity in the geographic area described in Section 23.44.041.B.1. This reporting shall include the number of applications filed since the previous annual report, the number of permits issued and the number of permits finalized since the previous annual report, and the location and dispersion of the accessory dwelling units that were the subject of all permit applications since the previous report, indicating which have been denied, which have been issued, which have been finalized, whether any waivers were granted for parking, and which are still in the application stage.**

Section 9. Subsection D of Section 23.44.050 of the Seattle Municipal Code, which section was last amended by Ordinance 117263, is amended as follows:

**23.44.050 Home occupations.**

\*\*\*

**D.** The occupation ((shall)) may be conducted only within the principal structure or ((and not)) in an accessory dwelling unit, ((structure, except that parking)) Parking of vehicles associated with the home occupation shall be permitted anywhere that parking is permitted on the lot.

Section 10. Section 23.84.004 of the Seattle Municipal Code, which section was last amended by Ordinance 121196, is amended to add a definition of "Butterfly Roof" as follows:

**23.84.004 "B."**

\*\*\*

"Butterfly roof" means a roof having planes that slope upward from the interior of a structure toward its exterior walls.

Section 11. Section 23.84.008 of the Seattle Municipal Code, which section was last amended by Ordinance 122054, is amended as follows:

**23.84.008 "D."**

\*\*\*

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

"Dwelling unit, detached accessory" means an additional room or set of rooms located within an accessory structure on the same lot as an owner-occupied single family dwelling unit,

dwelling unit permitted only in an assisted living facility.

((4-)) **5.** "Caretaker's quarters" means a residential use accessory to a nonresidential use consisting of a dwelling unit not exceeding eight hundred (800) square feet of living area and occupied by a caretaker or watchperson.

((5-)) **6.** "Congregate residence" means a dwelling unit in which rooms or lodging, with or without meals, are provided for nine (9) or more non-transient persons not constituting a single household, excluding single-family residences for which special or reasonable accommodation has been granted.

**7.** "Detached accessory dwelling unit." See "Dwelling unit, detached accessory."

((6-)) **8.** "Domestic violence shelter" means a dwelling unit managed by a nonprofit organization which provides housing at a confidential location and support services for victims of family violence.

((7-)) **9.** "Floating home" means a dwelling unit constructed on a float, which is moored, anchored or otherwise secured in the water.

((8-)) **10.** "Mobile home park" means a residential use in which a tract of land is rented for the use of more than one (1) mobile home occupied as a dwelling unit.

((9-)) **11.** "Multifamily structure" means a structure or portion of a structure containing two (2) or more dwelling units.

((10-)) **12.** "Nursing home" means a residence, licensed by the state, that provides full-time convalescent and/or chronic care for individuals who, by reason of chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill or surgical or obstetrical services shall be provided in such a residence. This definition excludes hospitals or sanitariums.

((11-)) **13.** "Single-family dwelling unit" means a detached structure containing one (1) dwelling unit and having a permanent foundation. The structure may also contain an accessory dwelling unit. A detached accessory dwelling unit is not considered a single-family dwelling unit for purposes of this chapter.

"Roof, butterfly." See "Butterfly roof."

Section 13. Subsections A and B of Section 23.90.018, which section was last amended by Ordinance 122054, is amended as follows:

**23.90.018 Civil penalty.**

**A.** In addition to any other sanction or remedial procedure ((which)) that may be available, any person violating or failing to comply with any of the provisions of Title 23 and who is identified in an order of the Director shall be subject to a cumulative penalty in the amount of Seventy-five Dollars (\$75) per day for each violation from the date set for compliance until the person complies with the requirements of the code, except as provided in subsection B of this section.

**B. Specific Violations.**

**1.** Violations of Section 23.71.018 are subject to penalty in the amount specified in Section 23.71.018 H.

**2.** Violations of the requirements of Section 23.44.041C are subject to a civil penalty of five thousand dollars (\$5,000).

**3.** Violation of Section 23.49.011 or 23.49.015 with respect to failure to demonstrate compliance with commitments to earn LEED Silver ratings under either such Section are subject to penalty in amounts determined under Section 23.49.020, and not to any other penalty.

