

SEATTLE CITY NOTICES

City of Seattle

ORDINANCE 123495

AN ORDINANCE related to land use and zoning, amending various chapters of Title 23 of the Seattle Municipal Code (SMC); adding new sections to Chapter 23.45 and recodifying other sections in that chapter; repealing Sections 23.34.016, 23.34.022, 23.45.002, 23.45.004, 23.45.006, 23.45.009, 23.45.010, 23.45.011, 23.45.012, 23.45.014, 23.45.015, 23.45.016, 23.45.017, 23.45.018, 23.45.064, 23.45.066, 23.47A.029, 23.48.031, 23.86.020, and all the exhibits in these Sections; adding Section 23.54.040; amending provisions in SMC Title 25 regarding environmental policies, critical areas, and tree protection; establishing new classifications and standards for lowrise multifamily development; revising lowrise zoning designations and locational criteria for multifamily zones; amending the Official Land Use Map to rezone all property currently in a Lowrise or Lowrise Duplex/Triplex zone to one of three new Lowrise zones; providing for the effect of expiration of any prior decision rezoning property from a Lowrise zone; providing for the extension of contract rezone conditions for property previously zoned to a Lowrise zone; eliminating multifamily parking requirements in urban villages with frequent transit service; changing the mechanism for permitting parking off-site; changing methods for measuring structure height in most zones; establishing standards for solid waste storage areas in most zones; and establishing a new streamlined design review process, all in order to allow a greater variety of housing types in Lowrise multifamily zones, to improve development regulations in multifamily and other zones, to encourage design excellence, to implement Comprehensive Plan policies, and to protect and promote the health, safety, and welfare of the general public.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1.

A. The Official Land Use Map, Chapter 23.32 of the Seattle Municipal Code, is amended as follows:

- All areas designated on Attachment B as Lowrise Duplex/Triplex (LDT) are rezoned to Lowrise 1 (LR1).
- All areas designated on Attachment B as Lowrise 1 (L1) that are located outside of urban centers, urban villages, and station area overlay districts are rezoned to LR1.
- All areas designated on Attachment B as Lowrise 1 (L1) that are located within urban centers, urban villages, and station area overlay districts are rezoned to Lowrise 2 (LR2).
- All areas designated on Attachment B as Lowrise 2 (L2) are rezoned to LR2.
- All areas designated on Attachment B as Lowrise 3 (L3) and Lowrise 4 (L4) are rezoned to Lowrise 3 (LR3).

B. Attachment B to this ordinance, which is incorporated by this reference, shows the areas being rezoned as described in this Section.

C. Except for the LDT, L1, L2, L3 and L4 classifications, all other designations and classifications of the property rezoned by this Section remain in effect.

D. This ordinance is not intended to release or modify either the terms of any agreement previously made in connection with the rezoning of any property, or any conditions or restrictions included in any rezone decision or ordinance, except as expressly provided in subsection E of this Section. As to each lot being rezoned in this ordinance from a zoning designation previously established by a map amendment conditioned upon a recorded agreement, all conditions and restrictions stated in the applicable prior rezone decision, ordinance or agreement, whether or not referring to a specific zoning designation or rezone action, continue as conditions and restrictions under the zoning designation established by this ordinance. Such rezones include, but are not limited to, those authorized by the following ordinances: Ordinance 122206 (Clerk File (CF) 307285); Ordinance 111985 (CF 292534); Ordinance 98717 (CF 293916); Ordinance 121960 (CF 306618); Ordinance 120561; Ordinance 111705 (CF 291852); Ordinance 111222 (CF 292030); Ordinances 113699, 113704, 113706 and 113707 (CF 294977); Ordinance 116912 (CF 298562); Ordinance 121795 (306768); Ordinance 121323 (CF 305399); Ordinance 121164 and 121404 (CF 305400); Ordinance 122098 (CF 307452); Ordinance 122304 (CF 307580); Ordinance 115664 (CF 298162); Ordinance 116501 (CF) 298303; Ordinance 117580 (CF 299930); Ordinance 118518 (CF 301537); Ordinance 122184 (CF 307757); Ordinance 115760 (CF 298192); Ordinance 117214 (CF 299299); and Ordinance 122185 (CF 307093). The City Council finds that the restrictions in each such agreement are necessary in order to ameliorate adverse impacts that could occur from unrestricted use and development permitted by development regulations otherwise applicable after the rezones effected by this ordinance.

E. Any property previously rezoned from LDT, L1, L2, L3, or L4 pursuant to an ordinance under which the rezone could expire or the zoning could otherwise revert to the previous designation under specified conditions shall, upon any expiration or other event by which the zoning would revert to such classification but for the effect of this ordinance, automatically become rezoned to the LR1, LR2 or LR3 classification that would have applied under subsection A of this Section if the property had been shown on Attachment B as having that prior zoning classification.

Section 2. Subsections A and B of Section 23.22.062 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, are amended as follows:

23.22.062 Unit lot subdivisions

A. The provisions of this ((section)) Section 23.22.062 apply exclusively to the unit subdivision of land for townhouse((s)), rowhouse, and cottage housing developments, ((and cluster development for housing)), as permitted in Single-Family, Residential Small Lot and Lowrise zones, and for single-family dwelling units in Lowrise zones, or any combination of the above types of residential development, as permitted in the applicable zones.

B. Except for any site for which a permit has been issued pursuant to Sections 23.44.041 or 23.45.545 for a detached accessory dwelling unit, ((sites)) lots developed or proposed to be developed with ((dwelling-units-listed)) uses described in subsection 23.22.062.A above may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private((s)) usable open space or private amenity area for each dwelling unit shall be provided on the same unit lot as the dwelling unit it serves.

Section 3. Subsections A and B of Section 23.24.045 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, are amended as follows:

23.24.045 Unit lot subdivisions((s))

A. The provisions of this ((section))Section 23.24.045 apply exclusively to the unit subdivision of land for townhouse((s)), rowhouse, and cottage housing developments((and cluster development for housing)), as permitted in Single-Family, Residential Small Lot and Lowrise zones, and for single-family dwelling units in Lowrise zones, or any combination of the

above types of residential development, as permitted in the applicable zones.

B. Except for any ((site)) lot for which a permit has been issued pursuant to Sections 23.44.041 or 23.45.545 for a detached accessory dwelling unit, ((sites)) lots developed or proposed to be developed with ((dwelling-units-listed))uses described in subsection 23.24.045.A above may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private, usable open space or private amenity area for each dwelling unit shall be provided on the same unit lot as the dwelling unit it serves.

Section 4. Subsection A of Section 23.30.010 of the Seattle Municipal Code, which section was last amended by Ordinance 122311, is amended as follows:

23.30.010 Classifications for the purpose of this subtitle((s))

All land within the City shall be classified as being within one ((+))land use))zoning designation.

A. General ((Z))zoning ((D))designations. The zoning classification of land shall include one of the designations in this subsection 23.30.010.A. Only in the case of land designated "RC" the classification shall include both "RC" and one additional multifamily zone designation in this subsection 23.30.010.A((which shall be a designation for a multifamily zone)).

Zones	Abbreviated
Residential, Single-family 9,600	SF 9600
Residential, Single-family 7,200	SF 7200
Residential, Single-family 5,000	SF 5000
Residential Small Lot	RSL
((Residential, Multifamily, Lowrise Duplex/Triplex))	((LDT))
Residential, Multifamily, Lowrise 1	LR1
Residential, Multifamily, Lowrise 2	LR2
Residential, Multifamily, Lowrise 3	LR3
((Residential, Multifamily, Lowrise 4))	((L4))

Residential, Multifamily, Midrise	MR
Residential, Multifamily, Highrise	HR
Residential-Commercial	RC
Neighborhood Commercial 1	NC1
Neighborhood Commercial 2	NC2
Neighborhood Commercial 3	NC3
Seattle Mixed	SM
Commercial 1	C1
Commercial 2	C2
Downtown Office Core 1	DOC1
Downtown Office Core 2	DOC2
Downtown Retail Core	DRC
Downtown Mixed Commercial	DMC
Downtown Mixed Residential	DMR
Pioneer Square Mixed	PSM
International District Mixed	IDM
International District Residential	IDR
Downtown Harborfront 1	DH1
Downtown Harborfront 2	DH2
Pike Market Mixed	PMM
General Industrial 1	IG1
General Industrial 2	IG2
Industrial Buffer	IB
Industrial Commercial	IC

Section 5. Subsection B of Section 23.34.010, which section was last amended by Ordinance 123046, is amended as follows:

Section 23.34.010 Designation of single-family zones

B. Areas zoned single-family or RSL that meet the criteria for single-family zoning contained in subsection B of Section 23.34.011 and that are located within the adopted boundaries of an urban village may be rezoned to zones more intense than Single-family 5000 ((when)) if all of the following conditions are met:

- A neighborhood plan has designated the area as appropriate for the zone designation, including specification of the RSL/T, RSL/C, or RSL/TC suffix, ((when)) if applicable;
- The rezone is:
 - To a Residential Small Lot (RSL), Residential Small Lot-Tandem (RSL/T), Residential Small Lot-Cottage (RSL/C), Residential Small Lot-Tandem/Cottage (RSL/TC), ((Lowrise Duplex/Triplex (LDT))) Lowrise 1 (LR1), Lowrise 1/Residential-Commercial (LR1/RC), or
 - Within the areas identified on Map P-1 of the adopted North Beacon Hill Neighborhood Plan, and the rezone is to any Lowrise zone, or to an NC1 zone or NC2 zone with a 30 foot or 40 foot height limit, or
 - Within the residential urban village west of Martin Luther King Junior Way South in the adopted Rainier Beach Neighborhood Plan, and the rezone is to a Lowrise Duplex/Triplex (LDT); Lowrise 1 (LR1) or Lowrise 2 (LR2) zone.

Section 6. Section 23.34.013 of the Seattle Municipal Code, which section was last amended by Ordinance 117430, is amended as follows:

23.34.013 Designation of multifamily zones((s))

An area zoned single-family that meets the criteria of Section 23.34.011 for single-family designation((s)) may not be rezoned to multifamily except as otherwise provided in Section 23.34.010((s)),B.

Section 7. Section 23.34.014 of the Seattle Municipal Code, which section was last amended by Ordinance 117430, is amended as follows:

23.34.014 Lowrise ((Duplex/Triplex (LDT))) 1 (LR1) zone, function and locational criteria((s))

A. Function. ((An area that provides opportunities for limited infill housing development, both through new construction and the conversion of existing single-family structures to duplexes and triplexes, where, in order to preserve the character of the neighborhood, the recycling of existing structures to a slightly higher density and small-scale infill development is preferable to single-family zoning or to the development of townhouses or higher-density apartments)) The function of the LR1 zone is to provide opportunities for low-density multifamily housing, primarily rowhouse and townhouse developments, through infill development that is compatible with single-family dwelling units, or through the conversion of existing single-family dwelling units to duplexes or triplexes.

((B. Locational Criteria. The Lowrise Duplex/Triplex zone designation is most appropriate in areas generally characterized by the following:

1. Development Characteristics of the Area:

- Areas where structures of small bulk and low heights, generally less than thirty (30) feet, establish the pattern of development; and
- Areas with a mix of single-family structures, small multifamily structures, and single-family structures legally converted into multiple units where, because of the type and quality of the existing housing stock, it is desirable to limit new development opportunities to infill projects and conversions that preserve the existing character.

2. Relationship to the Surrounding Area:

- Areas that do not meet single-family criteria, but are otherwise similar in character and adjoin areas zoned single-family or Lowrise 1 without necessarily the presence of a significant topographical break or open space to provide a transition to increased density;
- Areas where narrow streets, on-street parking congestion, local traffic congestion, lack of alleys, or irregular street patterns restrict local access and circulation;
- Areas close to existing or projected facilities and services used by households with children, including schools, parks and community centers.))

B. Locational Criteria. The LR1 zone is most appropriate in areas generally characterized by the following conditions:

- The area is similar in character to single-family zones;
- The area is either:

a. located outside of an urban center, urban village, or Station Area

Overlay District;

b. a limited area within an urban center, urban village, or Station Area

Overlay District that would provide opportunities for a diversity of housing types within these denser environments; or

c. located on a collector or minor arterial;

3. The area is characterized by a mix of single-family dwelling units, multifamily structures that are similar in scale to single-family dwelling units, such as rowhouse and townhouse developments, and single-family dwelling units that have been converted to multifamily residential use or are well-suited to conversion;

4. The area is characterized by local access and circulation that can accommodate low density multifamily development oriented to the ground level and the street, and/or by narrow roadways, lack of alleys, and/or irregular street patterns that make local access and circulation less suitable for higher density multifamily development;

5. The area would provide a gradual transition between single-family zoned areas and multifamily or neighborhood commercial zoned areas; and

6. The area is supported by existing or projected facilities and services used by residents, including retail sales and services, parks, and community centers.

((C. Areas zoned single-family meeting the locational criteria for a single-family designation may be rezoned to LDT only when the provisions of Section 23.34.010((s)),B are met.))

Section 8. Section 23.34.016 of the Seattle Municipal Code, relating to the function and locational criteria for Lowrise 1 zones, which section was last amended by Ordinance 119242, and as shown in Attachment A to this ordinance, is repealed.

Section 9. Section 23.34.018 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, is amended as follows:

23.34.018 Lowrise 2 (LR2) zone, function and locational criteria((s))

A. Function. ((The intent of the Lowrise 2 zone is to encourage a variety of multifamily housing types with less emphasis than the Lowrise 1 zone on ground-related units, while remaining at a scale compatible with single-family structures.)) The dual functions of the LR2 zone are to:

- Provide opportunities for a variety of multifamily housing types in existing multifamily neighborhoods and along arterials that have a mix of small scale residential structures; and
- Accommodate redevelopment in areas within urban centers, urban villages, and Station Area Overlay Districts in order to establish multifamily neighborhoods of low scale and density.

((B. Locational Criteria. Lowrise 2 zone designation is most appropriate in areas generally characterized by the following:

1. Development Characteristics of the Areas:

- Areas that feature a mix of single-family structures and small to medium multifamily structures generally occupying one or two lots, with heights generally less than 30 feet;
- Areas suitable for multifamily development if topographic conditions and the presence of views make it desirable to limit height and building bulk to retain views from within the zone;
- Areas occupied by a substantial amount of multifamily development if factors such as narrow streets, on-street parking congestion, local traffic congestion, lack of alleys and irregular street patterns restrict local access and circulation and make an intermediate intensity of development desirable.

2. Relationship to the Surrounding Areas:

- Properties that are well-suited to multifamily development, but where adjacent single-family areas make a transitional scale of development desirable. It is desirable that there be a well-defined edge such as an arterial, open space, change in block pattern, topographic change or other significant feature providing physical separation from the single-family area. However, this is not a necessary condition if existing moderate-scale multifamily structures have already established the scale relationship with abutting single-family areas;
- Properties that are definable pockets within a more intensive area, if it is desirable to preserve a smaller scale character and mix of densities;
- Properties in areas otherwise suitable for higher density multifamily development but where it is desirable to limit building height and bulk to protect views from uphill areas or from public open spaces and scenic routes;
- Properties where vehicular access to the area does not require travel on "residential access streets" in less intensive residential zones.))

B. Locational Criteria. The LR2 zone is most appropriate in areas generally characterized by the following conditions:

- The area is either:

a. located in an urban center, urban village, or Station Area Overlay

District where new development could help establish a multifamily neighborhood of small scale and density; or

b. located in or near an urban center, urban village, or Station Area Overlay District, or on an arterial street, and is characterized by one or more of the following conditions:

- 1) small-scale structures generally no more than 35 feet in height that are compatible in scale with SF and LR1 zones;
2) the area would provide a gradual transition between SF or LR1 zones and more intensive multifamily or neighborhood commercial zones; and
2. The area is characterized by local access and circulation conditions that accommodate low density multifamily development;
3. The area has direct access to arterial streets that can accommodate anticipated vehicular circulation, so that traffic is not required to use streets that pass through lower density residential zones; and
4. The area is well supported by existing or projected facilities and services used by residents, including retail sales and services, parks, and community centers, and has good pedestrian access to these facilities.

((C. Areas zoned single-family that meet the locational criteria for single-family designation may be rezoned to L2 only if the provisions of subsection 23.34.010.B are met.))

Section 10. Section 23.34.020 of the Seattle Municipal Code, which section was last amended by Ordinance 121700, is amended as follows:

23.34.020 Lowrise 3 (LR3) zone, function and locational criteria(c)

A. Functions. ((An area that provides moderate-scale multifamily housing opportunities in multifamily neighborhoods where it is desirable to limit development to infill projects and conversions compatible with the existing mix of houses and small-to-moderate-scale apartment structures.)) The dual functions of the LR3 zone are to:

- 1. provide opportunities for a variety of multifamily housing types in existing multifamily neighborhoods, and along arterials that have a mix of small to moderate scale residential structures; and
2. accommodate redevelopment in areas within urban centers, urban villages, and Station Area Overlay Districts in order to establish multifamily neighborhoods of moderate scale and density.

B. Locational Criteria.

((1. Threshold Conditions. Subject to subsection B2 of this section, properties that may be considered for an L3 designation are limited to the following:

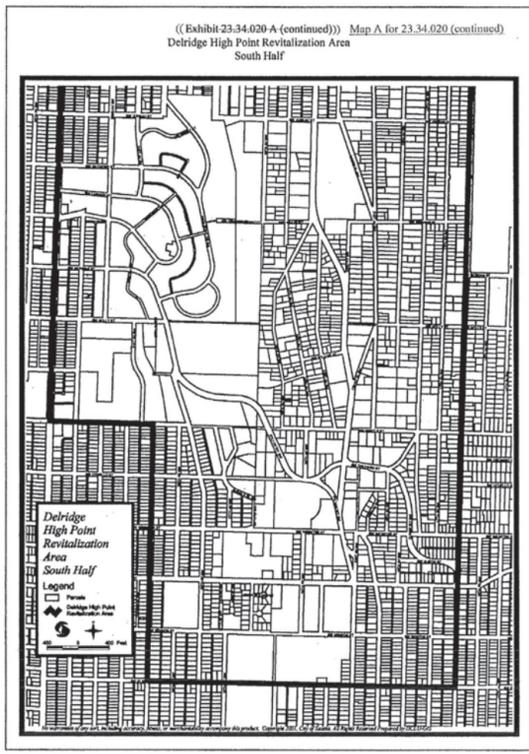
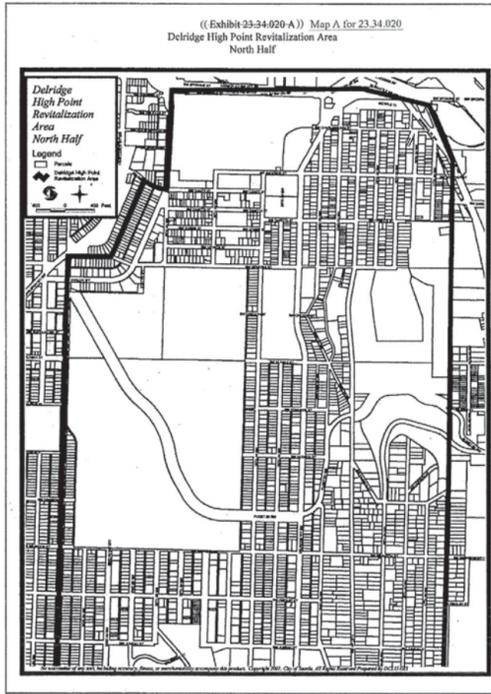
- a. Properties already zoned L3;
b. Properties in areas already developed predominantly to the permitted L3 density and where L3 scale is well established.)) The LR3 zone is most appropriate in areas generally characterized by the following conditions:

- ((e))1. The area is either:
a. located in an urban center, urban village, or Station Area Overlay District where new development could help establish a multifamily neighborhood of moderate scale and density, except in the following urban villages: the Wallingford Residential Urban Village, the Eastlake Residential Urban Village, the Upper Queen Anne Residential Urban Village, the Morgan Junction Residential Urban Village, the Lake City Hub Urban Village, the Bitter Lake Village Hub Urban Village, and the Admiral Residential Urban Village; or
b. located in an existing multifamily neighborhood in or near an urban center, urban village, or Station Area Overlay District, or on an arterial street, and characterized by a mix of structures of low and moderate scale;
((e. Properties within an urban center or village, except in the Wallingford Residential Urban Village, in the Eastlake Residential Urban Village, in the Upper Queen Anne Residential Urban Village, in the Morgan Junction Residential Urban Village, in the Lake City Hub Urban Village, in the Bitter Lake Village Hub Urban Village, or in the Admiral Residential Urban Village; or))

- 2. The area is near neighborhood commercial zones with comparable height and scale;
3. The area would provide a transition in scale between LR1 and/or LR2 zones and more intensive multifamily and/or commercial zones;
4. The area has street widths that are sufficient for two-way traffic and parking along at least one curb;
5. The area is well served by public transit;
6. The area has direct access to arterial streets that can accommodate anticipated vehicular circulation, so that traffic is not required to use streets that pass through lower density residential zones;
7. The area well supported by existing or projected facilities and services used by residents, including retail sales and services, parks, and community centers, and has good pedestrian access to these facilities.

((d))C. The LR3 zone is also appropriate in areas ((Properties)) located in the Delridge High Point Neighborhood Revitalization Area, as shown in ((Exhibit)) Map A for 23.34.020 ((A)), provided that the LR3 zone designation would facilitate a mixed-income housing development initiated by ((a public agency or)) the Seattle Housing Authority or other public agency; a property use and development agreement is executed subject to the provisions of ((SMC)) Chapter 23.76 as a condition to any rezone; and the development would serve a broad public purpose.

Map A for 23.34.020: Delridge High Point Revitalization Area—North and South Halves



((2))D. Except as provided in this subsection 23.34.020.D, properties ((Properties)) designated as environmentally critical may not be rezoned to an LR3 designation, and may remain LR3 only in areas predominantly developed to the intensity of the LR3 zone. The preceding sentence does not apply if the environmentally critical area either:

- 1. was created by human activity, or
2. is a designated peat settlement, liquefaction, seismic or volcanic hazard area, or flood prone area, or abandoned landfill.

