ORDINANCE No. 117203

COUNCIL BILL No. 110230

AN ORDINANCE relating to land use and zoning amending Sections 23.44.006, 23.45.005, 23.47.004, 23.76.032, 23.84.008, 23.84.028, 23.84.032 and 23.90.006 of the Seattle Municipal Code; adding new Sections 23.44.025 and 23.90.019 to authorize accessory housing units in all single family zones when certain criteria are met; establishing civil penalties for violation of those provisions and for false certification of owner occupancy; providing for review after five years; and providing for a permit limit and automatic reevaluation of the provisions when 2,500 applications for new accessory dwelling units are filed or if certain concentrations of accessory dwelling units are reached in small geographic areas.

COMPTROLLER FILE No.

Introduced: JUN 27 1994	By: NOLAND for Donaldson Full Council
Referred: JUN 27 1994	To:
Referred:	To:
Referred:	To:
Reported: JUL - 5 1994	Second Reading: JUL - 5 1994
Third Reading: JUL - 5 1994	Signed: JUL - 5 1994
Presented to Mayor: JUL - 5 1994	Approved: JUL 11 1994
Returned to City Clerk: JUL 11 1994	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

The City

Res. 28945

Honorable President:

Your Committee on

to which was referred the within Co
report that we have considered the

Full Co

SMEAD 68 YSP 17117

The City of Seattle--Legislative Department

Date Reported
and Adopted

145

REPORT OF COMMITTEE

le President:

mmittee on

was referred the within Council Bill No.

at we have considered the same and respectfully recommend that the same:

Full Council vote 9-0

Committee Chair

SMRAD 63 YBP 17117

6/29/94
Ord.5

ORDINANCE 117203

AN ORDINANCE relating to land use and zoning amending Sections 23.44.006, 23.45.005, 23.47.004, 23.76.032, 23.84.008, 23.84.028, 23.84.032 and 23.90.006 of the Seattle Municipal Code; adding new Sections 23.44.025 and 23.90.019 to authorize accessory housing units in all single family zones when certain criteria are met; establishing civil penalties for violation of those provisions and for false certification of owner occupancy; providing for review after five years; and providing for a permit limit and automatic reevaluation of the provisions when 2,500 applications for new accessory dwelling units are filed or if certain concentrations of accessory dwelling units are reached in small geographic areas.

WHEREAS, the Washington State legislature passed the Housing Policy Act in 1993 which directs jurisdictions with populations of over 20,000 to adopt ordinances by the end of 1994 that allow and encourage accessory units in areas zoned for single family residential use;

WHEREAS, the City of Seattle, in adopting accessory housing legislation in response to the State Housing Policy Act, seeks to provide opportunities to more efficiently use the existing housing stock, and to allow for the development of a range of housing types to meet the diverse housing needs of its citizens, at prices that are affordable;

WHEREAS, the City of Seattle seeks assurance that the creation of accessory housing units in the City of Seattle does not occur at a rate or concentration level, either in specific geographic areas or the city as a whole, that is much greater than anticipated;

WHEREAS, the City of Seattle also seeks assurance that the development of accessory housing units does not cause unanticipated impacts on the character of single family neighborhoods;

WHEREAS, it is the intent of the City of Seattle that when the threshold of 2,500 permits for new accessory dwelling units or over concentration of accessory dwelling units in small geographical areas is reached, provisions authorizing new permits shall terminate and be reconsidered by the City Council; NOW THEREFORE

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Seattle Municipal Code Section 23.44.006, last amended by Ordinance 117202 (C.B. 110067), is amended as follows:

23.44.006 Principal uses permitted outright.

The following principal uses shall be permitted outright in single-family zones:

A. Single-family Dwelling Unit. One (1) single family dwelling unit shall be permitted on a lot, except when an accessory dwelling unit is approved pursuant to Section 23.44.025;

* * *

Section 2. Seattle Municipal Code Chapter 23.44 is hereby amended to add a new Section 23.44.025 to read as follows:

23.44.025 Accessory dwelling units.

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

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

1. A single family dwelling may have no more than one accessory dwelling unit.

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

3. Any number of related persons may occupy each unit in a single family residence 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.

5. The floor area of at least one of the dwelling units shall not exceed 1000 sq. ft. The Director may waive the 1000 sq. ft. limitation where exceeded in an accessory dwelling unit existing on January 1, 1993, if an application to legalize the accessory dwelling unit is filed within eighteen (18) months of the effective date of this ordinance and if the Director finds that reduction of the floor area would be impractical.

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

7. A minimum of two off-street parking spaces shall be provided, which spaces may be in tandem. The Director may waive the requirement for one or both of the spaces if topography or existing structures makes provision of one or both of the parking spaces unduly burdensome and adequate parking capacity exists.

8. If the portion of the single family dwelling in which the accessory dwelling unit is located was in existence prior to October 17, 1979, the minimum ceiling height shall be 6 feet 8 inches measured per Section 1207 of the Seattle Building Code. 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 7 feet 6 inches measured per Section 1207 of the Seattle Building Code.