Section 14. Section 23.90.019 of the Seattle Municipal Code, which Section was last amended by Ordinance 119617, is further amended as follows:

**23.90.019 Civil penalty for unauthorized dwelling units in single-family structures and for unauthorized detached accessory dwelling units.**

**A.** In addition to any other sanction or remedial procedure ((which)) that may be available, the following penalties ((shall)) apply to any owner of a single-family dwelling unit ((structure)) with one (1) or more unauthorized dwelling unit(s) in the single family dwelling unit or in a detached accessory structure. Any owner of a single-family dwelling unit ((structure)) who is issued a notice of violation for an ((one (1) or more)) unauthorized dwelling unit ((unit(s) and which dwelling unit(s) are)) that is not a ((legal (ly))) legal nonconforming use, ((uses shall be)) is subject to a civil penalty of Five Thousand Dollars (\$5,000). This penalty shall be reduced to One Hundred Dollars (\$100) if, prior to the compliance date stated on the notice, the owner removes ((the)) all unauthorized dwelling ((unit(s))) units. Any owner of a single-family dwelling unit ((structure)) who voluntarily applies to legalize an accessory dwelling unit prior to issuance of a notice of violation for an unauthorized dwelling unit, and obtains final inspection approval for the unit within one (1) year of issuance of permit, shall not be subject to a civil penalty.

**B.** After discovery of the existence of one (1) or more unauthorized dwelling unit(s) in a single-family dwelling unit ((structure)) or the existence of an unauthorized detached accessory dwelling unit, the Director shall issue a Notice of Violation in the manner set forth in Section 23.90.006, which notice shall impose the civil penalty and notify the owner of the date by which action to remove or legally establish the ((illegal)) unauthorized unit(s) must be completed to

**TRUSTEE SALES**  
**USING THIS SECTION**  
 This section is a great resource for people looking for a good deal on a property and provides excellent business leads for mortgage companies and real estate attorneys.  
 The name of the property owner is listed in bold, followed by a contact address. Address indicates the address of the disputed property. Financial information includes the assessed value of the property, the principal amount on the mortgage and how far back in arrears the property owner is.  
 Each record concludes with the names of the beneficiary (loan holder), the trustee (the attorney handling the foreclosure), the auditor's filing number, Tax ID number and Deed of Trust number. When applicable, the trustee's internal trustee sales number is also included.  
 A database of trustee sales dating from 1992 is available to online subscribers on the DJC's Web site.  
 Visit <http://www.djc.com>.

**KING COUNTY**

**John W Rogers ; 1746 S Shelton St, Seattle, WA 98108**  
**Prop. Info:** 1746 S Shelton St ; Seattle WA 98108, 2 bedrooms, 1 bath, built in 1944.  
**Financial Info:** Assessed: \$216,000, Principal \$287,514, Arrears: \$13,122, Lot size 9,120 Total living area 1,190.  
**Filing Info:** Auditor: 20060817001345, Tax# 3732800430, DOT# 20060106002085.  
**Beneficiary:** Mortgage Electronic Registration Systems.  
**Trustee:** Northwest Trustee Service 425-586-1900 T/S# 722820353.  
**Sale:** November 17th, 10 am, 3535 Factoria Blvd SE, Bellevue.

**Nick Roberts ; 6224 47th Ave S, Seattle, WA 98118**  
**Prop. Info:** L19-20, B1, The Sound Trustee Company's 1st Addition to Seattle ; 6224 47th Ave S ; Seattle WA, 98118, 3 bedrooms, 2.5 baths, built in 1995.  
**Financial Info:** Assessed: \$291,000, Principal \$80,000, Arrears: \$5,317, Lot size 78,000 Total living area 1,080.  
**Filing Info:** Auditor: 20060817001346, Tax# 7866000100, DOT# 20060119002321.  
**Beneficiary:** Mortgage Electronic Registration Systems.  
**Trustee:** Northwest Trustee Service 425-586-1900 T/S# 777722094.  
**Sale:** November 17th, 10 am, 3535 Factoria Blvd SE, Bellevue.

