

**CITY OF MERCER ISLAND
ORDINANCE NO. 25C-02**

**AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON,
AMENDING TITLE 19 MICC TO COMPLY WITH HB 1110 AND HB 1337 ON AN
INTERIM BASIS; ADOPTING A WORK PLAN; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the adoption of land use and zoning regulations is a valid exercise of the City's police power and is specifically authorized by RCW 35A.63.100; and

WHEREAS, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt interim development regulations; and

WHEREAS, in 2023 the Washington State legislature passed Engrossed House Bill (EHB) 1337 (chapter 334, Laws of 2023) related to accessory dwelling units (ADUs), codified in the Revised Code of Washington (RCW) sections 36.70A.680, .681 and .696; and

WHEREAS, in passing E2SHB 1337 (chapter 334, Laws of 2023) the State legislature found that Washington state is experiencing a housing affordability crisis and many communities across the state are in need of more housing for renters across the income spectrum; and

WHEREAS, the State legislature further found that many cities dedicate the majority of residentially zoned land to single detached houses that are increasingly financially out of reach for many households and, due to their smaller size, accessory dwelling units can provide a more affordable housing option in those single-family zones; and

WHEREAS, in 2023 the Washington State legislature passed Engrossed Substitute House Bill (E2SHB) 1110 (chapter 332, Laws of 2023) related to middle housing, codified in the RCW 36.70A.635 through .638; and

WHEREAS, in passing E2SHB 1110 (chapter 332, Laws of 2023) the State legislature found that there is continued need for the development of housing at all income levels, including middle housing that will provide a wider variety of housing options and configurations to allow Washingtonians to live near where they work and that homes developed at higher densities are more affordable by design for Washington residents both in their construction and reduced household energy and transportation costs; and

WHEREAS, in 2024 the Washington State legislature passed Engrossed Substitute House Bill (ESHB) 2321 (chapter 152, Laws of 2024), which modified certain middle housing requirements in RCW 36.70A.635, as well as amended definitions in RCW 36.70A.030; and

WHEREAS, on November 19, 2024, the Mercer Island City council passed Ordinance No. 24C-16 incorporating middle housing and accessory dwelling unit policies into the Housing Element of the Comprehensive Plan as required by House Bill 1220 (chapter 254, Laws of 2021); and

WHEREAS, adoption of the ordinance will bring the City of Mercer Island into compliance with RCW 36.70A.635 through .638 and .680, .681 and .696 and will serve the general welfare of the public; and

WHEREAS, the City is authorized under RCW 35A.63.220 and RCW 36.70A.390 to pass an interim zoning and official control ordinance, provided it holds a public hearing on the same within sixty days after passage if it has not previously held a public hearing on the proposed ordinance; and

WHEREAS, the City Council held a public hearing on February 4, 2025 regarding this interim zoning and official control ordinance; and

WHEREAS, the City is authorized under RCW 35A.63.220 and RCW 36.70A.390 to pass an interim zoning and official control ordinance for up to one year if a work plan is developed for related studies providing for such a longer period; and

WHEREAS, City Staff have developed a work plan for related studies and community engagement on middle housing and ADUs and such work plan is attached to this Ordinance as Exhibit A;


NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON DO HEREBY ORDAIN AS FOLLOWS:

