

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to land use and zoning; expanding housing options by easing barriers to the construction and use of accessory dwelling units as required by state legislation; amending Sections 22.205.010, 23.22.062, 23.24.045, 23.44.011, 23.44.014, 23.44.017, 23.45.512, 23.45.514, 23.45.545, 23.84A.008, 23.84A.032, 23.84A.038, 23.90.018, and 23.90.019 of the Seattle Municipal Code; repealing Sections 23.40.035 and 23.44.041 of the Seattle Municipal Code; and adding new Sections 23.42.022 and 23.53.003 to the Seattle Municipal Code.

..body

WHEREAS, the State legislature passed House Bill 1337, containing new sections codified as

RCW 36.70A.680 and 36.70A.681, imposing certain requirements upon cities and

counties planning under the Growth Management Act with respect to accessory dwelling

units within urban growth areas; and

WHEREAS, The City of Seattle is subject to certain obligations under said House Bill 1337,

including the obligation to revise and amend certain provisions of its land use code that

pertain to the construction and development of accessory dwelling units; and

WHEREAS, this proposed action would increase housing capacity, housing affordability, and

mitigate displacement; and

WHEREAS, the City intends to promote and encourage the creation of accessory dwelling units

as a means to address the need for varying housing options throughout the City; NOW,

THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 22.205.010 of the Seattle Municipal Code, last amended by Ordinance

126075, is amended as follows:

22.205.010 Reasons for termination of tenancy

Pursuant to provisions of the Washington State Residential Landlord-Tenant Act (RCW 59.18.290), an owner may not evict a residential tenant without a court order, which can be issued by a court only after the tenant has an opportunity in a show cause hearing to contest the eviction (RCW 59.18.380). An owner of a housing unit shall not evict or attempt to evict any tenant, or otherwise terminate or attempt to terminate the tenancy of any tenant, unless the owner can prove in court that just cause exists. Regardless of whether just cause for eviction may exist, an owner may not evict a residential tenant from a rental housing unit if: the unit is not registered with the Seattle Department of Construction and Inspections if required by Section 22.214.040; the landlord has failed to comply with subsection 7.24.030.J as required and the reason for terminating the tenancy is that the tenancy ended at the expiration of a specified term or period; or if Sections 22.205.080, 22.205.090, or 22.205.110 provide the tenant a defense to the eviction. An owner is in compliance with the registration requirement if the rental housing unit is registered with the Seattle Department of Construction and Inspections before issuing a notice to terminate tenancy. The reasons for termination of tenancy listed below, and no others, shall constitute just cause under this Chapter 22.205:

* * *

M. The owner seeks to discontinue use of an accessory dwelling unit for which a permit has been obtained pursuant to Section 23.42.022 (~~Sections 23.44.041 and 23.45.545~~) after receipt of a notice of violation of the development standards provided in those sections. The owner is required to pay relocation assistance to the tenant household residing in such a unit at least two weeks prior to the date set for termination of the tenancy, at the rate of:

1 1. \$2,000 for a tenant household with an income during the past 12 months at or
2 below 50 percent of the county median income, or

3 2. Two months' rent for a tenant household with an income during the past 12
4 months above 50 percent of the county median income;

5 * * *

6 O. The owner seeks to discontinue sharing with a tenant of the owner's own housing unit,
7 i.e., the unit in which the owner resides, seeks to terminate the tenancy of a tenant of an
8 accessory dwelling unit authorized pursuant to Section 23.42.022 (~~Sections 23.44.041 and~~
9 ~~23.45.545~~)) that is accessory to the housing unit in which the owner resides, or seeks to terminate
10 the tenancy of a tenant in a single-family dwelling unit and the owner resides in an accessory
11 dwelling unit on the same lot. This subsection 22.205.010.O does not apply if the owner has
12 received a notice of violation of the development standards of Section 23.42.022 (~~Section~~
13 ~~23.44.041~~)). If the owner has received such a notice of violation, subsection 22.205.010.M
14 applies;

15 * * *

16 Section 2. Section 23.22.062 of the Seattle Municipal Code, last amended by Ordinance
17 126157, is amended as follows:

18 **23.22.062 Unit lot subdivisions**

19 * * *

20 B. Except for any site for which a permit has been issued pursuant to Section 23.42.022
21 (~~Sections 23.44.041 or 23.45.545~~)) for a detached accessory dwelling unit, lots developed or
22 proposed to be developed with uses described in subsection 23.22.062.A may be subdivided into
23 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 or private amenity area for each dwelling unit shall be provided on the same unit lot as the dwelling unit it serves.

* * *

Section 3. Section 23.24.045 of the Seattle Municipal Code, last amended by Ordinance 126157, is amended as follows:

23.24.045 Unit lot subdivisions

* * *

B. Except for any lot for which a permit has been issued pursuant to Section 23.42.022 (~~Sections 23.44.041 or 23.45.545~~)) for a detached accessory dwelling unit, lots developed or proposed to be developed with uses described in subsection 23.24.045.A 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 or private amenity area for each dwelling unit shall be provided on the same unit lot as the dwelling unit it serves.

* * *

Section 4. Section 23.40.035 of the Seattle Municipal Code, last amended by Ordinance 123939, is repealed:

~~((23.40.035 Location of accessory dwelling units on through lots~~

~~On a through lot, when yards cannot be determined pursuant to Section 23.40.030, the Director shall designate a rear yard for the purpose of allowing a detached accessory dwelling. In designating a rear yard, the Director shall consider factors including but not limited to the location of existing structures, vehicular and pedestrian access, platting patterns in the vicinity and topography.))~~

Section 5. A new Section 23.42.022 is added to the Seattle Municipal Code as follows:

23.42.022 Accessory dwelling units

A. Attached and detached accessory dwelling units are permitted in all zones where single-family dwelling units are permitted. In the Shoreline District, accessory dwelling units shall comply with Chapter 23.60A.

B. A maximum of two accessory dwelling units may be located on the same lot as a principal dwelling unit. Either or both accessory dwelling units may be attached or detached. Two detached accessory dwelling units may be located in one structure.

C. Permitted floor area and floor area ratio in NR zones

1. The gross floor area of an accessory dwelling unit may not exceed 1,000 square feet.

2. The following are not included in the gross floor area limit:

- a. Up to 250 square feet of gross floor area in an attached garage;
- b. Exterior-only accessed storage areas;
- c. All stories, or portions of stories, that are underground; and
- d. Up to 35 square feet of gross floor area dedicated to long-term bicycle parking.

3. The gross floor area of an attached accessory dwelling unit may exceed 1,000 square feet if the portion of the structure in which the attached accessory dwelling unit is located existed as of July 23, 2023.

4. In NR1, NR2, and NR3 zones gross floor area in an accessory dwelling unit is exempt from FAR limits.

D. Permitted height

1. Neighborhood Residential zones. The maximum permitted height for accessory dwelling units is the permitted height for a principal dwelling unit.

2. Lowrise zones. The maximum permitted height for accessory dwelling units is the permitted height for rowhouse and townhouse development in the applicable zone.

