
Council Bill Number: 114541

Ordinance Number: 121163

AN ORDINANCE relating to land use and zoning; amending Section 23.24.040 and adding a new Section 23.24.046 to the Seattle Municipal Code to allow short subdivision of lots in single-family zones containing more than one existing single-family dwelling unit under specified conditions.

Status: Passed

Note: Wallingford Steps

Vote: 9-0

Date filed with the City Clerk: 2003/06/04

Date of Mayor's signature: 2003/05/28 ([about the signature date](#))

Date introduced/referred to committee: 2003/04/21

Committee: Land Use

Sponsor: NICASTRO

Committee Recommendation: Pass

Index Terms: LAND-USE-CODE, PLATS, SINGLE-FAMILY-HOMES, SINGLE-FAMILY-RESIDENTIAL-AREAS

Fiscal Note: [Fiscal Note to Council Bill No. 114541](#)

Electronic Copy: [PDF scan of Ordinance No. 121163](#)

Reference: Amending: Ord 120443

Text:

AN ORDINANCE relating to land use and zoning; amending Section 23.24.040 and adding a new Section 23.24.046 to the Seattle Municipal Code to allow short subdivision of lots in single-family zones containing more than one existing single-family dwelling unit under specified conditions.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection A of Section 23.24.040 of the Seattle Municipal Code, which Section was last amended by Ordinance 119791, is amended as follows:

23.24.040 Criteria for approval.

A. The Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition or deny a short plat:

1. Conformance to the applicable Land Use Policies and Land Use Code provisions , as modified by this chapter;
2. Adequacy of access for vehicles, utilities and fire protection as provided in Section 23.53.005 , Access to lots;
3. Adequacy of drainage, water supply and sanitary sewage disposal;
4. Whether the public use and interests are served by permitting the proposed division of land;

5. Conformance to the applicable provisions of ~~SMC~~ Section 25.09.240, Short subdivisions and subdivisions, in environmentally critical areas;
6. Is designed to maximize the retention of existing trees;
7. Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single- family housing ; and
8. Conformance to the provisions of Section 23.24.046, Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two or more lots from one lot with more than one existing single-family dwelling unit.

* * *

Section 2. A new Section, 23.24.046, is hereby added to the Seattle Municipal Code to read as follows:

23.24.046 Multiple single-family dwelling units on a single-family lot.

- A. The provisions of this section apply exclusively to the short subdivision of a lot in a single-family zone containing more than one existing single-family dwelling unit.
- B. A lot in a single-family zone containing more than one existing single-family dwelling unit may be divided in accordance with this Chapter as long as each of the following conditions is satisfied:
 1. Each existing single-family dwelling unit was legally established by permit or is eligible to be established as a nonconforming development in accordance with Section 23.42.102, Establishing nonconforming status;
 2. Each existing single-family dwelling unit was constructed prior to February 20, 1982;
 3. Each resulting lot has one, but no more than one, existing single- family dwelling unit;
 4. Parking is provided in accordance with Section 23.44.016, Parking location and access, unless the Director determines that at least one (1) of the following conditions is present:
 - a. Providing parking accessory to an existing single-family dwelling unit is undesirable or impractical because of the location of an environmentally critical area, existing drainage patterns, natural features such as significant trees, or access to a resulting or adjacent lot; or
 - b. The short subdivision cannot be configured to provide parking in compliance with Section 23.44.016;

If the Director determines that at least one of the foregoing conditions is present, the Director may waive or modify the parking requirements of Section 23.44.016 as long as the short subdivision does not reduce the number of off-street parking spaces existing prior to the short subdivision. In connection with such waiver or modification, the Director may require access and parking easements as conditions of approval of the short subdivision; and

5. Each resulting lot conforms to all other development standards of the zone unless the Director determines that the short subdivision cannot be approved if such standards are strictly applied and modification or waiver of some or all of such standards would further the public interest. If the Director makes such determination, then the Director may waive or modify development standards, provided that:
 - a. each existing single-family dwelling unit shall be set back at least three (3) feet from each common lot line in the short subdivision; and

b. no resulting lot shall be smaller than one thousand eight hundred (1,800) square feet.

C. Structures on lots for which the Director has waived or modified development

standards according to subsection B of this section will be treated as nonconforming and be subject to Section 23.42.112.

D. Expansions, Extensions or Replacements.

1. The base permitted height for expansions, extensions or replacements of a single-family dwelling unit on lots thirty (30) feet or less in width shall not exceed twenty-five (25) feet.

2. The averaging provisions of Section 23.44.012 A.2.b. do not apply.

* * *

Section 3. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision shall not affect the validity of any other provision.

Section 4. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2003, and signed by me in open session in authentication of its passage this ____ day of _____, 2003. _____ President _____ of the City Council

Approved by me this ____ day of _____, 2003. _____ Gregory J. Nickels, Mayor

Filed by me this ____ day of _____, 2003. _____ City Clerk

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