- Section 1: Whereas Clauses Adopted.** The “Whereas Clauses” set forth in the recitals of this ordinance are adopted as the findings and conclusions of the City Council for passing this ordinance.
- Section 2: Section 19.02.010 MICC, Single-family, Amended.** MICC Section 19.02.010, Single-family, is amended as shown in Exhibit B.
- Section 3: Section 19.02.020 MICC, Development Standards Amended.** MICC Section 19.02.020, Development Standards, is amended as shown in Exhibit C.
- Section 4: Section 19.02.025 MICC, Middle Housing, Addition.** MICC Section 19.02.025, Middle Housing, is added section as shown in Exhibit D.
- Section 5: Section 19.02.030 MICC, Accessory dwelling units, Amended.** MICC Section 19.02.030, Accessory dwelling units, is amended as shown in Exhibit E.
- Section 6: Section 19.16.010 MICC, Definitions, Amended.** MICC Section 19.16.010, Definitions, is amended as shown in Exhibit F.
- Section 7: Duration of Interim Zoning and Official Controls.** The interim zoning and official controls adopted in sections 2, 3, 4, 5, and 6 of this ordinance shall be effective for a period of one year, unless repealed, extended, or modified by the City Council.
- Section 8: Adoption of Work Plan.** The work plan attached to this ordinance as Exhibit A is adopted.
- Section 9: Severability.** If any section, sentence, clause or phrase of this ordinance or any municipal code section amended hereby should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause or phrase of this ordinance or the amended code section.

Section 10: Effective Date. This ordinance shall take effect and be in force on June 30, 2025, provided 5 days have passed since its passage and publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON AT ITS MEETING ON MARCH 4, 2025.

CITY OF MERCER ISLAND



Salim Nice, Mayor

Approved as to Form:

/s/ Bio Park

Bio Park, City Attorney

ATTEST:



Andrea Larson, City Clerk

Date of Publication: March 12, 2025

Exhibit A

Middle Housing and ADU Code Amendments Work Plan

<p>A. Community engagement</p> <ul style="list-style-type: none">a. Inform and educate the public on the new middle housing regulations and options for tailoring regulations to Mercer Island’s needsb. Gather input on housing needs and desired housing types <p>B. Technical analysis and staff recommendation</p> <ul style="list-style-type: none">a. Review peer city approachesb. Develop options for tailoring middle housing regulations to Mercer Island’s needs, incentives to encourage certain development types and design standardsc. Prepare a staff recommendation and begin drafting a code amendment based on the above informationd. Prepare a SEPA Checklist and determination on the proposed amendment, provide notification to state agencies and tribes	Q3, Q4 2025
<p>C. Planning Commission review and recommendation on a draft code amendment</p> <ul style="list-style-type: none">a. Public outreach, including public hearingb. Approximately 3 points of review by the commission – study session, public hearing, and recommendation	Q1 2026
<p>D. City Council review and approval of code amendment</p> <ul style="list-style-type: none">a. First and second reading of the ordinance	Q2 2026

Exhibit B

19.02.010 Single-family.

A use not permitted by this section is prohibited. Please refer to MICC 19.06.010 for other prohibited uses.

A. *Uses permitted in Zones R-8.4, R-9.6, R-12, and R-15.*

1. Single-family dwelling.
2. Accessory buildings incidental to the main building.
3. Private recreational areas.
4. Public schools accredited or approved by the state for compulsory school attendance, subject to design commission review and all of the following conditions:
 - a. All structures shall be located at least 35 feet from any abutting property and at least 45 feet from any public right-of-way.
 - b. Off-street parking shall be established and maintained at a minimum ratio of one parking space per classroom with high schools providing an additional one parking space per ten students.
 - c. A one-fourth acre or larger playfield shall be provided in one usable unit abutting or adjacent to the site.
5. Home business as an accessory use to the residential use, subject to all of the following conditions:
 - a. The home business may make those improvements to the home business normally allowed for single-family residences. For a day care, play equipment and play areas are not allowed in front yards.
 - b. Only those persons who reside on the premises and one other person shall be permitted to engage in the business on the premises at any one time; provided, that a day care or preschool may have up to three nonresident employees on the premises at any one time. This limitation applies to all owners, managers, staff or volunteers who operate the business.
 - c. There shall be no exterior storage or display of materials except as otherwise allowed for single-family residences, and no sign advertising the home business located on the premises except as specifically allowed by MICC 19.12.080(B).
 - d. No offensive noise, vibration, smoke, dust, odor, heat or glare or excessive traffic to and from the premises shall be produced or generated by the home business.
 - e. The home business shall not involve the use of more than 30 percent of the gross floor area of the residence, not including the allowed basement exclusion area consistent with subsection E of this section and MICC 19.16.010. However, a day care or preschool may use up to 75 percent of said gross floor area.