3. All other zones. For zones with height limits of 40 feet or less, accessory dwelling units are subject to the permitted height of the zone for principal units. For zones with height limits greater than 40 feet, accessory dwelling units are subject to the permitted height for rowhouse and townhouse development in the LR3 zone.

4. In all zones, accessory dwelling units associated with cottage developments are subject to the permitted height for cottage housing developments for the applicable zone.

5. In all zones, allowances for pitched roofs and exemptions for rooftop features are permitted per the applicable zone.

E. Accessory dwelling units and appurtenant architectural elements including architectural details, bay windows, and other projections such as covered porches, patios, decks and steps, are subject to the yard and setback provisions for principal dwelling units for the zone in which they are located except as follows:

1 1. An accessory dwelling unit and appurtenant architectural elements listed in
2 subsection 23.42.020.E may be located in the rear yard or rear setback so long as the accessory
3 structure is no closer than 5 feet to any lot line that does not abut an alley. There is no required
4 setback from a lot line that abuts an alley. When a detached accessory dwelling unit is located
5 within a rear yard, the following features may be located within 5 feet of any lot line:

6 a. External architectural details with no living area, such as chimneys,
7 eaves, cornices, and columns are allowed in a rear yard or setback and may project from the face
8 of the accessory dwelling unit no more than 2 feet into a front yard or setback, side yard or
9 setback and in any required setback from a rear or side property line.

10 b. Bay windows are limited to 8 feet in width are allowed in a rear yard or
11 setback and may project from the face of the accessory dwelling unit no more than 2 feet into a
12 required front yard or setback, street side yard or setback, or in any required setback from a rear
13 or side property line.

14 c. Other projections that include interior space, such as garden windows,
15 are allowed in a rear yard or setback and may project from the face of the accessory dwelling
16 unit no more than 18 inches into a front yard or setback, side yard or setback, or in any required
17 setback from a rear or side property line when a detached accessory dwelling unit is located in a
18 rear yard, starting a minimum of 30 inches above furnished floor, and with maximum dimensions
19 of 6 feet in height and 8 feet in width.

20 2. On a through lot, when yards or setbacks cannot be determined, the Director
21 shall designate a rear yard or rear setback for the purpose of allowing an accessory dwelling. In
22 designating a rear yard or rear setback, the Director shall consider factors including but not

limited to the location of the yards and setbacks for adjacent structures on the same block face, vehicular and pedestrian access, platting patterns in the vicinity, and topography.

3. Attached decks, including roof decks, that are portions of an accessory dwelling unit are allowed in a required rear yard and up to the applicable height limit for detached accessory dwelling units, including additions allowed to a detached accessory dwelling unit under subsection 23.44.014.C.4.

4. Covered porches, decks, and patios at entrances to accessory dwelling units may be located in any yard or setback subject to the provisions of the underlying zone and as modified by this Section 23.42.022.

G. An existing accessory structure may be converted into a detached accessory dwelling unit if it meets the provisions of this subsection 23.42.022.G.

1. For purposes of this subsection 23.42.022.G, the term "conversion" means keeping an existing accessory structure intact, adding to or altering an existing structure, or removing and rebuilding an existing structure, provided that any expansion or relocation of the structure complies with the development standards for detached accessory dwelling units in this Section 23.42.022 and the provisions of the applicable zone.

2. To facilitate the conversion of and additions to an accessory structure existing as of July 23, 2023, the Director may allow waivers and modifications as a Type I decision to the provisions for accessory dwelling units, except height, density, and size limits, in this Section 23.42.022 and the development standards of the applicable zone.

3. The converted accessory structure shall comply with the minimum standards set forth in Sections 22.206.020 through 22.206.140.

4. The applicant shall demonstrate that the accessory structure existed prior to July 23, 2023, as an accessory structure. If an accessory structure existing prior to July 23, 2023 was replaced to the same configuration, then the replacement structure also qualifies for conversion under this subsection 23.42.022.G.

5. Conversion of an existing structure to an accessory dwelling unit is permitted notwithstanding applicable lot coverage or yard or setback provisions in this Section 23.42.022 or the applicable zone.

H. Building separation

1. Neighborhood Residential zones. A detached accessory dwelling unit shall be separated from its principal dwelling unit by a minimum of 5 feet measured from eave to eave. To be considered attached, an accessory dwelling unit must be connected to the principal unit by a portion of building at least 3 feet in all directions.

2. All other zones. The separation requirements for multiple structures on a lot from the Lowrise zones shall apply according to subsection 23.45.518.F.

I. No off-street motor vehicle parking is required for an accessory dwelling unit.

J. Title 23 shall not be interpreted or applied to prohibit the sale or other conveyance of a condominium unit on the grounds that the condominium unit was originally built as an accessory dwelling unit.

K. Unless provided otherwise in this Section 23.42.022, the provisions of the applicable zone and overlay district apply. In the event of conflict with provisions elsewhere in Title 23 other than Chapter 23.60A, this Section 23.42.022 shall prevail.

Section 6. Section 23.44.011 of the Seattle Municipal Code, last amended by Ordinance 126685, is amended to read as follows:

23.44.011 Floor area in neighborhood residential zones

* * *

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

1. All stories, or portions of stories, that are underground.

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

3. In NR1, NR2, and NR3 zones((:

~~a. Any floor area contained in an accessory dwelling unit;~~

~~b. Either~~)) either up to 500 additional square feet of floor area in any accessory structure that is not a detached accessory dwelling unit, or up to 250 square feet of floor area in an attached garage.

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

* * *

Section 7. Section 23.44.014 of the Seattle Municipal Code, last amended by the ordinance introduced as Council Bill 120823, is amended to read as follows:

23.44.014 Yards

* * *

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

1 1. Garages. Attached and detached garages may be located in a required yard
2 subject to the standards of Section 23.44.016.

3 2. Certain accessory structures in side and rear yards

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

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

16 ~~((e. A detached accessory dwelling unit may be located in a rear yard~~
17 ~~subject to the requirements of subsection 23.44.014.C.))~~

18 3. A principal residential structure or ~~((a detached))~~ an accessory dwelling unit
19 may extend into one side yard if an easement is provided along the side or rear lot line of the
20 abutting lot, sufficient to leave a 10-foot separation between that structure and any principal
21 structure or detached accessory dwelling unit on the abutting lot. The 10-foot separation shall be
22 measured from the wall of the principal structure or the wall of the detached accessory dwelling

unit that is proposed to extend into a side yard to the wall of the principal structure or detached accessory dwelling unit on the abutting lot.

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

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

c. Notwithstanding subsection 23.44.014.C.3.b, no portion of any structure, including eaves or any other projection, shall cross the actual property line.