**Mary J Williams ; 1005 U St NW, Auburn, WA 98001**  
**Prop. Info:** L69, West Beverly Hill4 ; 1005 U St NW ; Auburn WA, 98001, 6 bedrooms, 3.5 baths, built in 2001.  
**Financial Info:** Assessed: \$451,000, Principal \$518,314, Arrears: \$19,963, Lot size 7,863 Total living area 2,960.  
**Filing Info:** Auditor: 20060817001347, Tax# 9264030690, DOT# 20050803000940.  
**Beneficiary:** Mortgage Electronic Registration Systems.  
**Trustee:** Northwest Trustee Service 425-586-1900 T/S# 777721983.  
**Sale:** November 17th, 10 am, 3535 Factoria Blvd SE, Bellevue.

**Kassandra R Leford ; 827 Natalie Place Enumclaw, WA 98022**  
**Prop. Info:** L5, Babbs Addition ; 827 Natalie Place ; Enumclaw WA, 98022, 3 bedrooms 1.7 baths, built in 1980.  
**Financial Info:** Assessed: \$200,000, Principal \$177,134, Arrears: \$6,549, Lot size 7,044 Total living area 1,230.  
**Filing Info:** Auditor: 20060817001348, Tax# 0349400050, DOT# 20050919001679.  
**Beneficiary:** US Bank National Association.  
**Trustee:** Northwest Trustee Service 425-586-1900 T/S# 777722105.  
**Sale:** November 17th, 10 am, 3535 Factoria Blvd SE, Bellevue.

**Theodore F Brown ; 10125 W Riverside Dr, Bothell, WA 98011**  
**Prop. Info:** 10125 W Riverside Dr ; Bothell WA, 98011, 2 bedrooms, 1 bath, built in 1946.  
**Financial Info:** Assessed: \$198,000, Principal \$72,342, Arrears: \$19,543, Lot size 4,350 Total living area 960.  
**Filing Info:** Auditor: 20060817001350, Tax# 0826059238, DOT# 19991116001741.  
**Beneficiary:** Citigroup Mortgage Loan Trust Inc.  
**Trustee:** Northwest Trustee Service 425-586-1900 T/S# 777721777.  
**Sale:** November 17th, 10 am, 3535 Factoria Blvd SE, Bellevue.

**Kathryn W Dale ; 11550 Stone Ave N, 101, Seattle, WA 98133**  
**Prop. Info:** Unit1A, Bldg3-2, Stone View Court ; 11550 Stone Ave N, 101 ; Seattle WA, 98133, 1 bedrooms, 1 bath, built in 2000.  
**Financial Info:** Assessed: \$154,000, Principal \$119,200, Payments: \$694, Arrears: \$3,264, Lot size 27,609, Total living area 626.  
**Filing Info:** Auditor: 20060817001339, Tax# 8029800080, DOT# 20040714001676.  
**Beneficiary:** Wells Fargo Bank.  
**Trustee:** Northwest Trustee Service 425-586-1900 T/S# WNMCO63372.  
**Sale:** November 17th, 10 am, King County Administration Building.

**Bart Nordstrom ; 17306 NE 45th St, 114, Redmond, WA 98052**  
**Prop. Info:** Unit114, Villa Marina ; 17306 NE 45th St, 114 ; Redmond WA, 98052, 1 bedrooms, 1 bath, built in 1968.  
**Financial Info:** Assessed: \$123,000, Principal \$104,057, Payments: \$694, Arrears: \$6,246, Lot size 381,150, Total living area 767.  
**Filing Info:** Auditor: 20060817001340, Tax# 8944211440, DOT# 20031030000779.  
**Beneficiary:** Wells Fargo Home Mortgage, Inc.  
**Trustee:** Standard Deed Trust Svcs 925-603-1000 T/S# WNMCO63119.  
**Sale:** November 17th, 10 am, King County Administration Building.

dwelling unit, the owner shall sign under oath, and the Department of Planning and Development shall record in the King County Office of Records and Elections, an agreement by the owner(s) that is binding on subsequent owners, in a form prescribed by the Director, agreeing to:

- a. Comply with the requirements of this Subsection C; and
- b. Notify all prospective purchasers of the requirements of this subsection

C. D. Single-family Status Unaffected. A single-family ((dwelling)) lot with an accessory dwelling unit shall be considered a single-family residence for purposes of rezone criteria (Section 23.34.011).

((D. Every two (2) years, DPD shall prepare a report for the City Council stating the number and location of permits issued for new accessory housing units.))