((3. Other Criteria. The Lowrise 3 zone designation is most appropriate in areas generally characterized by the following:

- a. Development Characteristics of the Area:
(1) Either:
(a) Areas that are already developed predominantly to the permitted L3 density and where L3 scale is well established,
(b) Areas that are within an urban center or urban village, except or
(c) Areas that are located within the Delridge Neighborhood Revitalization Area, as shown in Exhibit 23.34.020 A, provided that the L3 zone designation would facilitate a mixed-income housing development initiated by a public agency or the Seattle Housing Authority; a property use and development agreement is executed subject to the provisions of SMC Chapter 23.76 as a condition to any rezone; and the development would serve a broad public purpose.
(2) Areas where the street pattern provides for adequate vehicular circulation and access to sites. Locations with alleys are preferred. Street widths should be sufficient for two (2) way traffic and parking along at least one (1) curb side.

b. Relationship to the Surrounding Areas:
(1) Properties in areas that are well served by public transit and have direct access to arterials, so that vehicular traffic is not required to use streets that pass through less intensive residential zones;
(2) Properties in areas with significant topographic breaks, major arterials or open space that provide sufficient transition to LDT or L1 multifamily development;
(3) Properties in areas with existing multifamily zoning with close proximity and pedestrian connections to neighborhood services, public open spaces, schools and other residential amenities;
(4) Properties that are adjacent to business and commercial areas with comparable height and bulk, or where a transition in scale between areas of larger multifamily and/or commercial structures and smaller multifamily development is desirable.))

Section 11. Section 23.34.022 of the Seattle Municipal Code, relating to the function and locational criteria for the Lowrise 4 zone, which section was last amended by Ordinance 121700, and as shown in Attachment A to this ordinance, is repealed.

Section 12. Subsections A and B of Section 23.41.004 of the Seattle Municipal Code, which section was last amended by Ordinance 123206, is amended as follows:

Section 23.41.004 Applicability

- A. Design review required.
1. Design review is required for all new multifamily, commercial, or industrial development proposal that exceeds one of the following thresholds in Table A for 23.41.004:

Table A for 23.41.004: Thresholds for Design Review. A table with two columns: 'Zone' and 'Threshold'. It lists various zones like Lowrise (LR3), Midrise (MR), Highrise (HR), Neighborhood Commercial (NC1, 2, 3), Commercial (C1, C2), Seattle Mixed (SM), and Industrial Commercial (IC) with their respective thresholds in dwelling units or square feet of gross floor area.

- 2. Design review is required for all new Major Institution development proposals that exceed thresholds in the zones listed in ((subsection A.1 of)) this ((Section)) subsection 23.41.004.A, unless the structure is located within a Major Institution Overlay (MIO) district.
3. Design review is required for all new development proposals located in the following Downtown zones that equal or exceed any of the following thresholds:

DOC 1, DOC 2 or DMC Zones. A table with two columns: 'Use' and 'Threshold'. It lists 'Nonresidential' with a threshold of 50,000 square feet of gross floor area and 'Residential' with a threshold of 20 dwelling units.

DRC, DMR, DH1 or DH2 Zones. A table with two columns: 'Use' and 'Threshold'. It lists 'Nonresidential' with a threshold of 20,000 square feet of gross floor area and 'Residential' with a threshold of 20 dwelling units.

- 4. Design review is required for all new development proposals exceeding 120 feet in width on any single street frontage in the Stadium Transition Area Overlay District as shown in Map A for 23.41.006.
5. Streamlined ((A))administrative ((D))design ((R))review to ((P))protect ((F))trees. As provided in Sections 25.11.070 and 25.11.080, streamlined administrative design review ((C)) pursuant to Section ((23.41.016)) 23.41.018 is required for new multifamily and commercial development proposals in Lowrise, Midrise, and commercial zones if an exceptional tree, as defined in Section 25.11.020, is located on the ((site)) lot and is not proposed to be preserved, ((even)) if design review would not otherwise be required by this subsection 23.41.004.A.

- 6. New multifamily or commercial development proposals in the zones listed in ((subsection A.1 of)) this ((Section)) subsection 23.41.004.A, that are subject to SEPA solely as a result of the provisions of Section 25.05.908, Environmentally Critical Areas, are exempt from design review except as set forth in subsection A.5 of this section 23.41.004.

- 7. Design review pursuant to Section 23.41.014 is required for projects that are eligible for design review under any provision of this section 23.41.004 and that are participating in the Living Building Pilot Program authorized by Section 23.40.060.

- 8. Streamlined administrative design review (SDR) pursuant to Section 23.41.018 is required for all new townhouse developments that include at least three townhouse units, if design review is not otherwise required by this subsection 23.41.004.A.

B. Design Review -- Optional

- 1. Design review is optional to any applicant for new multifamily, commercial or Major Institution development proposals not otherwise subject to this ((e))Chapter 23.41, in the Stadium Transition Area Overlay District, and in all multifamily, commercial, ((or))and downtown zones.

- 2. ((An a))Administrative design review ((process)) is ((an option to)) optional for any applicant for new multifamily or commercial development proposals ((or as provided in subsection B3 below.)) in the Stadium Transition Area Overlay District, and in multifamily, commercial, ((or)) and downtown zones, according to the process described in Section 23.41.016.

- 3. Streamlined administrative design review is an option for:
a. applicants for multifamily residential uses in LR zones for which design review is not otherwise required by subsection 23.41.004.A; and

((3))b. ((Administrative Design Review to Protect Trees. As provided in Sections 25.11.070 and 25.11.080, an administrative design review process (Section 23.41.016) is an option to an applicant)) applicants for new multifamily and commercial development proposals in Lowrise, Midrise, and Commercial zones to protect a tree over ((two (2)) 2 feet in diameter measured ((four and one-half (4 1/2)) 4.5 feet above the ground, ((even when)) if design review would not otherwise be required by subsection 23.41.004.A.5.

Section 13. A new Section 23.41.018 is added to the Seattle Municipal Code as follows:
Section 23.41.018 Streamlined administrative design review (SDR) process

A. A presubmittal conference is required for all projects subject to this Section 23.41.018 unless waived by the Director, pursuant to Section 23.76.008.

B. Following a presubmittal conference, a proponent may apply to begin the SDR guidance process.

- 1. The application for SDR guidance shall include the following:
a. An initial site analysis addressing site opportunities and constraints, adjacent buildings, and the zoning of the site and adjacent properties;
b. A drawing of existing site conditions, indicating topography of the site and location of structures and prominent landscape elements on the site (including but not limited to all trees 6 inches or greater in diameter measured 4.5 feet above the ground, with species indicated) if any;
c. A preliminary site plan including structures, open spaces, vehicular and pedestrian access, and landscaping;
d. A brief description of how the proposal meets the intent of the applicable citywide and neighborhood design review guidelines; and
e. One or more color renderings adequate to depict the overall massing of structures and the design concept.

- 2. Notice of application for SDR Guidance shall be provided pursuant to Chapter 23.76.

3. The purpose of SDR Guidance is to receive comments from the public, identify concerns about the site and design concept, identify applicable citywide and neighborhood design guidelines of highest priority to the site, explore conceptual design and siting alternatives, and identify and document proposed development standard adjustments, which may be approved as a Type I decision pursuant to Section 23.41.018.D, or departures, which may be approved as a Type II decision pursuant to Section 23.41.016. The intent of SDR Guidance is not to reduce the general development capacity of the lot.

4. As a result of the SDR Guidance process, the Director shall prepare a report that identifies those guidelines of highest priority and applicability, documents any design changes needed to achieve consistency with the design guidelines, and identifies any desired development standard adjustments and/or departures.

5. The Director shall distribute a copy of the report to the applicant, place it on file in the Department, and provide access to the report on the Department website.

C. Application for Type I or Type II Master Use Permit.

1. After issuance of the SDR Guidance report, the proponent may apply for a Type I or Type II Master Use Permit.

2. The Master Use Permit application shall include a brief explanation of how the proposal addresses the SDR guidance report, in addition to standard Master Use Permit submittal information required by Section 23.76.010. Adjustments to certain development standards pursuant to subsection 23.41.018.D may be approved as a Type I decision. If the need for development standard departures, authorized under Section 23.41.012 and beyond the adjustments allowed under subsection 23.41.018.D, is identified, the applicant may either revise the application to eliminate the need for the further departures, and proceed under this Section 23.41.018, or else apply for a Type II Master Use Permit for administrative design review pursuant to Section 23.41.016.

3. Notice of application for a permit for a project subject to SDR shall be provided according to Chapter 23.76.

D. SDR decision.

1. The Director shall consider public comments on the proposed project, and the Director's decision shall be based on the extent to which the application meets applicable design guidelines and responds to the SDR guidance report.

2. The Director's decision pursuant to the SDR process shall not reduce the number of units allowed per square foot of lot area when such a density limit is set in Table A for Section 23.45.512.

3. The Director may allow the adjustments listed in subsection 23.41.018.D.4, if the adjustments are consistent with the SDR design guidance report and the adjustments would result in a development that:

- a. better meets the intent of the adopted design guidelines and/or
b. provides a better response to environmental and/or site conditions, including but not limited to topography, the location of trees, or adjacent uses and structures.

4. If the criteria listed in subsection 23.41.018.D.3 are met, the Director may allow adjustments to the following development standards to the extent listed for each standard:

- a. Setbacks and separation requirements may be reduced by a maximum of 50 percent;
b. Amenity areas may be reduced by a maximum of 10 percent;
c. Landscaping and screening may be reduced by a maximum of 25 percent;
d. Structure width, structure depth, and façade length limits may be reduced by a maximum of 10 percent; and
e. Screening of parking may be reduced by a maximum of 25 percent.

5. Limitations on adjustments through the SDR process established in this subsection 23.41.018.D do not limit adjustments expressly permitted by other provisions of this Title 23 or other titles of the Seattle Municipal Code.

Section 14. Subsection C of Section 23.42.106 of the Seattle Municipal Code, which section was last amended by Ordinance 122311, is amended as follows:

23.42.106 Expansion of nonconforming uses((c))

C. In ((M))multifamily zones, except in ((Lowrise Duplex/Triplex-and)) Lowrise 1 ((LR1)) zones, dwelling units may be added to a structure containing one ((H)) or more nonconforming uses, even if in a structure nonconforming to development standards; provided that limitations on density shall apply. The structure may be expanded or extended((s)), provided that the expansion or extension shall be for residential use, shall conform to the development standards of the zone, and shall not cause an already nonconforming structure to become more nonconforming to development standards.

Section 15. Subsection C of Section 23.42.108 of the Seattle Municipal Code, which section was last amended by Ordinance 122311, is amended as follows:

23.42.108 Change from nonconforming use to conforming use((c))

C. In multifamily zones, a nonconforming nonresidential use may be converted to residential use even ((H)) though all development standards are not met, if((t-provided-that));
1. ((the))any applicable limits on density ((limitations-of-the-zone-must-be)) are met; ((and))
2. ((provided-that)) any ((parking)) nonconformity with respect to parking ((shall not-be)) is not increased as a result of the conversion; and
3. in ((Lowrise Duplex/Triplex))LR1 zones the total number of dwelling units in ((any-structure)) an apartment is limited to three ((3)).

Section 16. Subsection A of Section 23.42.110 of the Seattle Municipal Code, which section was last amended by Ordinance 120293, is amended as follows:

23.42.110 Change from one nonconforming use to another nonconforming use((c))

A nonconforming use may be converted by an administrative conditional use authorization to another use not otherwise permitted in the zone subject to the following limitations and conditions.

A. In single-family((s))and residential small lot zones, ((and-Lowrise Duplex/Triplex zones,)) a nonconforming multifamily residential use ((or-structure)) may not be converted to any nonresidential use not otherwise permitted in the zone.

Section 17. Section 23.42.114 of the Seattle Municipal Code, which section was last amended by Ordinance 120293, is amended as follows:

23.42.114 Multifamily structures nonconforming to development standards((c))

The following provisions apply to multifamily structures ((that-do-not-comply-with current-development-standards)) nonconforming to development standards.

A. A ((noneonforming-ground-related))multifamily structure ((or-apartment-located)) nonconforming to development standards in a ((Lowrise Duplex/Triplex ((LDT-)) Lowrise 1 ((LR1)) zone may be expanded or extended ((provided)) if the expansion or extension ((shall)) conforms to the development standards of the zone and ((shall)) does not cause an already nonconforming structure to become more nonconforming to development standards.

B. Additional residential units may be added to a ((noneonforming-ground-related)) multifamily structure nonconforming to development standards ((or-apartment-structure, provided))if the addition ((shall)) conforms to the development standards of the zone and ((shall)) does not cause an already nonconforming structure to become more nonconforming to development standards.

((C-In Lowrise Duplex/Triplex zones, a nonconforming ground-related multifamily structure or an apartment may be converted to any permitted use if all development standards are met except for open space and ground level access.))

Section 18. Subsection A of Section 23.42.122 of the Seattle Municipal Code, which section was last amended by Ordinance 120293, is amended as follows:

23.42.122 Height nonconformity((c))

A. Single-family and multifamily zones.

1. In single-family ((and-multifamily)) zones, a structure nonconforming as to height may be expanded or extended to add eaves, dormers and/or clerestories to an existing pitched roof ((provided)) if the additions are constructed below the highest point of the roof. An existing pitched roof that is above the height limit ((shall)) may not be converted into a flat roof, nor shall the slope of the roof be ((lowered-below)) reduced to less than a ((four-in-twelve-)) 4:12((s)) pitch.

2. In multifamily zones, a structure nonconforming as to height may be expanded or extended to add eaves, dormers and/or clerestories to an existing pitched roof if the additions are constructed below the highest point of the roof, pursuant to Section 23.45.514. An existing pitched roof that is above the height limit may not be converted into a flat roof, nor shall the slope of the roof be reduced to less than a ((six-to-twelve-))6:12((s)) pitch.

Section 19. Subsection D of Section 23.43.008 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, is amended as follows:

Section 23.43.008 Development ((S))standards for one dwelling unit per lot

D. Yards and ((S))setbacks.

1. Front and ((R))rear ((Y))yards.

- a. The sum of the front yard plus the rear yard shall be a minimum of 30 feet.
b. In no case shall either yard have a depth of less than 10 feet.
c. If recommended in a neighborhood plan adopted or amended by the City Council after January 1, 1995, an ordinance designating an area as RSL may require front and/or rear yards ((setbacks)) greater than 10 feet, provided that the requirement of subsection 23.43.008.D.1.a shall not be increased or decreased, and the requirement of subsection 23.43.008.D.1.b shall not be reduced.

2. Side ((S))setbacks. The required minimum side setback is 5 feet. The side setback may be averaged. No portion of the side setback shall be less than 3 feet, except as follows:

- a. Street side setbacks shall be a minimum of 5 feet.
b. If an easement is provided along a side lot line of the abutting lot

sufficient to leave a 10 foot separation between the two principal structures of the two lots, the required side ((yard)) setback may be reduced from the requirement of subsection 23.43.008.D.2. The easement shall be recorded with the King County Department of Records and Elections. The easement shall provide access for normal maintenance activities to the principal structure on the lot with less than the required side setback. No principal structure shall be located in the easement area, except that the eaves of a principal structure may project a maximum of 18 inches into the easement area. No portion of any structure, including eaves, shall cross the property line.

3. ((For-all-developments-except-cluster-developments-only)) The following parts of structures ((that-comply-with-the-following)) may project into a required yard or setback, provided that the applicable restrictions in subsections 23.43.008.D.3 and D.4 are met:

- a. Uncovered ((P))porches or ((S))steps. Uncovered, unenclosed porches or uncovered, unenclosed steps that project into a required yard or setback, if the porch or steps are no higher than 4 feet on average above existing grade, are no closer than 3 feet to any side lot line, no wider than 6 feet, and project no more than 6 feet into a required front or rear yard. The heights of porches and steps are to be calculated separately.
b. Certain ((F))features of a ((S))structure.
1) External architectural features with no living area, such as chimneys, eaves, cornices and columns, that project no more than 18 inches into a required yard or setback((s)).
2) Bay windows that are no wider than 8 feet and project no more than 2 feet into a required front or rear yard or street side setback((s)).
3) Other external architectural features that include interior space such as garden windows, and project no more than 18 inches into a required yard or setback, starting a minimum of 30 inches above the height of a finished floor, and with maximum dimensions of 6 feet in height and 8 feet in width((s)).
4. Limit on features on a façade. The combined area of features that project into a required yard or setback pursuant to subsection 23.43.008.D.3.b may ((comprise-no-more-than)) not exceed 30 percent of the area of the facade on which the features are located.

Section 20. Subsection B of Section 23.44.034 of the Seattle Municipal Code, which section was last amended by Ordinance 199239, is amended as follows:

23.44.034 Planned residential development (PRD)((c))

B. Type of ((Dwelling-Units)) housing ((P))permitted.

- 1. Only single-family dwelling units shall be permitted within ((one-hundred

)100((s)) feet of a PRD's ((property)) lot line which abuts or is directly across the street from a single-family zoned lot, except as provided in this subsection 23.44.034.B((2)).

2. ((Either-single-family)) Single-family dwelling units, cottage housing developments, rowhouse developments, ((or)) and townhouse((s)) developments are permitted ((when)) if within ((one-hundred-))100((s)) feet of a ((property)) lot line of a PRD ((which)) that does not abut ((or)) and is not across a street from a single-family zoned lot, or that is separated from the single-family zoned lot by physical barriers, such as bodies of water, ravines, greenbelts, freeways, expressways and other major traffic arterials or topographic breaks ((which)) that provide substantial separation from the surrounding single-family neighborhood.

3. ((Either-single-family)) Single-family dwelling units, cottage housing developments, rowhouse developments, ((or)) and townhouse((s)) developments are permitted when more than ((one-hundred-))100((s)) feet from a PRD's ((property)) lot line.

4. ((Townhouses)) Cottage housing developments, rowhouse developments, and townhouse developments shall meet the development standards for structures in Lowrise 1 zones, unless otherwise specified in this ((subchapter)) Chapter 23.44.

Section 21. Section 23.45.002 of the Seattle Municipal Code, which section was last amended by Ordinance 123209, and the subchapter and parts headings in the table of contents for Chapter 23.45 of the Seattle Municipal Code, both of which were last amended by Ordinance 123209, as shown in Attachment A to this ordinance, are repealed.

Section 22. Section 23.45.502 of the Seattle Municipal Code, which section was enacted by Ordinance 123209, is amended as follows:

23.45.502 Scope of provisions

This Chapter 23.45 ((describes-the-authorized-uses-and-development-standards)) establishes regulations for the following zones:

- ((Lowrise Duplex/Triplex ((LDT-)))
Lowrise 1 ((LR1));
Lowrise 2 ((LR2));
Lowrise 3 ((LR3));
((Lowrise 4 ((L4)))
Midrise ((MR)) (references to Midrise zones include the Midrise/85 (MR/85) zone unless otherwise noted); and
Highrise ((HR)).

Section 23. Section 23.45.004 of the Seattle Municipal Code, providing a cross-reference to the section about permitted and prohibited uses in multifamily zones, which section was last amended by Ordinance 123209, and as shown in Attachment A to this ordinance, is repealed.

Section 24. Subsections A, B, and C of Section 23.45.504 of the Seattle Municipal Code, which section was last amended by Ordinance 123378, are amended as follows:

23.45.504 Permitted and ((P))prohibited ((U))uses

A. All uses are permitted outright, prohibited or permitted as a conditional use according to Table A for 23.45.504 and this Section 23.45.504. Uses not referred to in Table A are prohibited, unless otherwise indicated in this Chapter 23.45 or Chapters 23.51A, ((or)) 23.51B, or 23.57. Communication utilities and accessory communication devices, except as exempted in Section 23.57.002, are subject to the regulations in this Chapter 23.45 and additional regulations in Chapter 23.57. Public facilities are subject to the regulations in Section 23.51A.004.

B. All permitted uses are allowed as a principal use or as an accessory use, unless otherwise indicated in this Chapter 23.45.

Table A for 23.45.504: Permitted and Prohibited Uses by Zone. Table with columns: Uses, ((LDT-)) LR1, LR2, and LR3 ((and-L4)), MR and HR. Rows include Residential use, Institutions, Public Facilities, Police precinct stations, Fire stations, etc.

Table A for 23.45.504: Permitted and Prohibited Uses. Table with columns: Uses, Permitted pursuant to procedures established in Chapter 23.78, Permitted pursuant to procedures established in Chapter 23.78. Rows include Child care centers, Public or private schools, etc.

C. Accessory uses. The following accessory uses are permitted in all multifamily zones, subject to the standards in Section 23.45.545, if applicable:

- 1. Private garages and carports;
2. Private, permanent swimming pools, hot tubs and other similar uses;
3. Solar collectors, including solar greenhouses;
4. Open wet moorage accessory to residential structures;
5. Uses accessory to parks and playgrounds, pursuant to Section 23.45.578;
6. Bed and breakfasts in a dwelling unit that is at least five years old;
7. Recycling collection stations ((and));
8. Urban farms with planting area not more than 4,000 square feet. Urban farms

with greater than 4,000 square feet of planting area may be allowed as an administrative conditional use to any use permitted outright or as a conditional use. The Director may grant, condition or deny a conditional use permit in accordance with subsection 23.42.051.B; and

9. Accessory dwelling units.

Section 25. Section 23.45.006 of the Seattle Municipal Code, which section was last amended by Ordinance 123209, and as shown in Attachment A to this ordinance, is repealed.

Section 26. Subsections C and F of Section 23.45.506 of the Seattle Municipal Code, which section was last amended by Ordinance 123209, are amended as follows:

Section 23.45.506 Administrative ((C))conditional ((U))uses

C. Institutions other than public schools not meeting the development standards of 23.45.570, Institutions, and Major Institution uses as provided in Chapter 23.69, may be permitted subject to the following:

1. Bulk and Siting. In order to accommodate the special needs of the proposed institution, and to better site the facility with respect to its surroundings, the Director may modify the applicable development standards ((for modulation, landscaping, provision of open space, and structure width, depth and setbacks)). In determining whether to allow such modifications, the Director shall balance the needs of the institution against the compatibility of the proposed institution with the residential scale and character of the surrounding area.