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

4. ~~((Certain additions.))~~ Certain additions to structures existing as of July 23, 2023 may be permitted. ~~((an))~~ An existing single-family structure, or ~~((an))~~ existing accessory structures, if being converted to a detached accessory dwelling unit, may extend into a required yard if the existing ~~((single family structure or existing accessory))~~ structure is already nonconforming with respect to that yard. The presently nonconforming portion must be at least 60 percent of the total width of the respective facade of the structure prior to the addition. The line formed by the existing nonconforming wall of the structure is the limit to which any

additions may be built, except as described in subsections 23.44.014.C.4.a through 23.44.014.C.4.e. Additions may extend up to the height limit and may include basement additions. New additions to the nonconforming wall or walls within required yards shall comply with the following requirements (Exhibit A for 23.44.014):

a. Side yard. If 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 3 feet to the side lot line;

b. Rear yard. If 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 20 feet to the rear lot line or centerline of an alley abutting the rear lot line or, in the case of an existing accessory structure being converted to a detached accessory dwelling unit, 3 feet to the rear lot line or as provided in Section 23.42.022;

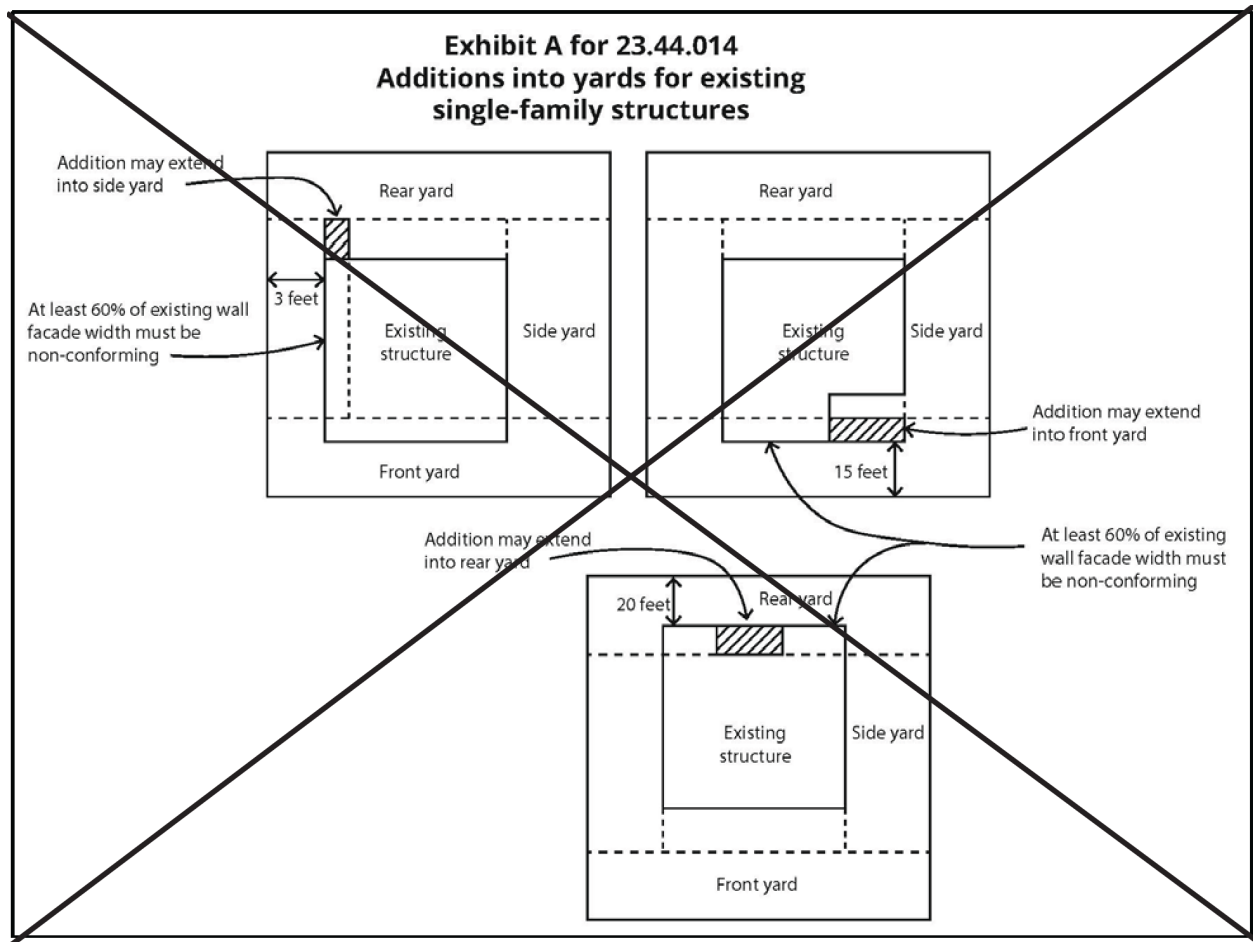
c. Front yard. If the addition is a front wall, the existing wall line may be continued by the addition except that in no case shall the addition be closer than 15 feet to the front lot line;

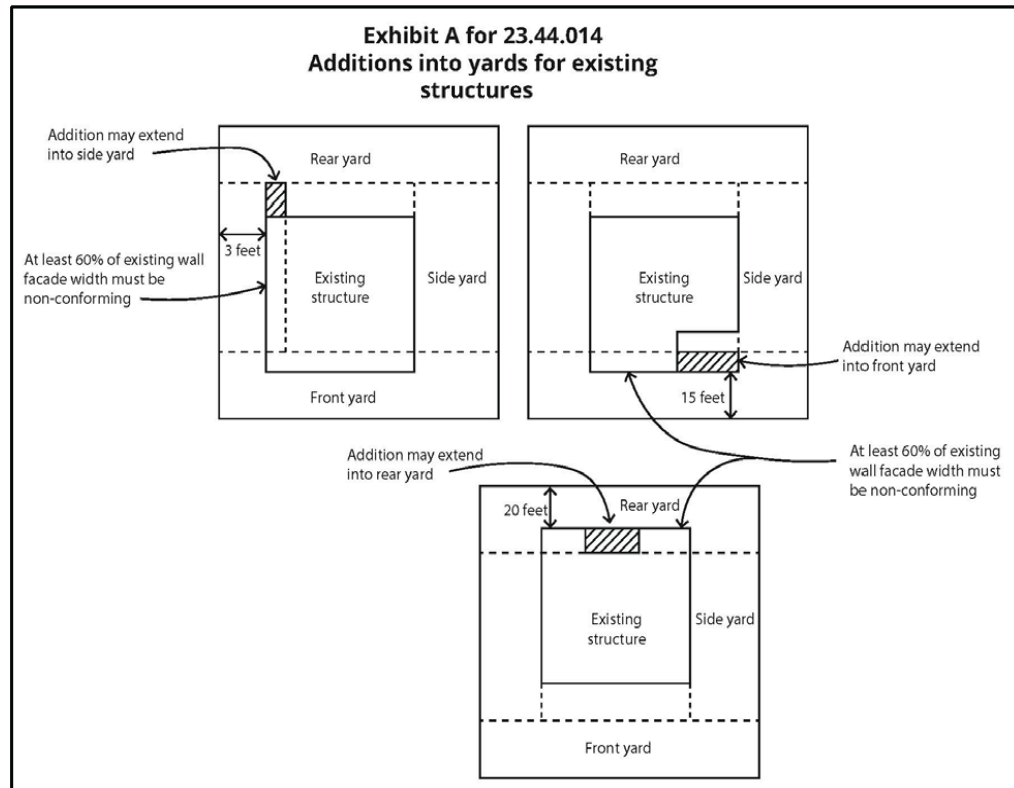
d. If the nonconforming wall of the ~~((single-family))~~ structure is not parallel or is otherwise irregular, relative to the lot line, then the Director shall determine the limit of the wall extension, except that the wall extension shall not be located closer than specified in subsections 23.44.014.C.4.a,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

