

MEMO

To: Planning Commission

Fr: Liz Cabrera

RE: Clarification of Planning Commission Amendments to Development Code

2.3.120 Home Occupation (see attached)

Home occupation standards were amended by the Planning Commission to specifically prohibit “Automotive, Boat Services, Major”.

Without a definition, this provision is unenforceable. The borough attorney recommends deleting the word “Major” from the code language if a definition is not added. From a code enforcement perspective, this provision will be difficult to enforce even with a definition.

2.3.240 Accessory Structures (see attached)

The commission amended the code to limit the size of accessory structures to the following:

1. Size. Accessory structures in residential zones are limited to a cumulative size of:

- a. 20% of total lot area on lots up to 15,000 sq. ft.
- b. 15% of total lot area on lots 15,001 to 40,000 sq. ft. and
- c. 35% total coverage area total on lots over 40,000 sq. ft.

When you do the math, the 15% for lots in b. results in a smaller allowed accessory structure than in a.

- For lots up to 15,000 sf, the maximum size of accessory structures is 3,000 sf.
- For lots 15,001 sf to 19,999 sf., the maximum size of accessory structures is less than 3,000 sf (2,250 sf to 2,999 sf).

2.3 – Special Use Standards

2.3.120 Home Occupations

A. Purpose. The following provisions provide recognition of the needs or desires of many people to engage in small scale business ventures at home. It is also recognized that such uses, if not carefully regulated, may be incompatible with the purposes of Residential districts. It is the intent of this Section that these uses be allowed so long as they are not in violation of the terms of this Section and do not alter the residential character of the neighborhood, infringe upon the right of neighboring residents to the peaceful enjoyment of their neighborhood homes, or otherwise be detrimental to the community at large.

B. Applicability and Prohibitions. The provisions of this Section apply to all home occupations as defined in Chapter 5 of this Code, except for the following situations:

1. Garage, Yard, or Estate sales from the site that occur for no more than three (3) consecutive days on not more than two (2) occasions during a calendar year.
2. Food Production, see Section 2.3.250
3. Bed and Breakfast Inns, see Section 2.3.180
4. Child Care Homes, Child Care Group Homes, and Child Care Centers, see Section 2.3.100

Prohibited home occupation uses are:

- a. Any use not conducted within a wholly enclosed building.
- b. Automotive, boat services, Major[SH1].
- c. Junk and Salvage Operations.
- d. Storage or sale of fireworks.
- e. Any use that consists of the manufacturing, processing, generation, or storage of materials that constitute a fire, explosion, or health hazard, as defined by the Building Code, Fire Code, or both, in excess of what would normally be found at a residential location.

C. Application. Home Occupations require an approved application. There are two (2) Home Occupation applications which are as follows: Home Occupation One and Home Occupation Two.

I. Home Occupation One.

- a. Threshold. An application for Home Occupation One is required when no outside customers or employees visit the premises.
- b. Procedure Type. Review of a Home Occupation One application shall be conducted using a Type I procedure, pursuant to Section 4.1.020.
- c. Approval Criteria. In order to approve a Home Occupation One application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
 - I. The proposal satisfies the threshold requirements for a Home Occupation One application.
 - II. There are no outside volunteers or employees who do not reside on the premises.

2.3 – Special Use Standards

2.3.240 Accessory Structures in Residential Districts

- A. Purpose.** This Section provides standards for Accessory Structures in Residential Districts.
- B. Applicability.** Accessory structures, not including Accessory Dwelling Units, such as garages, workshops, warehouses, greenhouses, and net houses, in a residential district are considered an accessory use and are allowed once the primary use, a residential dwelling, is established.
- C. Standards.** Accessory structures, where allowed, shall conform to all of the following standards:
- 1. Accessory Structure and Use.** The accessory structure and use must be accessory to an established residential use.
 - 2. Size.** Accessory structures in residential zones are limited to a cumulative size of:
 - a. 20% of total lot area on lots up to 15,000 sq. ft.;
 - b. 15^[SH2]% of total lot area on lots 15,001 to 40,000 sq. ft.; and
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Seattle Fine-Tunes Backyard Cottages

SINCE ITS CREATION IN 1962, the Seattle Planning Commission has understood the importance of housing choice and affordability in a growing city. Moreover, the commission has always championed a variety of housing tools rather than relying on a single action to solve the housing problem.

One of those tools is the accessory dwelling unit, more commonly known as a granny flat (when it is part of a larger structure) or a backyard cottage (when it is a detached unit).

Looking back

Until the 1950s, ADUs were commonplace in Seattle. Both types were permitted under local laws. Over time, however, this type of informal housing fell out of favor and was no longer permitted in low-density, single-family residential zones. In 1993, in response to widespread concern about the cost and availability of housing, the Washington state legislature began to require local jurisdictions to adopt legislation allowing ADUs. Since 1994, the city of Seattle has allowed ADUs in single-family zones so long as they are inside of or attached to the main house.

In 1998, the city council established a demonstration program for innovative housing design. Working with the local chapter of the American Institute of Architects, the city sponsored a design competition for innovative, “neighborhood appropriate” housing. The aim of the program was to increase the city’s inventory of high-quality affordable housing.

The demonstration program allowed for certain of the city’s existing land-use code requirements to be modified to accommodate up to 10 backyard cottages. In 2006, a pilot program began in southeast Seattle. During this time, planning department staff met with community organizations and neighbors, and in 2010 the pilot program was expanded citywide. The planning commission worked with the planning department to issue a “Guide to Building a Backyard Cottage.” In it, the commission urged recognition of ADUs as an important tool for providing affordable housing options.

In September 2014, the city council directed the planning department to explore



The Stevenson Cottage in Seattle’s West Woodland benefits from the local planning commission’s support of ADUs.

policy changes that would increase the number of attached and detached ADUs. The department considered regulatory changes, incentives, and marketing programs. A year later, the Mayor’s Housing Affordability and Livability Advisory Committee released its final recommendations. The list included a recommendation to remove code barriers that made it difficult to build ADUs.

By late 2015, fewer than 200 backyard cottages had been built in the city; fewer than one quarter of one percent of single-family lots had one. In response, the planning department began exploring policy changes. An environmental impact statement released in June of this year concluded that many of the feared impacts of the ADUs—including the loss of on-street parking and a rise in speculative development—were unfounded.

Looking forward

The Seattle Planning Commission has remained steadfast in its support of ADUs. In June, the commission issued a letter supporting a number of the changes to current regulations that were studied in the environmental review. Among them:

- Allowing more than one ADU per lot
- Removing the off-street parking requirement
- Removing the owner-occupancy requirement for the principal structure
- Reducing the current requirement of a 4,000-square-foot minimum lot size
- Increasing maximum allowable floor area
- Increasing the height limit for backyard cottages on certain lots
- Increasing the rear-yard coverage limit for single-story cottages
- Encouraging flexibility regarding housing size on a single lot
- Applying floor-area limits to new development in single-family zones as a means of discouraging speculative development and the destruction of current housing stock
- Reducing predevelopment costs to encourage ADU production, especially for lower-income home owners

As Seattle continues to grow at an unprecedented rate, it is imperative that the city provide additional housing choices—from the highest density to the lowest. Doing so will help existing residents to remain in their neighborhoods while inviting newcomers to join them. ■

—Vanessa Murdock and Marj Press

Murdock is the executive director of the Seattle Planning Commission. Press is a member of the commission and of the APA Board of Directors.