- f. No home business shall be permitted that generates parking demand that cannot be accommodated on the lots consistent with the applicable maximum impervious surface coverage limits of MICC 19.02.060. Parking shall be provided to handle the expected parking demand. In the case of a day care or preschool, parking for residents and employees shall occur on site; resident and employee parking shall not occur on an adjacent street.
 - g. The business shall not provide healthcare services, personal services, automobile repairs; serve as a restaurant, commercial stable, kennel, or place of instruction licensed as a school under state law and which will operate with more than three students at a time; or serve as a bed and breakfast without a conditional use permit as set out in subsection (C)(7) of this section. Nothing contained in this subsection (A)(5)(g) shall be interpreted to prohibit a day care.
 - h. A day care shall be limited to 18 children maximum (not including dependents) at a time.
- 6. Public park subject to the following conditions:
 - a. Access to local and/or arterial thoroughfares shall be reasonably provided.
 - b. Outdoor lighting shall be located to minimize glare upon abutting property and streets.
 - c. Major structures, ballfields and sport courts shall be located at least 20 feet from any abutting property.
 - d. If a permit is required for a proposed improvement, a plot, landscape and building plan showing compliance with these conditions shall be filed with the city community planning and development department (CPD) for its approval.
- 7. Semi-private waterfront recreation areas for use by ten or fewer families, subject to the conditions set out in MICC 19.07.110.
- 8. ~~One or more~~ Accessory dwelling units (ADU) per single family dwelling subject to conditions set out in MICC 19.02.030.
- 9. Special needs group housing as provided in MICC 19.06.080.
- 10. Social service transitional housing, as provided in MICC 19.06.080.
- 11. A state-licensed day care or preschool as an accessory use, when situated at and subordinate to a legally established place of worship, public school, private school, or public facility, meeting the following requirements:
 - a. The number of children in attendance at any given time shall be no more than 20 percent of the legal occupancy capacity of the buildings on the site, in the aggregate.
 - b. Signage shall be consistent with the provisions of MICC 19.12.080(B)(3).
 - c. Off-street parking provided by the primary use shall be deemed sufficient for the accessory day care or preschool if at least one space per employee is provided, and either:

- i. One additional parking space is provided for every five children in attendance, or
 - ii. Adequate pick-up and drop-off space is provided as determined by the code official.
- 12. Places of worship may have a stage theater program as an accessory use. Stage theater programs are defined as productions of live presentations involving the performances of actors or actresses, singers, dancers, musical groups, or artists. Stage theater programs also include related classes and instructional workshops. Adequate parking must be provided, as determined by the code official.
- 13. Open space.
- 14. Middle Housing subject to MICC 19.02.025.
- B. *Additional use permitted in zones R-9.6, R-12, and R-15.* One accessory building for the housing of domestic animals and fowl, having a floor area not to exceed 36 square feet for each lot and located not less than 65 feet from any place of habitation other than the owners'; provided, the roaming area shall be fenced and located not less than 35 feet from any adjacent place of human habitation.
- C. *Conditional uses.* The following uses are permitted when authorized by the issuance of a conditional use permit when the applicable conditions set forth in this section and in MICC 19.15.040 have been met:
 - 1. Government services, public facilities, utilities, and museums and art exhibitions, subject to the following conditions:
 - a. All structures shall be located at least 20 feet from any abutting property;
 - b. Off-street parking shall be established and maintained at a minimum ratio of one parking space for each 200 square feet of gross floor area; and
 - c. Utilities shall be shielded from abutting properties and streets by a sight obscuring protective strip of trees or shrubs.
 - 2. Private schools accredited or approved by the state for compulsory school attendance, subject to conditions set out in subsection (A)(4) of this section.
 - 3. Places of worship subject to the following conditions:
 - a. All structures shall be located at least 35 feet from any abutting property.
 - b. Off-street parking shall be established and maintained at a ratio of one parking space for each five seats in the chapel, nave, sanctuary, or similar worship area.
 - 4. Noncommercial recreational areas, subject to the conditions contained in subsection (A)(6) of this section.
 - 5. Semi-private waterfront recreation areas for use by more than ten families, subject to conditions set out in MICC 19.07.110.
 - 6. Retirement homes located on property used primarily for a place of worship subject to the following conditions:

- a. Retirement home structures shall not occupy more than 20 percent of the lot; provided, the total lot coverage for the retirement home, the place of worship, and all other structures shall not exceed the lot coverage specified in MICC 19.02.060.
 - b. A plot, landscape and building plan shall be filed with the design commission for its approval, and the construction and maintenance of buildings and structures and the establishment and continuation of uses shall comply with the approved plot, landscape and building plan. Alterations to the project are permitted only upon approval by the design commission of a new or amended plan.
 - c. The number of dwelling units shall be determined by the planning commission upon examination of the following factors:
 - i. Demonstrated need;
 - ii. Location, size, shape and extent of existing development on the subject property;
 - iii. Nature of the surrounding neighborhood; and
 - iv. Legal assurances that the entire property remains contiguous, and that the retirement home is owned and controlled by the applicant religious organization.
 - d. The retirement home shall be located at least 35 feet from all abutting property.
 - e. Off-street parking shall be established and maintained at a ratio of one-half parking space for each dwelling unit.
7. The use of a single-family dwelling as a bed and breakfast subject to the following conditions:
- a. The bed and breakfast facility shall meet all applicable health, fire, and building codes.
 - b. Not more than four rooms shall be offered to the public for lodging.
 - c. There shall be no external modification of any structure that alters the residential nature of the premises.
 - d. The bed and breakfast shall be the primary residence of the operator.
 - e. In addition to the parking required set out in MICC 19.02.020(G), one off-street parking space, not located in the lot setbacks, shall be provided for each rental room.
 - f. Meals shall be made available only to guests, and not to the general public.
8. Nonschool uses of school buildings, subject to the following conditions:
- a. No use or proposed use shall be more intensive than the school activity it replaced. Consideration shall be given to quantifiable data, such as, but not limited to, traffic generation, parking demand, noise, hours of operation;

- b. All activities, with the exception of outdoor recreation shall be confined to the interior of the building(s);
 - c. Exterior modification of the building(s) shall not be permitted if such a modification would result in an increase in the usable area of the building(s);
 - d. Minor changes in the building exterior, landscaping, signs, and parking may be permitted subject to the review and approval of the design commission; and
 - e. Off-street parking for all activities at the site shall be provided in existing school parking lots.
 - f. *Termination.* Conditional use permits for nonschool uses shall terminate and the use of the site shall conform to the requirements of the zone in which the school building is located on the day of the termination under the following conditions:
 - i. The school building is demolished or sold by the Mercer Island school district.
 - ii. The city council revokes the permit on the recommendation of the planning commission. Revocation shall be based on a finding that the authorized use constitutes a nuisance or is harmful to the public welfare, or the applicant has failed to meet the conditions imposed by the city.
 - g. *Revision.* Any modification to a nonschool conditional use permit shall be approved by the planning commission; however, the code official may approve minor modifications that are consistent with the above stated conditions.
9. A state-licensed day care or preschool not meeting the requirements of subsection (A)(11) of this section, subject to the following conditions:
- a. Off-street parking and passenger loading shall be sufficient to meet the needs of the proposed day care or preschool without causing overflow impacts onto adjacent streets.
 - b. Signage shall be consistent with the provisions of MICC 19.12.080(B)(3).