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

Exhibit A for 23.44.014

1 **Additions into yards for existing single-family and accessory dwelling structures**





5. Uncovered porches or steps. Uncovered, unenclosed porches or steps may project into any required yard, if the surface of porches or steps are no higher than 4 feet above existing grade, no closer than 3 feet to any side lot line, and has a width and depth no greater than 6 feet within the required yard. For each entry to a principal structure, one uncovered, unenclosed porch and/or associated steps are permitted in the required yards.

6. Certain features of a structure. Unless otherwise provided elsewhere in this Chapter 23.44 or Chapter 23.42, certain features of a principal or accessory structure(~~(, except for detached accessory dwelling units,))~~ may extend into required yards if they comply with the following:

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

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

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

d. The combined area of features permitted by subsections 23.44.014.C.6.b and 23.44.014.C.6.c may comprise no more than 30 percent of the area of the façade, except that no limit applies to detached accessory dwelling units.

7. Covered, unenclosed decks and roofs over patios. Covered, unenclosed decks and roofs over patios, if attached to a principal structure or accessory dwelling unit, may extend into the required rear yard, but shall not be within 12 feet of the centerline of any alley, or within 5 feet of any rear lot line that is not an alley lot line, or closer to any side lot line in the required rear yard than the side yard requirement of the principal structure along that side, or closer than 5 feet to any accessory structure. The height of the roof over unenclosed decks and patios shall not exceed 12 feet above existing or finished grade, whichever is lower. The roof over such decks or patios shall not be used as a deck.

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

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

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

9. Barrier-free access. Access facilities for the disabled and elderly that comply with the Seattle Building Code, Chapter 11, are permitted in any required yard.

10. Freestanding structures and bulkheads

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

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

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

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

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

13 e. If located in shoreline setbacks or in view corridors in the Shoreline
14 District as regulated in Chapter 23.60A, structures shall not obscure views protected by Chapter
15 23.60A, and the Director shall determine the permitted height.

16 11. Decks in yards. Except for decks allowed as a part of a detached accessory
17 dwelling unit, decks no higher than 18 inches above existing or finished grade, whichever is
18 lower, may extend into required yards.

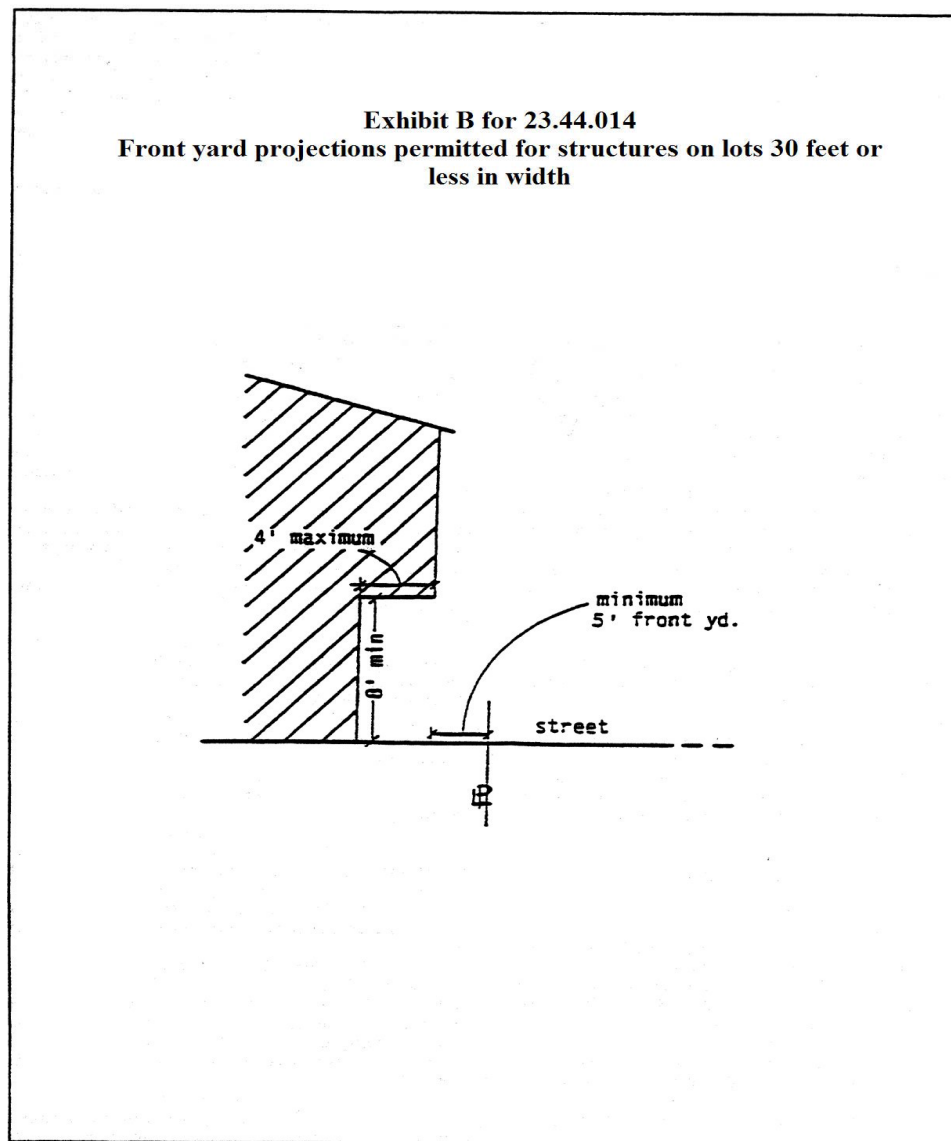
19 12. Mechanical equipment. Heat pumps and similar mechanical equipment, not
20 including incinerators, are permitted in required yards if they comply with the requirements of
21 Chapter 25.08. Any heat pump or similar equipment shall not be located within 3 feet of any lot
22 line. Charging devices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

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

3 14. Front yard projections for structures on lots 30 feet or less in width. For a
4 structure on a lot in an NR1, NR2, and NR3 zone that is 30 feet or less in width, portions of the
5 front facade that begin 8 feet or more above finished grade may project up to 4 feet into the
6 required front yard, provided that no portion of the facade, including eaves and gutters, shall be
7 closer than 5 feet to the front lot line (Exhibit B for 23.44.014), and provided further that no
8 portion of the facade of an existing structure that is less than 8 feet or more above finished grade
9 already projects into the required front yard.