2. Dispersion Criteria. An institution that does not meet the dispersion criteria of Section 23.45.570 may be permitted by the Director upon determination that it would not substantially worsen parking shortages, traffic safety hazards, and noise in the surrounding residential area.

3. Noise. The Director may condition the permit in order to mitigate potential noise problems. Measures the Director may require for this purpose include, but are not limited to the following: landscaping, sound barriers, fences, berms, adjustments to yards or the location of refuse storage areas, location of parking areas and access, structural design modifications, and regulating hours of use.

4. Transportation Plan. A transportation plan is required for proposed new institutions and for those institutions proposing to expand larger than 4,000 square feet of floor area and/or required to provide 20 or more new parking spaces. The Director may condition a permit to mitigate potential traffic and parking impacts pursuant to a Transportation Management Plan or Program as described in directors rules governing such plans or programs. The Director will determine the level of detail to be disclosed in the transportation plan based on the probable impacts and/or scale of the proposed institution.

F. In addition to medical service uses permitted as ground floor commercial uses pursuant to subsection 23.45.504.E, medical service uses occupying over 4,000 square feet may be permitted in Highrise zones as administrative conditional uses on lots that are at least 25,000 square feet in size, have not been in residential use since January 1, 1989, and are located on a block that abuts a Neighborhood Commercial zone on at least two entire sides of the block (defined for the purpose of this subsection 23.45.506.F as an area(s) bounded by street lot lines).

1. In order to approve a medical service use, the Director must determine that the medical service use is an expansion of an existing medical service business establishment in the immediate vicinity that is not a major institution.

2. Design review is required.

3. The development standards in Sections 23.45.510, 23.45.514, 23.45.516, 23.45.518, 23.45.520, and 23.45.536 do not apply to the portion of the structure occupied by medical service uses, except as specified in this subsection 23.45.506.F. Portions of the structure occupied by medical service uses shall meet the following development standards:

a. The maximum height for the portions of structures containing medical office uses is 108 feet, except that the provisions for green roofs and rooftop features in ((subsection)) Section 23.45.514((E) and rooftop features in subsection 23.45.514(F)) apply.

b. The average of the gross floor area of stories in medical service use above 45 feet in height shall not exceed 60 percent of the area of the lot.

4. Setbacks

a. Setbacks shall be required as shown on Table A for 23.45.506.

Table A for 23.45.506: Setback Requirements for Medical Office Uses (all measurements in feet)

Table with 4 columns: Elevation of Facade or Portion, Setback on Street, Setback on Alley, Setback on shared lot lines. Rows include 45(7) or less and More than 45(7) up to 108(7).

b. If the ground floor of a street facade is in use as a child care center, community center, or commercial use permitted on the ground floor by Section 23.45.504, no setback is required for the portion of the street facade that is 45(7) feet in height or less.

c. If a lot abutting the lot is developed to the side lot line, portions of the proposed development that are 45 feet in height or less may be joined to the abutting structure.

d. Projections into required setbacks, and structures in required setbacks, are permitted pursuant to ((as provided for in subsection)) Section 23.45.518((F), and structures in required setbacks are permitted as provided for in subsections 23.45.518(G)).

5. A minimum of 25 percent of the lot area shall be provided as landscaped open space at ground level. Except as provided in this subsection 23.45.506.F.5, no horizontal dimension for required open space shall be less than 10 feet, nor shall any required open space area be less than 225 square feet. The following additional areas may be included in the calculation of required ground level open space:

a. Area in the public right-of-way of a neighborhood green street designated in Section 23.45.516 abutting the lot that is improved according to a plan approved by the Director, in consultation with the Director of the Seattle Department of Transportation; except that the Director may waive the requirement that the neighborhood green street abut the lot and allow the improvements to be made to a neighborhood green street located in the general vicinity of the project, if such an improvement is determined to be beneficial to the occupants of the project; and

b. Landscaped area in the public right-of-way that abuts the required open space on the lot, when the landscaping contributes to achievement of the Green Factor score required in subsection 23.45.506.F.6. below.

6. The landscaping and screening requirements of Section 23.45.524 apply, except that the required Green Factor score is 0.3 or greater, pursuant to Section 23.86.019.

7. Parking shall be required as provided in Chapter 23.54.

8. The Director shall determine the location of access to parking. In order to promote pedestrian safety and comfort, ((the)) access via an alley is preferred. Where street access is deemed appropriate, due to safety hazards, topography, or other special conditions of the lot, the number of curb cuts and the width of curb cuts, driveways, and garage openings shall be minimized.

9. No surface area parking shall be provided, and no parking shall be located at or above grade, unless it is separated from all street lot lines by another use.

10. The preferred access to loading berths shall be from an alley if the lot abuts an alley. Loading berths shall be located so that access to any residential parking is not blocked.

11. The Director shall determine the location of passenger load zones, based on safety considerations, minimizing conflicts with automobile and pedestrian traffic, reducing impacts on any nearby residential uses, and the efficient operation of the medical service use.

12. Identifying signs shall be permitted according to Chapter 23.55, Signs.

13. For mixed use structures containing both medical service uses and residential uses, the portion of the structure in residential use shall meet the requirements of the HR zone, except as modified by the following:

a. The maximum width and floor size limits in Section 23.45.520 apply to any portion of the structure in residential use above 45 feet in height.

b. ((Residential amenity)) Amenity areas shall be provided according to the provisions of Section 23.45.522. Open space required at ground level pursuant to subsection 23.45.506.F.5 may be ((included)) counted as ((residential)) amenity area if it meets the applicable development standards of ((subsection)) Section 23.45.522((B)).

c. No landscaped open space is required in addition to the open space required in subsection 23.45.506.F.5.

Section 27. Section 23.45.508 of the Seattle Municipal Code, which section was last amended by Ordinance 123378, is amended as follows:

23.45.508 General provisions

A. Except for structures related to an urban farm, a structure occupied by a permitted use other than a residential use may be partially or wholly converted to a residential use even if the structure does not conform to the development standards for residential uses in multifamily zones.

B. Off street parking shall be provided pursuant to ((if required in)) Section 23.54.015((G) except that one residential unit may be added to a residential structure without a parking space pursuant to subsection 23.54.020.A.)

C. Expansions of nonconforming converted structures and conversions of structures occupied by nonconforming uses are regulated by Sections 23.42.108 and 23.42.110.

D. Methods for measurements are provided in Chapter 23.86. Requirements for streets, alleys and easements are provided in Chapter 23.53. Standards for parking and access and design are provided in Chapter 23.54. Standards for solid waste and recyclable materials storage space are provided in Section 23.54.040. Standards for signs are provided in Chapter 23.55.

E. Assisted living facilities, congregate housing, and nursing homes shall meet the development standards for apartments unless otherwise specified.

F. Single-family dwelling units. In Lowrise zones, single-family dwelling units shall meet the development standards for townhouse developments, except that Section 23.45.529, Design standards, does not apply. In MR and HR zones, single-family dwelling units shall meet the development standards of the zone.

((2))G. Proposed uses in all multifamily zones are subject to the transportation concurrency level-of-service standards prescribed in Chapter 23.52.

((E))H. ((Development standards)) Lots with no street frontage. For purposes of structure width, depth, and setbacks, multifamily zoned lots that have no street frontage are subject to the following:

((a))1. For lots that have only one alley lot line, the alley lot line ((may)) shall be treated as a front lot line.

((b))2. For lots that have more than one alley lot line, ((only)) the Director shall determine which ((one)) alley lot line ((may)) shall be treated as ((a)) the front lot line.

((e))3. For lots that have no alley lot lines, the applicant may choose the front lot line provided that the selected front lot line length is at least 50 percent of the width of the lot.

((2-Proposed uses in all multifamily zones are subject to the transportation concurrency level-of-service standards prescribed in Chapter 23.52-))

((3))I. All use provisions and development standards applicable to MR zones, except maximum height, also apply in the MR/85 zone.

J. Any other provision of the Seattle Municipal Code notwithstanding, an applicant is not entitled to a permit for any use or development on a lot in a Lowrise zone that would be inconsistent with any term, condition, or restriction contained either in any recorded agreement that is in effect as to that lot and was made in connection with a rezone of the lot to LDT, L1, L2, L3, or L4, or in any City Council decision or ordinance related to a rezone of the lot to LDT, L1, L2, L3, or L4 conditioned on a recorded agreement prior to the effective date of the ordinance introduced as Council Bill 117014.

((F. Solid Waste and Recyclable Materials Storage Space.

4. Storage space for solid waste and recyclable materials containers shall be provided for all new and expanded multifamily structures as indicated in Table A for 23.45.508. For the purposes of this subsection, "expanded multifamily structure" means expansion of multifamily structures with ten or more existing units by two or more units.

Table A for 23.45.508: Storage space for Solid Waste and Recyclable Materials Containers

Table with 3 columns: Multifamily Structure Size, Minimum Area for Storage Space, Container Type. Rows include 7-15 units, 16-25 units, 26-50 units, 51-100 units, More than 100 units.

2. The design of the storage space shall meet the following requirements: a. The storage space shall have no minimum dimension (width and depth) less than 6 feet;

b. The floor of the storage space shall be level and hard-surfaced (garbage or recycling compactors require a concrete surface); and

c. If located outdoors, the storage space shall be screened from public view and designed to minimize any light and glare impacts.

3. The location of the storage space shall meet the following requirements: a. The storage space shall be located on the lot of the structure it serves and, if located outdoors, it shall not be located between a street-facing I of the structure and the street;

b. The storage space shall not be located in any required driveways, parking aisles, or parking spaces for the structure;

c. The storage space shall not block or impede any fire exits, public rights-of-ways or any pedestrian or vehicular access; and

d. The storage space shall be located to minimize noise and odor to building occupants and neighboring developments.

4. Access to the storage space for occupants and service providers shall meet the following requirements:

a. For rear-loading containers (usually 2 cubic yards or smaller):

1) Any proposed ramps to the storage space shall be of 6 percent slope or less; and

2) Any proposed gates or access routes shall be a minimum of 6 feet wide; and

b. For front-loading containers (usually larger than 2 cubic yards):

1) Direct access shall be provided from the alley or street to the containers;

2) Any proposed gates or access routes shall be a minimum of 10 feet wide; and

3) When accessed directly by a collection vehicle into a structure, a 24-foot overhead clearance shall be provided.

5. The Director, in consultation with the Director of Seattle Public Utilities, shall have the discretion to modify the requirements of subsections 23.45.508.F.1 through F.4 under the following circumstances:

a. When the applicant can demonstrate difficulty in meeting any of the requirements of subsections 23.45.508.F.1 through F.4; or

b. When the applicant proposes to expand a multifamily building, and the requirements of subsections 23.45.508.F.1 through F.4 conflict with opportunities to increase residential densities; and

c. When the applicant proposes alternative, workable measures that meet the intent of this Section 23.45.508;

6. The solid waste and recyclable materials storage space specifications required in subsections 23.45.508.F.1 through F.4, in addition to the number and sizes of containers, shall be included on the plans submitted with the permit application.)

Section 28. Nine sections of the Seattle Municipal Code, Section 23.45.009 Structure Height, which section was last amended by Ordinance 123209; Section 23.45.010 Lot Coverage Limits, which section was last amended by Ordinance 118794; Section 23.45.011 Structure width and depth, which section was last amended by Ordinance 114888; 23.45.012 Modulation, which section was last amended by Ordinance 120117; Section 23.45.014 Setbacks, which section was last amended by Ordinance 123209; Section 23.45.015 Screening and Landscaping, which section was last amended by Ordinance 121477; Section 23.45.016 Open Space Requirements, which section was last amended by Ordinance 123046; Section 23.45.017 Light and Glare, which section was last amended by Ordinance 115043; and Section 23.45.018, Parking and Access, which section was last amended by Ordinance 120611; all for Lowrise zones, as shown in Attachment A to this ordinance, are repealed.

Section 29. Section 23.45.510 of the Seattle Municipal Code, which section was enacted by Ordinance 123209, is amended as follows:

23.45.510 Floor area ratio (FAR) limits ((in Midrise and Highrise Zones))

((A- Floor area ratio (FAR) limits apply to all structures and lots in Midrise and Highrise zones as shown in Table A for 23.45.510.))

A. General provisions.

1. All gross floor area not exempt under subsection 23.45.510.(B))E counts toward the maximum gross floor area allowed under the floor area ratio (FAR) limits.

2. The applicable FAR limit applies to the total non-exempt gross floor area of all structures on the lot ((-subject to subsection 23.45.510.A.3)).

3. ((When))If a lot is in more than one zone, the FAR limit for each zone applies to the portion of the lot located in that zone, and ((for the entire lot is the sum of the limits that would apply to the portion of the lot located in each zone, but)) the floor area on the portion of the lot with the lower FAR limit may not exceed the amount that would be permitted if it were a separate lot.

B. FAR limits in LR zones

Floor area ratio limits apply in LR zones as shown in Table A for 23.45.510.

Table A for 23.45.510: Floor Area Ratios in Lowrise Zones. Table with 6 columns: Zone, Location, Cottage Housing Developments, Rowhouse Developments, Townhouse Developments, Apartments. Rows include LR1, LR2, LR3.

Footnotes for A for 23.45.510: (1) If more than one type of residential use is provided on a lot, the FAR limit for each residential use is the higher FAR limit for each residential use in this Table A for 23.45.510 only if the conditions in subsection 23.45.510.C are satisfied for all residential uses on the lot. (2) The higher FAR limit applies if the project meets the standards of subsection 23.45.510.C. (3) On lots that abut a street with frequent transit service, the higher FAR limit is 1.6.

C. In LR zones, in order to qualify for the higher FAR limit shown in Table A for 23.45.510, the following standards shall be met:

1. Applicants shall make a commitment that the structure will meet green building performance standards by earning a Leadership in Energy and Environmental Design (LEED) Silver rating or a Built Green 4-star rating of the Master Builders Association of King and Snohomish Counties, except that an applicant who is applying for funding from the

Washington State Housing Trust Fund and/or the Seattle Office of Housing to develop new affordable housing, may elect to meet green building performance standards by meeting the Washington Evergreen Sustainable Development Standards (ESDS). The standards referred to in this subsection 23.45.510.C.1 are those identified in Section 23.45.526, and that section shall apply as if the application were for new development gaining extra residential floor area.

2. For all categories of residential use, if the lot abuts an alley and the alley is used for access, improvements to the alley shall be required as provided in subsections 23.53.030.E and F, except that the alley shall be paved rather than improved with crushed rock, even for lots containing fewer than ten dwelling units.

3. Parking location if parking is provided.

a. For rowhouse and townhouse developments, parking shall be located in an enclosed area that is below grade or that projects a maximum of 4 feet above finished grade, or in a parking area or structure at the rear of the lot.

b. For apartments, parking may either:

1) be located in an enclosed area that is below grade or that projects a maximum of 4 feet above finished grade; or

2) on lots located outside of Urban Centers, Urban Villages, and the Station Area Overlay District, be located off an alley at the rear of the lot, provided that all surface parking is limited to a single row of spaces along the alley and access to each surface parking space is taken directly from the alley.

4. Access to parking if parking is provided.

a. Access to required barrier-free parking spaces may be from either a street or an alley. Subsections 23.45.510.C.4.b, c, and d do not apply to required barrier-free parking spaces.

b. If the lot abuts an alley, access to parking shall be from the alley, unless one or more of the conditions in subsection 23.45.536.C.2 are met.

c. If access cannot be provided from an alley, access shall be from a street if the following conditions are met:

1) on corner lots, the driveway shall abut and run parallel to the rear lot line of the lot or a side lot line that is not a street lot line.

2) on a non-corner lot, there is no more than one driveway per 160 feet of street frontage.

d. If access to parking does not meet one of the standards in this subsection 23.45.510.C.4, or if an exception is granted that allows parking access from both an alley and a street pursuant to subsection 23.45.536.C, the lower FAR limit on Table A for 23.45.510 applies.

(B)D. FAR limits in MR and HR zones.

1. ((Floor-area-ratio-F))FAR((r)) limits apply to all structures and lots in Midrise and Highrise zones as shown in Table ((A))B for 23.45.510.

Table ((A))B for 23.45.510: Floor Area Ratios in MR and HR zones. Table with 3 columns: Base FAR, MR, HR. MR is 3.2, HR is 8((,-0)) on lots 15,000 square feet or less in size; 7((,-0)) on lots larger than 15,000 square feet. Maximum FAR is 4.25.

(B)E. The following floor area is exempt from FAR limits:

1. All underground stories, ((or-portions-of-a-story-that-extend-no-more-than-4-feet-above-existing-or-finished-grade-whichever-is-lower.-See-Exhibit-A-for-23.45.510.))

2. The floor area contained in a ((designated-Seattle)) landmark structure subject to controls and incentives imposed by a designating ordinance, ((when)) if the owner of the landmark has executed and recorded an agreement acceptable in form and content to the Landmarks Preservation Board, providing for the restoration and maintenance of the historically significant features of the structure, except that this exemption does not apply to a lot from which a transfer of development potential has been made under Chapter 23.58A, and does not apply for purposes of determining TDP available for transfer under Chapter 23.58A.

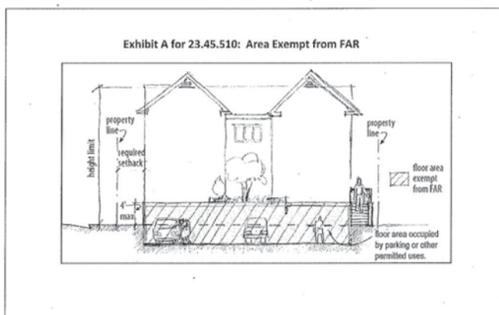
3. Structures built prior to January 1, 1982 as single-family dwelling units that will remain in residential use, provided that:

a. no new principal structure is located between that structure and a street lot line, and

b. the exemption is limited to the gross square footage in the structure as of January 1, 1982.

4. For apartments in LR zones that qualify for the higher FAR limit shown in Table A for 23.45.510, and for all multifamily structures in MR and HR zones, portions of a story that extend no more than 4 feet above existing or finished grade, whichever is lower. See Exhibit A for 23.45.510.

Exhibit A for 23.45.510: Area Exempt from FAR



5. For townhouse developments and apartments that qualify for the higher FAR limit shown in Table A for 23.45.510, floor area within a structure or portion of a structure that is partially above grade and has no additional stories above, if the following conditions are met:

a. The average height of the exterior walls enclosing the floor area does not exceed 4 feet, measured from existing or finished grade, whichever is lower;

b. The roof area above the exempt floor area is predominantly flat, is used as amenity area, and meets the standards for amenity area at ground level in Section 23.45.522;

c. At least 25 percent of the perimeter of the amenity area on the roof above the floor area is not enclosed by the walls of the structure; and

d. The amenity area is no more than 4 feet above the grade at a point where pedestrian access is provided to the lot.

((3))6. Enclosed common ((residential)) amenity ((space)) area in Highrise zones.

((4))7. As an allowance for mechanical equipment, in any structure more than 85

feet in height, 3.5 percent of the gross floor area that is not exempt under this subsection((s)) ((B))D-1 through ((B))D-3 of this Section)) 23.45.510.E.

((5))8. In HR zones, ground floor commercial uses meeting the requirements of Section 23.45.532, if the street level of the structure containing the ((exempt-space)) commercial uses has a minimum floor to floor height of 13 feet and a minimum depth of 15 feet.

((C))E. If TDP is transferred from a lot pursuant to Section 23.58A.018, the amount of non-exempt floor area that may be permitted is the applicable base FAR, plus any net amount of TDP previously transferred to the lot, minus the sum of the existing non-exempt floor area on the lot and the amount of TDP transferred.

Section 30. Sections 23.45.008 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, is recodified and amended as follows:

((23.45.008)) 23.45.512 Density limits—Lowrise zones

A. There shall be a minimum lot area per dwelling unit in LR zones for cottage housing developments, townhouse developments, and apartments, as shown on Table A for 23.45.512, except as provided in subsections B, C, D, E, ((and-F)), and G of this ((s))Section 23.45.512((r-as follows))

Table A for 23.45.512: Density Limits in Lowrise Zones. Table with 5 columns: Zone, Cottage Housing Development (1) and Single-family Dwelling Unit, Rowhouse Development, Townhouse Development (2), Apartment (2). Rows include Lowrise 1, 2, 3, 4.

Table A for 23.45.512: Density Limits in Lowrise Zones

Table A for 23.45.512: Density Limits in Lowrise Zones. Table with 5 columns: Zone, Cottage Housing Development (1) and Single-family Dwelling Unit, Rowhouse Development, Townhouse Development (2), Apartment (2). Rows include LR1, LR2, LR3.

Footnotes for Table A for 23.45.512: 1) See Section 23.45.531 for specific regulations about cottage housing developments. 2) For townhouse developments that meet the standards of subsection 23.45.510.C, the higher density shown in LR1 zones, and there is no density limit in LR2 and LR3 zones. 3) For apartments that meet the standards of subsection 23.45.510.C, there is no density limit in LR2 and LR3 zones.

B. Density exception for certain types of low-income multifamily residential uses.

1. The exception in this subsection 23.45.512.B applies to ((In-Lowrise-3-and-Lowrise-4-zones)) low-income disabled multifamily ((structures)) residential uses, low-income elderly multifamily ((structures)) residential uses, and low-income elderly/low-income disabled multifamily ((structures)) residential uses, operated by a public agency or a private nonprofit corporation, if they do not qualify for the higher FAR limit shown in Table A for 23.45.510.

2. The uses listed in subsection 23.45.512.B.1 shall have a maximum density of one((as-follows): Lowrise 3—One (1) of dwelling unit per five hundred fifty (550) square feet of lot area. Lowrise 4—One (1) dwelling unit per ((four-hundred-0))400((0)) square feet of

lot area if ((2--In-order-to-qualify-for-the-density-provisions-of-this-subsection-23.45.512.B,)) a majority of the dwelling units ((of-the-structure-shall-be)) are designed for and dedicated to tenancies of at least three ((3)) months((,)) and the ((3--The)) dwelling units ((shall)) remain ((as-a)) in low-income disabled multifamily ((structure)) residential use, low-income elderly multifamily ((structure)) residential use, or low-income elderly/low-income disabled multifamily ((structure)) residential use for the life of the structure.