Exhibit C

19.02.020 Development standards.

A. *Minimum net lot area.*

R-8.4:	The net lot area shall be at least 8,400 square feet. Lot width shall be at least 60 feet and lot depth shall be at least 80 feet.
R-9.6:	The net lot area shall be at least 9,600 square feet. Lot width shall be at least 75 feet and lot depth shall be at least 80 feet.
R-12:	The net lot area shall be at least 12,000 square feet. Lot width shall be at least 75 feet and lot depth shall be at least 80 feet.
R-15:	The net lot area shall be at least 15,000 square feet. Lot width shall be at least 90 feet and lot depth shall be at least 80 feet.

1. Minimum net lot area requirements do not apply to any lot that came into existence before September 28, 1960. In order to be used as a building site, lots that do not meet minimum net lot area requirements shall comply with MICC 19.01.050(G)(3).
2. In determining whether a lot complies with the minimum net lot area requirements, the following shall be excluded: the area between lateral lines of any such lot and any part of such lot which is part of a street.
3. Middle housing development is subject to lot size requirements defined in subsection A as well as Unit Density standards defined in MICC 19.02.025(E).

[...]

D. *Gross floor area.*

1. Except as provided in subsection (D)(3) of this section, the gross floor area shall not exceed:
 - a. R-8.4: 5,000 square feet or 40 percent of the lot area, whichever is less.
 - b. R-9.6: 8,000 square feet or 40 percent of the lot area, whichever is less.
 - c. R-12: 10,000 square feet or 40 percent of the lot area, whichever is less.
 - d. R-15: 12,000 square feet or 40 percent of the lot area, whichever is less.
2. *Gross floor area calculation.* The gross floor area is the sum of the floor area(s) bounded by the exterior faces of each building on a residential lot, provided:
 - a. The gross floor area shall be 150 percent of the floor area of that portion of a room(s) with a ceiling height of 12 feet to 16 feet, measured from the floor surface to the ceiling.
 - b. The gross floor area shall be 200 percent of the floor area of that portion of a room(s) with a ceiling height of more than 16 feet, measured from the floor surface to the ceiling.

- c. Staircases shall be counted as a single floor for the first two stories accessed by the staircase. For each additional story above two stories, the staircase shall count as a single floor area. For example, a staircase with a ten-foot by ten-foot dimension that accesses three stories shall be accounted as 200 square feet (100 square feet for the first two stories, and 100 square feet for the third story).
- d. For the purposes of calculating allowable gross floor area, lots created in a subdivision through MICC 19.08.030(G), Optional standards for development, may apply the square footage from the open space tract to the lot area not to exceed the minimum square footage of the zone in which the lot is located.

3. *Allowances.*

- a. The gross floor area for lots with an area of 7,500 square feet or less may be the lesser of 3,000 square feet or 45 percent of the lot area; or
- b. If an attached accessory dwelling unit is proposed, the 40 percent allowed gross floor area may be increased by the lesser of five percentage points or the actual floor area of the proposed accessory dwelling unit, provided:
 - i. The allowed gross floor area of accessory buildings that are not partially or entirely used for an accessory dwelling unit shall not be increased through the use of this provision;
 - ii. The lot will contain an attached accessory dwelling unit associated with the application for a new or remodeled single-family home;
 - iii. The total gross floor area shall not exceed 4,500 square feet or 45 percent of the lot area, whichever is less; and
 - iv. In exchange for the increase in gross floor area, one off street parking space shall be provided for the accessory dwelling unit in addition to any parking required under MICC 19.02.025(G) and/or MICC 19.02.030(B).

[...]