10 **Exhibit B for 23.44.014**

11 **Front yard projections permitted for structures on lots 30 feet or less in width**



15. Front and rear yards may be reduced by 25 percent, but no more than 5 feet, if the site contains a required environmentally critical area buffer or other area of the property that cannot be disturbed pursuant to subsection 25.09.280.A.

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 40-square-foot footprint, measured on a horizontal roof plane inclusive of eaves, to a maximum

height of 8 feet. Both the sides and the roof of the arbor shall be at least 50 percent open, or if latticework is used, there shall be a minimum opening of 2 inches between crosspieces.

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

17. Stormwater management

a. Above-grade green stormwater infrastructure (GSI) features are allowed without yard restrictions if:

- 1) Each above-grade GSI feature is no more than 4.5 feet tall, excluding piping;
- 2) Each above-grade GSI feature is no more than 4 feet wide; and
- 3) The total storage capacity of all above-grade GSI features is no greater than 600 gallons.

b. Above-grade GSI features larger than what is allowed in subsection 23.44.014.C.17.a are allowed within a required yard if:

- 1) Above-grade GSI features do not exceed ten percent coverage of any one yard area;
- 2) No portion of an above-grade GSI feature is located closer than 3 feet from a side lot line;
- 3) No portion of an above-grade GSI feature is located closer than 20 feet from a rear lot line or centerline of an alley abutting the rear lot line; and

4) No portion of an above-grade GSI feature is located closer than 15 feet from the front lot line.

18. A structure may be permitted to extend into front and rear yards as necessary to protect a Tier 1 or 2 Tier 2 tree, as defined in Section 25.11.130.

19. Below grade structures. Structures below grade, measured from existing or finished grade, whichever is lower, may be located below required yards.

D. Additional standards for structures if allowed in required yards. Structures in required yards shall comply with the following:

1. Accessory structures, attached garages, and portions of a principal structure shall not exceed a maximum combined coverage of 40 percent of the required rear yard, except that ~~((a detached))~~ an accessory dwelling unit may cover an additional 20 percent of the rear yard provided that the increased rear yard coverage does not require removal of a Tier 1 or Tier 2 tree, as defined in Section 25.11.130. In the case of a rear yard abutting an alley, rear yard coverage shall be calculated from the centerline of the alley.

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

3. Except for detached accessory dwelling units, any accessory structure located in a required yard shall meet both the following standards:

a. A maximum height of 12 feet; and

b. A maximum size of 1,000 square feet in area.

4. Any ~~((detached))~~ accessory dwelling unit located in a required yard is subject to the requirements of ~~((subsection 23.44.041.C))~~ Section 23.42.022.

* * *

Section 8. Section 23.44.017 of the Seattle Municipal Code, last amended by Ordinance 126685, is amended as follows:

23.44.017 Density limits

A. In NR1, NR2, and NR3 zones, only one single-family dwelling unit is allowed per lot, except that ~~((up to two))~~ accessory dwelling units may also be approved pursuant to Section ~~((23.44.041))~~ 23.42.022, and except as approved as part of an administrative conditional use permit under Section 25.09.260, a clustered housing planned development under Section 23.44.024, or a planned residential development under Section 23.44.034.

B. The following provisions apply in RSL zones:

1. The minimum lot area per principal dwelling unit is 2,000 square feet.

2. Except as provided in subsection 23.44.017.B.3, when calculation of the number of principal dwelling units allowed according to subsection 23.44.017.B.1 results in a fraction of a unit, any fraction up to and including 0.85 constitutes zero additional principal dwelling units, and any fraction over 0.85 constitutes one additional principal dwelling unit.

3. For lots in existence on April 19, 2019, if the number of principal dwelling units allowed according to subsection 23.44.017.B.1 equals less than two, two units are allowed.

4. Accessory dwelling units are allowed pursuant to Section 23.42.022.

Section 9. Section 23.44.041 of the Seattle Municipal Code, last amended by Ordinance 126855, is repealed:

23.44.041 Accessory dwelling units

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

1 ~~1. In an NR1, NR2, and NR3 zone, a lot with or proposed for a principal single-~~
2 ~~family dwelling unit may have up to two accessory dwelling units, provided that the following~~
3 ~~conditions are met:~~

4 ~~a. No more than one accessory dwelling unit is a detached accessory~~
5 ~~dwelling unit; and~~

6 ~~b. A second accessory dwelling unit is allowed only if:~~

7 ~~1) Floor area within an existing structure is converted to create the~~
8 ~~second accessory dwelling unit; or~~

9 ~~2) The applicant commits that an attached accessory dwelling unit~~
10 ~~in a new principal structure or a new detached accessory dwelling unit will meet a green building~~
11 ~~standard and shall demonstrate compliance with that commitment, all in accordance with~~
12 ~~Chapter 23.58D; or~~

13 ~~3) The second accessory dwelling unit is a low income unit.~~

14 ~~2. In an RSL zone, each principal dwelling unit may have no more than one~~
15 ~~accessory dwelling unit.~~

16 ~~3. In the Shoreline District, accessory dwelling units shall be as provided in~~
17 ~~Chapter 23.60A; where allowed in the Shoreline District, they are also subject to the provisions~~
18 ~~in this Section 23.44.041.~~

19 ~~4. In NR1, NR2, and NR3 zones, accessory dwelling units are subject to the tree~~
20 ~~requirements in subsection 23.44.020.A.2.~~

21 ~~5. No off-street parking is required for accessory dwelling units.~~

22 ~~6. An existing required parking space may not be eliminated to accommodate an~~
23 ~~accessory dwelling unit unless it is replaced elsewhere on the lot.~~

~~B. Attached accessory dwelling units. Attached accessory dwelling units are subject to the following additional conditions:~~

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

~~2. In an NR1, NR2, and NR3 zone, only one entrance to the structure may be located on each street-facing facade of the structure, unless multiple entrances on the street-facing facade existed on January 1, 1993, or unless the Director determines that topography, screening, or another design solution is effective in de-emphasizing the presence of an additional entrance.~~

~~C. Detached accessory dwelling units. Detached accessory dwelling units are subject to the following additional conditions:~~

~~1. Detached accessory dwelling units are required to meet the additional development standards set forth in Table A for 23.44.041.~~

Table A for 23.44.041	
Development standards for detached accessory dwelling units^{1,2}	
a. Minimum lot size	3,200 square feet
b. Minimum lot width	25 feet
c. Minimum lot depth	70 feet ³
d. Maximum lot coverage	Detached accessory dwelling units are subject to the requirements governing maximum lot coverage and lot coverage exceptions in subsections 23.44.010.C and 23.44.010.D.
e. Maximum rear yard coverage	Detached accessory dwelling units, together with any other accessory structures and other portions of the principal structure, are subject to the requirements governing maximum rear yard coverage exceptions in subsections 23.44.014.D.