C. ((In-the-Lowrise-Duplex/Triplex-zone, the minimum lot area per dwelling unit for cottage housing developments shall be one (1) dwelling unit per one thousand six hundred (1,600) square feet of lot area. In Lowrise Duplex/Triplex and Lowrise 1 zones, the minimum lot area for cottage housing developments shall be six thousand four hundred (6,400) square feet.)) Carriage houses, nursing homes, congregate housing, assisted living facilities, and accessory dwelling units that meet the standards of Section 23.45.545, are exempt from the density limit set in Table A for 23.45.512.

D. In ((Lowrise-Duplex/Triplex)) LR1 zones no ((structure)) apartment shall contain more than three ((3)) dwelling units((,)) except as permitted in subsections 23.45.512.E and G.

E. Dwelling unit(s) located in structures built prior to January 1, 1982 as single-family dwelling units that will remain in residential use are exempt from density limits and the provisions of subsection 23.45.512.D.

((B))E. ((When)) If dedication of right-of-way is required, permitted density shall be calculated before the dedication is made.

((F))G. Adding Units to Existing Structures ((in-Multifamily-zones)).

1. ((In-all-multifamily-zones, one))One additional dwelling unit may be added to an existing ((multifamily-structure)) residential use regardless of the density restrictions in subsections 23.45.((008))512.A, B, C, and D above((and-regardless-of-the-open-space requirements-in-Section-23.45.((046)). An additional unit is allowed only if the proposed additional unit is to be located entirely within an existing structure, and no additional floor area is proposed to be added to the existing structure.

2. For the purposes of this subsection 23.45.512.G "existing residential ((structures))uses" are those ((structures-or-portions-of-structures)) residential uses that were established under permit as of October 31, 2001, or for which a permit has been granted and the permit has not expired on October 31, 2001.

Section 31. Section 23.45.514 of the Seattle Municipal Code, which section was last amended by Ordinance 123378, is amended as follows:

23.45.514 Structure height ((in-Midrise-and-Highrise-zones))

A. Subject to the additions and exceptions allowed as set forth in this Section 23.45.514, the height limits for principal structures permitted in Lowrise zones are as shown on Table A for 23.45.514.

Table A for 23.45.514: Structure Height for Lowrise Zones in Feet

Table A for 23.45.514: Structure Height for Lowrise Zones in Feet. Table with 5 columns: Housing Type, LR1, LR2, LR3 outside Urban Centers, Urban Villages, and Station Area Overlay Districts, LR3 in Urban Centers, Urban Villages, and Station Area Overlay Districts. Rows include Cottage Housing Developments, Rowhouse and Townhouse Developments, Apartments.

Footnotes for Table A for 23.45.514: 1) On lots located in the Delridge High Point Revitalization Area shown in Map A for Section 23.34.020 that were rezoned to Lowrise 4 subject to a property use and development agreement that was signed by a public agency, the height limit for apartments is 40 feet. 2) The height limit is 30 feet on the portions of lots that are within 50 feet of a single-family zoned lot, unless the lot in the LR zone is separated from a single-family zoned lot by a street.

B. The ((Base-))base and maximum height limits for principal structures ((heights)) permitted in Midrise and Highrise zones are as shown in Table ((A))B for 23.45.514, subject to the additions and exceptions allowed as set forth in this Section 23.45.514. ((The-maximum height-limit-for-accessory-structures-is-12-feet.))

Table ((A))B for 23.45.514: Structure Height for Midrise and Highrise Zones, in Feet

Table ((A))B for 23.45.514: Structure Height for Midrise and Highrise Zones, in Feet. Table with 4 columns: MR, MR/85, HR. Rows include Base height limit, Maximum height limit if extra residential floor area is gained under Chapter 23.58A and Section 23.45.516.

C. The maximum height for accessory structures that are located in required setbacks or separations is 12 feet, except as follows:

1. Garages and carports are limited to 12 feet in height as measured on the facade containing the vehicle entrance. Open rails may extend an additional 3 feet above the roof of the garage or carport if any portion of the roof is within 4 feet of existing grade.

2. The height limit is 20 feet for an accessory structure that contains an accessory dwelling unit for a rowhouse or townhouse unit. The height limit for an accessory dwelling unit that is accessory to a single-family dwelling unit shall be set according to Section 23.44.041.

3. Freestanding flagpoles and religious symbols for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided they are no closer to any lot line than 50 percent of their height above existing grade.

D. Exceptions for ((P))pitched ((R))roofs in LR zones that are not shed or butterfly roofs. Pitched roofs that are not shed or butterfly roofs may extend above the height limits set in Table A for 23.45.514 subject to the following limits, provided that all parts of the roofs above the height limit have a minimum slope of 6:12, except as provided in subsection 23.45.514.D.5:

1. For cottage housing developments in all LR zones, the ridge of pitched roofs on principal structures may extend up to 7 feet above the height limit.

2. In LR1 and LR2 zones, for structures subject to a 30 foot height limit, the ridge of pitched roofs on principal structures may extend up to 5 feet above the height limit if the height exception in subsection 23.45.514.F is not used.

3. In LR3 zones, for structures subject to a 30 foot height limit, the ridge of pitched roofs on principal structures may either:

a. extend up to 10 feet above the height limit, if the height exception provided in 23.45.514.F is not used, and the number of full stories above grade is limited to three; or

b. extend up to 5 feet above the height limit, if the height exception provided in 23.45.514.F is used.

4. In LR3 zones, for structures subject to a 40 foot height limit, the ridge of pitched roofs on principal structures may extend up to 5 feet above the height limit provided that the height exception in subsection 23.45.514.F is not used.

5. Portions of curved roof forms, such as barrel and domed roofs, may have a lesser slope than 6:12, if the Director determines that the massing of the roof form is comparable to a pitched roof form such as a gable or gambrel roof that would have a minimum slope of 6:12.

E. Shed and butterfly roofs in LR zones.

1. In LR zones, the high side(s) of a shed or butterfly roof may extend 3 feet above the height limits set in Table A for 23.45.514, provided that the low side(s) of the shed or butterfly roof are no higher than the height limit (see Exhibit A for 23.45.514).

2. The roof line of a shed or butterfly roof may be extended in order to accommodate eaves and gutters, provided that the highest point of the roof extension is no more than 4 feet above the height limit.

Exhibit A for 23.45.514: Height Exception for Shed and Butterfly Roofs. Diagram showing shed roof and butterfly roof with height limits and annotations.

F. For apartments in LR2 zones, and for all residential uses in LR3 zones, the applicable height limit is increased 4 feet above the height shown on Table A for 23.45.514 for a structure that includes a story that is partially below-grade, provided that:

1. This height exception does not apply to portions of lots that are within 50 feet of a single-family zoned lot, unless the lot in the LR zone is separated from a single-family zoned lot by a street;

2. The number of stories above the partially below-grade story is limited to three stories for residential uses with a 30 foot height limit and to four stories for residential uses with a 40 foot height limit;

3. On the street-facing facade(s) of the structure, the story above the partially below-grade story is at least 18 inches above the elevation of the street, except that this requirement may be waived to accommodate units accessible to the disabled or elderly, consistent with the Seattle Residential Code, Section R322, or the Seattle Building Code.

Chapter 11, and

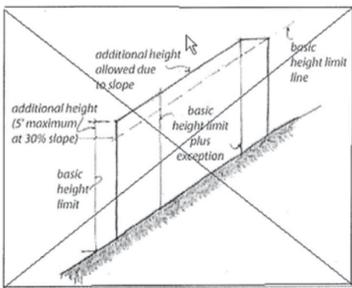
4. The average height of the exterior facades of the portion of the story that is partially below-grade does not exceed 4 feet, measured from existing or finished grade, whichever is less.

(B)G. In MR zones, the base height limit (may-be) is increased by 5 feet if the number of stories in the structure that are more than 4 feet above existing or finished grade, whichever is lower, does not exceed six, and one or more of the following conditions is met:

1. The FAR exemption provided in Section 23.45.510.(B-4)E.4 is used;
2. ((The structure has)) All stories in the structure, except stories used only for parking, have floor to ceiling heights of (more than nine) 9 feet or more; or
3. The ((site)) lot is split between a MR zone and an NC zone, ((that allows a structure height of)) and the base structure height allowed on the NC-zoned portion is 65 feet or more.

((C.—Sloped Lots.—In zones with height limits that are less than 85 feet, additional height is permitted for sloped lots, at the rate of 1 foot for each 6 percent of slope, to a maximum additional height of 5 feet.—The additional height is permitted on the down-slope side of the structure only, as described in Section 23.86.006.D.—See Exhibit A for 23.45.514.))

((Exhibit A for 23.45.514—Sloped Lot Height Allowance))

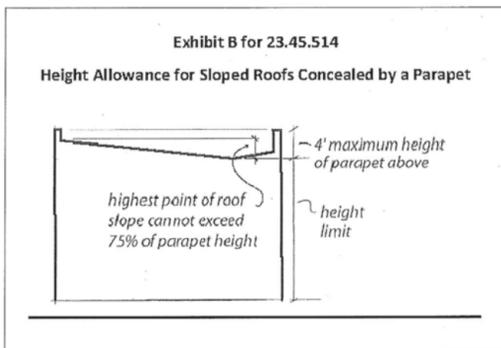


((D.—In MR zones, the base height limit may be increased by 5 feet if the number of stories in the structure that are more than 4 feet above existing or finished grade, whichever is lower, does not exceed six, and one or more of the following conditions is met:

1. The FAR exemption provided in Section 23.45.510.B.1 is used;
2. The structure has floor to ceiling heights of more than nine feet; or
3. The site is split between a MR zone and an NC zone that allows a structure height of 65 feet or more.))

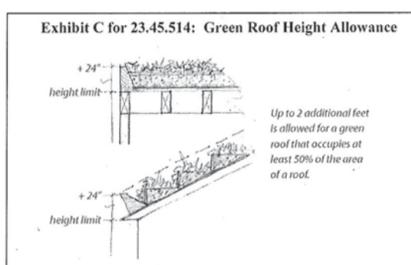
((E)H. Roofs enclosed by a parapet. ((To promote adequate drainage, portions of a roof)) Roof surfaces that are completely surrounded by a parapet may exceed the applicable height limit to allow for a slope, provided that the height of the highest ((point)) elevation of the ((slope)) roof surface does not exceed 75 percent of the parapet height, and provided that the lowest elevation of the roof surface is no higher than the applicable height limit ((the height limit by more than 75 percent of the height of the parapet)). See Exhibit B for 23.45.514.

Exhibit B for 23.45.514: Height Allowance for Sloped Roofs Concealed by a Parapet



((F)I. Green roofs. For any structure with a green roof ((meeting the provisions of Section 23.45.524 and having a minimum rooftop coverage of covering)) that meets standards promulgated by the Director and that covers at least 50 percent of the surface of the roof, up to 2 feet of additional height above the maximum height otherwise allowed for the roof ((limit)) is allowed to accommodate structural requirements, roofing membranes, and soil. See Exhibit C for 23.45.514.

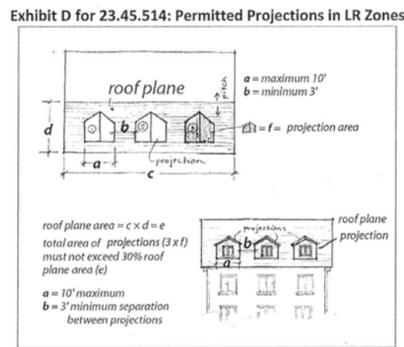
Exhibit C for 23.45.514: Green Roof Height Allowance



((G)J. Rooftop ((F))features.

1. Flagpoles and religious symbols for religious institutions that are located on a roof are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided they are ((no closer to any lot line than 50 percent of their height above existing grade or, if attached only to the roof)) no closer to any lot line than 50 percent of their height above the roof portion where attached ((to any adjoining lot line)).
2. Open ((R))railings, planters, skylights, clerestories, greenhouses not dedicated to food production, parapets and firewalls on the roofs of principal structures may extend 4 feet above the maximum height limit set in subsections A, B, E, and ((B))F of this Section 23.45.514.
3. Projections on pitched roofs that result in additional interior space, such as dormers, may extend to the height of the ridge of a pitched roof that is permitted to exceed the applicable height limit pursuant to subsection 23.45.514.D, if all of the following conditions are satisfied:
 - a. the total area of the projections is limited to 30 percent of the area of each roof plane measured from the plan view perspective;
 - b. the projections are limited to 10 feet in width; and
 - c. each projection is separated by at least 3 feet from any other projection (see Exhibit D for 23.45.514).

Exhibit D for 23.45.514: Permitted Projections on Pitched Roofs



((3)4. In LR zones, the following rooftop features may extend 10 feet above the height limit set in subsections 23.45.514.A and F, if the combined total coverage of all features does not exceed 15 percent of the roof area or 20 percent of the roof area if the total includes screened mechanical equipment:

- a. Stair penthouses, except as provided in subsection 23.45.514.J.6;
- b. Mechanical equipment;
- c. Play equipment and open-mesh fencing that encloses it, if the fencing is at least 5 feet from the roof edge;
- d. Chimneys;
- e. Wind-driven power generators; and
- f. Minor communication utilities and accessory communication devices, except that height is regulated according to the provisions of Section 23.57.011.

5. In MR and HR zones, ((The))the following rooftop features may extend 15 feet above the applicable height limit set in subsections 23.45.514.B, and ((C))E, ((so long as)) if the combined total coverage of all features does not exceed 20 percent of the roof area, or 25 percent of the roof area if the total includes screened mechanical equipment:

- a. Stair penthouses, except as provided in subsection 23.45.514.J.6;
 - b. Mechanical equipment;
- ((b)g. Play equipment and open-mesh fencing ((which)) that encloses it, ((so long as)) if the fencing is at least 5 feet from the roof edge;
- d. Chimneys;
 - e. Sun and wind screens;
 - f. Penthouse pavilions for the common use of residents;
 - g. Greenhouses and solariums, in each case that meet minimum energy standards administered by the Director;
 - h. Wind-driven power generators; and
 - i. Minor communication utilities and accessory communication devices, except that height is regulated according to the provisions of Section 23.57.011.

((4)g. ((Stair and)) Subject to the roof coverage limits in subsections 23.45.514.J.4 and 5, elevator penthouses may extend above the applicable height limit up to 16 feet. ((When)) If additional height is needed to accommodate energy-efficient elevators in HR zones ((with height limits of 160 feet or greater)), elevator penthouses may extend the minimum amount necessary to accommodate energy-efficient elevators, up to 25 feet above the applicable height limit. Energy-efficient elevators ((shall be)) are defined by Director's Rule. ((When additional height is allowed for an energy-efficient elevator, stair))Stair penthouses may be ((granted)) the same ((additional)) height as an elevator penthouse if ((they)) the elevator and stairs are co-located within a common ((the elevator)) penthouse structure.

((5)h. For height exceptions for solar collectors, see Section 23.45.545((4)).

((6)h. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed in this subsection 23.45.514((G))J at least 10 feet from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21st at noon no more than would a structure built to maximum permitted bulk:

- a. Solar collectors;
- b. Planters;
- c. Clerestories;
- d. Greenhouses and solariums ((which)) that meet minimum energy standards administered by the Director;
- e. Minor communication utilities and accessory communication devices, permitted according to the provisions of Section 23.57.011;

- f. ((Nonfirewall parapets))
 - g. Play equipment;
 - h. Sun and wind screens;
 - i. Penthouse pavilions for the common use of residents.
- ((7)h. For height limits and exceptions for communication utilities and devices, see Section 23.57.011.

((8)h. Greenhouses that are dedicated to food production are permitted to extend 15 feet above the applicable height limit, as long as the combined total coverage of all features gaining additional height listed in this subsection 23.45.514((G))J does not exceed 50 percent of the roof area, and the greenhouse ((adheres to)) meets the ((setback)) requirements ((listed in)) of subsection 23.45.514((G-6))J.8.

((9)h. Additional height in HR zones. A structure may exceed the applicable height limit in the HR zone as follows:

- a. If the applicable height limit is 240 feet, the height of the structure may be increased by 30 feet if the area bounded by the facades of the portion of the structure above 240 feet is no greater than 6,500 square feet, or if the area bounded by the facades at an elevation that is halfway between 240 feet and the height of the structure is no greater than 50 percent of the area bounded by the facades at a height of 240 feet.
- b. If the applicable height limit is 300 feet, the height of a structure may be increased (1) by 30 feet if the area bounded by the facades of the portion of the structure above 300 feet is no greater than 6,500 square feet, or (2) by 45 feet if the area bounded by the facades at an elevation that is halfway between 300 feet and the height of the structure is no greater than 50 percent of the area bounded by the facades at a height of 300 feet.
- c. In all cases the area bounded by the facades extending above the height limit may be occupied only by those uses or features otherwise permitted in this Section 23.45.514 as an exception above the height limit, although any limits on the height or coverage

of those uses or features totally screened by the facades extending above the applicable height limit shall not apply. Height exceptions permitted for screening ((and)) of rooftop features under other provisions of this subsection 23.45.514((F))J are not permitted above the height gained by a structure under this ((provision)) subsection 23.45.514.J.11.

Section 32. Subsection C of Section 23.45.516 of the Seattle Municipal Code, which section was enacted by Ordinance 123209, is amended as follows:

23.45.516 Additional height and extra residential floor area in Midrise and Highrise zones

C. Highrise ((Z))zones.

1. Extra Residential Floor Area. In HR zones extra residential floor area may be gained in accordance with Chapter 23.58A subject to the conditions and limits in this Section 23.45.516. Up to all extra residential floor area may be gained through the affordable housing incentive program provisions in Section 23.58A.014. Up to 40 percent of extra residential floor area may be gained by one or any combination of:

- a. transfer of development potential;
- b. providing neighborhood open space or a payment in lieu thereof; and/or
- c. providing a neighborhood green street setback if allowed pursuant to subsection 23.45.516.F, all in accordance with this Section 23.45.516 and Chapter 23.58A.

2. Structure ((H))height.

a. Structures 240 feet or less in height. The applicable height limit in an HR zone under subsection 23.45.514((A))B is 240 feet if the applicant satisfies the conditions for extra floor area but not all of the conditions in subsection C.2.b of this Section 23.45.516 are met.

b. Structures over 240 feet. The applicable height limit in an HR zone under subsection 23.45.514((A))B is 300 feet if the applicant satisfies the conditions for extra floor area and the following additional conditions are met:

- 1) For any structure above a height of 85 feet, the average residential gross floor area per story above a height of 45 feet does not exceed 9,500 square feet; and
- 2) No parking is located at or above grade, unless it is separated from all street lot lines by another use; and
- 3) At least 25 percent of the lot area at grade is one or more landscaped areas, each with a minimum horizontal dimension of 10 feet, or at least 20 percent of the lot area at grade is landscaped, common ((residential)) amenity area meeting the standards of Section 23.45.522.

Section 33. Section 23.45.518 of the Seattle Municipal Code, which section was last amended by Ordinance 123209, is amended as follows:

23.45.518 Setbacks and Separations ((in Midrise and Highrise zones))

A. LR zones. Required setbacks for the LR zones are shown in Table A for 23.45.518.

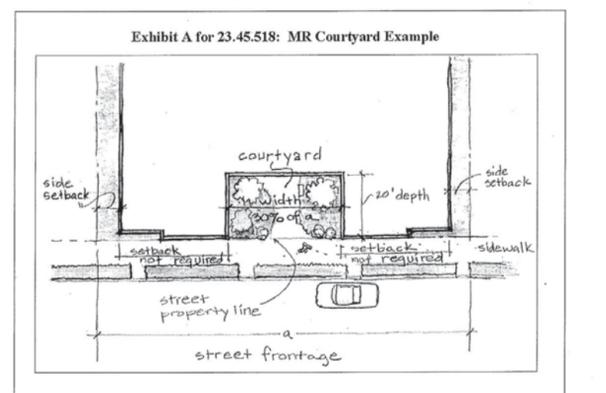
All LR Zones	Category of Residential Use			
	Cottage Housing Developments and Single-Family Dwelling Units	Rowhouse Developments	Townhouse Developments	Apartments
Front	7 average; 5 minimum	5 minimum	7 average; 5 minimum	5 minimum
Rear	0 with Alley; 7 if no Alley	0 with Alley; With no alley; 7 average; 5 minimum	7 average; 5 minimum	10 minimum with alley; 15 minimum if no alley
Side Setback for Facades 40 feet or less in length ¹	5	0, except that on side lot lines that abut a single-family zone, the setback is 5	5	5
Side Setback for Facades greater than 40 feet in length ¹	5 minimum	0, except that on side lot lines that abut a single-family zone, the setback is 7 average; 5 minimum	7 average; 5 minimum	7 average; 5 minimum

Footnote to Table A for 23.45.518
¹Portions of structures that qualify for the FAR exemption in subsection 23.45.510.E.5 are not considered part of the facade length for the purposes of determining the side setback requirement.

B. MR ((Z))zones. Minimum setbacks for the MR zone are shown in Table ((A))B for 23.45.518((except as provided in subsection Section 23.45.508.B for lots that have no street frontage)).

Setback Location	Required Setback Amount
Front and side setback from street lot lines	7((C))foot average setback; 5((C))foot minimum setback No setback is required ((when))if a courtyard ((is provided)) abuts ((the)) the street (see Exhibit A for 23.45.518) and the courtyard ((that)) has: • a minimum width equal to 30 percent of the width of the abutting street frontage or 20((C))feet, whichever is greater; and • a minimum depth of 20((C))feet measured from the abutting street lot line.
Rear setback	15((C))feet from a rear lot line that does not abut an alley; or 10((C))feet from a rear lot line abutting an alley.
Side setback from interior lot line	For portions of a structure: • 42((C))feet or less in height: 7((C))foot average setback; 5((C))foot minimum setback. • Above 42((C))feet in height: 10((C))foot average setback; 7((C))foot minimum setback.