Exhibit D

19.02.025 Middle Housing

- A. Purpose. The purpose of this section is to permit middle housing types consistent with state law by providing land use, development, design, and other standards for middle housing developed on all lots zoned predominantly for residential use.
- B. Applicability: The provisions of this section shall apply to all lots in the R-8.4, R-9.6, R-12 and R-15 zones. The provisions of this section do not apply to portions of a lot, parcel, or tract designated with critical areas or their buffers as defined in Chapter 19.07 MICC.
- C. General Provisions.
1. Nothing in this section prohibits the city from requiring any development, including middle housing development, to provide affordable housing, either on-site or through an in-lieu payment, nor limit the city's ability to expand or modify the requirements of an existing affordable housing program enacted under RCW 36.70A.540.
 2. Nothing in this section requires the issuance of a building permit if other federal, state, and local requirements for a building permit are not met.
 3. Middle housing shall be subject to the same development regulations as detached single family homes for the purpose of review for consistency with this chapter, Title 15 MICC, Title 16 MICC, Title 17 MICC, Shoreline regulations in Chapter 19.13 MICC, Critical areas in Chapter 19.07 MICC, and permit review procedures in Chapter 19.15 MICC.
 4. Conflicts. In the event of a conflict between this section and other development regulations, the standards of this section control.
- D. Middle Housing Types. The following housing types are considered middle housing, subject to the unit densities listed in Section E:
1. Duplexes.
 2. Triplexes.
 3. Fourplexes.
 4. Townhouses.
 5. Stacked flats.
 6. Courtyard apartments.
- E. Unit Density.
1. The permitted unit density for all lots in the R-8.4, R-9.6, R-12, and R-15 zones is:
 - a. Two units per lot.

- b. Four units per lot on all lots within one-quarter mile walking distance of a major transit stop.
 - c. Four units per lot if at least one unit on the lot is affordable housing meeting the requirements of subsections (F)(1) through (F)(6) below.
 - d. Accessory dwelling units are considered units for the purposes of calculating unit density, subject to the provisions of MICC 19.02.030.B.2.
 - e. Single-family dwellings do not count as units for the purposes of this section.
- 2. The standards of subsection (E)(1) do not apply to lots after subdivision below 1,000 square feet.
 - 3. The lot lines applicable to a parent lot shall be used to determine dimensional standards that relate to lot dimensions, including but not limited to minimum lot size, setbacks, maximum gross floor area, maximum hardscape area and maximum lot coverage. These dimensional standards shall not be measured off individual unit lots.

F. *Affordability.*

- 1. To qualify for additional units under the affordable housing provisions of Section (D)(1)(c), an applicant shall commit to renting or selling the required number of units as affordable housing and meeting the standards of subsections (4) through (8) below.
- 2. Dwelling units that qualify as affordable housing shall have costs, including utilities other than telephone, that do not exceed 30 percent of the monthly income of a household whose income does not exceed the following percentages of median household income adjusted for household size, for the county where the household is located, as reported by the United States Department of Housing and Urban Development:
 - a. Rental housing: 60 percent of Area Median Income.
 - b. Owner-occupied housing: 80 percent of Area Median Income.
- 3. Agreement. Prior to issuance of a building permit, an agreement in form and substance acceptable to the city attorney shall be executed providing price restrictions, homebuyer or tenant qualifications and long-term affordability. The agreement shall be recorded with King County department of records and elections and shall constitute a covenant running with the land. Affordable housing units shall remain as affordable housing for a minimum of 50 years from the date of initial owner occupancy for owner affordable units and for the life of the project for rental affordable housing units.
 - a. The agreement shall provide the city sole discretion to establish monitoring fees for the affordable units, which fees may be adjusted over time to account for inflation. The purpose of any monitoring fee is for the review and processing of documents to maintain compliance with income and affordability restrictions of the affordability agreement.

- b. The city may agree, at its sole discretion, to subordinate any affordable housing regulatory agreement for affordable ownership units for the purpose of enabling the owner to obtain financing for development of the property.
- 4. The covenant or deed restriction shall address criteria and policies to maintain public benefit if the property is converted to a use other than that which continues to provide for permanently affordable housing.
- 5. The units dedicated as affordable housing shall:
 - a. Be provided in a range of sizes comparable to other units in the development.
 - b. The number of bedrooms in affordable units shall be in the same proportion as the number of bedrooms in units within the entire development.
 - c. Generally, be distributed throughout the development and have substantially the same functionality as the other units in the development.