B. Legalization of existing accessory dwelling units. Accessory dwelling units which existed on January 1, 1993, and are

not otherwise qualified as a legal nonconforming use, may be legally established if the following requirements are satisfied:

1. An application for a Master Use Permit meeting the requirements of SMC Chapter 23.76 is filed within eighteen (18) months of the effective date of this ordinance;

2. The accessory dwelling unit shall be determined to meet the Housing and Building Maintenance Code (Ch. 22.200 through 22.208) standards. In addition, if the portion of the single family dwelling in which the accessory dwelling unit is located was in existence prior to October 17, 1979, the minimum ceiling height shall be 6 feet 8 inches measured per Section 1207 of the Seattle Building Code. 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 7 feet 6 inches measured per Section 1207 of the Seattle Building Code.

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

C. Certification of Owner Occupancy. Prior to issuance of a permit establishing an accessory dwelling unit, the Department of Construction and Land Use shall record as a deed restriction in the King County Office of Records and Elections a certification by the owner(s) under oath in a form prescribed by the Director that one of the dwelling units is occupied by the owner(s) of the property as the owner's(s') principal and permanent residence, but only when the other unit is being rented by the owner(s) of the

property. When ownership of a single family residence with an approved accessory dwelling unit changes, the new owner(s) shall submit a new owner occupancy certification to the Department of Construction and Land Use for recording if the new owner(s) intend to continue renting the accessory dwelling unit use. Failure to submit a new certificate within thirty (30) days of transfer of ownership shall be a violation of the Land Use Code. Falsely certifying owner occupancy is subject to a civil penalty of $5,000, in addition to any criminal penalties.

D. Notice of Issuance of Permit for an Accessory Housing Unit. The Director shall provide notice of the issuance of a permit for an accessory housing unit to record owners of real property within two hundred (200) feet of the site. The notice shall state that the unit complies with the standards and conditions of this Chapter, shall describe the requirements for maintaining the unit, and shall explain how to obtain general information and how to file a complaint.

E. Single Family Status Unaffected. A single family dwelling with an accessory dwelling unit shall be considered a single family residence for purposes of rezone criteria (Section 23.34.012) and for purposes of rental housing registration (Section 22.202.060).

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

the impacts of those units.

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

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

Biennially (every two years), DCLU shall prepare a report for the City Council stating the number and location of permits issued

for new accessory housing units.

Section 3. Section 23.45.005 of the Seattle Municipal Code, last amended by Ordinance 117173, is amended as follows:

23.45.005 Development standards for single family structures.

* * *

D. An accessory dwelling unit in an established single family dwelling shall be considered an accessory use to the single family dwelling, shall meet the standards listed for accessory dwelling units per 23.44.025 and shall not be considered a separate dwelling unit for all development standard purposes in multifamily zones.

Section 4. Section 23.47.004, Uses: Chart A, as last amended by Ordinance 117202 (C.B. 110067), is further amended as follows:

COMMERCIAL
USES: CHART A
For Section 23.47.004

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

COMMERCIAL
USES: CHART A
For Section 23.47.004 (Continued)

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

COMMERCIAL
USES: CHART A
For Section 23.47.004 (Continued)

	ZONES				
	NC1	NC2	NC3	C1	C2
C. Salvage Yard	X	X	X	X	X
III. UTILITIES					
A. Utility Service Uses	P	P	P	P	P
B. Major Communication Utility[6]	X	X	X	CCU	CCU
C. Minor Communication Utility[6]	P	P	P	P	P
D. Solid Waste Transfer Station	X	X	X	X	X
E. Power Plants	X	X	X	X	X
F. Sewage Treatment Plants	X	X	X	X	X
G. Solid Waste Incineration Facility	X	X	X	X	X
H. Solid Waste Landfill	X	X	X	X	X
IV. MANUFACTURING					
A. Light Manufacturing	X	P	P	P	P
B. General Manufacturing	X	X	X	P	P
C. Heavy Manufacturing	X	X	X	X	X
V. HIGH-IMPACT USES	X	X	X	X	X
VI. INSTITUTIONS					
A. Institute for Advanced Study	P	P	P	P	P
B. Private Club	P	P	P	P	P
C. Child Care Center	P	P	P	P	P
D. Museum	P	P	P	P	P
E. School, Elementary or Secondary	P	P	P	P	P
F. College	P	P	P	P	P
G. Community Center	P	P	P	P	P
H. Community Club	P	P	P	P	P
I. Vocational or Fine Arts School	P	P	P	P	P
J. Hospital	P	P	P	P	P
K. Religious Facility	P	P	P	P	P
L. University	P	P	P	P	P
M. Major Institutions subject to the provisions of Chapter 23.69	P	P	P	P	P
VII. PUBLIC FACILITIES					
A. Jails	X	X	X	X	X
B. Work-Release Centers[7]	CCU	CCU	CCU	CCU	CCU
VIII. PARK AND POOL/RIDE LOT					
A. Park and Pool Lots	P[8]	P	P	P	P
B. Park and Ride Lots	X	X	CU	CU	CU
IX. RESIDENTIAL[9]					
A. Single-Family Dwelling Units	P/CU[10]	P/CU[10]	P/CU[10]	P/CU[10]	CU[10]
B. Multi-Family Structures	P/CU	P/CU	P/CU	P/CU	CU
C. Congregate Residences	P/CU	P/CU	P/CU	P/CU	CU
D. Floating Homes	S	S	S	S	S
E. Mobile Home Park	X	X	X	P	CU
F. Artist Studio/Dwelling	P/CU	P/CU	P/CU	P/CU	CU
G. Caretaker's Quarters	P/CU	P/CU	P/CU	P/CU	P
H. Adult Family Homes	P/CU	P/CU	P/CU	P/CU	P
I. Home Occupations	P[11]~~((10))~~	P[11]~~((10))~~	P[11]~~((10))~~	P[11]~~((10))~~	P[11]~~((10))~~
J. Nursing Homes	P	P	P	P	P

