
Council Bill Number: 111592

Ordinance Number: 118472

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

Status: Passed

Note: Revision to accessory housing regulations.

Vote: 7-1 Chong; 1 Abstention: Podlodowski

Date filed with the City Clerk: 1997/02/05

Date of Mayor's signature: 1997/01/28 ([about the signature date](#))

Date introduced/referred to committee: 1996/12/16

Committee: Parks, Public Grounds and Recreation

Sponsor: DONALDSON

Committee Recommendation: Pass

Index Terms: LAND-USE-CODE, ACCESSORY-HOUSING, FEES, ADMINISTRATIVE-PROCEDURES, LAND-USE-PERMITS

Electronic Copy: [PDF scan of Ordinance No. 118472](#)

Reference: Amending: Ord 118398, 117405, 117203, 118362, 118181, 117430, 117263, 118414, 117789

Text:

ORDINANCE_____

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

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

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

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:~~Section The subsection of Section 22.901E.010 entitled "Table 6, Land Use Fees", of the Seattle Municipal Code, as last amended by Ordinance 118398, is amended as follows:

Table 6 LAND USE AND ZONING FEES

Type Minimum Review Hourly Fee¹ Zoning Fee Review Fee (See Chap. 22.901C for explanation of DFI)

MASTER USE PERMIT APPROVALS

1. Administrative \$1,430 None 21% of DFI conditional uses (ACUs)
2. Design review² \$1,430 None 21% of DFI
3. Environmental reviews (SEPA)³ (including projects with more than one addressed site)
 - a. DNSs, \$1,430 \$125 per hour 21% of DFI mitigated DNSs, other lead agency project review
 - b. Dss and EISs \$1,900 \$125 per hour 21% of DFI in excess of 8 hours of review (40 hour deposit)
 - c. EIS \$1,430 \$125 per hour 21% of DFI addenda/SEIS (10-hour deposit)
 - d. EIS prepared None In addition to N/A by consultant fees above, the contract amounts plus administration charge equal to 3.5% of total EIS contract amount including EIS addenda and SEIS work.
 - e. PEIS Reserved Reserved Reserved Latecomers fees
4. General \$1,430 \$125 per hour 21% of DFI Development Plan
5. Lot boundary \$625 None \$110 adjustment
6. Plan shoreline See Council See Council See permit approvals approvals Council approvals
7. Public benefit \$250 \$125 per hour \$125 per feature review in excess of 1 hour hour of review
8. Shoreline permits
 - a. Substantial \$1,430 \$125 per hour 21% of DFI development permits
 - b. Variances⁵ and \$1,430 \$125 per hour 21% of DFI conditional uses
 - c. Revisions (not \$250 \$125 per hour \$125 per due to required in excess of 1 hour conditions) hour of review
9. Short subdivisions \$1,430 \$125 per hour \$110 per lot
10. Sidewalk cafints \$1,430 \$125 per hour None
11. Special None None \$250 accommodation
12. Special exceptions \$1,430 \$125 per hour 21% of DFI
13. Structural \$1,430 \$125 per hour None building overhangs and areaways
14. Temporary uses
 - a. Temporary use None None 21% of DFI permit for relocation of police and fire protection
 - b. Temporary use \$1,430 \$125 per hour 21% of DFI permit for more than 4 weeks

15. Variances 5 \$1,430 None None

COUNCIL AND HEARING EXAMINER APPROVALS

1. Concept approvals \$1,430 \$125 per hour 21% of DFI (e.g., planned community/residential development, public projects, City facilities, plan shoreline developments, other general development plans)

2. Council \$1,430 \$125 per hour 21% of DFI conditional uses

3. Full subdivisions 7 \$1,430 \$125 per hour \$110 per lot

4. Major Institution

a. Master Plans \$1,900 \$125 per hour 21% of DFI in excess of 8 hours of review (40 hour deposit)

b. Designation \$1,430 \$125 per hour 21% of DFI

5. Zoning map changes \$1,430 \$125 per hour 21% of DFI and rezones

MISCELLANEOUS REVIEWS, RESEARCH, & SERVICES

1. Accessory dwelling ~~\$150~~10 None N/A unit notification fee

2. Certificate of \$110 None N/A land use

3. Certificate of (Reserved) (Reserved) (Reserved) Occupancy Inspection

4. Concurrency (Reserved)

5. Curbcuts 8 \$55.00 each None N/A commercial; \$26.00 each residential

6. Development \$500.00 \$125 per hour N/A potential analysis in excess of 4 hours of review

7. Establishing Use \$190 None N/A for the Record

8.. House barge \$330 None N/A license

9. House barge \$165 None N/A license renewal

10. Interpretations 9

a. \$660 None N/A Interpretations

b. \$880 None N/A Interpretations requested after publication of Director's report

c. Major \$250 \$125 per hour N/A Institution Master in excess of 2 Plan hours of review