f. Maximum size	The gross floor area of a detached accessory dwelling unit may not exceed 1,000 square feet excluding garage and exterior-only accessed storage areas, covered porches and covered decks that are less than 25 square feet in area, and gross floor area that is underground. Up to 35 square feet of floor area dedicated to long-term bicycle parking shall be exempt from the gross floor area calculation for a detached accessory dwelling unit.			
g. Front yard	A detached accessory dwelling unit may not be located within the front yard required by subsection 23.44.014.B, except on a through lot pursuant to Section 23.40.030 or Section 23.40.035.			
h. Minimum side yard	A detached accessory dwelling unit may not be located within the side yard required by subsection 23.44.014.B except as provided in subsection 23.44.014.C.3 or 23.44.014.C.4. ⁴			
i. Minimum rear yard	A detached accessory dwelling unit may be located within a required rear yard if it is not within 5 feet of any lot line, unless the lot line is adjacent to an alley, in which case a detached accessory dwelling unit may be located at that lot line. ^{4, 5, 6, 11}			
j. Location of entry	If the entrance to a detached accessory dwelling unit is located on a facade facing a side lot line or a rear lot line, the entrance may not be within 10 feet of that lot line unless that lot line abuts an alley or other public right-of-way.			
k. Maximum height limits ^{7, 8, 9}	Lot width (feet)			
	Less than 30	30 up to 40	40 up to 50	50 or greater
(1) Base structure height limit (in feet) ^{10, 11}	14	16	18	18
(2) Height allowed for pitched roof above base structure height limit (in feet)	3	7	5	7
(3) Height allowed for shed or butterfly roof above base structure height limit (in feet); see Exhibit A for 23.44.041	3	4	4	4
l. Minimum separation from principal structure	5 feet including eaves and gutters of all structures			

Footnotes to Table A for 23.44.041

¹ ~~The Director may allow an exception to standards a through f and h through k pursuant to subsection 23.44.041.C.2, for converting existing accessory structures to a detached accessory dwelling unit, including additions to an existing accessory structure.~~

² ~~The Director may allow an exception to standards i and j if the exception allows for the preservation of an exceptional tree or a tree over 2 feet in diameter measured 4.5 feet above the ground.~~

³ ~~For lots that do not meet the lot depth requirement but have a greater width than depth and an area greater than 5,000 square feet, a detached accessory dwelling unit is permitted, provided the detached accessory dwelling unit is not located in a required yard.~~

⁴ ~~External architectural details with no living area, such as chimneys, eaves, cornices, and columns, may project no closer than 3 feet from any lot line. Bay windows are limited to 8 feet in width and may project no closer than 3 feet from any lot line. Other projections that include interior space, such as garden windows, must start a minimum of 30 inches above the finished floor, have a maximum dimension of 6 feet in height and 8 feet in width, and project no closer than 3 feet from any lot line.~~

⁵ ~~If the lot line is adjacent to an alley and a detached accessory dwelling unit includes a garage with a vehicle entrance that faces the alley, the garage portion of the structure may not be located within 12 feet of the centerline of the alley.~~

⁶ ~~On a reversed corner lot, no detached accessory dwelling unit shall be located in that portion of the required rear yard that abuts the required front yard of the adjoining key lot.~~

⁷ ~~Features such as chimneys, antennas, and flagpoles may extend up to 4 feet above the maximum allowed height.~~

⁸ ~~Projections that accommodate windows and result in additional interior space, including dormers, clerestories, and skylights, may extend no higher than the ridge of a pitched roof permitted pursuant to standard k if all conditions of subsection 23.44.012.C.3 are satisfied.~~

⁹ ~~Any structure with a green roof or other features necessary to meet a green building standard, as defined by the Director by rule, may extend up to 2 feet above the maximum allowed height.~~

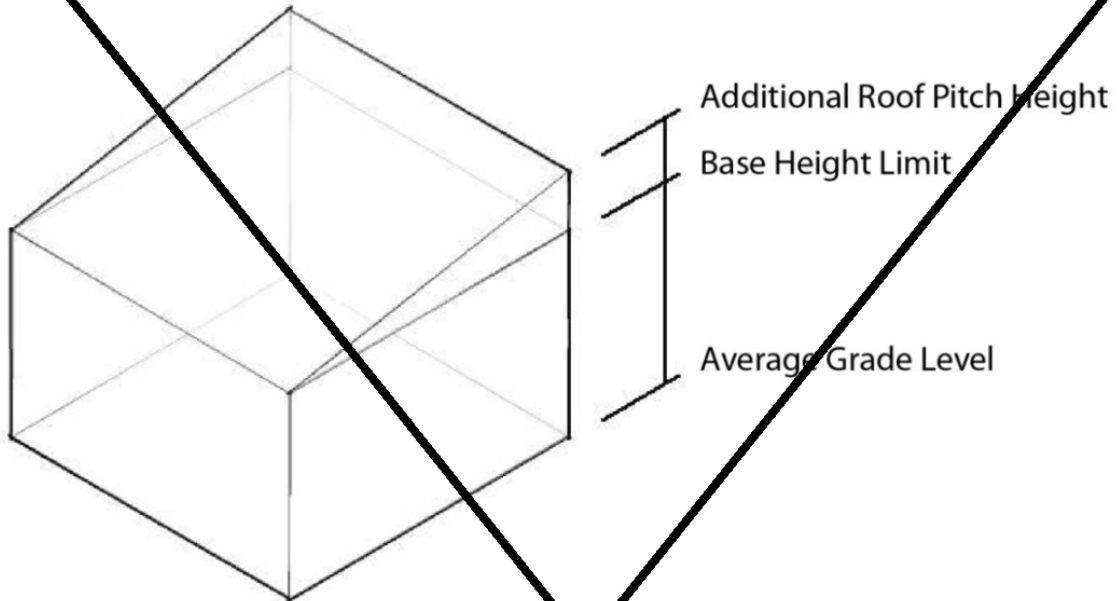
¹⁰ ~~Open railings that accommodate roof decks may extend 4 feet above the base structure height limit.~~

¹¹ ~~Attached decks that are portions of a detached accessory dwelling unit are allowed in the required rear yard and up to the applicable height limit, including additions allowed to a detached accessory dwelling unit under subsection 23.44.014.C.4.~~