E. DPD shall report annually to the Urban Development and Planning Committee or its successor committee on detached and attached accessory dwelling unit permit activity in the geographic area described in Section 23.44.041.B.1. This reporting shall include the number of applications filed since the previous annual report, the number of permits issued and the number of permits finalized since the previous annual report, and the location and dispersion of the accessory dwelling units that were the subject of all permit applications since the previous report, indicating which have been denied, which have been issued, which have been finalized, whether any waivers were granted for parking, and which are still in the application stage.

Section 9. Subsection D of Section 23.44.050 of the Seattle Municipal Code, which section was last amended by Ordinance 117263, is amended as follows:

**23.44.050 Home occupations.**

\*\*\*

D. The occupation ((shall)) may be conducted only within the principal structure or ((and not)) in an accessory dwelling unit ((structure, except that parking)) Parking of vehicles associated with the home occupation shall be permitted anywhere that parking is permitted on the lot.

Section 10. Section 23.84.004 of the Seattle Municipal Code, which section was last amended by Ordinance 121196, is amended to add a definition of "Butterfly Roof" as follows:

**23.84.004 "B."**

\*\*\*

"Butterfly roof" means a roof having planes that slope upward from the interior of a structure toward its exterior walls.

Section 11. Section 23.84.008 of the Seattle Municipal Code, which section was last amended by Ordinance 122054, is amended as follows:

**23.84.008 "D."**

\*\*\*

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

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

Section 12. Section 23.84.032 of the Seattle Municipal Code, which Section was last amended by Ordinance 122054, is amended as follows:

**23.84.032 "R."**

\*\*\*

"Residential" means a use within a structure intended to be occupied as a dwelling.

Residential uses include but are not limited to the following:

- 1. "Accessory dwelling unit." See "Dwelling unit, accessory."

((4-)) 2. "Adult family home" means a residential use as defined and licensed by The State of Washington in a dwelling unit.

((2-)) 3. "Artist's studio/dwelling" means a combination working studio and dwelling unit for artists, consisting of a room or suite of rooms occupied by not more than one (1) household.

((3-)) 4. "Assisted living facility" means a multifamily residential use licensed by The State of Washington as a boarding home pursuant to RCW 18.20, for people who have either a need for assistance with activities of daily living (which are defined as eating, toileting, ambulation, transfer [e.g., moving from bed to chair or chair to bath], and bathing) or some form of cognitive impairment but who do not need the skilled critical care provided by nursing homes. An "assisted living facility" contains multiple assisted living units. An assisted living unit is a

one (1) dwelling unit and having a permanent foundation. The structure may also contain an accessory dwelling unit. A detached accessory dwelling unit is not considered a single-family dwelling unit for purposes of this chapter.

"Roof, butterfly." See "Butterfly roof."

Section 13. Subsections A and B of Section 23.90.018, which section was last amended by Ordinance 122054, is amended as follows:

**23.90.018 Civil penalty.**

A. In addition to any other sanction or remedial procedure ((which)) that may be available, any person violating or failing to comply with any of the provisions of Title 23 and who is identified in an order of the Director shall be subject to a cumulative penalty in the amount of Seventy-five Dollars (\$75) per day for each violation from the date set for compliance until the person complies with the requirements of the code, except as provided in subsection B of this section.

**B. Specific Violations.**

1. Violations of Section 23.71.018 are subject to penalty in the amount specified in Section 23.71.018 H.

2. Violations of the requirements of Section 23.44.041C are subject to a civil penalty of five thousand dollars (\$5,000).

3. Violation of Section 23.49.011 or 23.49.015 with respect to failure to demonstrate compliance with commitments to earn LEED Silver ratings under either such Section are subject to penalty in amounts determined under Section 23.49.020, and not to any other penalty.