CS 19.2

COMMERCIAL
USES: CHART A
For Section 23.47.004 (Continued)

	ZONES				
	NC1	NC2	NC3	C1	C2
X. OPEN SPACE					
A. Parks	P	P	P	P	P
B. Playgrounds	P	P	P	P	P
XI. AGRICULTURAL USES					
A. Animal Husbandry	X[11]((~~10~~))	X[11]((~~10~~))	X[11]((~~10~~))	X[11]((~~10~~))	P
B. Horticultural Uses	P	P	P	P	P
C. Aquaculture	P	P	P	P	P

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

[1] Medical service uses over 10,000 square feet, within 2,500 feet of a medical Major Institution Overlay District boundary, shall require administrative conditional use approval, unless included in an adopted Major Institution Master Plan or located in a downtown zone. See Section 23.47.006.

[2] The keeping of animals for other than business purposes shall be regulated by Section 23.47.026.

[3] In existing structures only.

[4] New transit vehicle bases accommodating 150 or fewer buses or existing transit vehicle bases seeking to expand.

[5] Permitted only as an accessory use according to Section 23.47.006.

[6] See Chapter 23.57 for regulation of communication utilities.

[7] Subject to dispersion criteria in Section 23.47.006.

[8] Permitted only on parking lots existing at least five years prior to the proposed establishment of the park and pool lot.

[9] Residential uses in mixed-use structures are permitted outright in NC1, NC2, NC3 and C1 zones. Single-purpose residential structures, other than nursing homes, are permitted in NC1, NC2, NC3 and C1 zones as an administrative conditional use according to the provisions of Section 23.47.023, except where the height limit is 85 feet or higher. All residential uses, other than nursing homes, in C2 zones are subject to an administrative conditional use approval. Nursing homes are permitted outright in all commercial zones, whether in a mixed use structure or as a single-purpose residential use, except in Pedestrian-Designated Zones (See Section 23.47.040).

[10] An accessory dwelling unit added to a single family residence shall be allowed outright and shall not require a separate conditional use permit. The unit shall be considered accessory to the single family residence, shall meet the standards listed for accessory dwelling units in Section 23.44.025 and shall not be considered a separate dwelling unit for all development standard purposes in commercial zones.

[11]((~~10~~)) Permitted only as an accessory use.

Section 5. Seattle Municipal Code Section 23.76.032, last amended by Ordinance 116262, is further amended as follows:

23.76.032 Expiration and renewal of Master Use Permits.

A. Expiration.

1. A Master Use Permit shall expire eighteen (18) months from the date a permit is approved for issuance as described in Section 23.76.028, except as follows:

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

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

i. Variances for access, yards, setback, open space, or lot area minimums granted as part of short plat or lot boundary adjustment shall run with the land in perpetuity as recorded with the Director of the King county Department of Records and Elections.

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

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

d. Master use permits entered in the competition for office space downtown established under Section 23.49.011 shall expire as follows:

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

ii. If the project is not chosen to receive an office space allocation in the first year that it is entered in the competition, it shall expire either:

--On the date that the opportunity to enter the next competition has passed, and the project as not been entered; or --If it is chosen in the next competition to receive an office space allocation, eighteen (18) months from the date that the project is chosen; or

--On the date that it is not chosen to receive an office allocation in the next competition; or

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

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

e. Expiration of use approval to legalize previously unauthorized accessory dwelling units when final inspection approval for modifications required for Building or Housing Code compliance is not obtained within two years from the date of application for the Master Use Permit is governed by Section 23.44.025 B.

* * *

Section 6. Seattle Municipal Code Section 23.84.008, last amended by Ordinance 117202 (C.B. 110067), is further amended as follows:

23.84.008 "D"

* * *

"Duplex" means a single structure containing two (2) dwelling units, neither of which is an accessory dwelling unit authorized under Section 23.44.035.