Exhibit A for 23.44.041

Additional roof pitch height and base height limit

Shed Roof Example



Butterfly Roof Example

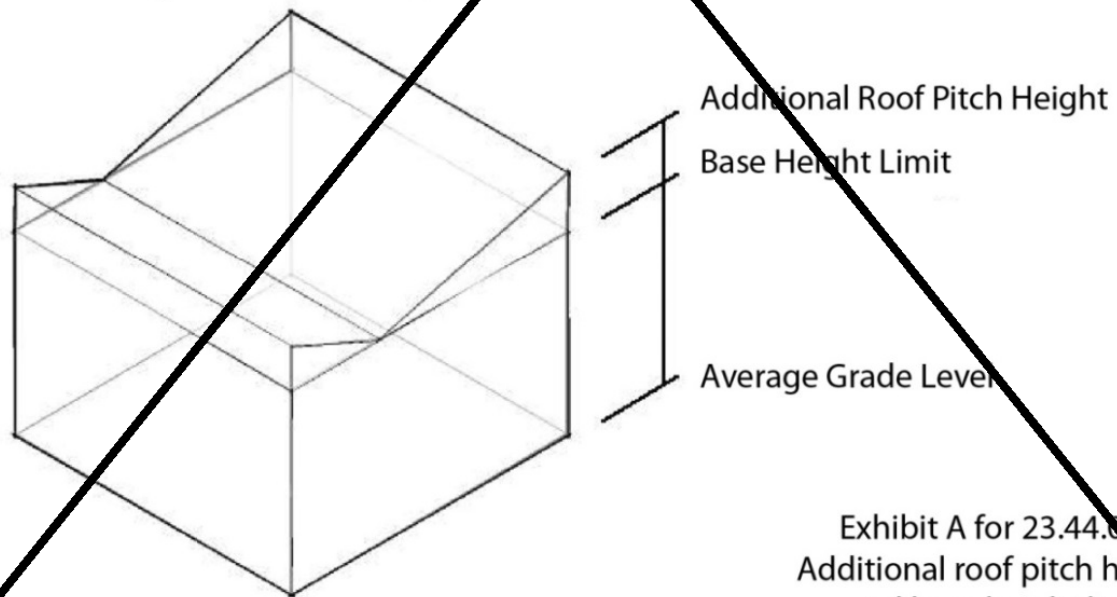


Exhibit A for 23.44.041
Additional roof pitch height
and base height limit

~~2. Conversion of accessory structures. An existing accessory structure that is not located in a required front yard, or that is located in a front yard where Section 23.40.030 or 23.40.035 applies, may be converted into a detached accessory dwelling unit if the structure complies with the minimum standards set forth in Sections 22.206.020 through 22.206.140 and with the Seattle Residential Code, if work requiring a permit is performed on the structure or has previously been performed without a permit. To allow the conversion of an existing accessory structure, the Director may allow an exception to one or more of the development standards for accessory dwelling units contained in standards a through f, and h through k, listed in Table A for 23.44.041. These exceptions also apply to any additions to an existing accessory structure. An existing accessory structure may be converted if the applicant can demonstrate that the accessory structure existed prior to December 31, 2017, as an accessory structure. If an accessory structure existing prior to December 31, 2017, was replaced to the same configuration in accordance with the standards of Section 23.42.112, then the replacement structure also qualifies for conversion under this subsection 23.44.041.C.2. For purposes of this subsection 23.44.041.C.2, the term "conversion" means either keeping the accessory structure intact or removing and rebuilding the accessory structure, provided that any expansion or relocation of the accessory structure complies with the development standards for detached accessory dwelling units.~~

~~D. Single-family status unaffected. A neighborhood residential lot with any number of accessory dwelling units shall be considered a single-family dwelling unit for purposes of rezone criteria (Section 23.34.011).))~~

Section 10. Section 23.45.512 of the Seattle Municipal Code, last amended by Ordinance 126855, is amended as follows:

23.45.512 Density limits and family-size unit requirements—LR zones

A. Density limits((~))

1. Except according to subsection 23.45.512.A.4, the following developments must meet the density limits described in this subsection 23.45.512.A:

a. In LR1 zones, rowhouse development on interior lots and all townhouse development; and

b. All development in Lowrise zones that do not have a mandatory housing affordability suffix.

2. Development described in subsection 23.45.512.A.1 shall not exceed a density of one principal dwelling unit per 1,150 square feet of lot area, except that apartments in LR3 zones that do not have a mandatory housing affordability suffix shall not exceed a density limit of one principal dwelling unit per 800 square feet.

3. When density calculations result in a fraction of a unit, any fraction up to and including 0.85 constitutes zero additional units, and any fraction over 0.85 constitutes one additional principal dwelling unit.

4. Low-income housing shall have a maximum density of one principal dwelling unit per 400 square feet of lot area.

B. Family-sized unit requirements in LR1 zones

1. Apartment developments in LR1 zones with four or more principal dwelling units shall provide at least one unit with two or more bedrooms and a minimum net unit area of 850 square feet for every four principal dwelling units in the structure.

2. One unit with three or more bedrooms and a minimum net unit area of 1,050 square feet may be provided in place of any two principal dwelling units required to include two bedrooms and a minimum net unit area of 850 square feet.

C. Nursing homes, congregate housing, assisted living facilities, and accessory dwelling units that meet the standards of Section ((23.45.545)) 23.42.022 are exempt from the density limit set in subsection 23.45.512.A and the requirements in subsection 23.45.512.B.

D. Dwelling unit(s) located in structures built prior to January 1, 1982, as single-family dwelling units that will remain in residential use are exempt from density limits.

E. If dedication of right-of-way is required, permitted density shall be calculated before the dedication is made.

F. Adding units to existing structures

1. One additional principal dwelling unit may be added to an existing residential structure regardless of the density restrictions in subsection 23.45.512.A and the requirements in subsection 23.45.512.B. An additional principal dwelling unit is allowed only if the proposed additional unit is to be located entirely within an existing structure, and no additional floor area to accommodate the new unit is proposed to be added to the existing structure.

2. For the purposes of this subsection 23.45.512.F, "existing residential structures" are those that were established under permit as of October 31, 2001, or for which a permit has been granted and the permit has not expired as of October 31, 2001.

Section 11. Section 23.45.514 of the Seattle Municipal Code, last amended by Ordinance 126685, is amended as follows:

23.45.514 Structure height

* * *

C. The height limit for accessory structures that are located in required setbacks or separations is 12 feet, except as follows:

1. Garages and carports are limited to 12 feet in height as measured on the facade containing the vehicle entrance. Open rails may extend an additional 3 feet above the roof of the garage or carport if any portion of the roof is within 4 feet of existing grade. The ridge of a pitched roof on a garage located in a required setback may extend up to 3 feet above the 12-foot height limit. All parts of the roof above the height limit shall be pitched at a rate of not less than 4:12. No portion of a shed roof is permitted to extend beyond the 12-foot height limit.

2. The height limit ~~((is 20 feet))~~ for an accessory dwelling unit is provided in subsection 23.42.022.D. ~~((The ridge of a pitched roof on an accessory dwelling unit located in a required setback may extend up to 3 feet above the 20-foot height limit. All parts of the roof above the height limit shall be pitched at a rate of not less than 4:12. No portion of a shed roof is permitted to extend beyond the 20-foot height limit.))~~

3. Freestanding flagpoles and religious symbols for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, ~~((Airport Height Overlay District,))~~ provided they are no closer to any lot line than 50 percent of their height above existing grade.