G. Parking Standards.

- 1. Off-street parking for middle housing shall be subject to the following:
 - a. No off-street parking shall be required within one-half mile walking distance of a major transit stop.
 - b. One off-street parking space per unit shall be required on lots of 6,000 square feet or smaller, before any zero lot line subdivisions or lot splits.
 - c. Two off-street parking spaces per unit shall be required on lots greater than 6,000 square feet before any zero lot line subdivisions or lot splits.

Exhibit E

19.02.030 Accessory dwelling units.

- A. *Purpose.* It is the purpose of this legislation to implement the policy provisions of the housing element of the city's comprehensive plan by eliminating barriers to accessory dwelling units in single-family residential neighborhoods and provide for affordable housing. Also, to provide homeowners with a means of obtaining rental income, companionship, security and services through tenants in either the accessory dwelling unit or principal unit of the single-family dwelling.
- B. *Requirements for accessory dwelling units.* ~~One~~ Accessory dwelling units are is permitted as subordinate to an ~~existing~~ single-family or middle housing dwelling; provided, the following requirements are met:
1. ~~*Owner occupancy.* Either the principal dwelling unit or the accessory dwelling unit must be occupied by an owner of the property or spouse, domestic partner, parent, stepparent, grandparent, sibling, child, stepchild, niece, nephew, cousin, aunt, or uncle of the property owner. Owner occupancy is defined as a property owner, as reflected in title records, who makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means, and actually resides at the site more than six months out of any given year. The minimum lot size for the principal unit under MICC 19.02.020 (A) is satisfied.~~
 2. ~~*Reserved-Number of Units.* Up to two attached or detached accessory dwelling units are permitted per lot pursuant to subsection 6 below.~~
 3. ~~*Subdivision.* Accessory dwelling units shall not be subdivided or otherwise segregated in ownership from the principal dwelling unit. Reserved.~~
 4. *Size and scale.* The square footage of the accessory dwelling unit shall be a minimum of 220 square feet and a maximum of 1,000 ~~900~~ square feet, excluding any garage area; ~~provided, the square footage of the accessory dwelling unit shall not exceed 80 percent of the total square footage of the primary dwelling unit, excluding the garage area, as it exists or as it may be modified.~~
 5. *Development Standards.* Except as noted in this section, development standards applicable to ADUs are the same as those required for principal unit as defined in MICC 19.02.020.
 6. Detached accessory dwelling units may be sited at a lot line if the lot line abuts a public alley.
 7. *Location.* An ~~The a~~ Accessory dwelling units may be added to or included within the principal unit, or located in a detached structure.
 8. ~~*Entrances.* Any The single family dwelling containing an the accessory dwelling unit shall have only one entrance on each front or street side of the residence except where more than one entrance existed on or before January 17, 1995.~~

8. *Additions.* Additions to an existing structure or newly constructed detached structures created for the purpose of developing an accessory dwelling unit shall be designed consistent with the existing roof pitch, siding, and windows of the principal dwelling unit.

~~10. *Detached structures.* Accessory dwelling units shall be permitted in a detached structure.~~

9. *Parking.* All single-family dwellings with an accessory dwelling unit shall meet the parking requirements pursuant to MICC 19.02.020(G) applicable to the dwelling if it did not have such an accessory dwelling unit, except as provided below:

- a. Accessory dwelling units within one-half mile walking distance of a major transit stop are not required to provide additional parking.
- b. One off-street parking space is required per unit with development of accessory dwelling units on lots of 6,000 square feet or smaller before any zero lot line subdivisions or lot splits.
- c. Two off-street parking spaces are required per unit with development of accessory dwelling units on lots greater than 6,000 square feet before any zero lot line subdivisions or lot splits.