"Dwelling unit" means a room or rooms located within a

structure, designed, arranged, occupied or intended to be occupied by not more than one (1) household and permitted roomers or boarders, as living accommodations independent from any other household. The existence of a food preparation area within the room or rooms shall be evidence of the existence of a dwelling unit.

"Dwelling unit, Accessory" means an additional room or set of rooms located within an owner-occupied single family structure 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 7. Seattle Municipal Code Section 23.84.028, last amended by Ordinance 116795, is further amended as follows:

23.84.028 "O"

* * *

"Owner occupancy" means an occupancy of a dwelling by the legal property owner as reflected in title records, or by the contract vendee. The owner occupant must occupy the owner-occupied dwelling unit for more than six months of each calendar year and may not receive rent for the owner-occupied dwelling unit at any time during the year.

* * *

Section 8. Seattle Municipal Code Section 23.84.032, last amended by Ordinance 117202 (C.B. 110067), is amended as follows:

23.84.032 "R"

* * *

"Residential use" means any one (1) of the following uses:

1. "Adult family home" means a residential use as defined and licensed by the State of Washington in a dwelling unit.

2. "Artist's studio/dwelling" means a combination working studio and dwelling unit for artists, consisting of a room or

suite or rooms occupied by not more than one (1) household.

3. "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.

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

5. "Domestic violence shelter" means a dwelling unit managed by a non-profit organization which provides housing at a confidential location and support services for victims of family violence.

6. "Floating home" means a single-family dwelling unit constructed on a float, which is moored, anchored or otherwise secured in the water.

7. "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.

8. "Multi-family structure" means a structure or portion of a structure containing two (2) or more dwelling units.

9. "Single-family dwelling unit" means a detached structure containing one (1) dwelling unit and having a permanent foundation. <u>The structure may also contain an accessory dwelling unit.</u>

* * *

Section 9. Section 23.90.006 of the Seattle Municipal code, last amended by Ordinance 113978, is amended as follows:

23.90.006 Investigation and notice of Violation.

A. The Director shall investigate any structure or use which the Director reasonably believes does not comply with the standards and requirements of this Land Use Code.

B. If after investigation the Director determines that the standards or requirements have been violated, the Director shall serve a notice of violation upon the owner, tenant or other person responsible for the condition. The notice of violation shall state separately each standard or requirement violated, shall state what corrective action, if any, is necessary to comply with the standards or requirements; and shall set a reasonable time for compliance. The notice shall state that any subsequent violations may result in criminal prosecution as provided in Section 23.90.020. In the event of violations of the standards or requirements of the Greenbelt Overlay District, Chapter 23.70, or of the Seattle Shoreline Master Program, Chapter 23.60, the required corrective action shall include, if appropriate, but shall not be limited to, mitigating measures such as restoration of the area and replacement of damaged and destroyed trees. <u>In the event of violation of Section 23.44.025, regarding accessory dwelling units, the notice shall state that a civil penalty pursuant to Section 23.90.019 is imposed and notify the owner(s) of the procedure for contesting that penalty.</u>

C. The notice shall be served upon the owner, tenant or other person responsible for the condition by personal service, registered mail, or certified mail with return receipt requested, addressed to the last known address of such person. If, after a reasonable search and reasonable efforts are made to obtain service, the whereabouts of the person or persons is unknown or service cannot be accomplished and the Director makes an affidavit to that effect, then service of the notice upon such person or persons may be made by:

1. Publishing the notice once each week for two (2) consecutive weeks in the City Official Newspaper; and

2. Mailing a copy of the notice to each person named on the notice of violation by first class mail to the last known address if known, or if unknown, to the address of the property

involved in the proceedings.

D. A copy of the notice shall be posted at a conspicuous place on the property, unless posting the notice is not physically possible.

E. Nothing in this section shall be deemed to limit or preclude any action or proceeding pursuant to Section 23.90.010 or Section 23.90.012.

F. The Director may mail, or cause to be delivered to all residential and/or nonresidential rental units in the structure or post at a conspicuous place on the property, a notice which informs each recipient or resident about the notice of violation, Stop Work Order or Emergency Order and the applicable requirements and procedures.

G. A notice or an Order may be amended at any time in order to:

1. Correct clerical errors, or

2. Cite additional authority for a stated violation.

Section 10. A new Section 23.90.019 is added to Chapter 23.90 of the Seattle Municipal Code to read as follows:

23.90.019 Civil penalty for illegal accessory dwelling units.

A. In addition to any other sanction or remedial procedure which may be available, eighteen (18) months following the effective date of this ordinance any owner of a single family structure in a single family zone with an accessory dwelling unit without a filed application to legally establish the accessory dwelling unit pursuant to Section 23.44.025 or without evidence that the accessory dwelling unit is a legal(ly) nonconforming use shall be subject to a civil penalty in the amount of $1,000.