* * *

Section 12. Section 23.45.545 of the Seattle Municipal Code, last amended by the ordinance introduced as Council Bill 120823, is amended as follows:

23.45.545 Standards for certain accessory uses

* * *

I. Accessory dwelling units are allowed pursuant to Section 23.42.022. ~~((in single family, rowhouse and townhouse units, as follows:~~

~~1. One accessory dwelling unit is allowed for each single family, rowhouse, or townhouse unit that is a "principal unit." A "principal unit" is a dwelling unit that is not an accessory dwelling unit.~~

~~2. The height limit for a detached accessory dwelling unit is 20 feet, except that the ridge of a pitched roof on a detached accessory dwelling unit may extend up to 3 feet above the 20-foot height limit. All parts of the roof above the height limit shall be pitched at a rate of not less than 4:12. No portion of a shed roof is permitted to extend beyond the 20-foot height limit.~~

~~3. The maximum gross floor area of an accessory dwelling unit is 650 square feet, provided that the total gross floor area of the accessory dwelling unit does not exceed 40 percent of the total gross floor area in residential use on the lot or unit lot, if present, exclusive of garages, storage sheds, and other non-habitable spaces.~~

~~4. An accessory dwelling unit shall be located completely within the same structure as the principal unit or in an accessory structure located between the single family, rowhouse, or townhouse unit and the rear lot line.~~

~~5. The entrance to an accessory dwelling unit provided within the same structure as the principal unit shall be provided through one of the following configurations:~~

~~a. Through the primary entry to the principal unit; or~~

~~b. Through a secondary entry on a different facade than the primary entry to the principal unit; or~~

~~e. Through a secondary entry on the same facade as the primary entry to the principal unit that is smaller and less visually prominent than the entry to the principal unit, and does not have a prominent stoop, porch, portico or other entry feature.~~

~~6. Exterior stairs. Exterior stairs providing access to an accessory dwelling unit may not exceed 4 feet in height, except for exterior stairs providing access to an accessory dwelling unit located above a garage.~~

~~7. Parking. Parking is not required for an accessory dwelling unit.~~

~~8. In the Shoreline District, accessory dwelling units in single family, rowhouse, and townhouse units shall be as provided in Chapter 23.60A, and where allowed in the Shoreline District, are also subject to the provisions in this subsection 23.45.545.I.))~~

* * *

Section 13. A new Section 23.53.003 is added to the Seattle Municipal Code as follows:

23.53.003 Accessory dwelling units exempt from public street improvements

Notwithstanding any conflicting requirements in this Chapter 23.53, the improvement or installation of public street improvements shall not be required as a condition of permitting the development of new accessory dwelling units by construction, conversion, expansion, change of use, or other development method. This does not preclude any requirements related to the repair or replacement of existing improvements as needed due to construction of an accessory unit. For purposes of calculating required street improvements in this Chapter 23.53, accessory dwelling units shall be excluded from dwelling unit counts.

Section 14. Section 23.84A.008 of the Seattle Municipal Code, last amended by Ordinance 124919, is amended as follows:

23.84A.008 “D”

* * *

"Duplex" means a single structure containing only two dwelling units, neither of which is an accessory dwelling unit authorized under Section ~~((23.44.041))~~ 23.42.022.

* * *

Section 15. Section 23.84A.032 of the Seattle Municipal Code, last amended by Ordinance 126855, is amended as follows:

23.84A.032 "R"

* * *

"Residential use" means any one or more of the following:

1. "Accessory dwelling unit" means ~~((one or more rooms))~~ a dwelling unit that:

a. ~~((Are))~~ Is located within or attached to a structure containing a principal dwelling unit or within an accessory structure on the same lot as a principal dwelling unit(s); and

b. ~~((Meets the standards of Section 23.44.041, Section 23.45.545, or Chapter 23.47A, as applicable;~~

~~e. Are))~~ Is designed, arranged, and intended to be occupied as living facilities independent from any other dwelling unit. ((by not more than one household as living accommodations independent from any other household; and

~~d. Are so occupied or vacant.))~~

2. "Attached accessory dwelling unit" means an accessory dwelling unit that is within or attached to a structure containing a principal dwelling unit.

* * *

Section 16. Section 23.84A.038 of the Seattle Municipal Code, last amended by Ordinance 126855, is amended as follows:

23.84A.038 "T"

* * *

"Triplex" means a single structure containing three dwelling units, none of which is an accessory dwelling unit authorized under Section ((23.44.041)) 23.42.022.

Section 17. Section 23.90.018 of the Seattle Municipal Code, last amended by Ordinance 126157, is amended as follows:

23.90.018 Civil enforcement proceedings and penalties

* * *

B. Specific violations

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

2. ~~((Violations of the requirements of subsection 23.44.041.C are subject to a civil penalty of \$5,000, which shall be in addition to any penalty imposed under subsection 23.90.018.A. Falsely certifying to the terms of the covenant required by subsection 23.44.041.C.3 or failure to comply with the terms of the covenant is subject to a penalty of \$5,000, in addition to any criminal penalties.))~~ RESERVED

3. Violation of Chapter 23.58D with respect to a failure to timely submit the report required by subsection 23.58D.004.B or to demonstrate compliance with a commitment to meet the green building standard is subject to a penalty in an amount determined by subsection 23.58D.006.

4. Violation of subsection 23.40.007.B with respect to failure to demonstrate compliance with a waste diversion plan for a structure permitted to be demolished under subsection 23.40.006.D is subject to a penalty in an amount determined as follows:

$$P = SF \times .02 \times RDR,$$

where:

P is the penalty;

SF is the total square footage of the structure for which the demolition permit was issued; and

RDR is the refuse disposal rate, which is the per ton rate established in Chapter 21.40, and in effect on the date the penalty accrues, for the deposit of refuse at City recycling and disposal stations by the largest class of vehicles.

* * *

Section 18. Section 23.90.019 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

23.90.019 Civil penalty for unauthorized dwelling units in neighborhood residential zones

In addition to any other sanction or remedial procedure that may be available, the following penalties apply to unauthorized dwelling units in neighborhood residential zones in violation of Section 23.44.006. An owner of a neighborhood residential zoned lot that has more than one single-family dwelling unit and who is issued a notice of violation for an unauthorized dwelling unit, is subject to a civil penalty of \$5,000 for each additional dwelling unit, unless the additional unit is an authorized dwelling unit in compliance with Section ((23.44.041)) 23.42.022, is a legal non-conforming use, or is approved as part of an administrative conditional use permit pursuant to Section 25.09.260. Penalties for violation of Sections 23.44.006 and ((23.44.041, except for violations of subsection 23.44.041.C)) 23.42.022 or except for those violations subject to subsection 23.90.018.B, shall be reduced from \$5,000 to \$500 if, prior to the compliance date

- 1 stated on the notice of violation for an unauthorized dwelling unit, the dwelling unit is removed
- 2 or authorized in compliance with Section ((~~23.44.041~~)) 23.42.022, is a legal non-conforming use,
- 3 or is approved as part of an administrative conditional use permit pursuant to Section 25.09.260.

Section 19. This ordinance shall take effect as provided by Seattle Municipal Code
Sections 1.04.020 and 1.04.070.

Passed by the City Council the _____ day of _____, 2024,
and signed by me in open session in authentication of its passage this _____ day of
_____, 2024.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2024.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2024.

Scheereen Dedman, City Clerk

(Seal)