



Planning & Community Development.

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ADMINISTRATIVE ORDER #000124 112514
CODE INTERPRETATION

CODE SECTION: SMC 20.70.320.C.4 - Frontage Improvements

I. ISSUE: Frontage improvements are required for development consisting of more than one dwelling unit on a single parcel. Accessory Dwelling Units (ADU) are dwelling units that are accessory to a single family house. A code interpretation is needed to distinguish whether ADUs should be exempt from the requirement for frontage improvements.

II. FINDINGS:

Shoreline Municipal Code (SMC) (note that emphases are added in the following citations)

20.70.320.C.4 - Frontage improvements.

C. Frontage improvements are required:

1. When building construction valuation for a permit exceeds 50 percent of the current County assessed or an appraised valuation of all existing structure(s) on the parcel. This shall include all structures on other parcels if the building under permit review extends into other parcels; or
2. When aggregate building construction valuations for issued permits, within any five-year period after March 30, 2013, exceed 50 percent of the County assessed or an appraised value of the existing structure(s) at the time of the first issued permit.
3. For subdivisions; or
4. For development consisting of more than one dwelling unit on a single parcel.

D. Exemptions to frontage improvements are limited to:

1. Subdivision, short plats, and binding site plans where all of the lots are fully developed.
2. Instances where the street will be improved as a whole through a capital improvement project or local improvement district within five years of permit issuance. In such cases, a contribution may be made and calculated based on the improvements that would be required of the development. Contributed funds shall be directed to the City's capital project fund and shall be used for the capital project and offset future assessments on the property resulting from an LID. An LID "no-protest" commitment shall also be recorded. Adequate interim levels of improvements for public safety shall be required.

E. All improvements required under this chapter shall be designed and constructed in accordance with the Engineering Development Manual. Deviation from the Engineering Development Manual may be considered through a deviation process as set forth in SMC 20.30.290.

F. Required improvements shall be installed by the applicant prior to final approval or occupancy.

G. Subdivisions improvements shall be completed prior to the final plat approval. A bond or other surety may be allowed as provided for in SMC 20.30.440 in lieu of completion of all improvements. (Ord. 654 § 1 (Exh. 1), 2013; Ord. 631 § 1 (Exh. 1), 2012; Ord. 615 § 4, 2011; Ord. 591 § 2 (Exh. B), 2010).

20.20.016 Dwelling, Single Family Detached A house containing one dwelling unit that is not attached to any other dwelling, except approved accessory dwelling unit.

20.40.030. Residential zones.

A. The purpose of low density residential, R-4 and R-6 zones, is to provide for a mix of predominantly single detached dwelling units and other development types, such as accessory dwelling units and community facilities that are compatible with existing development and neighborhood character.

20.40.210 Accessory dwelling units

A. Only one accessory dwelling unit per lot, not subject to base density calculations.

B. Accessory dwelling unit may be located in the principal residence, or in a detached structure.

C. Either the primary residence or the accessory dwelling unit shall be occupied by an owner of the property or an immediate family member of the property owner. Immediate family includes parents, grandparents, brothers and sisters, children, and grandchildren.

Accessory dwelling unit shall be converted to another permitted use or shall be removed, if one of the dwelling units ceases to be occupied by the owner as specified above.

D. Accessory dwelling unit shall not be larger than 50 percent of the living area of the primary residence.

Exception to SMC 20.40.210(D): An accessory dwelling unit interior to the residence may be larger than 50 percent of the primary residence where the unit is located on a separate floor and shares a common roof with the primary residence.

E. One additional off-street parking space shall be provided for the accessory dwelling unit.

F. Accessory dwelling unit shall not be subdivided or otherwise segregated in ownership from the primary residence.

G. Accessory dwelling unit shall comply with all applicable codes and standards.

H. Approval of the accessory dwelling unit shall be subject to the applicant recording a document with the King County Department of Records and Elections prior to approval 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 Code, and provides for the removal of the accessory dwelling unit if any of the requirements of this Code are violated. (Ord. 631 § 1 (Exh. 1), 2012; Ord. 581 § 1 (Exh. 1), 2010; Ord. 238 Ch. IV § 3(B), 2000).

Shoreline Comprehensive Plan

Policy H1: Encourage a variety of residential design alternatives that increase housing choices.

Policy H4: Consider housing cost and supply implications of proposed regulations and procedures.

III. CONCLUSIONS

Under the definition for Dwelling Unit, Single Family Detached, ADUs are exempted from the definition. This clearly distinguishes ADUs as accessory to single-family use; however, this distinction was not continued throughout the Development Code.

The purpose for residential zones is to allow a mix of predominantly single detached dwelling units and other development types, such as accessory dwelling units and community facilities. This implies that ADUs are a part of single family development, much like an accessory garage.

The ADU indexed requirements do not require additional lot area, allow the ADU within the existing house structure, require one instead of two parking spaces, and limit the size of the ADU to 50% of that of the primary residence.

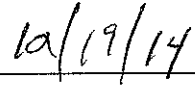
The intent of ADUs is to allow more flexible reconfigurations of a residence, to allow residents to provide needed additional housing and afford to remain in their homes, with conditions that reduce the impact of the ADU on the surrounding neighborhood. This is supported by Policy H4, which encourages this flexibility in part because of the cost and supply of housing.

IV. DECISION:

The interpretation of SMC 20.70.320.C.4 shall not include ADUs as additional dwelling units for the purpose of requiring frontage improvements, because other areas of the Development Code that address ADUs do not consider them a traditional dwelling unit with typical requirements and impacts that might warrant full frontage improvements.



Director's Signature



Date