11. Legal building \$375 None N/A site letters

12. Liquor License \$50 None N/A Review

13. Major institution \$1,300 per year N/A N/A - review of annual plan

14. Neighborhood (Reserved) planning
15. Notice (additional)10
 - a. Land use \$65 N/A N/A information bulletin
 - b. Reposting \$125 N/A N/A large sign or placards
 - c. Mailed notice \$250 N/A N/A
16. Open space \$625 None \$110 remainder lots and surplus state property
17. Preapplication \$100 None conference11
18. Rebuild letters \$250 None N/A
19. Records research \$125 Hourly \$125 N/A per hour in excess of 1 hour of research
20. Renewals Including \$190 \$125 per hour \$125 per shoreline renewals in excess of hour 1-1/2 hours of review
21. Revisions other \$250 \$125 per hour \$125 per than shoreline in excess of 2 hour revisions hours of review
22. School use and \$1,43012 \$125 per hour 21% of DFI school development advisory committee reviews
23. Soils analyses with M.U.P. (for projects not located in Environ-mentally Critical Areas)

Projects with EISs \$500 None None

All others \$250 None None

Notes to Table 6:

1. The hourly fee will be charged for hours in excess of the review hours covered by the minimum review fee except when an application includes both a land use component with an hourly fee and either an administrative conditional use, design review, or variance component. In that case, the hourly fee will be charged for all hours spent on the hourly component.
2. Design review shall be collected as follows: 50% upon application for predesign process and 50% upon master use permit application.
3. A flat fee of Four Hundred Thirty Dollars (\$430) shall be assessed by DCLU for Determinations of Non-Significance (DNSs) and Mitigated Determinations of Non-Significance (MDNSs) for projects that include City of Seattle landmarks and projects located within a special review or landmark district. No hourly fees shall be assessed for these types of approvals.
4. The minimum review fee covers administrative costs and the first one (1) hour of review.
5. A fee for one (1) variance shall be charged for all variances associated with a project.
6. Includes short subdivisions in Environmentally Critical Areas.
7. Includes full subdivisions in Environmentally Critical Areas.
8. Curbcut fees are charged only when a separate curbcut permit is applied for, not when the curbcut is part of a

development permit application.

9. The fees for interpretations of SMC Chapters 25.12, 25.16, 25.20, 25.22, and 25.24 shall be collected by the Director of the Department of Neighborhoods.

10. Additional notice may be given in circumstances including but not limited to the following: inaccurate large signs, new component reviews added subsequent to the original notice, revised decisions, and changes to the scope of the project.

11. To be paid no later than the time of the conference. This fee shall be applied towards the permit application fee if an application for a permit is made within six (6) months of the date of the preapplication conference and if the project is identified by address at the time of the preapplication conference.

12. The minimum review fee covers administrative and public notice costs and the first eight (8) hours of review.

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

22.901P.040 Accessory dwelling unit fees.

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

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

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

D. The fee for review of parking waivers studies shall be charged at the rate of two (2) times the Base Fee.

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

23.44.02541 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 percent (20%) 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 feet (1,000') from the point at which three (3) 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 (1) accessory dwelling unit, and only one (1) accessory dwelling unit shall be allowed per lot.

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

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

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

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

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

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

2. The accessory dwelling unit shall be determined to meet the Housing

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

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 (2) years from the date of application for the Master Use Permit, the Master Use Permit and Building Permit shall be canceled and the unit removed or application made to establish the unit as a new accessory dwelling unit. The Director may require final approval of permits in less

than two (2) years in high hazard situations.

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

D. Notice of Issuance of Permit for an Accessory Housing Unit. The Director shall provide notice of the issuance of a permit for an accessory housing unit by general mailed release to record owners of real property within two hundred feet (200') 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 23.34.011~~2~~ and for purposes of rental housing registration (Section 22.202.060).