Exhibit A for 23.45.518: MR Courtyard Example

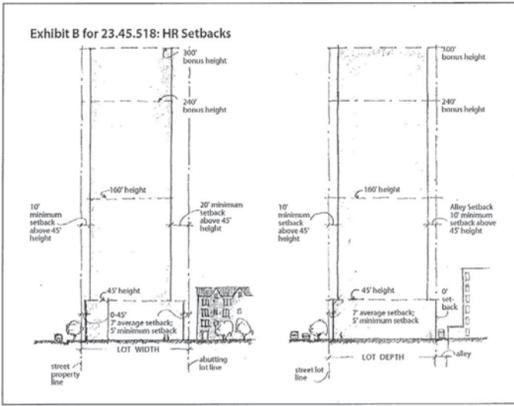


((B))C. HR ((Z))zones. Minimum setbacks for HR zones are shown in Table ((B))C for 23.45.518((except as provided in Section 23.45.508.B for lots that have no street frontage)).

Table (B)C for 23.45.518: HR Setbacks (see also Exhibit B for 23.45.518)

Setbacks for structures (eighty-five) 85 feet in height or less	
Structures 85 feet in height or less are subject to the setback provisions of the MR zone in subsection 23.45.518.A.	
Setbacks for structures greater than (eighty-five) 85 feet in height	
Lot line abutting a street	For portions of a structure: <ul style="list-style-type: none"> 45(°)feet or less in height: 7(°)foot average setback; 5(°)foot minimum setback, except that no setback is required for frontages occupied by street level uses or dwelling units with a direct entry from the street; Greater than 45(°)feet in height: 10(°)foot minimum setback
Lot line abutting an alley	Rear lot line abuts an alley: For portions of a structure: <ul style="list-style-type: none"> 45(°)feet or less in height: no setback required; Greater than 45(°)feet in height: 10(°)foot minimum setback.
Lot line that abuts neither a street nor alley	For portions of a structure: <ul style="list-style-type: none"> 45(°)feet or less in height: 7(°)foot average setback; 5(°)foot minimum setback, except that no setback is required for portions abutting an existing structure built to the abutting lot line; Greater than 45(°)feet in height: 20(°)foot minimum setback.

Exhibit B for 23.45.518: HR Setbacks



(C)D. Through (H)lots. In the case of a through lot, each setback abutting a street except a side setback shall be a front setback. Rear setback requirements shall not apply to the lot.

(D)E. Other (R)requirements. Additional structure setbacks may be required in order to meet the provisions of Chapter 23.53, Requirements for Streets, Alleys and Easements.

(E)F. Separations between multiple structures.

1. In LR and MR zones, ((a-Where two or more principal structures are located on a lot,)) the minimum required separation between ((the)) principal structures at any two points on different interior facades is 10 feet, except for cottage housing developments, and principal structures separated by a driveway or parking aisle. ((as follows: 1) When))

2. In LR and MR zones, if ((the)) principal structures are separated by a driveway or parking aisle, the minimum required separation between the principal structures ((from finished grade to a height of 9 feet above finished grade)) is 2 feet greater than the required width of the driveway or parking aisle, provided that the separation is not required to be any greater than 24 feet ((to accommodate a parking aisle)). If principal structures are separated by a driveway or parking aisle, projections that enclose floor area may extend a maximum of 3 feet into the required separation if they are at least 8 feet above finished grade.

3. Cottage housing developments in LR and MR zones:

a. The minimum required separation between principal structures at any two points on different interior facades is 6 feet, unless there is a principal entrance on an interior facade, in which case the minimum separation required from that facade is 10 feet.

b. Facades of principal structures shall be separated from facades of accessory structures by a minimum of 3 feet.

((2) The enclosed floor area of a structure may extend a maximum of 3 feet over driveways and parking aisles, subject to this subsection 23.45.518.(E)E; and))

b. Architectural or structural features and unenclosed decks up to 18 inches above existing or finished grade, whichever is lower, may project up to 18 inches into the required separation between structures.))

((2)4. HR zones. Where two or more structures or portions of a structure above 85 feet in height are located on one lot, the minimum horizontal separation between interior facades in each height range is as provided in Table (C)D for 23.45.518.

Table (C)D for 23.45.518: HR Façade Separation for Structures on the Same Lot

Height Range	Minimum separation required between interior facades
0 to 45 feet	No minimum
Above 45 feet up to 160 feet	30 feet
Above 160 feet	40 feet

G. Front and rear setbacks and all separations on lots containing certain environmentally critical areas or buffers may be reduced pursuant to Sections 25.09.280 and 25.09.300.

(F)H. Projections ((not)) permitted in all required setbacks and separations.

1. Cornices, eaves, gutters, roofs and other forms of weather protection may project into required setbacks and separations a maximum of ((2))4 feet if they are no closer than 3 feet to any lot line.

2. Garden windows and other features that do not provide floor area may project a maximum of 18 inches into required setbacks and separations if they are:

- a. a minimum of 30 inches above the finished floor;
- b. no more than 6 feet in height and 8 feet wide; and
- c. combined with bay windows and other features with floor area, make up no more than 30 percent of the area of the facade.

3. Bay windows and other features ((with)) that provide floor area may project a maximum of ((18 inches)) 2 feet into required setbacks and separations if they are:

- a. no closer than 5 feet to any lot line;
- b. no more than 10 feet in width; and
- c. combined with garden windows and other features included in subsection 23.45.518.H.2, make up no more than 30 percent of the area of the facade.

((4. Unenclosed decks and balconies may project a maximum of 4 feet into required setbacks or separations if they are:

- a. no closer than 5 feet to any lot line; and
- b. no more than 20 feet wide and are separated from other decks and balconies on the same facade of the structure by a distance equal to at least one-half the width of the projection)).

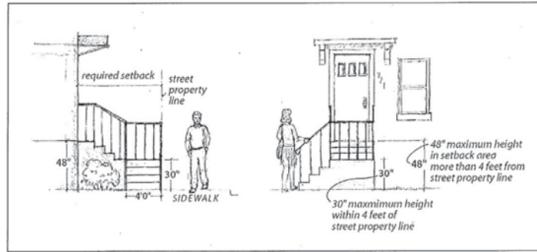
((5)4. Unenclosed decks up to 18 inches above existing or finished grade, whichever is lower, may project into required setbacks or separations to the lot line.

((6)5. Unenclosed porches or steps.

a. ((When)) If setbacks are required pursuant to subsection A((+)) of this Section 23.45.518, unenclosed porches or steps no higher than 4 feet above existing grade, or the grade at the street lot line closest to the porch, whichever is lower, may extend to within 4 feet of a street lot line, except that portions of entry stairs or stoops not more than ((30 inches)) 2.5 feet in height from existing or finished grade whichever is lower, excluding guard rails or hand rails, may extend to a street lot line. See Exhibit C for 23.45.518.

b. Permitted porches may be covered, provided that no portions of the cover-structure, including any supports, are closer than 3 feet to any lot line.

Exhibit C for 23.45.518: Setbacks for Unenclosed Porches



((7)6. Fireplaces and chimneys may project up to 18 inches into required setbacks or separations.

I. Unenclosed decks and balconies may project a maximum of 4 feet into required setbacks if each one is:

1. no closer than 5 feet to any lot line;
2. no more than 20 feet wide; and
3. separated from other decks and balconies on the same facade of the structure by a distance equal to at least one-half the width of the projection.

((G)J. Structures in (R)required (S)setbacks or separations,

1. Detached garages, carports or other accessory structures ((are permitted)) may be located in required separations and required rear or side setbacks, ((provided that any accessory structure located between a principal structure and the side lot line shall provide the setback required for the principal structure)) subject to the following requirements:

a. Any accessory structure located between a principal structure and a side lot line shall provide the setback required for the principal structure;

b. Any portion of an accessory structure located more than 25 feet from a rear lot line shall meet the side setback requirement for a principal structure;

The accessory structure is no taller than 12 feet, as measured from existing or finished grade, whichever is lower, except for garages and carports as specified below:

- 1) garages and carports are limited to 12 feet in height as measured from the facade containing the vehicle entrance; and
- 2) open rails are allowed to extend an additional 3 feet above the roof of the accessory structure if any portion of the roof is within 4 feet of existing grade.))

c. Accessory structures shall be set back at least 7 feet from any lot line that abuts a street; and

d. Accessory structures shall be separated by at least 3 feet from all principal structures, including the eaves, gutters, and other projecting features of the principal structure.

2. Ramps or other devices necessary for access for the disabled and elderly((s)) that meet the Seattle Residential Code, Section R322 or Seattle Building Code, Chapter 11-Accessibility, are permitted in any required setback or separation.

3. Uncovered, unenclosed pedestrian bridges, necessary for access and 5 feet or less ((than 5 feet)) in width, are permitted in any required setback or separation.

4. Underground structures are permitted in any required setback or separation.

5. Solar collectors ((are)) may be permitted in ((any)) required setbacks or separations, ((subject)) pursuant to the provisions of Section 23.45.545((23.45.538, Solar collectors)).

6. Freestanding structures, signs and similar structures 6 feet or less in height above existing or finished grade whichever is lower, may be erected in each required setback or separation, provided that signs meet the provisions of Chapter 23.55, Signs.

7. Fences,

a. Fences no greater than ((six)) 6 feet in height are permitted in any required ((front, side or rear)) setback or separation, except that fences in the required front setback extended to side lot lines or ((side)) in street side setbacks extended to the front and rear lot lines may not exceed 4 feet in height. Fences located on top of a bulkhead or retaining wall are also limited to 4 feet. ((The permitted height may be averaged along a sloping grade for each 6-foot-long segment of the fence, but in no case may any portion of the fence exceed 6 feet in height.)) If a fence is placed on top of a new bulkhead or retaining wall used to raise grade, the maximum combined height is limited to 9.5 feet.

b. Up to ((two)) 2 feet of additional height for architectural features such as arbors or trellises on the top of a fence is permitted, if the architectural features are predominately open. ((When such a fence is located on top of a bulkhead or retaining wall, the height of the fence is limited to 4 feet.))

c. ((If located in shoreline setbacks or in view corridors in the Shoreline District as regulated in Chapter 23.60, structures shall not obscure views protected by Chapter 23.60, and the Director shall determine the permitted height.)) Fence height may be averaged along sloping grades for each 6 foot long segment of the fence, but in no case may any portion of the fence exceed 8 feet in height when the height permitted by subsection 23.45.518.J.7.a is 6 feet, or 6 feet in height when the height permitted by subsection 23.45.518.J.7.a is 4 feet.

8. Bulkheads and retaining walls,

a. Bulkheads and retaining walls used to raise grade may be placed in each required setback ((when)) if they are limited to 6 feet in height, measured above existing grade. A guardrail no higher than 42 inches may be placed on top of a bulkhead or retaining wall existing as of January 3, 1997. ((If a fence is placed on top of a new bulkhead or retaining wall, the maximum combined height is limited to 9.5 feet.))

b. Bulkheads and retaining walls used to protect a cut into existing grade may not exceed the minimum height necessary to support the cut or 6 feet measured from the finished grade on the low side, whichever is greater. ((When)) If the bulkhead is measured from the low side and it exceeds 6 feet, an open guardrail of no more than 42 inches meeting Seattle Residential Code or Seattle Building Code requirements may be placed on top of the bulkhead or retaining wall. ((A fence must)) Any fence shall be set back a minimum of 3 feet from such a bulkhead or retaining wall.

9. ((Arbors)) Arbors may be permitted in required setbacks or separation under the following conditions:

a. In each required setback or separation, an arbor may be erected with no more than a 40 square foot footprint, measured on a horizontal roof plane inclusive of eaves, to a maximum height of 8 feet. At least 50 percent of ((Both)) both the sides and the roof of the arbor ((must)) shall be ((at least 50 percent)) open, or, if latticework is used, there ((must)) shall be a minimum opening of 2 inches between crosspieces.

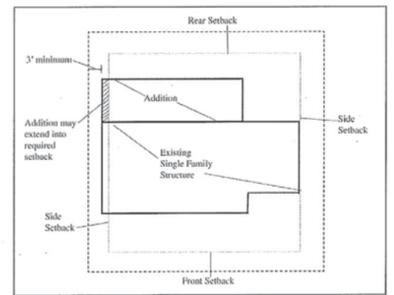
b. In each required setback abutting a street, an arbor over a private pedestrian walkway with no more than a 30 square foot footprint, measured on the horizontal roof plane and inclusive of eaves, may be erected to a maximum height of 8 feet. ((The)) At least 50 percent of the sides of the arbor shall ((be at least 50 percent)) open, or, if latticework is used, there ((must)) shall be a minimum opening of 2 inches between crosspieces.

((10. Structures built as single family dwelling units prior to 1982((s)) that will remain in residential use((s)) are permitted in required setbacks or separations provided that nonconformity to setback or separation requirements is not increased.

11. Front and rear setbacks or separations on lots containing certain environmentally critical areas or buffers may be reduced pursuant to Sections 25.09.280 and 25.09.300.))

K. In all multifamily zones, certain additions to a single-family dwelling unit may extend into a required side setback if the structure is already nonconforming with respect to that setback, and if the presently nonconforming section is at least 60 percent of the total width of the respective facade of the structure prior to the addition. The line formed by the nonconforming wall of the structure shall be the limit to which any additions may be built, which may extend up to the height limit and may include basement additions (Exhibit D for 23.45.518), provided that additions shall be at least 3 feet from the side lot line.

Exhibit D for 23.45.518: Permitted Additions Into Required Setbacks for Existing Single-Family Dwelling Units



Section 34. Section 23.45.522 of the Seattle Municipal Code, which section was enacted by Ordinance 123209, is amended as follows:

23.45.522 ((Residential amenity)) Amenity area ((s in Midrise and Highrise zones))

((A. Residential amenity areas, including but not limited to decks, balconies, terraces, roof gardens, plazas, courtyards, play areas, or sport courts, are required in an amount equal to 5 percent of the total gross floor area of a structure in residential use, except as otherwise provided in this Chapter 23.45.))

A. Amount of amenity area required for rowhouse and townhouse developments and apartments in LR zones.

1. The required amount of amenity area for rowhouse and townhouse developments and apartments in LR zones is equal to 25 percent of the lot area.

2. A minimum of 50 percent of the required amenity area shall be provided at ground level, except that amenity area provided on the roof of a structure that meets the provisions of subsection 23.45.510.E.5 may be counted as amenity area provided at ground level.

3. For rowhouse and townhouse developments, amenity area required at ground level may be provided as either private or common space.

4. For apartments, amenity area required at ground level shall be provided as common space.

B. Amenity area requirements for cottage housing developments in all multifamily zones.

1. A minimum of 300 square feet of amenity area is required for each cottage.
2. A minimum of 150 square feet of amenity area is required for each carriage house.

3. The required quantity shall be allocated as follows:

- a. Half of the amenity area required for each cottage, and all of the amenity area required for each carriage house, shall be provided as common amenity area; and
- b. Half of the amenity area required for each cottage shall be provided as private amenity area for that unit.

4. The required common amenity area may be divided into no more than two separate areas, and shall:

- a. have cottages or carriage houses abutting on at least two sides;
- b. be in a location central to the cottage housing development; and
- c. have no horizontal dimension of less than 10 feet.

5. Carriage houses shall have stairs that provide access to the common amenity area.

C. Amount of amenity area required in MR and HR zones.

The required amount of amenity area in MR and HR zones is equal to 5 percent of the total gross floor area of a structure in residential use, except that cottage housing developments shall meet the standards in subsection B of this Section 23.45.522.

((B-Required residential)) D. General requirements.

Required amenity areas shall meet the following conditions:

1. All ((residents)) units shall have access to ((at least one)) a common or private ((residential)) amenity area((s)).

2. Enclosed amenity area.

- a. In LR zones, an amenity area shall not be enclosed within a structure.
- b. In MR and HR zones, except for cottage housing, ((No)) no more than 50 percent of the ((residential)) amenity area may be enclosed, and this enclosed area shall be provided as common ((space)) amenity area.

3. Projections into amenity areas. Structural projections that do not provide floor area, such as garden windows, may extend up to 2 feet into an amenity area if they are at least 8 feet above finished grade.

4. Private amenity area.

- a. There is no minimum dimension for private amenity areas, except that if

a private amenity area abuts a side lot line that is not a side street lot line, the minimum horizontal dimension measured from the side lot line is 10 feet.

b. An unenclosed porch that is a minimum of 60 square feet in size, and that faces a street or a common amenity area, may be counted as part of the private amenity area for the rowhouse, townhouse, or cottage to which it is attached.

5. Common amenity area for rowhouse and townhouse developments and apartments shall meet the following conditions:

a. No common amenity area shall be less than 250 square feet in area, and common amenity areas shall have a minimum horizontal dimension of 10 feet.

b. Common amenity area shall be improved as follows:

1) At least 50 percent of common amenity area provided at ground level shall be landscaped with grass, ground cover, bushes and/or trees.

2) Elements that enhance the usability and livability of the space for residents, such as seating, outdoor lighting, weather protection, art, or other similar features shall be provided.

c. The common amenity area required at ground level for apartments shall be accessible to all apartment units.

(3)5. Parking areas, vehicular access easements, and driveways (and pedestrian access to building entrances, except for pedestrian access meeting the Seattle Building Code, Chapter 11—Accessibility) do not qualify as ((residential)) amenity areas((i)), except that a woonerf may provide a maximum of 50 percent of the amenity area if the design of the woonerf is approved through a design review process pursuant to Chapter 23.41.

((4))6. Swimming pools, spas, and hot tubs may be counted toward meeting the ((residential)) amenity area requirement.

((5-Common amenity areas shall have a minimum horizontal dimension of at least 10 feet, and no common amenity area may be less than 250 square feet.))

((6))7. Rooftop areas excluded because they are near minor communication utilities and accessory communication devices, pursuant to subsection 23.57.011.C.1, do not qualify as ((residential)) amenity areas.

((G))E. No ((residential)) amenity area is required for a ((n-additional)) dwelling unit added to ((an)) a single-family dwelling unit existing as of January 1, 1982, or to a multifamily ((structure))residential use existing as of October 10, 2001.

Section 35. Subsection A of 23.45.524 of the Seattle Municipal Code, which section was enacted by Ordinance 123209, is amended as follows:

23.45.524 Landscaping ((and-screening)) standards ((in-Midrise-and-Highrise-zones))

A. Landscaping requirements.

1. Standards. All landscaping provided to meet requirements under this Section 23.45.524 ((must)) shall meet standards promulgated by the Director to provide for the long-term health, viability, and coverage of plantings. ((The-Director-may-promulgate-standards-relating-to-landscaping-matters-that)) These standards may include, but are not limited to, the type and size of plants, number of plants, ((one-orientation)) spacing of plants, depth((s)) and quality of soil, use of drought-tolerant plants, and access to light and air for plants.

2. Green Factor ((R))requirement.

a. Landscaping that achieves a Green Factor score of 0.6 or greater, determined as set forth in Section 23.86.019, is required for any lot with development containing more than one dwelling unit in Lowrise zones. Vegetated walls may not count towards more than 25 percent of a lot's Green Factor score.

b. Landscaping that achieves a Green Factor score of 0.5 or greater, determined as set forth in Section 23.86.019, is required for any lot with development containing more than one dwelling unit ((new-development)) in Midrise and Highrise zones.

B. Street tree requirements.

1. Street trees are required ((when)) if any type of development is proposed, except as provided in subsection 23.45.524.B.2 and B.3 below and Section 23.53.015. Existing street trees shall be retained unless the Director of Transportation approves their removal. The Director, in consultation with the Director of the Department of Transportation, ((will)) shall determine the number, type, and placement of additional street trees to be provided, based on the following considerations:

- a. public safety;
b. presence, type, and condition of existing street trees;
c. space in the planting strip;
d. size of trees to be planted;
e. spacing required between trees in order to encourage healthy growth;
f. location of utilities; and
g. approved access to the street, buildings, and lot.

2. Exceptions to street tree requirements.

a. If a lot borders an unopened street, the Director may reduce or waive the street tree requirement along that street if, after consultation with the Director of Transportation, the Director determines that the street is unlikely to be ((developed)) opened or improved.

b. Street trees are not required as a condition to any of the following:

- ((1))establishing, constructing, or modifying single-family dwelling units; or
((2))1) changing a use ((or-establishing-a-temporary-use-or-intermittent-use)); ((or))
((3))2) expanding a structure by 1,000 square feet or less; ((or))
((4))3) expanding surface ((area)) parking by less than 10 percent in area or in number of spaces; or
4) establishing a temporary or intermittent use pursuant to Section 23.42.040.

c. ((When)) If an existing structure is proposed to be expanded by more than 1,000 square feet, one street tree is required for each 500 square feet over the first 1,000 square feet, up to the maximum number of required trees.

3. If it is not feasible to plant street trees in an abutting planting strip, a 5 foot setback shall be planted with street trees along the street ((property))lot line, or landscaping other than trees shall be provided in the planting strip, subject to approval by the Director of the Department of Transportation. If, according to the Director of the Department of Transportation, a 5 foot setback or landscaped planting strip is not feasible, the Director may reduce or waive this requirement.

((C- Screening of parking.

1. Parking must be screened from direct street view by the front facade of a structure, by garage doors, or by a fence or wall between 4 feet and 6 feet in height. When the fence or wall parallels a street, a minimum 3-foot deep landscaped area is required on the street side of the fence or wall. The screening may not be located within any required sight triangle.

2. The height of the visual barrier created by the screen required in subsection 23.45.524.C.1 shall be measured from the elevation of the curb or street if no curb is present. If the elevation of the lot line is different from the finished elevation of the parking surface, the difference in elevation may be measured as a portion of the required height of the screen, so long as the screen itself is a minimum of 3 feet in height.)

Section 36. Subsection A of Section 23.45.526 of the Seattle Municipal Code, which section was enacted by Ordinance 123209, is amended as follows:

23.45.526 LEED, Built Green, and Evergreen Sustainable Development Standards

A. Applicants for all new development gaining extra residential floor area pursuant to this Chapter 23.45, or seeking to qualify for the higher FAR limit in Table A for 23.45.510, except additions and alterations, shall make a commitment that the structure will meet green building performance standards by earning a Leadership in Energy and Environmental Design (LEED) Silver rating or a Built Green 4-star rating of the Master Builders Association of King and Snohomish Counties, except that an applicant who is applying for funding from the Washington State Housing Trust Fund and/or the Seattle Office of Housing to develop new affordable housing, as defined in subsection 23.45.526.D, may elect to meet green building performance standards by meeting the Washington Evergreen Sustainable Development Standards (ESDS).