B. Within a reasonable time after discovery of the existence of an illegal 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 unit must be initiated to avoid additional penalty. Failure to initiate the required action by the date stated shall be a further violation of the Land Use Code subjecting the owner to additional penalty of $75.00 per day until the order is satisfied.

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

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

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

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

G. The decision of the Hearing Examiner shall be final. If the owner(s) has not paid the civil penalty or filed an action in Superior Court appealing the decision of the Hearing Examiner within fifteen (15) days of the date of the mailing of the decision to the parties, the Director may refer the matter to the City Attorney's office for appropriate action.

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

Section 12. This ordinance shall take effect and be in force December 1, 1994.

Passed by the City Council the 5 day of July, 1994, and signed by me in open session in authentication of its passage this 5 day of July 1994.

Jim Street
President of the City Council

Approved by me this 11 day of July, 1994.

Norman B. Rice
Norman B. Rice, Mayor

Filed by me this 11 day of July, 1994.

Margaret Carter
Deputy Clerk

(**SEAL**)

Published_____

6/22/94
Ord.3

ORDINANCE _____

AN ORDINANCE relating to land use and zoning amending Sections 23.44.006, 23.45.005, 23.47.004, 23.76.032, 23.84.008, 23.84.028, 23.84.032 and 23.90.006 of the Seattle Municipal Code; adding new Sections 23.44.025 and 23.90.019 to authorize accessory housing units in all single family zones when certain criteria are met; establishing civil penalties for violation of those provisions and for false certification of owner occupancy; providing for review after five years; and providing for a permit limit and automatic reevaluation of the provisions when 2,500 applications for new accessory dwelling units are filed or if certain concentrations of accessory dwelling units are reached in small geographic areas.

WHEREAS, the Washington State legislature passed the Housing Policy Act in 1993 which directs jurisdictions with populations of over 20,000 to adopt ordinances by the end of 1994 that allow and encourage accessory units in areas zoned for single family residential use;

WHEREAS, the City of Seattle, in adopting accessory housing legislation in response to the State Housing Policy Act, seeks to provide opportunities to more efficiently use the existing housing stock, and to allow for the development of a range of housing types to meet the diverse housing needs of its citizens, at prices that are affordable;

WHEREAS, the City of Seattle seeks assurance that the creation of accessory housing units in the City of Seattle does not occur at a rate or concentration level, either in specific geographic areas or the city as a whole, that is much greater than anticipated;

WHEREAS, the City of Seattle also seeks assurance that the development of accessory housing units does not cause unanticipated impacts on the character of single family neighborhoods;

WHEREAS, it is the intent of the City of Seattle that when the threshold of 2,500 permits for new accessory dwelling units or over concentration of accessory dwelling units in small geographical areas is reached, provisions authorizing new permits shall terminate and be reconsidered by the City Council; NOW THEREFORE

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Seattle Municipal Code Section 23.44.006, last amended by Ordinance 114875, is amended as follows:

23.44.006 Principal uses permitted outright.

The following principal uses shall be permitted outright in single-family zones:

A. Single-family Dwelling Unit. One (1) single family dwelling unit shall be permitted on a lot, except when an accessory dwelling unit is approved pursuant to Section 23.44.025;

* * *

Section 2. Seattle Municipal Code Chapter 23.44 is hereby amended to add a new Section 23.44.025 to read as follows:

23.44.025 Accessory dwelling units.

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

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

1. A single family dwelling may have no more than one accessory dwelling unit.

2. One of the dwelling units in the structure shall be occupied by one or more owners of the property as the owner's(s') permanent and principal residence. "Owner(s)" shall include title holders and contract purchasers.

3. Any number of related persons may occupy each unit in a single family residence with an accessory dwelling unit

for new accessory housing units.

Section 3. Section 23.45.005 of the Seattle Municipal Code, last amended by Ordinance 117173, is amended as follows:

23.45.005 Development standards for single family structures.

* * *

D. An accessory dwelling unit in an established single family dwelling shall be considered an accessory use to the single family dwelling, shall meet the standards listed for accessory dwelling units per 23.44.025 and shall not be considered a separate dwelling unit for all development standard purposes in multifamily zones.

Section 4. Section 23.47.004, Uses: Chart A, as last amended by Ordinance 116145 is further amended as follows:

COMMERCIAL
USES: CHART A
For Section 23.47.004

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

COMMERCIAL
USES: CHART A
For Section 23.47.004 (Continued)

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

COMMERCIAL USES: CHART A
For Section 23.47.004 (Continued)