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

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

If applications are filed for permits for accessory dwelling units which would cause the concentration of new structures with accessory dwelling units to exceed twenty percent (20%) of the number of single-family residences in single-family zones in any one (1) census tract or in an area bounded by a circle with a radius of one thousand feet (1,000') from a point where three (3) or more census tracts meet, the Department of Construction and Land Use shall notify the City Council. Within three (3) months, that department shall submit a report to the City Council containing an analysis of the number, location and character of the single-family structures with accessory dwelling units in the tract or area exceeding the twenty percent (20%) threshold. The City Council shall request that the neighborhood planning organization for the affected neighborhood submit a recommendation within three (3) months of that request regarding

action to be taken. Within six (6) months of receiving the neighborhood planning organization's recommendation, the City Council shall review the report and consider recommendations proposed. The City Council shall determine whether to authorize further permits or otherwise revise the provisions. Any revisions that would involve amendments to the City's Comprehensive Plan shall be considered as part of the annual process for amending that Plan.

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

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

23.45.005 Development standards for single family structures.

D. An accessory dwelling unit in an established single-family dwelling shall be considered an accessory use to the single family dwelling, shall meet the standards listed for accessory dwelling units ~~per in~~ Section 23.44.025041 and shall not be considered a separate dwelling unit for ~~at~~ any development standard purposes in multifamily zones.

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

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 P P P P P stores
- General retail sales and P P P P P service
- Major durables sales, P P P P P service and rental
- Specialty food stores P P P P P

2. Medical Services P P/CU1 P/CU1 P/CU1 P/CU1

3. Animal Services²

- 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 X P P P P motorized vehicles
- 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 P P P P P accessory sales

5. Marine Retail Sales and Services

- Sales and rental of large X P P P P boats
- 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 P P P P P accessories

6. Eating and Drinking Establishments

- Restaurants without P P P P P cocktail lounges
- Restaurants with cocktail X P P P P lounges
- Fast-food restaurant (750 P P P P P square feet and under)
- Fast-food restaurant (over CU CU CU CU CU 750 square feet)
- 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 P3 P3 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 ~~X X P P P office equipment P~~

4. Sales, service and rental of commercial equipment X X P P P and construction materials

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 X P P P P facility

- Lecture and meeting X P P P P halls

- Motion picture theater X P P P P

- Adult motion picture X X X X X theater

- Adult panoramas X X X X X

2. Participant Sports and Recreation

-- Indoor P P P P P

-- Outdoor X X X4 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 X5 P P

J. Transportation Facilities

1. Personal transportation X X P P P services

2. Passenger terminals X X P P P

3. Cargo terminals X X X S P

4. Transit vehicle base X X X CCU6 CCU6

5. Helistops X X CCU7 CCU7 CCU7

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 X X X X X mechanized hump

K. Food Processing and Craft Work

1. Food processing for human P P P P P consumption

2. Custom and craft work P P P P P

L. Research and Development P P P P P Laboratories

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 Utility8 X X X CCU CCU

C. Minor Communication Utility8 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 within a Major Institution Overlay P P P P P District subject to Chapter 23.69

VII. PUBLIC FACILITIES

A. Jails X X X X X

B. Work-Release Centers9 CCU CCU CCU CCU CCU

VIII. PARK AND POOL/RIDE LOT

A. Park and Pool Lots P10 P P P P

B. Park and Ride Lots X X CU CU CU

IX. RESIDENTIAL11

A. Single-Family Dwelling Units P/CU12 P/CU12 P/CU12 P/CU12 CU12

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 P13 P13 P13 P13 P13

J. Nursing Homes P P P P P

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 X13 X13 X13 X13 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 Outdoor participant sports and recreation uses are permitted at the Seattle Center.

5 Outdoor storage is permitted at the Seattle Center, subject to the provisions of 23.47.011.

6 New transit vehicle bases accommodating 150 or fewer buses or existing transit vehicle bases seeking to expand.

7 Permitted only as an accessory use according to Section 23.47.006.

8 See Chapter 23.57 for regulation of communication utilities.

9 Subject to dispersion criteria in Section 23.47.006.

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

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

12 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 23.44.02541 and shall not be considered a separate dwelling unit for ~~an~~ any development standard purposes in commercial zones.