Section 37. A new Section 23.45.527 is added to the Seattle Municipal Code as follows:

23.45.527 Structure width and facade length limits in LR zones

A. Structure width in LR zones may not exceed the width indicated on Table A for 23.45.527.

Table A for 23.45.527: Maximum Structure Width in LR zones in feet. Table with 4 columns: Zone, Width in feet by Category of Residential Use (Cottage Housing and Rowhouse Developments, Townhouse Developments, Apartments). Rows include LR1, LR2, LR3 outside Urban Villages, Urban Centers or Station Area Overlay Districts, and LR3 inside Urban Villages, Urban Centers or Station Area Overlay Districts.

B. Maximum facade length in Lowrise zones.

1. The maximum combined length of all portions of facades within 15 feet of a lot line that is neither a rear lot line nor a street or alley lot line shall not exceed 65 percent of the length of that lot line, except as specified in subsection 23.45.527.B.2.

2. For a rowhouse development on a lot that abuts the side lot line of a lot in a single-family zone, the maximum combined length of all portions of facades within 15 feet of the abutting side lot line is 40 feet.

Section 38. Section 23.45.528 of the Seattle Municipal Code, which section was enacted by Ordinance 123209, is amended as follows:

23.45.528 Structure width and depth limits for lots in Midrise zones greater than 9,000 square feet in size

The width and depth limits of this Section 23.45.528 apply to lots in MR zones that are greater than 9,000 square feet in lot area.

A. The width of principal structures shall not exceed 150 feet ((may-not-exceed-the-applicable-limits-shown-in-Table-A-for-23.45.528)).

Table A for 23.45.528: Width Limits. Table with 2 columns: Maximum width, MR (150').

B. Structure ((D))depth.

1. The depth of principal structures shall not exceed 75 percent of the depth of the lot ((exceed-the-limits-shown-in-Table-B-for-23.45.528-except-as-provided-in-subsection-23.45.528((B-2))B.2)).

(Table B for 23.45.528: Depth Limits. Table with 2 columns: Maximum depth, MR (75 percent of the depth of the lot)).

2. Exceptions to structure depth limit. To allow for front setback averaging and courtyards as provided in ((subsection)) Section 23.45.518((=A)), structure depth may exceed the limit ((shown-in-Table-B-for-23.45.528)) set in subsection 23.45.528.B.1 if the total lot coverage resulting from the increased structure depth does not exceed the lot coverage that would have otherwise been allowed without use of the courtyard or front setback averaging provisions.

((C- Accessory structures are counted in structure width and depth if they are less than 3 feet from the principal structure at any point.))

Section 39. A new section 23.45.529 of the Seattle Municipal Code is added as follows:

23.45.529 Design standards

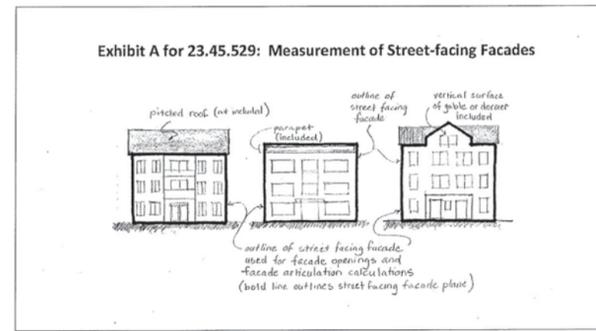
A. Intent. The intent of the design standards in this Section 23.45.529 is to:

- 1. Enhance street-facing facades to provide visual interest, promote new development that contributes to an attractive streetscape, and avoid the appearance of blank walls along a street;
2. Foster a sense of community by integrating new pedestrian-oriented multifamily development with the neighborhood street environment and promoting designs that allow easy surveillance of the street by area residents;
3. Promote livability in multifamily areas by providing a sense of openness and access to light and air; and
4. Encourage the compatibility of a variety of housing types with the scale and character of neighborhoods where new multifamily development occurs.

B. Application of provisions. The provisions of this Section 23.45.529 apply to all residential uses that do not undergo any type of design review pursuant to Chapter 23.41, except single-family dwelling units.

C. Treatment of street-facing facades. For the purposes of this subsection 23.45.529.C, a street-facing facade includes all vertical surfaces enclosing interior space, including gables and dormers, as shown in Exhibit A for 23.45.529.

Exhibit A for 23.45.529: Measurement of Street-facing Facades



1. Façade openings.

a. At least 20 percent of the area of each street-facing façade shall consist of windows and/or doors.

b. Only transparent windows count toward the requirement for façade openings in this subsection 23.45.529.C.1. Windows composed of glass blocks or opaque glass, garage doors, and doors to utility and service areas, do not count.

2. Façade articulation.

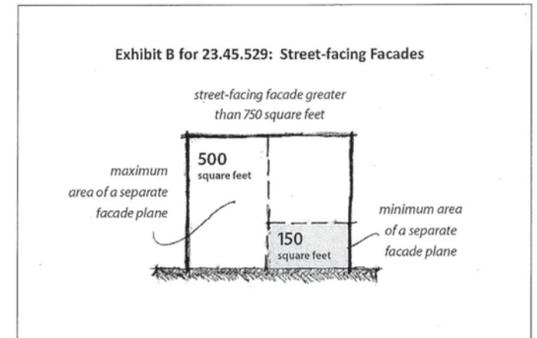
a. If a street-facing facade or portion of a street-facing façade is not vertical, the Director shall determine whether the façade is substantially vertical and required to comply with this subsection 23.45.529.C.

b. If the street-facing façade of a structure exceeds 750 square feet in area, division of the façade into separate facade planes is required (see Exhibit B for 23.45.529).

c. In order to be considered a separate façade plane for the purposes of this subsection 23.45.529.C.2, a portion of the street-facing façade shall have a minimum area of 150 square feet and a maximum area of 500 square feet, and shall project or be recessed from abutting façade planes by a minimum depth of 18 inches.

d. Trim that is a minimum of 0.75 inches deep and 3.5 inches wide is required to mark roof lines, porches, windows and doors on all street-facing facades.

Exhibit B for 23.45.529: Street-facing Facades



e. The Director may allow exceptions to the façade articulation requirements in this subsection 23.45.529.C.2, if the Director determines that the street-facing façade will meet the intent of subsection 23.45.529.A.1, and the intent of subsections 23.45.529.D.2, E.3, and F.4 for cottage housing developments, rowhouse developments, and townhouse developments, respectively, through one or more of the following street-facing façade treatments:

- 1) Variations in building materials and/or color, or both, that reflect the stacking of stories or reinforce the articulation of the façade;
2) Incorporation of architectural features that add interest and dimension to the façade, such as porches, bay windows, chimneys, pilasters, columns, cornices, and/or balconies;
3) Special landscaping elements provided to meet Green Factor requirements pursuant to Section 23.45.524, such as trellises, that accommodate vegetated walls covering a minimum of 25 percent of the façade surface;
4) Special fenestration treatment, including an increase in the percentage of windows and doors to at least 25 percent of the street-facing façade(s).

D. Design standards for cottage housing developments.

1. Pedestrian entry. Each cottage with a street-facing façade that is located within 10 feet of the street lot line shall have a visually prominent pedestrian entry through the use of covered stoops, porches, or other architectural entry features. For cottages on corner lots that have more than one street-facing façade within 10 feet of the street lot line, a visually prominent pedestrian entry is required on only one of the street-facing facades. Access to these entrances may be through a required private amenity area that abuts the street.

2. Architectural expression. Cottage housing developments shall include architectural details that reduce the visual scale of the units. Each cottage shall employ one or more of the following design techniques to reduce visual scale of the units:

- a. Attached covered porch
b. Roofline features such as dormers or clerestories
c. Bay windows
d. Variation in siding texture and materials
e. Other appropriate architectural techniques demonstrated by the applicant to reduce the visual scale of cottages.

E. Design standards for rowhouse developments.

1. Pedestrian entry. Each rowhouse unit shall have a pedestrian entry on the street-facing facade that is designed to be visually prominent through the use of covered stoops, porches, or other architectural entry features. For rowhouse units on corner lots, a visually prominent pedestrian entry is required on only one of the street-facing facades.

2. Front setback. Design elements to provide a transition between the street and the rowhouse units, such as landscaping, trees, fences, or other similar features, are required in the front setback.

3. Architectural expression. The street-facing façade of a rowhouse unit shall provide architectural detail or composition to visually identify each individual rowhouse unit as seen from the street. Design elements such as trim or molding, modulation, massing, color and material variation, or other similar features may be used to achieve visual identification of individual units. Roofline features such as dormers or clerestories, or roofline variation may be used to visually identify individual rowhouse units.

F. Design Standards for townhouse developments.

I. Building orientation. Townhouse developments shall maximize the orientation of individual units to the street by complying with one of the following conditions:

- a. At least 50 percent of the townhouse units shall be located so that there is no intervening principal structure between the unit and the street, unless the intervening principal structure was established under permit as of October 31, 2001, or was granted a permit on October 31, 2001 and the permit has not expired; or
- b. All townhouse units shall have direct access to a common amenity area meeting the requirements of Section 23.45.522 that either abuts the street or is visible and accessible from the street by a clear pedestrian pathway.

2. A clear pedestrian pathway from the street to the entrance of each townhouse unit shall be provided. The pedestrian pathway may be part of a driveway, provided that the pathway is differentiated from the driveway by pavement color, texture, or similar technique. Signage identifying townhouse unit addresses and the directions to the unit entrance(s) from the street shall be provided.

3. Each townhouse unit, with a street-facing façade shall have a pedestrian entry on the street-facing facade that is designed to be visually prominent feature through the use of covered stoops, porches, or other architectural entry features. For townhouse units on corner lots, a visually prominent pedestrian entry is required on only one of the street-facing facades.

4. Architectural expression. Architectural detail or composition shall be provided to visually identify each individual townhouse unit, as seen from the public street.

Design elements such as trim or molding, modulation, massing, color and material variation or other similar features may be used to achieve visual identification of individual units. Rooftop features such as dormers or clerestories, or roofline variation may be used to visually identify individual townhouse units.

G. Building entry orientation standards for apartments.

1. For each apartment structure, a principal shared pedestrian entrance is required that faces either a street or a common amenity area, such as a landscaped courtyard, that abuts and has direct access to the street. Additional pedestrian entrances to individual units are permitted.

2. If more than one apartment structure is located on a lot, each apartment structure separated from the street by another principal structure shall have a principal entrance that is accessible from a common amenity area with access to the street.

3. The shared entrance of each apartment structure shall have a pedestrian entry that is designed to be visually prominent, through the use of covered stoops, overhead weather protection, a recessed entry, or other architectural entry features.

Section 40. Section 23.45.005 of the Seattle Municipal Code, Development standards for single-family structures, which section was last amended by Ordinance 123210, as shown in Appendix A to this ordinance, is repealed.

Section 41. A new Section 23.45.531 is added to the Seattle Municipal Code as follows:
23.45.531 Development standards for cottage housing developments and carriage house structures

A. Size limit for dwelling units.

1. The maximum gross floor area of each cottage in a cottage housing development is 950 square feet.
2. The maximum gross floor area of a carriage house is 600 square feet.

B. Size limit for garages. The maximum gross floor area for a shared garage structure in a cottage housing development is 1,200 square feet, and the garage shall contain no more than four parking spaces.

C. Carriage house structures. A carriage house structure is permitted in a cottage housing development subject to the following standards:

1. The maximum number of dwelling units permitted in carriage house structures is one-third of the total number of units in the cottage housing development on the lot.
2. The maximum gross floor area of the ground floor of a carriage house structure is 1,200 square feet.

D. Existing single-family dwelling units in a cottage housing development. Existing single-family dwelling units that are non-conforming with respect to the standards for a cottage housing development are permitted to remain, provided that the extent of the nonconformity shall not be increased.

Section 42. Section 23.45.534 of the Seattle Municipal Code, which section was enacted by Ordinance 123209, is amended as follows:

23.45.534 Light and glare standards ((in-Midrise-and-Highrise-zones))

- A. Exterior lighting shall be shielded and directed away from adjacent properties.
- B. Interior lighting in parking garages shall be shielded to minimize nighttime glare on adjacent properties.
- C. To prevent vehicle lights from affecting adjacent properties, driveways and parking areas for more than two vehicles shall be screened from ((adjacent)) abutting properties by a fence or wall between 5 feet and 6 feet in height, or a solid evergreen hedge or landscaped berm at least 5 feet in height. If the elevation of the lot line is different from the finished elevation of the driveway or parking surface, the difference in elevation may be measured as a portion of the required height of the screen so long as the screen itself is a minimum of 3 feet in height. The Director may waive the requirement for the screening if it is not needed due to changes in topography, agreements to maintain an existing fence, or the nature and location of adjacent uses.

Section 43. Section 23.45.536 of the Seattle Municipal Code, which section was enacted by Ordinance 123209, is amended as follows:

23.45.536 Parking ((and)) location, access, and screening ((in-MR-and-HR-zones))

A. Off-street parking spaces are required ((pursuant)) to the extent provided in Chapter 23.54, Quantity and design standards for access and off-street parking.

B. Location of parking.

1. If parking is required, it shall be located on the same lot as the use requiring the parking, except as otherwise provided in this subsection 23.45.536.B.

((4))2. ((Parking-shall)) Except as otherwise provided in this subsection 23.45.536.B, surface parking may be located anywhere on a lot except:

- a. between a principal structure and a street lot line ((that is not a street lot line));
- b. in the required front setback or side street side setback; and
- c. within 7 feet of any street lot line.

3. Parking in a structure. Parking may be located in a structure or under a structure, ((or in any combination of these locations, unless otherwise provided in subsections B.2 or B.3 of this Section 23.45.536)) provided that no portion of a garage that is higher than 4 feet above existing or finished grade, whichever is lower, shall be closer to a street lot line than any part of the first floor of the structure in which it is located;

((2))4. On a through lot, parking may be located between the structure and one front lot line ((except that on lots 125 feet or greater in depth, parking shall not be located in either front setback)). The ((frontage)) front setback in which the parking may be located will be determined by the Director based on the prevailing character and setback patterns of the block.

((3))5. On waterfront lots in the Shoreline District, parking ((shall)) may be located between the structure and the front lot line, if necessary to prevent blockage of view corridors or to keep parking away from the edge of the water, ((pursuant to)) as required by Chapter 23.60, Shoreline District.

6. Parking accessory to a residential use may be located on a lot within 800 feet of the lot where the residential use that requires the parking is located, provided that:

- a. the lot is not located in a single-family zone; and
- b. the requirements of Section 23.54.025 are met.

C. Access to ((P))parking.

1. ((Access to parking shall be from an improved alley, but not from the street, or from both the alley and the street, unless the Director permits access from the street according to subsection 23.45.536.D below.)) Alley access required. Except as otherwise expressly required or permitted in subsections C or D of this Section 23.45.536, access to parking shall be from the alley if the lot abuts an alley and one of the conditions in this subsection 23.45.536.C.1 is met.

- a. The alley is improved to the standards of subsection 23.53.030.C;
- b. The development gains additional FAR pursuant to Section 23.45.510.C; or
- c. The Director determines that alley access is feasible and desirable to mitigate parking access impacts, improve public safety, and/or maintain on-street parking capacity.

2. ((If the lot does not abut an improved alley or street, access may be permitted from an easement meeting the provisions of Chapter 23.53, Requirements for Streets, Alleys, and Easements.)) Street access required. Access to parking shall be from the street if:

- a. The lot does not abut an alley.
- b. The lot abuts an alley, and the Director determines that the alley should not be used for access, for one or more of the following reasons:

- 1) Due to the relationship of the alley to the street system, use of the alley for parking access would create a significant safety hazard; or
- 2) Topography makes alley access infeasible.
- 3) The alley is on the uphill side of a steeply sloping lot, and the following conditions are met:

- i. access from the street is to common parking garage in or under the structure, located a maximum of 4 feet above grade.
- ii. the siting of development results in an increased Green Factor score, larger ground-level amenity areas, and/or reduced surface parking area than if alley access is used.

3. ((When access is provided to individual garages from the street pursuant to subsection 23.45.536.D, all garage doors facing the street shall be set back 15 feet from the street lot line.)) On corner lots, if street access is permitted pursuant to subsection 23.45.536.C.2, the applicant may determine the street from which access is taken, unless the Director determines that the use of the street chosen by the applicant would create a significant safety hazard.

4. On steeply sloping lots, the Director may permit the use of both an alley and a street for access, provided that the following conditions are met:

- a. access from the street is to common parking garage in or under the structure, that is underground or extends no more than 4 feet above grade.
- b. the siting of development results in an increased Green Factor score, larger ground-level amenity areas, and/or reduced surface parking area than if alley access alone is used.

c. In LR zones, if the project uses both the alley and street for access to parking other than required barrier-free parking spaces, the project does not qualify for the higher FAR limit in Section 23.45.510.B.

5. Access to required barrier-free parking spaces that meet the standards in the Seattle Residential Code, Section R322, or the Seattle Building Code, Chapter 11, may be from either the street or alley, or both.

6. If the alley is used for access, the alley shall be improved according to the standards in subsections 23.53.030.E and F, except that if a development gains additional FAR pursuant to subsection 23.45.510.C, the alley shall be paved rather than improved with crushed rock, even for lots containing fewer than ten units.

7. If the lot does not abut an improved alley or street, access may be permitted from an easement that meets the provisions of Chapter 23.53, Requirements for Streets, Alleys, and Easements.

((D.—Exceptions for parking location and access.—The Director may permit an alternate location of parking on the lot or access to off-street parking as a Type I decision based on consideration of the following:

1. whether access would negatively impact public safety by requiring backing onto an arterial street;
2. whether on-street parking capacity is maintained or loss of on-street parking is minimized by measures such as serving two garages with one curb cut.
3. whether, as a result, the project is better integrated with the topography of the lot, such as by providing structured parking below grade or shared parking that reduces the overall impact of parking on the design of the project;
4. whether the siting of development on the lot is improved, allowing for more landscaping or increased Green Factor score and/or amenity areas, and reduced surface parking area; and
5. whether the flow of vehicular or pedestrian traffic is not significantly impacted.))

((E.—Parking shall be screened from all streets and adjacent uses pursuant to Section 23.45.524.)) D. Screening of parking.

1. Parking shall be screened from direct street view by the street facing facade of

a structure, by garage doors, or by a fence or wall.

2. Screening by a fence or wall. If screening is provided by a fence or wall, the fence or wall shall not be located within any required sight triangle, and shall meet the following conditions:

- a. the fence or wall shall be at least 3 feet tall measured from the elevation of the curb, or from the elevation of the street if no curb is present. If the elevation of the ground at the base of the fence or wall is higher than the finished elevation of the parking surface, the difference in elevation may be measured as a portion of the required height of the screen, so long as the fence or wall is a minimum of 3 feet in height. If located in a setback, the fence or wall shall meet the requirements subsection 23.45.518.J.7.
- b. the fence or wall shall be set back at least 3 feet from the lot line.

3. Screening by garage doors. If parking is provided in a garage in or attached to a principal structure, and garage door(s) face a street, the following standards apply:

- a. Garage doors may be no more 75 square feet in area;
- b. Garage doors facing the street shall be set back at least 15 feet from the street lot line, and shall be no closer to the street lot line than the street-facing facade of the structure.

Section 44. Section 23.45.545 of the Seattle Municipal Code, which section was enacted by Ordinance 123209, is amended as follows:

Section 23.45.545 Standards for certain accessory uses

C. Solar collectors.

1. Solar collectors that meet minimum written energy conservation standards administered by the Director are permitted in required setbacks, subject to the following:

((4))a. Detached solar collectors are permitted in required rear setbacks, no closer than 5 feet to any other principal or accessory structure.

((2))b. Detached solar collectors are permitted in required side setbacks, no closer than 5 feet to any other principal or accessory structure, and no closer than 3 feet to the side lot line.

((3.—The area covered or enclosed by solar collectors may be counted toward any open-space requirement pursuant to Section 23.45.016 and residential amenity area requirements pursuant to Section 23.45.522.))

((4))2. Sunshades that provide shade for solar collectors that meet minimum written energy conservation standards administered by the Director may project into southern front or rear setbacks. Those that begin at 8 feet or more above finished grade may be no closer than 3 feet from the lot line. Sunshades that are between finished grade and 8 feet above finished grade may be no closer than 5 feet to the lot line.

3. Solar collectors on roofs. Solar collectors that meet minimum written energy conservation standards administered by the Director and that are located on a roof are permitted as follows:

a. In Lowrise zones up to 4 feet above the maximum height limit or 4 feet above the height of elevator penthouse(s); and

b. In MR and HR zones up to 10 feet above the maximum height limit or 10 feet above the height of elevator penthouse(s).

c. If the solar collectors would cause an existing structure to become nonconforming, or increase an existing nonconformity, the Director may permit the solar collectors as a special exception pursuant to Chapter 23.76. Such solar collectors may be permitted even if the structure exceeds the height limits established in this subsection 23.45.545.C.3, when the following conditions are met:

a. There is no feasible alternative solution to placing the collector(s) on the roof; and

b. Such collector(s) are located so as to minimize view blockage from surrounding properties and the shading of property to the north, while still providing adequate solar access for the solar collectors.

I. In Lowrise zones, lots that include rowhouse and townhouse units may include accessory dwelling units as follows:

1. No more than one accessory dwelling unit shall be located on a lot.

2. The principal structure on the lot shall include one and only one dwelling unit other than the accessory dwelling unit, which other dwelling unit is referred to in this subsection 23.45.545.I as the "principal unit".

3. The owner of the lot shall comply with the owner occupancy requirements of subsection 23.44.041.C.

4. Maximum gross floor area:

a. The maximum gross floor area of an accessory dwelling unit is 650 square feet;

b. The gross floor area of the accessory dwelling unit may not exceed 40 percent of the total gross floor area in residential use on the lot, exclusive of garages, storage sheds, and other nonhabitable spaces.

5. An accessory dwelling unit shall be located completely within the same structure as the principal unit or in an accessory structure located between the rowhouse or townhouse unit and the rear lot line.