	ZONES				
	NC1	NC2	NC3	C1	C2
III. UTILITIES					
A. Utility Service Uses	P	P	P	P	P
B. Major Communication Utility[6]	X	X	X	CCU	CCU
C. Minor Communication Utility[6]	P	P	P	P	P
D. Solid Waste Transfer Station	X	X	X	X	X
E. Power Plants	X	X	X	X	X
F. Sewage Treatment Plants	X	X	X	X	X
G. Solid Waste Incineration Facility	X	X	X	X	X
H. Solid Waste Landfill	X	X	X	X	X
IV. MANUFACTURING					
A. Light Manufacturing	X	P	P	P	P
B. General Manufacturing	X	X	X	P	P
C. Heavy Manufacturing	X	X	X	X	X
V. HIGH-IMPACT USES	X	X	X	X	X
VI. INSTITUTIONS					
A. Institute for Advanced Study	P	P	P	P	P
B. Private Club	P	P	P	P	P
C. Child Care Center	P	P	P	P	P
D. Museum	P	P	P	P	P
E. School, Elementary or Secondary	P	P	P	P	P
F. College	P	P	P	P	P
G. Community Center	P	P	P	P	P
H. Community Club	P	P	P	P	P
I. Vocational or Fine Arts School	P	P	P	P	P
J. Hospital	P	P	P	P	P
K. Religious Facility	P	P	P	P	P
L. University	P	P	P	P	P
M. Major Institutions subject to the provisions of Chapter 23.69	P	P	P	P	P
VII. PUBLIC FACILITIES					
A. Jails	X	X	X	X	X
B. Work-Release Centers[7]	CCU	CCU	CCU	CCU	CCU
VIII. PARK AND POOL/RIDE LOT					
A. Park and Pool Lots	P[8]	P	P	P	P
B. Park and Ride Lots	X	X	CU	CU	CU
IX. RESIDENTIAL[9]					
A. Single-Family Dwelling Units	P/CU[10]	P/CU[10]	P/CU[10]	P/CU[10]	CU[10]
B. Multi-Family Structures	P/CU	P/CU	P/CU	P/CU	CU
C. Special Residences	P/CU	P/CU	P/CU	P/CU	CU
D. Floating Homes	S	S	S	S	S
E. Mobile Home Park	X	X	X	P	CU
F. Boarding Homes	P/CU	P/CU	P/CU	P/CU	CU
G. Artist Studio/Dwelling	P/CU	P/CU	P/CU	P/CU	CU
H. Caretaker's Quarters	P/CU	P/CU	P/CU	P/CU	P
I. Home Occupations	P[11] ~~((10))~~	P[11] ~~((10))~~	P[11] ~~((10))~~	P[11] ~~((10))~~	P[11] ~~((10))~~

COMMERCIAL
USES: CHART A
For Section 23.47.004 (Continued)

	ZONES				
	NC1	NC2	NC3	C1	C2
X. OPEN SPACE					
A. Parks	P	P	P	P	P
B. Playgrounds	P	P	P	P	P
XI. AGRICULTURAL USES					
A. Animal Husbandry	X[11] ((~~10~~))	X[11] ((~~10~~))	X[11] ((~~10~~))	X[11] ((~~10~~))	P
B. Horticultural Uses	P	P	P	P	P
C. Aquaculture	P	P	P	P	P

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

[1] Medical service uses over 10,000 square feet, within 2,500 feet of a medical Major Institution Overlay District boundary, shall require administrative conditional use approval, unless included in an adopted Major Institution Master Plan or located in a downtown zone. See Section 23.47.006.

[2] The keeping of animals for other than business purposes shall be regulated by Section 23.47.026.

[3] In existing structures only.

[4] New transit vehicle bases accommodating 150 or fewer buses or existing transit vehicle bases seeking to expand.

[5] Permitted only as an accessory use according to Section 23.47.006.

[6] See Chapter 23.57 for regulation of communication utilities.

[7] Subject to dispersion criteria in Section 23.47.006.

[8] Permitted only on parking lots existing at least five years prior to the proposed establishment of the park and pool lot.

[9] Residential uses in mixed-use structures are permitted outright in NC1, NC2, NC3 and C1 zones. Single-purpose residential structures are permitted in NC1, NC2, NC3 and C1 zones as an administrative conditional use according to the provisions of Section 23.47.023, except where the height limit is 85 feet or higher. All residential uses in C2 zones are subject to an administrative conditional use approval.

[10] An accessory dwelling unit added to a single family residence shall be allowed outright and shall not require a separate conditional use permit. The unit shall be considered accessory to the single family residence, shall meet the standards listed for accessory dwelling units in Section 23.44.025 and shall not be considered a separate dwelling unit for all development standard purposes in commercial zones.

[11] ((~~10~~)) Permitted only as an accessory use.

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

ii. If the project is not chosen to receive an office space allocation in the first year that it is entered in the competition, it shall expire either:

--On the date that the opportunity to enter the next competition has passed, and the project as not been entered; or --If it is chosen in the next competition to receive an office space allocation, eighteen (18) months from the date that the project is chosen; or

--On the date that it is not chosen to receive an office allocation in the next competition; or

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

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

e. Expiration of use approval to legalize previously unauthorized accessory dwelling units when final inspection approval for modifications required for Building or Housing Code compliance is not obtained within two years from the date of application for the Master Use Permit is governed by Section 23.44.025 B.