13 Permitted only as an accessory use.

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

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

A. Expiration.

1. A Type I or II 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 a Master Use Permit with a shoreline component 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:
 - (1) 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.
 - (2) 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:
 - (1) Eighteen (18) months from the date that the project is chosen to receive an office space allocation; or
 - (2) 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:
 - (a) On the date that the opportunity to enter the next competition has passed, and the project has not been entered;
 - (b) 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
 - (c) On the date that it is not chosen to receive an office allocation in the next competition; or
 - (d) Eighteen (18) months from the date that the permit is approved for issuance as described in Section 23.76.028, whichever is greater.
 - (3) Master use permits entered in the competition for office space downtown may be renewed pursuant to subsection B.
- e. Expiration of use approval to legalize previously unauthorized accessory dwelling units when final inspection approval for modifications required for Building or Housing Code compliance is not obtained within two (2) years from the date of application for the Master Use Permit is governed by Section 23.44.041~~25~~ B.
- f. Master Use Permits with a Major Phased Development component established under Section 23.47.007 or 23.50.015 shall expire as follows:
 - (1) For the first phase, twenty-four (24) months from the date the permit is approved for issuance, except as provided in subsection B;
 - (2) For subsequent phases, expiration shall be determined at the time of permit issuance.
- g. Master Use Permits with a Design Review Component are subject to Section 23.76.026C2. If the Land Use Code or other land use control ordinances change prior to publication of the Director's decision on a Master Use Permit that contains a design review component and qualifies for vesting pursuant to Section 23.76.026C2, such Master Use Permit shall expire one hundred and twenty (120) days from the date the Master Use Permit is approved for issuance, unless a

complete application for a building permit meeting the requirements of Section 106 of the Seattle Building Code is submitted within 120 days of the date the Master Use Permit is approved for issuance.

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

expire unless:

- a. A building permit is issued before the end of the eighteen (18) month term, or an application for a building permit is:
1) submitted at least sixty (60) days before the end of the eighteen (18) month term; 2) made sufficiently complete to meet the requirements of Section 106 of the Seattle Building Code before the end of the eighteen (18) month term; and 3) subsequently issued. In such cases, the Master Use Permit shall be extended for the same term as the building permit is issued. For highrise structures regulated under Section 403 of the Seattle Building Code, the building permit application may be a partial one, provided that it includes the complete structural frame of the building, and schematic plans for the exterior shell of the building. If a building permit is issued and renewed within the original eighteen (18) month term of a Master Use Permit, the Master Use Permit shall be extended in the same manner; or
- b. For projects which do not require a building permit, the use has been established prior to the expiration date of the Master Use Permit and is not terminated by abandonment or otherwise. In such cases the Master Use Permit shall not expire; or
- c. The Master Use Permit is extended pursuant to subsection A3; or
- d. The Master Use Permit is renewed as provided in subsection B; or
- e. A Major Phased Development component is part of the Master Use Permit, in which case subsection A1f shall apply.

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

Section 7. Section 23.84.008 "D" of the SMC, last amended by Ordinance 117430, is 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 23.44.035041.

* * *

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

Section 8. Section 23.84.028 "O" of the SMC, last amended by Ordinance 117263 is 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 purchaser vendee. The owner-occupant of the residence containing the accessory dwelling unit must have an interest equal to or greater than any other partial owner of the property, and the owner occupant's interest must be twenty percent (20%) or greater. 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 9. Subsection B of Section 23.90.006 of the SMC, which Section was last amended by Ordinance 118414, is amended as follows:

23.90.006 Investigation and notice of violation.

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 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. ~~In the event of violation of Section 23.44.025, regarding accessory dwelling units~~ Civil penalties for unauthorized dwelling units in single family structures shall be applied, ~~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.~~

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

23.90.019 Civil penalty for unauthorized ~~illegal~~ accessory dwelling units in single family structures.

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

B. ~~Within a reasonable time a~~ After discovery of the existence of an illegal accessory one or more unauthorized dwelling units in a single family structure, 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(s) must be ~~initiated~~ completed to avoid additional penalty. Failure to ~~initiate~~ complete the required action by the date stated shall be a further violation of the Land Use Code subjecting the owner to additional penalty of Seventy-five Dollars (\$75.00) per day until the ~~order~~ Notice is satisfied. Such penalties shall be collected in the manner provided in Section 23.90.018.

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 of Notice of Violation is mailed. The Hearing Examiner shall mail notice of the hearing to the owner and Director at least twenty (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 providing 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 a land use petition in King County Superior Court appealing the decision of the Hearing Examiner within twenty one (21) days of issuance of the decision, as provided by Section 705 of Chapter 347 of the Laws of 1995, 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 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 _____, 1996, and signed by me in open session in authentication of its passage this _____ day of _____, 1996. _____ President of the City Council
Approved by me this _____ day of _____, 1996.
_____ Norman B. Rice, Mayor Filed by me this _____ day of _____, 1996. _____ City Clerk (SEAL)