6. The entrance to an accessory dwelling unit provided within the same structure as the principal unit shall be provided through one of the following configurations:

a. Through the primary entry to the principal unit; or

b. Through a secondary entry on a different façade than the primary entry to the principal unit; or

c. Through a secondary entry on the same façade as the primary entry to the principal unit that is smaller and less visually prominent than the entry to the principal unit, and does not have a prominent stoop, porch, portico or other entry feature.

7. Exterior stairs. Exterior stairs providing access to an accessory dwelling unit may not exceed 4 feet in height, except for exterior stairs providing access to an accessory dwelling unit located above a garage.

8. Parking. Parking is not required for an accessory dwelling unit.

J. An accessory dwelling unit within an established single-family dwelling unit or on the lot of an established single-family dwelling unit shall be considered an accessory use to the single-family dwelling unit, shall meet the standards listed for accessory dwelling units in Section 23.44.041, and shall not be considered a separate dwelling unit for any development

standard purposes in multifamily zones.

Section 45. Subsections A, B, C, D, F, and J of Section 23.45.570 of the Seattle Municipal Code, which section was last amended by Ordinance 123209, are amended as follows:

23.45.570 Institutions

A. General Provisions.

1. The establishment of new institutions, such as religious facilities, community centers, private schools, and child care centers in multifamily zones is permitted pursuant to Section 23.45.504.

2. Public schools are permitted as regulated in Chapter 23.51B.

3. If the expansion of an existing institution meets all development standards of this ((Chapter 23.45)) Section 23.45.570, it is permitted outright. Expansions not meeting development standards may be permitted as administrative conditional uses subject to the requirements of Section 23.45.506. Structural work that does not increase usable floor area or seating capacity and does not exceed the height limit is not considered expansion. Such work includes but is not limited to roof repair or replacement, and construction of uncovered decks and porches, bay windows, dormers, and eaves. The establishment of a child care center in a legally established institution devoted to the care or instruction of children that does not require expansion of the existing structure or violate any condition of approval of the existing institutional use is not considered an expansion of the use.

4. The provisions of this Chapter 23.45 apply to Major Institution uses as provided in Chapter 23.69, Major Institution Overlay District.

B. Institutions located in LR zones shall meet the development standards of this Section 23.45.570. Institutions located in MR and HR zones shall meet the development standards of the zone, and shall also meet the standards for parking, dispersion, and odors in subsections G, J, and H of this Section 23.45.570.

C. Height ((H)) limits in Lowrise zones,

1. The height limit for institutions shall be the height limit for apartments ((Maximum height limits for institutions are as provided for multifamily residential uses)) in the applicable zone, except as provided in this subsection 23.45.570.C.

2. In ((the Lowrise Duplex/Triplex, Lowrise 1, Lowrise 2 and Lowrise 3)) LR1 and LR2 zones, for gymnasiums, auditoriums, and wood shops that are accessory to an institution, the maximum permitted height is 35 feet if all portions of the structure above the height limit of the zone are set back at least 20 feet from all ((property)) lot lines. Pitched roofs on the auditorium, gymnasium or wood shop with a slope of not less than 4:12 may extend 10 feet above the 35-foot height limit. No portion of a shed roof on a gymnasium, auditorium or wood shop is permitted to extend beyond 35 feet.

3. In ((the Lowrise 4)) LR3 zones, pitched roofs on an auditorium, gymnasium, or wood shop with a slope of not less than 4:12 may extend 10 feet above the ((37-foot)) height limit, ((No)) except that no portion of a shed roof is permitted to extend beyond ((37-feet)) the height limit.

D. Structure ((W)) width in Lowrise zones,

1. The maximum permitted width for structures in institutional((s)) use in Lowrise zones is as shown in Table A for 23.45.570.

Table A for 23.45.570: Width Limits for Institutions in Lowrise zones. Table with 3 columns: Zone, Maximum Width Without ((Modulation or Landscaping)) Green Factor ((Option-feet)), Maximum Width With ((Modulation or Landscaping)) Green Factor ((Option-feet)).

2. In order to achieve the maximum width permitted in each zone, institutional structures are required to reduce the appearance of bulk ((through one of the following options)) by providing landscaping that achieves a Green Factor score of .5 or greater, pursuant to the standards set forth in Section 23.86.019.

((a--Modulation Option--Front facades, and side and rear facades facing street lot lines, shall be modulated as shown in Table B for 23.45.570--Any un-modulated portion of the facade may not comprise more than 50 percent of the total facade area; or

Table B for 23.45.570: Width, Height, and Depth of Modulation for Institutions in Lowrise zones. Table with 4 columns: Minimum depth of modulation ((in feet)), Minimum height of modulation ((in feet)), Minimum width of modulation (((feet))), ((Lowrise zones)).

b. Green Factor Option--Landscaping that achieves a Green Factor score of .5 or greater, pursuant to the procedures set forth in Section 23.86.019, shall be provided.)

F. Setback Requirements in Lowrise zones.

1. Front Setback. The minimum depth of the required front setback is determined by the average of the setbacks of structures on adjoining lots, but is not required to exceed 20 feet. The setback shall not be reduced below an average of 10 feet, and no portion of the structure may be closer than 5 feet to a front lot line.

2. Rear Setback. The minimum rear setback is 10 feet.

3. Side Setback.

a. The minimum side setback is 10 feet from a side lot line that abuts any other residentially zoned lot. A 5 foot setback ((shall be)) are required in all other cases, except that the minimum side street side setback ((shall be)) is 10 feet.

b. When the depth of a structure exceeds 65 feet, an additional setback is required for that portion of the structure in excess of 65 feet. This additional setback may be averaged along the entire length of the wall. The side setback requirement for portions of walls subject to this provision shall be provided as shown in Table C for 23.45.570.

Table C for 23.45.570: Side Setback Requirements for Institutional Structures Greater than 65 Feet in Depth in Lowrise zones

Table C for 23.45.570: Side Setback Requirements for Institutional Structures Greater than 65 Feet in Depth in Lowrise zones. Table with 6 columns: Structure Depth in feet, Side Setback Requirement in feet, ((u)) Up to 20((f)) in height, Greater than 20((f)) up to 40((f)) in height, Greater than 40((f)) up to 60((f)) in height, Greater than 60((f)) up to 80((f)) in height, Greater than 80((f)) in height.

Table with 6 columns: Greater than 90((f)), up to 100((f)), Greater than 100((f)), 15((f)), 17((f)), 19((f)), 21((f)), 23((f)), 16((f)), 18((f)), 20((f)), 22((f)), 24((f)).

4. Setbacks for Specific Items. The following shall be located at least 20 feet from any abutting residentially zoned lot:

- a. Emergency entrances;
b. Main entrance door of the institutional structure;
c. Outdoor play equipment and game courts;
d. Operable window of gymnasium, assembly hall or sanctuary;
e. Garbage and trash disposal mechanism;
f. Kitchen ventilation;
g. Air-conditioning or heating mechanism;
h. Similar mechanisms and features causing noise and/or odors as determined by the Director.

5. Accessory structures and projections from principal structures are allowed in required setbacks on lots developed with institutional uses to the same extent that those accessory structures or projections would be allowed for apartments in the zone, except that no accessory structures other than freestanding walls, fences, bulkheads, or similar structures shall be closer than 10 feet to a side lot line abutting another lot in a residential zone.

J. Dispersion. The lot line of any new or expanding institution other than child care centers locating ((within a)) in legally established institutions shall be located 600 feet or more from any lot line of any other institution in a residential zone with the following exceptions:

1. An institution may expand even though it is within 600 feet of a public school if the public school is constructed on a new site subsequent to December 12, 1985.

2. A proposed institution may be located less than 600 feet from a lot line of another institution if the Director determines that the intent of dispersion is achieved due to the presence of physical elements such as bodies of water, large open spaces or topographical breaks or other elements such as arterials, freeways or nonresidential uses, that provide substantial separation from other institutions.

Section 46. Section 23.45.574 of the Seattle Municipal Code, which section was enacted by Ordinance 123209, is amended as follows:

23.45.574 Assisted ((L)) living ((F)) facilities

A. Assisted living facilities ((shall be)) are subject to the development standards ((of)) for apartments for the zone in which they are located except that density limits ((and open space)) and ((residential)) amenity area requirements do not apply to assisted living facilities.

B. Other ((R)) requirements.

((1--Minimum Unit Size--Assisted living units shall be designed to meet the minimum square footage required by WAC 388-110-140.))

((2)) L. Facility ((K)) kitchen. An on-site kitchen that serves the entire assisted living facility is required.

((3)) 2. Communal ((A)) area. Communal areas (e.g., solariums, decks and porches, recreation rooms, dining rooms, living rooms, foyers and lobbies that are provided with comfortable seating, and gardens or other outdoor landscaped areas that are accessible to wheelchairs and walkers) with sufficient accommodations for socialization and meeting with friends and family shall be provided:

a. The total amount of communal area shall, at a minimum, equal ((20)) 5 percent of the total floor area in assisted living units, or 25 percent of lot area, whichever is less.

In calculating the total floor area in assisted living units, all of the area of each of the individual units shall be counted, including counters, closets and built-ins, but excluding the bathroom;

b. No service areas, including, but not limited to, the facility kitchen, laundry, hallways and corridors, supply closets, operations and maintenance areas, staff areas and offices, and rooms used only for counseling or medical services, shall be counted toward the communal area requirement; and

c. A minimum of 400 square feet of the required communal area shall be provided outdoors, with no dimension less than 10 feet. A departure from the required amount and/or dimension of outdoor communal space may be permitted as part of the design review process, pursuant to Section 23.41.012.A.

Section 47. Subsection B of Section 23.46.002 of the Seattle Municipal Code, which section was last amended by Ordinance 118414, is amended as follows:

Section 23.46.002 Scope of ((P)) provisions((c))

B. All RC zones are assigned a residential zone classification on the Official Land Use Map. The development standards of the designated residential zone ((shall)) apply to all uses in the RC zone except commercial uses. The development standards of the designated residential zone shall apply to all structures in the RC zone, except that parking quantity ((shall be)) is required as provided in Chapter 23.54. Commercial uses are subject to the FAR limits for apartments in Section 23.45.510.

Section 48. Subsection C of Section 23.47A.002 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, is amended as follows:

23.47A.002 Scope of provisions

C. Other regulations, including but not limited to, requirements for streets, alleys and easements (Chapter 23.53); standards for parking quantity, access and design (Chapter 23.54); standards for solid waste storage (Chapter 23.54); signs (Chapter 23.55); and methods for measurements (Chapter 23.86) may apply to development proposals. Communication utilities and accessory communication devices, except as exempted in Section 23.57.002, are subject to the regulations in this chapter and additional regulations in Chapter 23.57, Communications Regulations.

Section 49. Section 23.47A.024 of the Seattle Municipal Code, which section was enacted by Ordinance 122311, is amended as follows:

23.47A.024 ((Residential)) Amenity ((A)) area((s))

A. ((Residential amenity)) Amenity areas ((including but not limited to decks, balconies, terraces, roof gardens, plazas, courtyards, play areas, or sport courts,)) are required in an amount equal to ((five-f))5((f)) percent of the total gross floor area in residential use, except as otherwise specifically provided in this ((chapter)) Chapter 23.47A. Gross floor area, for the purposes of this subsection, excludes areas used for mechanical equipment((g)) and accessory parking ((and

residential amenity areas)).

B. Required ((residential)) amenity areas ((must)) shall meet the following ((conditions)) standards, as applicable:

1. All residents ((must)) shall have access to at least one ((residential)) common or private amenity area;

2. ((Residential amenity)) Amenity areas ((may)) shall not be enclosed;

3. Parking areas, vehicular access easements, and driveways ((and pedestrian access to building entrances, except for pedestrian access meeting the Seattle Building Code, Chapter 11--Accessibility,)) do not count as ((residential)) amenity areas, except that a woonerf may provide a maximum of 50 percent of the amenity area if the design of the woonerf is approved through a design review process pursuant to Chapter 23.41;

4. Common ((recreational)) amenity areas ((must)) shall have a minimum horizontal dimension of ((at least ten-f))10((f)) feet, and no common ((recreational)) amenity area ((can)) shall be less than ((two hundred and fifty-f))250((f)) square feet in size;

5. Private balconies and decks ((must)) shall have a minimum area of ((sixty-f))60((f)) square feet, and no horizontal dimension shall be less than ((six-f))6((f)) feet.

6. Rooftop areas excluded because they are near minor communication utilities and accessory communication devices, pursuant to Section 23.57.012.C.1.d, do not qualify as ((residential)) amenity areas.

Section 50. Subsection A of Section 23.47A.027 of the Seattle Municipal Code, which section was last amended by Ordinance 122935, is amended as follows:

23.47A.027 Landmark Districts and designated landmark structures

A. The Director, in consultation with the Director of the Department of Neighborhoods, may waive or allow departures from standards for street level development, ((residential)) amenity areas, setbacks, floor area ratio limits, and screening and landscaping for designated landmark structures or for development within a Landmark District pursuant to Seattle Municipal Code, Title 25 or within a Special Review District pursuant to Seattle Municipal Code, Chapter 23.66.

Section 51. Section 23.47A.029 relating to storage of solid waste materials in commercial zones, and Section 23.48.031 relating to storage of solid waste materials in Seattle Mixed zones, which sections of the Seattle Municipal Code were last amended by Ordinance 122311 and Ordinance 121782 respectively, as shown in Attachment A to this ordinance, are repealed.

Section 52. Subsection A of Section 23.47A.035 of the Seattle Municipal Code, which section was last amended by Ordinance 122311, is amended as follows:

SMC 23.47A.035 Assisted living facilities development standards((c))

A. Assisted living facilities are subject to the development standards of the zone in which they are located except that the ((residential)) amenity area requirements of Section 23.47A.024 do not apply.

Section 53. Subsection B of Section 23.48.002, which section was last amended by Ordinance 122835, is amended as follows:

Section 23.48.002 Scope of provisions((c))

B. Other regulations, such as requirements for streets, alleys and easements (Chapter 23.53); standards for parking quantity, access and design (Chapter 23.54); standards for solid waste storage (Chapter 23.54); signs (Chapter 23.55); and methods for measurements (Chapter 23.86) may apply to development proposals. Communication utilities and accessory communication devices except as exempted in Section 23.57.002 are subject to the regulations in this chapter and additional regulations in Chapter 23.57.

Section 54. Section 23.48.020 of the Seattle Municipal Code, which section was last amended by Ordinance 121782, is amended to read as follows:

23.48.020 ((Residential)) ((a)) Amenity area((c))

A. Quantity of ((Residential)) ((A)) amenity ((A)) area. All new structures containing more than ((twenty-f))20((f)) dwelling units shall provide ((residential)) amenity area on the lot in an amount equivalent to ((five percent-f))5((%)) percent of the total gross floor area in residential use.

B. Standards for ((Residential)) ((A)) amenity ((A)) area.

((1--Residential amenity area shall be provided on-site.))

((2)) L. The ((residential)) amenity area shall be available to all residents and may be provided at or above ground level.

((3)) 2. A maximum of ((fifty)) 50 percent ((50%)) of the ((residential)) amenity area may be enclosed. Examples of enclosed ((residential)) amenity area include atriums, greenhouses and solariums.

((4)) 3. The minimum horizontal dimension for ((required)) residential amenity area ((shall be fifteen)) is 15 feet ((4.5)), and no required ((residential)) amenity area shall be less than ((two hundred twenty five-f))225((f)) square feet in size.

5. The exterior portion of required ((residential)) amenity area shall be landscaped and shall provide solar access and seating according to standards promulgated by the Director.

6. Parking areas, vehicular access easements, and driveways ((and pedestrian access, except for pedestrian access meeting the Washington State Rules and Regulations for Barrier Free Design,)) ((shall not be counted)) do not qualify as ((residential)) amenity area, except that a woonerf may provide a maximum of 50 percent of the amenity area if the design of the woonerf is approved through a design review process pursuant to Chapter 23.41.

Section 55. Subsection D of Section 23.49.025 of the Seattle Municipal Code, which section was last amended by Ordinance 122504, is amended to read as follows:

23.49.025 Odor, noise, light/glare, and solid waste recyclable materials storage space standards((c))

D. ((Solid)) The standards of Section 23.54.040 for solid waste and recyclable materials storage space((c)) shall be met.

1. Storage space for solid waste and recyclable materials containers shall be provided for all new structures permitted in Downtown zones and expanded multifamily structures as indicated in the table below. For the purposes of this subsection, the addition of two ((2)) or more units to a multifamily structure shall be considered expansion.

2. The design of the storage space shall meet the following requirements:

a. The storage space shall have no dimension (width and depth) less than six (6) feet;

b. The floor of the storage space shall be level and hard surfaced (garbage or recycling compactors require a concrete surface); and

c. If located outdoors, the storage space shall be screened from public view and designed to minimize light and glare impacts.

3. The location of the storage space shall meet the following requirements:

a. The storage space shall be located within the private property boundaries of the structure it serves and, if located outdoors, it shall not be located between a street-facing facade of the structure and the street;

b. The storage space shall not be located in any required driveways, parking aisles, or parking spaces for the structure;

c. The storage space shall not block or impede any fire exits, public rights-of-ways or any pedestrian or vehicular access; and

d. The storage space shall be located to minimize noise and odor to building occupants and neighboring developments.

4. Access to the storage space for occupants and service providers shall meet the following requirements:

a. For rear-loading containers:

(1) Any ramps to the storage space shall have a maximum slope of six (6) percent, and

(2) Any gates or access routes shall be a minimum of six (6) feet wide, and

b. For front-loading containers:

(1) Direct access shall be provided from the alley or street to the containers;

(2) Any proposed gates or access routes shall be a minimum of ten (10) feet wide, and

(3) When accessed directly by a collection vehicle into a structure, a twenty-one (21) foot overhead clearance shall be provided.

5. The solid waste and recyclable materials storage space specifications required in subsections 1, 2, 3, and 4 of this subsection above, in addition to the number and sizes of containers, shall be included on the plans submitted with the permit application.

6. The Director, in consultation with the Director of Seattle Public Utilities, shall have the discretion to allow departure from the requirements of subsections 1, 2, 3, and 4 of this subsection as a Type I decision when the applicant proposes alternative, workable measures that meet the intent of this section and:

a. For new construction, the applicant can demonstrate significant difficulty in meeting any of the requirements of subsections 1, 2, 3, and 4 of this subsection due to unusual site conditions such as steep topography; or

b. For expansion of an existing building, the applicant can demonstrate that the requirements of subsections 1, 2, 3, and 4 of this subsection conflict with opportunities to retain ground-level retail uses.

Seattle Municipal Code Table 23.49.025 A

Table with 4 columns: Structure Type, Structure Size, Minimum Area for Storage Space, Container Type. Rows include Multifamily (7-15 units, 16-25 units, 26-50 units, 51-100 units, More than 100 units) and Commercial (0-5,000 square feet, 5,001-15,000 square feet, 15,001-50,000 square feet, 50,001-100,000 square feet, 100,001-200,000 square feet, 200,001 plus square feet).

* Mixed-Use Buildings. Mixed-use buildings with eighty (80) percent or more of floor space designated for residential use will be considered residential buildings. All other mixed-use buildings will be considered commercial buildings.)

Section 56. Subsection H of Section 23.50.051 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, is amended as follows:

23.50.051 Additional floor area in certain IC-zoned areas in the South Lake Union Urban Center

H. Solid (W)waste and (R)recycling. Each structure satisfies the solid waste and recyclable materials storage space requirements of Section 23.48.034/23.54.040.

Section 57. Section 23.51A.004 of the Seattle Municipal Code, which section was enacted by Ordinance 123209, is amended as follows:

23.51A.004 Public facilities in multifamily zones

A. (Public facilities in multifamily zones are regulated by Section 23.45.504 in addition to the provisions in this Section 23.51A.004.) Except as provided in subsection D of this Section 23.51A.004, uses in public facilities that are most similar to uses permitted outright or permitted as an administrative conditional use under the applicable zoning are also permitted outright or as an administrative conditional use, subject to the same use regulations, development standards and administrative conditional use criteria that govern the similar use.

B. The following uses in public facilities are permitted outright in all multifamily zones if the development standards for institutions in Section 23.45.570, other than dispersion requirements, are met:

1. Police precinct stations;

2. Fire stations;

3. Public boat moorages;

4. Utility service uses; and

5. Other uses similar to any of the uses listed in this subsection 23.51A.004.B.

(B)C. Unless specifically prohibited in (Section 23.45.504) subsection D of this Section 23.51A.004, new public facilities not specifically listed in subsection A or B of this Section 23.51A.004 (in Table A for 23.45.504), or that are listed in subsection A or B of this Section 23.51A.004 (Table A for 23.45.504) but do not meet (the) applicable development

standards (for institutions in Section 23.45.570) or administrative conditional use criteria, may be permitted by the City Council according to the provisions of Chapter 23.76, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions. In making the decision, the Council may waive or grant departures from development standards or administrative conditional use criteria for public facilities, if the following criteria are satisfied:

1. The location of the public facility addresses (specific and unique) public service needs, and any waiver or departure from development standards or administrative conditional use criteria is necessitated by those public service delivery needs; and

2. The impact of the public facility on surrounding properties has been addressed in the design, siting, landscaping and screening of the facility.

D. The following public facilities are prohibited in all multifamily zones:

1. Jails;

2. Work-release centers;

3. Bus bases;

4. Park and ride lots;

5. Sewage treatment plants;

6. Animal control shelters; and

7. Post office distribution centers.

(E) Expansion of (E)uses in (P)public (F)facilities,

1. Major (E)expansion. Major expansion of public facilities (allowed pursuant to Section 23.45.504) that are permitted by subsection C of this Section 23.51A.004 may be approved by the City Council, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as a Type V land use decisions, subject to the criteria of subsections (B-1 and B-2) C.1 and C.2 of this Section 23.51A.004. A major expansion of a public facility occurs (when) if an expansion would not meet development standards or, except for expansion of the Washington State Convention and Trade Center, the area of the expansion would exceed either 750 square feet or 10 percent of the existing area of the use, whichever is greater. A major expansion of the Washington State Convention and Trade Center is one that is 12,000 square feet or more in size. For the purposes of this subsection (23.51A.004.C.1)

23.51A.004.E.1, "area of the use" includes gross floor area and outdoor area devoted actively to that use, excluding parking.