* * *

Section 6. Seattle Municipal Code Section 23.84.008, last amended by Ordinance 116744, is further amended as follows:

23.84.008 "D"

* * *

"Duplex" means a single structure containing two (2) dwelling units, neither of which is an accessory dwelling unit authorized under Section 23.44.035.

"Dwelling unit" means a room or rooms located within a structure, designed, arranged, occupied or intended to be occupied

by not more than one (1) family and permitted roomers or boarders, as living accommodations independent from any other family. The existence of a food preparation area within the room or rooms shall be evidence of the existence of a dwelling unit.

"Dwelling unit, Accessory" means an additional room or set of rooms located within an owner-occupied single family structure and designed, arranged, occupied or intended to be occupied by not more than one (1) family as living accommodations independent from any other family.

* * *

Section 7. Seattle Municipal Code Section 23.84.028, last amended by Ordinance 116795, is further amended as follows:

23.84.028 "O"

* * *

"Owner occupancy" means an occupancy of a dwelling by the legal property owner as reflected in title records, or by the contract vendee. The owner occupant must occupy the owner-occupied dwelling unit for more than six months of each calendar year and may not receive rent for the owner-occupied dwelling unit at any time during the year.

* * *

Section 8. Seattle Municipal Code Section 23.84.032, last amended by Ordinance 115326, is amended as follows:

23.84.032 "R"

* * *

"Residential use" means any one (1) of the following uses:

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

2. "Boarding house" means a structure consisting of a dwelling unit in which rooms or lodging, with or without meals, are provided for nine (9) or more nontransient persons, but not

including group homes.

3. "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.

4. "Floating home" means a single-family dwelling unit constructed on a float, which is moored, anchored or otherwise secured in the water.

5. "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.

6. "Multi-family structure" means a structure or portion of a structure containing two (2) or more dwelling units.

7. "Single-family dwelling unit" means a detached structure containing one (1) dwelling unit and having a permanent foundation. <u>The structure may also contain an accessory dwelling unit.</u>

8. "Special residence" means a group home, nursing home or halfway house.

* * *

Section 9. Section 23.90.006 of the Seattle Municipal code, last amended by Ordinance 113978, is amended as follows:

23.90.006 Investigation and notice of Violation.

A. The Director shall investigate any structure or use which the Director reasonably believes does not comply with the standards and requirements of this Land Use Code.

B. If after investigation the Director determines that the standards or requirements have been violated, the Director shall serve a notice of violation upon the owner, tenant or other person responsible for the condition. The notice of violation shall state separately each standard or requirement violated, shall state what corrective action, if any, is necessary to comply with the standards or requirements; and shall set a reasonable time for

compliance. The notice shall state that any subsequent violations may result in criminal prosecution as provided in Section 23.90.020. In the event of violations of the standards or requirements of the Greenbelt Overlay District, Chapter 23.70, or of the Seattle Shoreline Master Program, Chapter 23.60, the required corrective action shall include, if appropriate, but shall not be limited to, mitigating measures such as restoration of the area and replacement of damaged and destroyed trees. <u>In the event of violation of Section 23.44.025, regarding accessory dwelling units, the notice shall state that a civil penalty pursuant to Section 23.90.019 is imposed and notify the owner(s) of the procedure for contesting that penalty.</u>

C. The notice shall be served upon the owner, tenant or other person responsible for the condition by personal service, registered mail, or certified mail with return receipt requested, addressed to the last known address of such person. If, after a reasonable search and reasonable efforts are made to obtain service, the whereabouts of the person or persons is unknown or service cannot be accomplished and the Director makes an affidavit to that effect, then service of the notice upon such person or persons may be made by:

1. Publishing the notice once each week for two (2) consecutive weeks in the City Official Newspaper; and

2. Mailing a copy of the notice to each person named on the notice of violation by first class mail to the last known address if known, or if unknown, to the address of the property involved in the proceedings.

D. A copy of the notice shall be posted at a conspicuous place on the property, unless posting the notice is not physically possible.

E. Nothing in this section shall be deemed to limit or preclude any action or proceeding pursuant to Section 23.90.010 or Section 23.90.012.

F. The Director may mail, or cause to be delivered to all residential and/or nonresidential rental units in the structure or post at a conspicuous place on the property, a notice which informs each recipient or resident about the notice of violation, Stop Work Order or Emergency Order and the applicable requirements and procedures.

G. A notice or an Order may be amended at any time in order to:

1. Correct clerical errors, or

2. Cite additional authority for a stated violation.

Section 10. A new Section 23.90.019 is added to Chapter 23.90 of the Seattle Municipal Code to read as follows:

23.90.019 Civil penalty for illegal accessory dwelling units.

A. In addition to any other sanction or remedial procedure which may be available, eighteen (18) months following the effective date of this ordinance any owner of a single family structure in a single family zone with an accessory dwelling unit without a filed application to legally establish the accessory dwelling unit pursuant to Section 23.44.025 or without evidence that the accessory dwelling unit is a legal(ly) nonconforming use shall be subject to a civil penalty in the amount of $1,000.