Section 14. Section 23.90.019 of the Seattle Municipal Code, which Section was last amended by Ordinance 119617, is further amended as follows:

**23.90.019 Civil penalty for unauthorized dwelling units in single-family structures and for unauthorized detached accessory dwelling units.**

A. In addition to any other sanction or remedial procedure ((which)) that may be available, the following penalties ((shall)) apply to any owner of a single-family dwelling unit ((structure)) with one (1) or more unauthorized dwelling unit(s) in the single family dwelling unit or in a detached accessory structure. Any owner of a single-family dwelling unit ((structure)) who is issued a notice of violation for an ((one (1) or more)) unauthorized dwelling unit ((unit(s)) and which dwelling unit(s) are) that is not a ((legal (by))) legal nonconforming use, ((uses shall be)) is subject to a civil penalty of Five Thousand Dollars (\$5,000). This penalty shall be reduced to One Hundred Dollars (\$100) if, prior to the compliance date stated on the notice, the owner removes ((the)) all unauthorized dwelling ((unit(s))) units. Any owner of a single-family dwelling unit ((structure)) who voluntarily applies to legalize an accessory dwelling unit prior to issuance of a notice of violation for an unauthorized dwelling unit, and obtains final inspection approval for the unit within one (1) year of issuance of permit, shall not be subject to a civil penalty.

B. After discovery of the existence of one (1) or more unauthorized dwelling unit(s) in a single-family dwelling unit ((structure)) or the existence of an unauthorized detached accessory dwelling unit, the Director shall issue a Notice of Violation in the manner set forth in Section 23.90.006, which notice shall impose the civil penalty and notify the owner of the date by which action to remove or legally establish the ((illegal)) unauthorized unit(s) must be completed to avoid additional penalty. Failure to complete the required action by the date stated shall be a further violation of the Land Use Code, subjecting the owner to an additional penalty of Seventy-five Dollars (\$75) per day until the Notice is satisfied. Such penalties shall be collected in the manner provided in Section 23.90.018.

Section 15. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision shall not affect the validity of any other provision.

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

Passed by the City Council the 7th day of August, 2006, and signed by me in open session in authentication of its passage this 7th day of August, 2006.

NICK LICATA,

President of the City Council.

Approved by me this 15th day of August, 2006.

GREGORY J. NICKELS,

Mayor.

Filed by me this 15th day of August, 2006.

(Seal) JUDITH PIPPIN,

City Clerk.

Publication ordered by Judith Pippin, City Clerk.

Date of publication in the Seattle Daily Journal of Commerce, August 22, 2006.

8/22(201716)