10. *Conversion of existing structures.* Existing structures, including legally nonconforming structures, may be converted into accessory dwelling units.

- C. *Exceptions—Ceiling height.* All existing accessory dwelling units that are located within a single-family dwelling, which was legally constructed but does not now comply with current ceiling height requirements of the construction codes set forth in MICC title 17, shall be allowed to continue in their present form.

- ~~D. *Notice on title.* Approval of the accessory dwelling unit shall be subject to the applicant recording a document with the King County department of records and elections which runs with the land and identifies the address of the property, states that the owner(s) resides in either the principal dwelling unit or the accessory dwelling unit, includes a statement that the owner(s) will notify any prospective purchasers of the limitations of this section, and provides for the removal of the accessory dwelling unit if any of the requirements of this chapter are violated.~~

- ~~E. *D. Elimination/expiration.* Elimination of an accessory dwelling unit may be accomplished by the owner recording a certificate with the King County department of records and elections and development services stating that the accessory dwelling unit no longer exists on the property.~~

- ~~F. *D. Frontage Improvements.* Public street improvements are not required as a condition of permitting accessory dwelling units.~~

- ~~G. *E. Sale of accessory dwelling units.* Accessory dwelling units located on a unit lot may be sold individually from the principal unit. Condominium units originally constructed as accessory dwelling units may be sold or otherwise conveyed individually from the principal unit.~~

Exhibit F

MICC 19.16.010 Definitions.

[...]

Accessory dwelling unit (ADU): A habitable dwelling unit added to, created within, or detached from a primary single-family or middle housing dwelling that provides basic requirements for living, sleeping, eating, cooking and sanitation.

[...]

Courtyard apartments: Up to four attached dwelling units arranged on two or three sides of a yard or court.

[...]

Duplex: A residential building with two attached dwelling units.

Dwelling:

1. *Dwelling unit:* A building or a contiguous portion of a building providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation (see also "Accessory dwelling unit (ADU)").
2. *Multiple-family dwelling:* A building, other than a single-family dwelling with an accessory dwelling unit(s) or a middle housing unit(s) as defined in MICC 19.02.025(D), containing two or more dwelling units.
3. *Single-family dwelling:* A building designed and/or used to house not more than one family, plus any live-in household employees of such family.
4. *Single-family dwelling—Detached:* A single-family dwelling that is not attached to any other structure by any means and is surrounded by open space or yards.
5. *Single-family dwelling—Semi-detached:* A single-family dwelling that is attached to another dwelling unit by a common vertical wall, with each dwelling unit located on a separate lot.

[...]

Fourplex: A residential building with four attached dwelling units.

[...]

Lot: A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law to be used, developed or built upon as a unit.

1. *Corner lot:* A lot located at the junction of and abutting two or more intersecting streets.
2. *Upland lot:* A lot having no frontage on Lake Washington.
3. *Waterfront lot:* A lot having frontage on Lake Washington.

4. Parent lot: The initial lot from which unit lots are subdivided pursuant to MICC 19.08.080.

5. Unit lot: A lot created by the subdivision of a parent lot pursuant to MICC 19.08.080.

[...]

Major transit stop: A stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW, commuter rail stops, stops on rail or fixed guideway systems, and stops on bus rapid transit routes.

[...]

Regulated improvements: Any development of any property within the city, except:

1. Property owned or controlled by the city; or
2. Single-family dwellings, middle housing dwellings, accessory dwelling units and the buildings, structures and uses accessory thereto;
3. Wireless communications structures, including associated support structures and equipment cabinets; or
4. Small wireless facilities or small wireless facility networks.

[...]

Stacked flat: Dwelling units in a residential building of no more than three stories on a residential zoned lot in which each floor may be separately rented or owned.

[...]

Triplex: A residential building with three attached dwelling units.

[...]

Unit density: The number of dwelling units allowed on a lot, regardless of lot size.

[...]