B. Within a reasonable time after discovery of the existence of an illegal 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 unit must be initiated to avoid additional penalty. Failure to initiate the required action by the date stated shall be a further violation of the Land Use Code subjecting the owner to additional penalty of $75.00 per day until the order is satisfied.

C. An owner(s) may contest the initial Notice of Violation and/or civil penalty by requesting a hearing before the Office of

Hearing Examiner. The request shall be filed with the Office of Hearing Examiner within fifteen (15) days of the date the Notice of Violation is mailed. The Hearing Examiner shall mail notice of the hearing to the owner and Director at least 20 days prior to the date of the hearing.

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

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

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

G. The decision of the Hearing Examiner shall be final. If the owner(s) has not paid the civil penalty or filed an action in Superior Court appealing the decision of the Hearing Examiner within fifteen (15) days of the date of the mailing of the decision to the parties, the Director may refer the matter to the City Attorney's office for appropriate action.

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

Section 12. This ordinance shall take effect and be in force December 1, 1994.

Passed by the City Council the _____ day of _____, 1994, and signed by me in open session in authentication of its passage this _____ day of _____, 1994.

_____
President of the City Council

Approved by me this _____ day of _____, 1994.

_____
Norman B. Rice, Mayor

Filed by me this _____ day of _____, 1994.

_____
Deputy Clerk

(**SEAL**)

Published_____

TIME AND D STAMP

SPONSORSHIP

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

_____ _____

_____ _____

_____ _____

_____ _____

_____

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

_____

_____

_____

PRESIDENT'S SIGNATURE

STATE OF WASHINGTON - KING COUNTY

45673
City of Seattle,City Clerk —ss.

No. ORDINANCE IN

Affidavit of Publication

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

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

ORD:117203

was published on

07/21/94

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

Subscribed and sworn to before me on

07/22/94

Notary Public for the State of Washington,
residing in Seattle

AN ORDINANCE

otioned operation

of the Seattle Municipal Code

)) is amended as follows:

shment.

a return date by which persons

s ((above operations)) services

this chapter shall pick up said

le board and care fee to commence

. Failure to pick up an animal

date shall be deemed abandonment

tor shall serve notice upon the

mail, return receipt requested,

or may dispose of it by adoption

of the Seattle Municipal Code

) is amended as follows:

rally.

ses shall be required: potbelly

and attack dog licenses, and

ng a dog or cat four (4) months

provide proof of current rabies

ense for that animal.

cat or dog license, or any type

person from the requirement to

s, or from the requirements of

icable laws.

nsferable.

censes shall be made on forms

accompanied by the fee set by

icipal Code Chapter 9.26l and,

proof of alteration if the

be issued in the name of the

es shall be issued for a twelve

of the Seattle Municipal Code

is amended as follows:

license; Proof of insurance;

ense.

harbor a guard or attack dog

ttack dog license therefor.

or attack dog license shall

formation:

size to permit the animal to move about freely;

G. Keep an animal in an unsanitary condition or fail to provide sufficient food, water, shelter, or ventilation necessary for the good health of that animal;

H. Fail to provide his/her animal the medi s necessary for its health or to alleviate its pain;

I. Permit any animal to fight or injure any c permit any animal to be fought or injured by any of e train or keep for the purpose of training any anima tion of such animal in combat with any other ani ollowi amusement of him/herself or others, or for financial aving such conduct on premises under his/her control, or care a spectator at such exhibition;

J. ((We)) ((p)) Possess cock spurs, slashers, gaf, nditi tools, equipment, devises or training facilities for the life, s training and/or engaging an animal in combat with anc nder an ani

K. Abandon any animal.

Section 12. Subsection D of Section 9.25.091 Municipal Code (Ordinance 112335, Section 1 (part) s any person who follows: Control or appoint d in the enforcemen control, quarantin

D. Any ((sexually mature)) unaltered cat c or older selected for adoption must be altered pri taking possession of the animal. The expense of paid by the adopter. A deposit ((is)) shall be r of Seattle. or cat unable to have surgery at the time of ns any animal, o sexually immature dogs and cats)) setting a da other insp animal must be altered. The deposit shall be re ole of has been furnished to the Director that the steri has been performed prior to the established due dat e p shall be forfeited to The City of Seattle if not c before the due date.

Section 13. Section 9.25.110 of the Seattle Mur (Ordinance 112335, Section 1 (part)) is amended as fol s:

9.25.110 Denial, Suspension, or Revocation of l e Order.

The Director may deny, suspend, or revoke a li ons for an animal found to be a "vicious animal," and a license for a guard or attack animal under Section 9.25.054 upon determining that the applicant or licensee has violated or failed to comply with any provision of this chapter. The denial, suspension, or revocation of a license shall be in writing in the form of an order, and shall include a recital of the authority for the action, a brief and concise statement of facts which constitute the grounds for the