2. Minor (E)expansion. An expansion of a public facility that is not a major expansion is a minor expansion. Minor expansions to uses in public facilities (allowed pursuant to Section 23.45.504) that are permitted by subsections A, B, or C of this Section 23.51A.004 are permitted (according to the provisions of Chapter 23.76 for a Type I Master Use Permit) outright.

(D. [Reserved.]

(E)E. Essential public facilities will be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

(F)F. Uses in existing or former public schools:

1. Child care centers, preschools, public or private schools, educational and vocational training for the disabled, adult evening education classes, nonprofit libraries, community centers, community programs for the elderly and similar uses are permitted in existing or former public schools.

2. Other non-school uses are permitted in existing or former public schools pursuant to procedures established in Chapter 23.78, Establishment of Criteria for Joint Use or Reuse of Schools.

Section 58. Subsection E of Section 23.51B.002 of the Seattle Municipal Code, which section was enacted by Ordinance 123209, is amended as follows:

23.51B.002 Public schools in residential zones

E. Setbacks,

1. General Requirements,

a. No setbacks are required for new public school construction or for additions to existing public school structures for that portion of the site across a street or an alley from, or abutting a lot in a nonresidential zone. If any portion of the site is across a street or an alley from or abuts a lot in a residential zone, setbacks are required for areas facing or abutting residential zones, as provided in subsections E.2 through E.5 of this Section 23.51B.002.

Setbacks for sites across a street or alley from or abutting lots in Residential-Commercial (RC) zones are based upon the residential zone classification of the RC lot.

b. The minimum setback requirement may be averaged along the structure facade with absolute minimums for areas abutting lots in residential zones as provided in subsections E.2.b, E.3.b, and E.4.b of this Section 23.51B.002.

c. Trash disposals, operable windows in a gymnasium, main entrances, play equipment, kitchen ventilators or other similar items shall be located at least 30 feet from any single-family zoned lot and 20 feet from any multi-family zoned lot.

d. The exceptions of subsections 23.44.014.D.5, D.6, D.7, D.8, D.9, D.10, D.11, and D.12 apply.

2. New (Public School Construction on New Public School Sites) public school construction on new public school sites.

a. New public school construction on new public school sites across a street or alley from lots in residential zones shall provide minimum setbacks according to the (H) height of the school and the designation of the facing residential zone, as shown in Table A for 23.51B.002:

Table A for 23.51B.002: Minimum Setbacks for a New Public School Site Located Across a Street or Alley from a (R)Residential (Z)Zone. Table with 5 columns: (H)Height, SF/(LDF)LR1, LR2/LR3/(L4), MR, HR. Rows include 20' or less, Greater than 20'(H) up to 35'(H), Greater than 35'(H) up to 50'(H), Greater than 50'(H).

b. New public school construction on new public school sites abutting lots in residential zones shall provide minimum setbacks according to the (H) height of the school and the designation of the abutting residential zone, as shown in Table B for 23.51B.002:

Table B for 23.51B.002: Minimum Setbacks for a New Public School Site Abutting a (R)Residential Zone. Table with 5 columns: (H)Height, SF/(LDF)LR1, LR2/LR3/(L4), MR, HR.

Table C for 23.51B.002: Minimum Setbacks for New Construction on an Existing Public School Site Located Across a Street or Alley from a (R)Residential (Z)Zone. Table with 5 columns: Façade Height, SF/(LDF)LR1, LR2/LR3/(L4), MR, HR. Rows include 20'(H) or less, Greater than 20'(H) up to 35'(H), Greater than 35'(H) up to 50'(H), Greater than 50'(H).

3. New (Public School Construction on Existing Public School Sites) public school construction on existing public school sites.

a. New public school construction on existing public school sites across a street or alley from lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the (H) height of the school and the designation of the facing residential zone as shown in Table C for 23.51B.002, whichever is less:

Table C for 23.51B.002: Minimum Setbacks for New Construction on an Existing Public School Site Located Across a Street or Alley from a (R)Residential (Z)Zone. Table with 5 columns: Façade Height, SF/(LDF)LR1, LR2/LR3/(L4), MR, HR. Rows include 20'(H) or less, Greater than 20'(H) up to 35'(H), Greater than 35'(H) up to 50'(H), Greater than 50'(H).

b. New public school construction on existing public school sites abutting lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the (H) height of the school and the designation of the abutting residential zone, as shown in Table D for 23.51B.002, whichever is less:

Table D for 23.51B.002: Minimum Setbacks for New Construction on an Existing Public School Site Abutting a (R)Residential Zone. Table with 5 columns: Façade Height, SF/(LDF)LR1, LR2/LR3/(L4), MR, HR. Rows include 20'(H) or less, Greater than 20'(H) up to 35'(H), Greater than 35'(H) up to 50'(H), Greater than 50'(H).

4. Additions to Existing Public School Structures on Existing Public School Sites.

a. Additions to existing public school structures on existing public school sites across a street or alley from lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the (H) height of the school and the designation of the facing residential zone as shown in Table E for 23.51B.002, whichever is less:

Table E for 23.51B.002: Minimum Setbacks for Additions on an Existing Public School Site Located Across a Street or Alley. Table with 5 columns: Façade Height, SF/(LDF)LR1, LR2/LR3/(L4), MR, HR. Rows include 20'(H) or less, Greater than 20'(H) up to 35'(H), Greater than 35'(H) up to 50'(H), Greater than 50'(H).

b. Additions to public schools on existing public school sites abutting lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the height of the school and the designation of the abutting residential zone as shown in Table F for 23.51B.002, whichever is less:

Table F for 23.51B.002: Minimum Setbacks for Additions on an Existing Public School Site Abutting a Residential Zone. Table with 5 columns: Façade Height, SF/(LDF)LR1, LR2/LR3/(L4), MR, HR. Rows include 20'(H) or less, Greater than 20'(H) up to 35'(H), Greater than 35'(H) up to 50'(H), Greater than 50'(H).

5. Departures from setback requirements may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 as follows:

a. The minimum average setback may be reduced to 10 feet and the minimum setback to 5 feet for structures or portions of structures across a street or alley from lots in residential zones.

b. The minimum average setback may be reduced to 15 feet and the minimum setback to 5 feet for structures or portions of structures abutting lots in residential zones.

c. The limits in subsections E.5.a and E.5.b of this Section 23.51B.002 may be waived by the Director (as a Type I decision when) if a waiver would contribute to reduced demolition of residential structures.

Section 59. Subsection D of Section 23.53.006 of the Seattle Municipal Code, which section was last amended by Ordinance 123104, is amended as follows:

23.53.006 Pedestrian access and circulation

D. Outside Urban Centers and Urban Villages. Outside of Urban Centers and Urban Villages, sidewalks are required on an existing street in any of the following circumstances, except as provided in subsection 23.53.006.F:

1. In any zone with a pedestrian designation, sidewalks are required whenever new lots are created through the platting process, including full and short subdivisions and unit lot subdivisions, and whenever development is proposed.

2. On streets designated on the Industrial Streets Landscaping Maps, Exhibits 23.50.016.A and 23.50.016.B, sidewalks are required whenever new lots are created through the platting process, including full and short subdivisions and unit lot subdivisions, and whenever development is proposed. Sidewalks are required only for the portion of the lot that abuts the designated street.

3. On arterials, except in IG1 and IG2 zones and on lots in IB zones that are not directly across the street from or abutting a lot in a residential or commercial zone, sidewalks are required whenever new lots are created through the platting process, including full and short subdivisions and unit lot subdivisions, and whenever development is proposed. Sidewalks are required only for the portion of the lot that abuts the arterial.

4. In SF, ~~(LDT and L1)~~ and LR1 zones, sidewalks are required whenever ten or more lots are created through the platting process, including full and short subdivisions and unit lot subdivisions, ~~(and when)~~ or whenever ten or more dwelling units are developed.

5. Outside of SF, ~~(LDT and L1)~~ and LR1 zones, except in IG1 and IG2 zones and on lots in IB zones that are not directly across the street from or abutting lot in a residential or commercial zone, sidewalks are required whenever six or more lots are created through the platting process, including full and short subdivisions and unit lot subdivisions, ~~(and)~~ or whenever six or more dwelling units are developed.

6. In all zones, except IG1 and IG2 zones and on lots in IB zones that are not directly across the street from or abutting lot in a residential or commercial zone, sidewalks are required whenever the following nonresidential uses are developed:

- a. 750 square feet or more of gross floor area of major and minor vehicle repair uses and multipurpose retail sales; ~~(and)~~ or
- b. 4,000 square feet or more of nonresidential uses not listed in subsection 23.53.006.D.6.a.

Section 60. Subsection B of Section 23.53.010 of the Seattle Municipal Code, which section was last amended by Ordinance 122205, is amended as follows:

23.53.010 Improvement requirements for new streets in all zones

B. Required right-of-way widths for new streets.

1. Arterial and downtown streets. New streets located in downtown zones, and new arterials, shall be designed according to the Right-of-Way Improvements Manual.

2. Nonarterials not in downtown zones.

a. The required right-of-way widths for new nonarterial streets not located in downtown zones shall be as shown on Table A for Section 23.53.010:

Table A for Section 23.53.010	
Zone Category	Required Right-of-Way Width
1. SF, (LDT, L1) LR1, NC1	50 feet
2. LR2, LR3, (L4) NC2	56 feet
3. MR, HR, NC3, C1, C2, SCM, IB, IC	60 feet
4. IG1, IG2	66 feet

b. ~~(When)~~ If a block is split into more than one ~~(+)~~ zone, the required right-of-way width is determined based on the requirement in Table A for Section 23.53.010 for the zone category with the most frontage ~~(shall determine the right-of-way width on the table)~~. If the zone categories have equal frontage, the one with the wider requirement shall be used to determine the minimum right-of-way width.

3. Exceptions to required right-of-way widths. The Director, after consulting with the Director of Transportation, may reduce the required right-of-way width for a new street ~~(when)~~ if its ~~(located)~~ location in an environmentally critical area or buffer, disruption of existing drainage patterns, or the presence ~~(removal)~~ of natural features such as significant trees makes the required right-of-way width impractical or undesirable.

Section 61. Subsections A and D of Section 23.53.015, which section was last amended by Ordinance 123046, are amended as follows:

23.53.015 Improvement requirements for existing streets in residential and commercial zones

A. General requirements.

1. If new lots are proposed to be created, or if any type of development is proposed in residential or commercial zones, existing streets abutting the lot(s) are required to be improved in accordance with this Section 23.53.015 and Section 23.53.006, Pedestrian access and circulation. A setback from the lot line, or dedication of right-of-way, may be required to accommodate the improvements. One or more of the following types of improvements may be required under this Section 23.53.015:

- a. Pavement;
- b. Curb installation;
- c. Drainage;
- d. Grading to future right-of-way grade;
- e. Design of structures to accommodate future right-of-way grade;
- f. No-protest agreements; and
- g. Planting of street trees and other landscaping.

~~(A setback from the property line, or dedication of right-of-way, may be required to accommodate the improvements.)~~

2. Subsection 23.53.015.D ~~(of this section)~~ contains exceptions from the standard requirements for street improvements, including exceptions for streets that already have curbs, projects that are smaller than a certain size, and for special circumstances, such as location in an environmentally critical area or buffer.

3. Off-site improvements, such as provision of drainage systems or fire access roads, shall be required pursuant to the authority of this Code or other ordinances to mitigate the impacts of development.

4. Detailed requirements for street improvements are located in the Right-of-Way Improvements Manual.

5. The regulations in this ~~(section)~~ Section 23.53.015 are not intended to preclude the use of Chapter 25.05 of the Seattle Municipal Code, the Seattle SEPA Ordinance, to mitigate adverse environmental impacts.

6. Minimum right-of-way widths.

a. Arterials. The minimum right-of-way widths for arterials designated on the Arterial street map, Section 11.18.010, are as specified in the Right-of-Way Improvements Manual.

b. Nonarterial streets.

1) The minimum right-of-way width for an existing street that is not an arterial designated on the Arterial street map, Section 11.18.010, is as shown on Table A for 23.53.015.

Table A for 23.53.015: Minimum Right-of-Way Widths for Existing Nonarterial Streets	
Zone Category	Required Right-of-Way Width
1. SF, (LDT) LR1, LR2 and NC1 zones; and NC2 zones with a maximum height limit of 40 feet or less	40 feet
2. LR3, (L4) MR, HR, NC2 zones with height limits of more than 40 feet, NC3, C1, C2 and S (C) M zones	52 feet

2) If a block is split into more than one zone, the required right-of-way width shall be determined based on the requirements in Table A for 23.53.015 for the zone category with the most frontage ~~(zone category with the most frontage shall determine the minimum width on Table A)~~. If the zone categories have equal frontage, the ~~(one with the wider requirement shall be used to determine the)~~ minimum right-of-way width is 52 feet.

D. Exceptions.

1. Streets with existing curbs.

a. Streets with right-of-way greater than or equal to the minimum right-of-way width. If a street with existing curbs abuts a lot and the existing right-of-way is greater than or equal to the minimum width established in subsection 23.53.015.A.6, but the roadway width is less than the minimum established in the Right-of-Way Improvements Manual, the following requirements shall be met:

- 1) All structures on the lot shall be designed and built to accommodate the grade of the future street improvements.
- 2) A no-protest agreement to future street improvements is required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County ~~(Department of Records and Elections)~~ Recorder.
- 3) Pedestrian access and circulation is required as specified in 23.53.006.

b. Streets with less than the minimum right-of-way width. If a street with existing curbs abuts a lot and the existing right-of-way is less than the minimum width established in subsection 23.53.015.A.6, the following requirements shall be met:

1) Setback requirement. A setback equal to half the difference between the current right-of-way width and the minimum right-of-way width established in subsection 23.53.015.A.6 ~~(of this section)~~ is required; provided, however, that if a setback has been provided under this provision, other lots on the block shall provide the same setback. In all residential zones except Highrise zones, an additional 3 foot setback is also required. The area of the setback may be used to meet any development standard, except that required parking may not be located in the setback. Underground structures that would not prevent the future widening and improvement of the right-of-way may be permitted in the required setback by the Director ~~(as a Type I decision)~~, after consulting with the Director of Transportation.

2) Grading requirement. If a setback is required, all structures on the lot shall be designed and built to accommodate the grade of the future street, as specified in the Right-of-Way Improvements Manual.

3) No-protest agreement requirement. A no-protest agreement to future street improvements is required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County ~~(Department of Records and Elections)~~ Recorder.

4) Pedestrian access and circulation is required as specified in Section 23.53.006.

2. Projects with reduced improvement requirements.

a. One or two dwelling units. If no more than two new dwelling units are proposed to be constructed, or no more than two new ~~(Single Family)~~ single-family zoned lots are proposed to be created, the following requirements shall be met:

- 1) If there is no existing hard-surfaced roadway, a crushed-rock roadway at least 16 feet in width is required, as specified in the Right-of-Way Improvements Manual.
- 2) All structures on the lot(s) shall be designed and built to accommodate the grade of the future street improvements.
- 3) A no-protest agreement to future street improvements is required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County ~~(Department of Records and Elections)~~ Recorder.
- 4) Pedestrian access and circulation is required as specified in Section 23.53.006.

b. Other projects with reduced requirements. The types of projects listed in this subsection 23.53.015.D.2.b are exempt from right-of-way dedication requirements and are subject to the street improvement requirements of this subsection:

1) Types of projects.

i. Proposed developments that contain more than two but fewer than ten units in SF, RSL, ~~(LDT)~~ and LR1 zones, or fewer than six residential units in all other zones, or proposed short plats in which no more than two additional lots are proposed to be created;

ii. The following uses if they are smaller than 750 square feet of gross floor area: major and minor vehicle repair uses, and multipurpose retail sales;

iii. Nonresidential structures that have less than 4,000 square feet of gross floor area and that do not contain uses listed in subsection 23.53.015.D.2.b.1.ii that are larger than 750 square feet;

iv. Structures containing a mix of residential uses and either nonresidential uses or live-work units, if there are fewer than ten units in SF, RSL, ~~(LDT)~~ and LR1 zones, or fewer than six residential units in all other zones, and the square footage of nonresidential use is less than specified in subsections 23.53.015.D.2.b.1.ii and D.2.b.1.iii;

v. Remodeling and use changes within existing structures;

vi. Additions to existing structures that are exempt from environmental review; and

vii. Expansions of surface parking, outdoor storage, outdoor sales or outdoor display of rental equipment of less than 20 percent of the parking, storage, sales or display area or number of parking spaces.

2) Paving requirement. For the types of projects listed in subsection 23.53.015.D.2.b.1), the streets abutting the lot shall have a hard-surfaced roadway at least 18 feet wide. If there is not an 18 foot wide hard-surfaced roadway, the roadway shall be paved to a width of at least 20 feet from the lot to the nearest hard-surfaced street meeting this requirement, or 100 feet, whichever is less. Streets that form a dead end at the property to be developed shall be improved with a cul-de-sac or other vehicular turnaround as specified in the Right-of-Way Improvements Manual. ~~(The)~~ As a Type 1 decision, the Director, after consulting with the Director of Transportation, shall determine whether the street has the potential for being extended or whether it forms a dead end because of topography and/or the layout of the street system.

3) Other requirements. The requirements of subsection 23.53.015.D.1.b shall also be met.

3. Exceptions from required street improvements. ~~(The)~~ As a Type 1 decision, the Director, in consultation with the Director of Transportation, may waive or modify the requirements for paving and drainage, dedication, setbacks, grading, no-protest agreements, landscaping, and curb installation if one or more of the following conditions are met. The waiver or modification shall provide the minimum relief necessary to accommodate site conditions while maximizing access and circulation.

a. Location in an environmentally critical area or buffer, disruption of existing drainage patterns, or removal of natural features such as significant trees or other valuable and character-defining mature vegetation makes widening and/or improving the right-of-way impractical or undesirable.

b. The existence of a bridge, viaduct or structure such as a substantial retaining wall in proximity to the project site makes widening and/or improving the right-of-way impractical or undesirable.

c. Widening the right-of-way and/or improving the street would adversely affect the character of the street, as it is defined in an adopted neighborhood plan or adopted City plan for green streets, boulevards, or other special rights-of-way, or would otherwise conflict with the stated goals of such a plan.

d. Widening and/or improving the right-of-way would preclude vehicular access to an existing lot.

e. Widening and/or improving the right-of-way would make building on a lot infeasible by reducing it to dimensions where development standards cannot reasonably be met.

f. One or more substantial principal structures on the same side of the block as the proposed project are located in the area needed for future expansion of the right-of-way and the structure(s) condition and size make future widening of the remainder of the right-of-way unlikely.

g. Widening and/or improving the right-of-way is impractical because topography would preclude the use of the street for vehicular access to the lot, for example due to an inability to meet the required 20 percent maximum driveway slope.

h. Widening and/or improving the right-of-way is not necessary because it is adequate for current and potential vehicular traffic, for example, due to the limited number of lots served by the development or because the development on the street is at zoned capacity.

Section 62. Subsection A of Section 23.53.025 of the Seattle Municipal Code, which section was last amended by Ordinance 122205, is amended as follows:

23.53.025 Access easement standards

When access by easement has been approved by the Director, the easement shall meet the following standards. Surfacing of easements, pedestrian walkways required within easements, and turnaround dimensions shall meet the requirements of the Right-of-Way Improvements Manual.

A. Vehicle access easements serving one or two ~~(single family)~~ single-family dwelling units or ~~(One + Duplex)~~ one multifamily residential use with a maximum of two units shall meet the following standards:

- 1. Easement width shall be a minimum of ~~(ten)~~ 10 feet, or ~~(twelve)~~ 12 feet if required by the Fire Chief due to distance of the structure from the easement.
- 2. No maximum easement length shall be set. If easement length is more than ~~(one hundred fifty)~~ 150 feet, a vehicle turnaround shall be provided.
- 3. Curbside width from the easement to the street shall be the minimum necessary for safety and access.

Section 63. Subsections A, B, C, and D of Section 23.53.030 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, are amended as follows:

23.53.030 Alley improvements in all zones

A. General requirements.

1. The regulations in this ~~(section)~~ Section 23.53.030 are not intended to preclude the use of Chapter 25.05 of the Seattle Municipal Code, the Seattle SEPA Ordinance, to mitigate adverse environmental impacts.

2. Subsection 23.53.030.G ~~(of this section)~~ contains exceptions from the standards requirements for alley improvements, including exceptions for projects ~~(which)~~ that are smaller than a certain size and for special circumstances, such as location in an environmentally critical area.

3. Detailed requirements for alley improvements are located in the Right-of-Way Improvements Manual, which is adopted by joint rule of the Director and the Director of Transportation.

B. New Alleys.

1. New alleys created through the platting process shall meet the requirements of Subtitle III of this title, Platting Requirements.

2. The required right-of-way widths for new alleys shall be as shown on Table A for Section 23.53.030.

Table A for Section 23.53.030: Width of New Alley Rights-of-Way	
Zone Category	Right-of-Way Width
1. SF, (LDT, L1) LR1, NC1	12 feet
2. LR2, (L3, L4) LR3, NC2	16 feet
3. MR, HR, NC3, C1, C2, SM and all Industrial and Downtown zones	20 feet

3. ~~(When)~~ If an alley abuts lots in more than one ~~(+)~~ zone category, the minimum alley width shall be determined based on the requirements in Table A for Section 23.53.030 for the zone category with the most frontage excluding Zone Category 1 ~~(the zone category with the most frontage on that block, excluding Zone Category 1, along both sides of the alley determines the minimum width on the table)~~. If the zone categories have equal frontage, the one with the wider requirement shall be used to determine the minimum alley width.

C. Definition of improved alley. In certain zones, alley access is required ~~(when)~~ if the alley is improved. For the purpose of determining ~~(when)~~ if access is required, the alley will be considered improved ~~(when)~~ if it meets the standards of this subsection 23.53.030.C.

1. Right-of-way width.

a. The minimum width ~~(of a right-of-way which is)~~ for an alley to be