**The DJC Fax Number  
is (206) 622-8416**

1300-1707-122020003  
Sale: November 17th, 10 am, 3535 Factor Blvd SE, Bellevue.  
Nick Roberts ; 6224 47th Ave S, Seattle, WA 98118  
Prop. Info: L19-20, B1, The Sound Trust Company's 1st Addition to Seattle ; 6224 47 Ave S ; Seattle WA, 98118, 3 bedrooms, 2 baths, built in 1995.  
Financial Info: Assessed: \$291,000, Principal \$80,000, Arrears: \$5,317, Lot size 78,000 Total living area 1,080.  
Filing Info: Auditor: 20060817001346, Tax: 7866000100, DOT# 20060119002321.  
Beneficiary: Mortgage Electronic Registration Systems.  
Trustee: Northwest Trustee Service 425-581900 T/S# 777722094.  
Sale: November 17th, 10 am, 3535 Factor Blvd SE, Bellevue.  
Mary J Williams ; 1005 U St NW, Auburn, WA 98001  
Prop. Info: L69, West Beverly Hill4 ; 1005 St NW ; Auburn WA, 98001, 6 bedrooms, 3 baths, built in 2001.  
Financial Info: Assessed: \$451,000, Principal \$518,314, Arrears: \$19,963, Lot size 7,866 Total living area 2,960.  
Filing Info: Auditor: 20060817001347, Tax: 9264030690, DOT# 20050803000940.  
Beneficiary: Mortgage Electronic Registration Systems.  
Trustee: Northwest Trustee Service 425-581900 T/S# 777721983.  
Sale: November 17th, 10 am, 3535 Factor Blvd SE, Bellevue.  
Kassandra R Ledford ; 827 Natalie Place Enumclaw, WA 98022  
Prop. Info: L5, Babbs Addition ; 827 Natalie Place ; Enumclaw WA, 98022, 3 bedrooms, 1.7 baths, built in 1980.  
Financial Info: Assessed: \$200,000, Principal \$177,134, Arrears: \$6,549, Lot size 7,040 Total living area 1,230.  
Filing Info: Auditor: 20060817001348, Tax: 0349400050, DOT# 20050919001679.  
Beneficiary: US Bank National Association.  
Trustee: Northwest Trustee Service 425-581900 T/S# 77772105.  
Sale: November 17th, 10 am, 3535 Factor Blvd SE, Bellevue.  
Theodore F Brown ; 10125 W Riverside Dr Bothell, WA 98011  
Prop. Info: 10125 W Riverside Dr ; Bothell WA 98011, 2 bedrooms, 1 bath, built in 1946.  
Financial Info: Assessed: \$198,000, Principal \$72,342, Arrears: \$19,543, Lot size 4,350 Total living area 960.  
Filing Info: Auditor: 20060817001350, Tax: 0826059238, DOT# 19991116001741.  
Beneficiary: Citigroup Mortgage Loan Trust Inc.  
Trustee: Northwest Trustee Service 425-581900 T/S# 777721777.  
Sale: November 17th, 10 am, 3535 Factor Blvd SE, Bellevue.  
Kathryn W Dale ; 11550 Stone Ave N, 101 Seattle, WA 98133  
Prop. Info: Unit1A, Bldg3-2, Stone View Court 11550 Stone Ave N, 101 ; Seattle WA, 98133, 1 bedrooms, 1 bath, built in 2000.  
Financial Info: Assessed: \$154,000, Principal \$119,200, Payments: \$654, Arrears: \$3,266 Lot size 27,609, Total living area 626.  
Filing Info: Auditor: 20060817001339, Tax: 8029800080, DOT# 20040714001676.  
Beneficiary: Wells Fargo Bank.  
Trustee: Northwest Trustee Service 425-581900 T/S# WNMCO63372.  
Sale: November 17th, 10 am, King County Administration Building.  
Bart Nordstrom ; 17306 NE 45th St, 114 Redmond, WA 98052  
Prop. Info: Unit114, Villa Marina ; 17306 NE 45th St, 114 ; Redmond WA, 98052, 1 bedrooms, 1 bath, built in 1968.  
Financial Info: Assessed: \$123,000, Principal \$104,057, Payments: \$694, Arrears: \$6,246 Lot size 381,150, Total living area 767.  
Filing Info: Auditor: 20060817001340, Tax: 8944211140, DOT# 20031030000779.  
Beneficiary: Wells Fargo Home Mortgage Inc.  
Trustee: Standard Deed Trust Srvs 925-6031000 T/S# WNMCO63119.  
Sale: November 17th, 10 am, King County Administration Building.  
Valerie A Bell ; 414 S 323rd St, K8, Federal Way WA 98003  
Prop. Info: Unit8, BldgK, West Green ; 414 S 323rd St, K8 ; Federal Way WA, 98003, 3 bedrooms, 2 baths, built in 1979.  
Financial Info: Assessed: \$99,000, Principal \$122,306, Payments: \$965, Arrears: \$4,836 Lot size 688,683, Total living area 1,005.  
Filing Info: Auditor: 20060817001341, Tax: 9266600800, DOT# 20031126003079.  
Beneficiary: Mortgage Electronic Registration Systems.  
Trustee: Standard Deed Trust Srvs 925-6031000 T/S# WNMCO63358.  
Sale: November 17th, 10 am, King County Administration Building.  
Violet Navarro ; 2508 20th Ave S, Seattle, WA 98144  
Prop. Info: L3, B2, Clarence Hansford's 2nd Addition to Seattle ; 2508 20th Ave S Seattle WA, 98144, 3 bedrooms, 1 bath, built in 1955.  
Financial Info: Assessed: \$249,000, Principal \$304,000, Payments: \$3,019, Arrears: \$21,136, Lot size 4,000, Total living area 770.  
Filing Info: Auditor: 20060817001342, Tax: 3080000065, DOT# 20060315002150.  
Beneficiary: Mortgage Electronic Registration Systems.  
Trustee: Executive Trustee Svcs Inc. 818-8372300 T/S# WA90515C.  
Sale: November 17th, 10 am, King County Administration Building.  
Maureen M Wakefield ; 4107 117th Ave NE Kirkland, WA 98033  
Prop. Info: L24, Cor-Sun Ranch Estates 4107 117th Ave NE ; Kirkland WA, 98033, 4 bedrooms, 4 baths, built in 1985.  
Financial Info: Assessed: \$822,000, Principal \$699,500, Arrears: \$42,152, Lot size 35,000 Total living area 3,760.  
Filing Info: Auditor: 20060817001344, Tax: