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Subtitle III Platting Requirements

Chapter 23.20
GENERAL PROVISIONS

Sections:

23.20.002Purpose.
23.20.004Exemptions from platting regulations.
23.20.008Compliance with state law and Land Use Code.
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23.20.002Purpose.

The purpose of Subtitle III is to implement the authority granted to the City by RCW Chapter 58.17 and to conform to its provisions which govern the platting and subdivision of land.
(Ord. 110570 § 1(part), 1982.)

23.20.004Exemptions from platting regulations.

The provisions of Subtitle III shall not apply to:

1. Cemeteries and other burial plots while used for that purpose;
2. Divisions of land into lots or tracts each of which is one one-hundred-twenty-eighth ($^{1}/_{128}$) of a section of land or larger or five (5) acres or larger if the land is not capable of description as a fraction of a section of land;
3. Divisions made by testamentary provisions, or the laws of descent;
4. Divisions of land into lots or tracts classified for industrial or commercial use when the City has approved a binding site plan as defined in Section 23.84.004 for the use of land;
5. A division for the purpose of lease when no residential structure other than mobile homes or travel trailers are to be placed upon the land when a binding site plan has been approved for the use of the land;
6. A transfer of land to the City for open space purposes; provided that any remaining lot or lots which are consistent with Subtitle IV shall be considered legal building sites; and provided further that the land transferred to the City shall not be a legal building site without compliance with the applicable platting requirements of Subtitle III.

Exemptions provided by this section shall not be construed as exemptions from compliance with other applicable development standards required by this Code.
(Ord. 115875 § 1, 1991: Ord. 110570 § 1(part), 1982.)

23.20.008Compliance with state law and Land Use Code.

Every division of land shall comply with the provisions of RCW Chapter 58.17 and the provisions of this subtitle. They shall conform to the Land Use Policies, Subtitle II, and Environmentally Critical Areas Policies, and all land use regulations, Subtitle IV, and SMC Chapter 25.09, Regulations for Environmentally Critical Areas, in effect at the time any preliminary plat is approved. Lots shall be of a size and dimension and have access adequate to satisfy the requirements of Subtitle IV of this title.
(Ord. 116262 § 1, 1992: Ord. 110570 § 1(part), 1982.)

23.20.012Effect of noncompliance.

No building permit or other development permit shall be issued for any lot, tract or parcel of land divided in violation of RCW Chapter 58.17 or this subtitle, unless the Director finds that the public interest will not be adversely affected by the decision. The prohibition contained in this section shall not apply to an innocent purchaser for value without actual notice. All purchaser's or transferee's property shall comply with provisions of RCW Chapter 58.17 and this chapter, and each purchaser or transferee may recover his damages from any person, firm, corporation or agent selling or transferring land in violation of RCW Chapter 58.17 or this chapter, including any amount reasonably spent as a result of an inability to obtain any development permit and spent to conform to the requirements of RCW Chapter 58.17 and this chapter as well as the cost of investigation, suit and reasonable attorney's fees. A purchaser or transferee may, as an alternative to conforming the property to these requirements, rescind the sale or transfer and recover costs of investigation, suit, and reasonable attorney's fees.
(Ord. 110570 § 1(part), 1982.)

Chapter 23.22
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Subchapter I Preliminary Plat Process

23.22.016Application.

A. Official filing of an application for subdivision with the Director shall be preceded by a preliminary review of the proposed subdivision by the Director.

B. Following the review, the subdivider shall submit an application to the Director. A subdivider shall submit with the application fifteen (15) copies of a preliminary plat and four (4) copies of preliminary plans for streets and other improvements. Unless the subdivider requests otherwise, at the time of application the application will be processed simultaneously with applications for rezones of or planned unit or planned residential development upon the property to be subdivided.

C. Applications shall be processed according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, and the additional procedures established in this subchapter. In event of a conflict, the procedures contained in this subchapter control.

(Ord. 118012 § 2, 1996: Ord. 117432 § 31, 1994; Ord. 112522 § 15 (part), 1985: Ord. 110570 § 1 (part), 1982.)

23.22.020Content of preliminary plat application.

A. Every preliminary plat application shall consist of one (1) or more maps together with written data including the following:

1. The name of the proposed subdivision;

2. North point and scale; the location of existing property lines; streets, building, if any; watercourses and all general features;

3. The legal description of the land contained within the subdivision;

4. The names and addresses of all persons, firms and corporations holding interest in the lands, including easement rights and interest;

5. The proposed names, locations, widths and other dimensions of proposed streets, alleys, easements, parks, lots, building lines, if any, and all other information necessary to interpret the plat, including the location of existing utility and access easements which are to remain;

6. The location of streets in adjoining plats and the approximate location of adjoining utilities and proposed extensions into the plat;

7. The names of adjoining plats;

8. The name, address and telephone number and seal of the registered land surveyor who made the survey or under whose supervision it was made;

9. The date of the survey;

10. All existing monuments and markers located by the survey;

11. The zoning classification applicable to the land within the subdivision;

12. The conditions of or the limitations on dedications, if any, including slope rights;

13. Contour intervals as required, based upon City datum;

14. Property information including, but not limited to, address, legal description, and Assessor's Parcel number;

15. Evidence of ownership or authorization from the property owner to make the application;

16. A signed statement of financial responsibility by the applicant and owner acknowledging financial responsibility for all applicable permit fees;

17. Drainage plan;

18. Landscape plan; and

19. Identification of any adjacent property within three hundred feet (300′) of the proposed subdivision that is owned or controlled by the applicant.

B. Any plat submitted that covers only a part of the subdivider's tract shall be accompanied by a sketch showing the proposed future street system in the remainder of the tract so that the street layout of the tract may be considered as a whole.

C. The plat shall comply with the technical requirements of Subchapter V.

(Ord. 118012 § 3, 1996: Ord. 110570 § 1(part), 1982.)

23.22.024Distribution of preliminary plans.

If the Director determines that the subdivider has met all the application requirements for the preliminary plat and that the preliminary plat contains sufficient elements and data to furnish a basis for its approval or disapproval, the Director shall affix a file number and date of receipt to the application and promptly forward three (3) copies of the plat and the subdivider's preliminary plans for streets and other improvements to the Director of Transportation. The Director shall also forward a copy of the preliminary plat to each of the following:

A. Director of Public Health;
B. Superintendent of City Light;
C. Director of Housing and Human Services;
D. Superintendent of Parks and Recreation;
E. Director of Seattle Public Utilities;
F. Chief, Fire Department;
G. Metropolitan Services Department;

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who shall review the preliminary plat and, within thirty (30) days, furnish the Director with a report as to the effect of the proposed subdivision upon the public health, safety and general welfare, and containing their recommendations for approval or disapproval of the preliminary plat. The reports of the Director of Transportation and the Director of Seattle Public Utilities shall also include a recommendation as to the extent and type of improvements to be provided in dedicated areas and a preliminary estimate of the cost of these improvements.
(Ord. 118409 § 164, 1996: Ord. 117263 § 1, 1994: Ord. 110570 § 1(part), 1982.)

23.22.028Effect of preliminary plat approval.

A. Approval of the preliminary plat shall constitute authorization for the subdivider to develop the subdivision facilities and improvements as required in the approved preliminary plat upon issuance of the final plat. Development shall be in strict accordance with the plans and specifications as prepared or approved by the Director of Transportation and subject to any conditions imposed by the Council.

B. No subdivision requirements which become effective after the approval of a preliminary plat for a subdivision shall apply to such subdivision unless the Council determines that a change in conditions created a serious threat to the public health or safety.
(Ord. 118409 § 165, 1996: Ord. 112522 § 15 (part), 1985; Ord. 110570 § 1 (part), 1982.)

Subchapter II Preliminary Plat Considerations

23.22.050Topographical and surface hazards—Protective improvements.

Land having topographical or subsurface conditions hazardous to the health, safety or general welfare of persons or property in or near a proposed subdivision shall not be subdivided unless the construction of protective improvements will eliminate the hazards or unless land subject to the hazard is restricted to uses which will not expose persons or property to the hazard. Protective improvements consistent with the standards established in Subchapter VI shall be constructed, prior to final plat approval unless a performance bond acceptable to the Director of Engineering is filed in lieu of the improvements.
(Ord. 110570 § 1(part), 1982.)

23.22.052Dedications required.

A. Every subdivision shall include adequate provision for dedication of drainage ways, streets, alleys, easements, slope rights, parks and other public open spaces for general purposes as may be required to protect the public health, safety and welfare.

B. Protective improvements and easements to maintain the improvements shall be dedicated at the discretion of the City.

C. Convenient pedestrian and vehicular access to every lot by way of a dedicated street or permanent appurtenant easement shall be provided. Access from a dedicated street shall be required, unless the Director determines that the following conditions exist, and permits access by a permanent private easement:

1. Access by easement would not compromise the goals of the Land Use Code to provide for adequate light, air and usable open space between structures; and

2. The dedication and improvement of a street is not necessary or desirable to facilitate adequate water supply for domestic water purposes or for fire protection, or to facilitate adequate storm drainage; and

3. The dedication and improvement of a street is not necessary or desirable in order to provide on-street parking for overflow conditions; and

4. No potential safety hazards would result from multiple access points between existing and future developments onto a roadway without curbs and with limited sight lines; and

5. There is identifiable access for the public and for emergency vehicles; and

6. There is no potential for extending the street system.

D. Roads not dedicated to the public must be clearly marked on the face of the plat. Subdivisions adjacent to navigable bodies of water shall contain dedications for public access to the bodies of water unless the Hearing Examiner determines that the public interest will not be served by the dedication. The dedication shall be to the low water mark and shall include easements for pedestrian traffic at least ten feet (10′) wide parallel to and bordering the high water mark.

E. If the Hearing Examiner concludes that the public interest will be served, the Hearing Examiner may, in lieu of requiring the dedication to the public of land in a subdivision for protective improvements, drainage ways, streets, alleys, sidewalks, parks and other open space, allow the land to be conveyed to a homeowner's nonprofit maintenance corporation. In that case the subdivider shall, at or prior to the time of filing a final plat for approval, supply the Director with copies of articles of incorporation and bylaws of the grantee organization and with evidence of the conveyance or of a binding commitment to convey. The articles of incorporation shall provide that membership in the corporation shall be conditioned upon ownership of land in the subdivision, that the corporation is empowered to assess the land for costs of construction and maintenance of the improvements and property owned by the corporation, and that the assessment shall be a lien upon the land. The City Attorney shall review and approve the articles of incorporation and bylaws as to compliance with this provision. The Hearing Examiner may impose other conditions as he or she deems appropriate to assure that property and improvements owned by the corporation will be adequately constructed and maintained.

F. Any dedication, donation or grant as shown on the face of the plat shall be considered, to all intents and purposes, as a quitclaim deed to the donee or donees, grantee or grantees, for his, her or their use for the purpose intended by the donors or grantors.

G. Dedicated streets and alleys shall meet the requirements of Chapter 23.53 and the Street Improvement

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Manual. Easements shall meet the requirements of Section 23.53.025.
(Ord. 118012 § 5, 1996: Ord. 115568 § 1, 1991: Ord. 115326 § 1, 1990; Ord. 110669 § 3, 1982; Ord. 110570 § 1(part), 1982.)

23.22.054Public use and interest.

The Hearing Examiner shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. The Hearing Examiner shall consider all relevant facts to determine whether the public interest will be served by the subdivision and dedication, and if it finds that the proposed plat makes appropriate provision for the public health, safety and general welfare and for open spaces, drainage ways, streets, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, fire protection facilities, parks, playgrounds, sites for school and schoolgrounds, sidewalks and other planning features that assure safe walking conditions for students who walk to and from school, and that the public use and interest will be served by the platting of subdivision, then it shall be approved. If the Hearing Examiner finds that the proposed plat does not provide the appropriate elements or that the public use and interest will not be served, then the Hearing Examiner may disapprove the proposed plat. Dedication of land to any public body may be required as a condition of subdivision approval and shall be clearly shown on the final plat. The Hearing Examiner shall not as a condition to the approval of any plat require a release from damages to be procured from other property owners.
(Ord. 118012 § 6, 1996: Ord. 110570 § 1(part), 1982.)

23.22.056Flood control zone.

No plat shall be approved by the Council covering any land situated in a flood control zone as provided in RCW Chapter 86.16 without the prior written approval of the State Department of Ecology.
(Ord. 110570 § 1(part), 1982.)

23.22.058Environmentally critical areas.

No plat shall be approved by the council covering any land situated in a riparian corridor buffer, wetland and wetland buffer, or steep slope and steep slope buffer unless in compliance with the applicable provisions of SMC Section 25.09.100, Short subdivisions and subdivisions, in environmentally critical areas.
(Ord. 116262 § 2, 1992.)

23.22.060Transportation concurrency level-of-service standards.

Proposed subdivisions shall meet the transportation concurrency level-of-service standards prescribed in Chapter 23.52.
(Ord. 117383 § 1, 1994.)

Subchapter III Review of Final Plat

23.22.064Filing with Director of Transportation.

A. Time of Filing.

1. A final plat meeting all the requirements of RCW Chapter 58.17 and of this chapter, shall be filed with the Director of Transportation within five (5) years of the date of preliminary plat approval.

2. Within thirty (30) days of the date of filing of the final plat, unless the applicant consents to an extension of the time period, final plats shall be approved or disapproved by action of the Council, or returned to the applicant. This approval shall proceed pursuant to the procedures of this chapter.

B. Submittal Requirements. The following shall be submitted for final plat review:

1. A final plat consistent with the technical requirements of Section 23.22.066 and Subchapter V;

2. A complete survey of the section or sections in which the plat or replat is located, or as many sections as may be necessary to properly orient the plat within the section or sections;

3. Complete field and computation notes as provided in Section 23.22.094;

4. A title report from a title company licensed to do business in the state showing the ownership and title of all parties of interest in the subdivision and confirming that title of the lands as described and shown on the final plat is in the name of the owners signing the certificate required in Section 23.22.068;

5. A guarantee deposit in an amount established by the Director of Transportation sufficient to cover the expense of the City in checking the plat, advertising the ordinance, and posting notices.
(Ord. 118409 § 166, 1996: Ord. 118012 § 7, 1996: Ord. 110570 § 1(part), 1982.)

23.22.066Technical standards for final plat.

A. The final plat shall be prepared upon the best grade of tracing medium and shall be eighteen inches (18″) by twenty-two inches (22″) in size. The accuracy and completeness of the map shall be the sole responsibility of a registered land surveyor whose seal shall appear on the plat and who shall make field surveys and investigations as necessary to insure that the map is complete and accurate in every detail. The preparation of the tracing shall be by an experienced draftsman and work shall conform to established standards of workmanship. The final plat shall be presented at a scale not smaller than one hundred feet (100′) to one inch (1″) and shall contain and show the following:

1. The name of the subdivision;

2. The lines, widths and names of all streets, avenues, places, parks or other public property, and the location of monuments marking the same;

3. The length and direction of all lot lines, also the angles made by lot lines with the street lines;

4. The location of control points and monuments together with all ties;

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5. The names of all subdivisions immediately adjacent;

6. The scale and north point;

7. The boundary of the tract as covered by the plat showing courses and distance on the plat;

8. The initial point;

9. All protective improvements and restrictions on uses;

10. All dedications and all conveyances to a homeowner's nonprofit maintenance corporation in lieu of dedication.

B. In the case of a replat, the lots, blocks, streets, alleys, easements and parks appearing on the original plat shall be shown by dotted lines in their proper position in relation to the new arrangement of the plat, and the new plat shall be shown clearly in solid lines to avoid ambiguity.

C. The description, dedication, acknowledgment, certificates of the City Finance Director and County official performing the duties of the County Treasurer, certificates of approval by the Director of Transportation, the City Clerk and the Director, and recording certificate, shall be lettered with india ink or substantially equivalent lettering material and shall be substantially in the form set forth in the Director of Transportation's Subdivision Manual.

(Ord. 118409 § 167, 1996: Ord. 116368 § 302, 1992; Ord. 110570 § 1(part), 1982.)

23.22.068Certificates required.

Each and every final plat, or replat, of any property to be filed for record shall:

1. Contain a statement of approval from the Director of Transportation as to the survey date, the layout of streets, alleys and other rights-of-way, design of bridges, sewage and water systems, and other structures;

2. Be acknowledged by the person filing the plat before the King County Director of Records and Elections or any other officer who is authorized by law to take acknowledgment of deeds, and a certificate of the acknowledgment shall be enclosed or annexed to the plat and recorded with it;

3. Contain a certification from the proper officer or officers in charge of tax collections that all taxes and delinquent assessments for which the property may be liable as of the date of certification have been duly paid, satisfied or discharged;

4. Contain a certificate giving a full and correct description of the lands divided as they appear on the plat, including a statement that the subdivision has been made with the free consent and in accordance with the desires of the owners. If the plat is subject to a dedication, the certificate or a separate written instrument shall also contain the dedication of all streets and other areas to the public, an individual or individuals, religious society or societies or to any corporation, public or private as shown on the plat and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of the road. The certificate or instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the land subdivided and recorded as part of the final plat.

(Ord. 118409 § 168, 1996: Ord. 110570 § 1(part), 1982.)

23.22.070Director's action on final plat.

The Director of Transportation shall refer the final plat to the Director who shall review the final plat for substantial conformance to the approved preliminary plat, including any requirements or conditions imposed by the Hearing Examiner, and to the standards established by RCW Chapter 58.17 and this chapter. The Director shall within ten (10) days furnish the Director of Transportation with a report regarding the conformance of the plat. The Director of Transportation shall review the final plat for the following:

A. That the proposed final plat bears the certificates and statements of approval required by state law and this chapter;

B. That a title insurance report furnished by the subdivider confirms the title of the land and the proposed subdivision is vested in the name of the owners whose signatures appear on the plat certificate;

C. That the facilities and improvements required to be provided by the subdivider have been completed or alternatively, that the subdivider will provide a bond in a form approved by the City Attorney and in an amount commensurate with the cost of improvements remaining to be completed, conditioned upon the construction and installation of improvements within a fixed time set by the Council, not to exceed two (2) years after final approval of the plat;

D. That the map is technically correct and accurate as certified by the registered land surveyor responsible for the plat.

(Ord. 118409 § 169, 1996: Ord. 118012 § 8, 1996: Ord. 110570 § 1(part), 1982.)

23.22.072Submission of final plat to Council.

A. Pursuant to the requirements of RCW 58.17.150, the Director of Transportation shall not modify the conditions or requirements made in the approval of the preliminary plat when making recommendations on the final plat without the consent of the subdivider.

B. If the Director and the Director of Transportation determine that the requirements of this subtitle are met, the Director of Transportation shall certify that the proposed final plat meets the requirements of RCW Chapter 58.17 and this chapter, and shall forward a complete copy of the proposed plat to the Council.

C. If either Director determines that the requirements of this chapter have not been met, the final plat shall be returned to the applicant for modification, correction or other action as may be required for approval; provided, that the final plat shall be forwarded to the Council together with the determination of the Directors, upon written request of the subdivider.

(Ord. 118409, § 170, 1996: Ord. 118012 § 9, 1996: Ord. 110570 § 1(part), 1982.)

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23.22.074Council determination of final plat.

A. The Council shall determine:

1. Whether the final plat is in substantial conformance with the approved preliminary plat;

2. Whether the requirements imposed when the preliminary plat was approved have been met;

3. Whether the bond, if required by the City, is sufficient in its terms to assure completion of improvements; and

4. Whether the requirements of state law and the Seattle Municipal Code which were in effect at the time of preliminary plat approval have been satisfied by the subdivider.

B. The Council shall approve by ordinance, disapprove, or return the proposed final plat. If the Council approves the plat, it shall inscribe and execute its written approval on the face of the plat, and the Director of Transportation shall transmit the original plat to the King County Director of Records and Elections for filing, and forward one (1) copy to the Director and one (1) copy to the County Assessor. At least one (1) copy of the approved final plat shall be retained in the files of the Director of Transportation.

C. A subdivision shall be governed by the terms of approval of the final plat and any lots created thereunder shall be deemed to meet lot requirements imposed by this Land Use Code for a period of no less than five (5) years unless the City Council finds that a change in circumstances creates a serious threat to the public health or safety in the subdivision.

(Ord. 118409 § 171, 1996: Ord. 118012 § 10, 1996: Ord. 110570 § 1(part), 1982.)

23.22.078Resubmission.

A. Any final plat disapproved by the Council or returned to the applicant may, at the subdivider's option, be resubmitted for approval upon satisfaction of the following conditions:

1. The subdivider has corrected those deficiencies of the final plat, attachments to it, or improvements, any or all of which caused the final plat to be returned or disapproved;

2. The final plat is resubmitted within the five (5) year period after the date of approval of the preliminary plat as provided in Section 23.22.064 or within six (6) months from the date of Council disapproval whichever is later;

3. The final plat was not disapproved by Council with prejudice against resubmission;

4. The subdivider has not accepted any proffered refund of filing fees paid for individual lots.

B. Any subdivision, the final plat of which is disapproved for reasons of nonconformance with the approved preliminary plat and any requirements or conditions attached to it, may be submitted as a preliminary plat, and shall be considered a new and separate application for all intents and purposes.

(Ord. 118012 § 11, 1996: Ord. 110570 § 1(part), 1982.)

Subchapter IV Reserved Land

23.22.082Land reserved for public use.

Any public agency with the power to acquire land by condemnation or otherwise for public use may, at any time prior to final approval of a preliminary plat, notify the council and the subdivider of its intention to acquire some or all of the land in the proposed subdivision for public use, and may request that the Council require its dedication for the use. In the event the land is not dedicated for the use, the public agency may request that the Council require the reservation of the land for a stated period not to exceed the two (2) years following the Council's approval of the final plat, during which time the agency may acquire the land. If the Council finds that the public health, safety, or general welfare will be served, it may require as a condition precedent to approval of the final plat that the land or that part of it as the Council deems appropriate be designated on the plat as reserved land and that for the period requested or a shorter period as the Council deems sufficient, the reserved land not be developed for uses other than the contemplated public use. A public agency may accelerate the expiration date of a reservation period by filing written notice with the King County Director of Records and Elections of its intention to abandon its right to acquire the reserved land.

(Ord. 110570 § 1(part), 1982.)

23.22.084Reserved land to show on plat.

The subdivider may indicate on the plat that if the reserved land is not acquired for public use, it shall be subdivided and if the subdivider does so the plat shall show the configuration and dimensions of the proposed lots, blocks, streets, easements and like features in the reserved area.

(Ord. 110570 § 1(part), 1982.)

23.22.086No development on reserved land.

No building permit or other development permit shall be issued for improvements on reserved land during the period of reservation unless the public agency has abandoned its rights and except as expressly authorized by the Council at the time the final plat is approved.

(Ord. 110570 § 1(part), 1982.)

23.22.088Development if not acquired.

If the public agency has not acquired or commenced proceedings to acquire the reserved lands within the period set by the Council, the subdivider may proceed to develop land lying within the reserved area in conformity with the final plat. No improvements shall be made upon reserved land which is made available for development until adequate security for development of all required public and protective improvements has been provided.

(Ord. 110570 § 1(part), 1982.)

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Subchapter V Survey Requirements

23.22.092Registered land surveyor.

A survey of every proposed subdivision and the preparation of preliminary and final plats of the subdivision shall be made by or under the supervision of a registered land surveyor who shall certify on the plat that it is a true and correct representation of the lands actually surveyed. All surveys shall conform to standard practices and principles for land surveying.
(Ord. 110570 § 1(part), 1982.)

23.22.094Computations—Notes.

A. The surveyor shall furnish the Director of Transportation with a full set of survey notes which notes shall clearly show:

1. The ties to each permanent monument;
2. At least three (3) durable, distinctive reference points or monuments;
3. Sufficient data to determine readily the bearing and length of each line;
4. The base meridian referred to.

B. A traverse of the boundaries of the subdivision and all lots and blocks shall close within an area of one (1) foot in five thousand (5,000) feet.

C. Primary survey control points shall be referenced to section corners and monuments, and corners of adjoining subdivisions, or portions of subdivisions shall be identified and ties shown.
(Ord. 118409 § 172, 1996: Ord. 110570 § 1(part), 1982.)

23.22.096Permanent control monuments.

A. Permanent control monuments shall be established at:

1. All controlling corners on the boundaries of the subdivision;
2. The intersections of centerlines of roads within the subdivisions;
3. The beginning and ends of curves on centerlines;
4. All block corners.

B. Permanent control monuments may be placed on the offset lines. The position and type of every permanent monument shall be noted on all plats of the subdivision. Permanent control monuments shall be of a type approved by the Director of Transportation.

C. Permanent control monuments within the streets shall be set after the streets are graded. In the event a final plat is approved before streets are graded, the security deposit to provide for grading shall be sufficient to pay the costs of setting the monuments estimated by the Director of Transportation.

D. Each lot corner shall be marked by a three-quarter (3/4) inch galvanized iron pipe, twenty-four (24) inches in length, or approved equivalent, driven into the ground.
(Ord. 118409 § 173, 1996: Ord. 110570 § 1(part), 1982.)

23.22.098Property contiguous to water.

If any land in a subdivision is contiguous to a body of water, a meander line shall be established along the shore at a safe distance back from the ordinary high water mark. Property lying below and beyond the meander line shall be defined by distance along the side property lines extended from the meander line. If the thread of a stream lies within a subdivision or forms the boundary of a subdivision, such thread shall be defined by bearings and distances as it exists at the time of the survey.
(Ord. 110570 § 1(part), 1982.)

Subchapter VI Design and Construction Standards

23.22.100Design standards.

Except as provided in Section 23.22.106, design of all subdivisions shall conform to the standards set forth in this subsection:

A. Streets and Alleys.

1. All subdivisions shall be served by one (1) or more streets providing adequate ingress and egress to and from the subdivision.
2. Major streets within each subdivision shall conform with the City's thoroughfare and circulation plans and shall provide for the continuation of major streets which serve property contiguous to the subdivision. Unless warranted by special physical circumstances, streets serving lots on two sides shall be at least sixty (60) feet wide.
3. Street intersections shall be as nearly at right angles as practicable and in no event shall the angle formed be less than thirty (30) degrees.
4. A cul-de-sac shall be so designed as to provide a circular turnaround at the closed end which has a minimum radius of forty (40) feet and a minimum roadway radius of twenty-eight (28) feet. A tee or other reasonable alternative may be authorized by the Council in lieu of the turnaround. Cul-de-sac streets shall not exceed four hundred fifty (450) feet in length and the right-of-way shall be at least fifty (50) feet wide, except under special circumstances a lesser width will be permitted.
5. Street networks shall provide ready access for fire and other emergency vehicles and equipment, and routes of escape for inhabitants.
6. Alleys shall be at least sixteen (16) feet wide plus such additional width as shall be necessary for an adequate turning radius.

B. Blocks. Blocks shall be designed to assure traffic safety and ease of traffic control and circulation. Blocks shall be identified by letters or numbers.

C. Lots.

1. Every lot shall be provided with convenient vehicular access to a street or to a permanent appurtenant easement which satisfies the requirements of Section 23.53.005.
2. Lots shall be numbered with reference to blocks.

D. Sidewalks. Design of sidewalk or sidewalk easements in residential subdivisions shall be as required by the Director of Transportation.

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E. Drainage, Storm Sewer and Utility Easements.

1. Easements for drainage channels and ways shall be of sufficient width to assure that they may be maintained and improved. Easements for storm sewers shall be provided and shall be of sufficient width and in proper location to permit future installation. Utility easements shall be in accordance with plans and specifications prepared by the appropriate City department.

2. Easements for electric, telephone, water, gas and similar utilities shall be of sufficient width to assure installation and maintenance.

F. Underground Utility Installation. Subdivisions located adjacent to subdivisions having underground utility lines shall provide underground utility lines including but not limited to those for electricity, telephone, CATV and street lighting.

(Ord. 118409 § 174, 1996: Ord. 110570 § 1(part), 1982.)

23.22.102Improvements.

A. Streets, Bridges and Other Construction. All streets, bridges, drains, culverts and other structures and facilities in dedicated areas shall be constructed in accordance with plans and specifications prepared or approved by the Director of Transportation.

B. Street Grading and Surfacing. All dedicated streets shall be graded to their full width with adequate drainage provided prior to acceptance for public use. Grades shall be established by the Director of Transportation and all roadways shall be surfaced according to plans and specifications prepared or approved by the Director of Transportation.

C. Water and Sewers. Water supply facilities adequate to provide potable water from a public supply to each lot within a subdivision shall be installed in conformity with standards adopted by the Director of Seattle Public Utilities. Each lot shall be provided with a sanitary sewer system connection approved by the Seattle-King County Health Department and the Seattle Public Utilities unless the agencies determine that the lots can be adequately served with private septic tanks. All connections shall conform to applicable City regulations.

D. Service Mains and Fire Hydrants. Prior to the construction of any structure in the subdivision, service mains and fire hydrants shall be installed in accordance with plans and specifications prepared or adopted by the Director of Seattle Public Utilities and in accordance with requirements and standards of the Seattle Public Utilities and the Fire Department.

(Ord. 118409 § 175, 1996: Ord. 110570 § 1(part), 1982.)

23.22.106Exceptions.

Exceptions from the design standards and improvement requirements set forth in this subchapter may be authorized by the Hearing Examiner in those instances where it is deemed that hardship, topography or other factual deterrent conditions prevail, and in such manner as it considers necessary to maintain the intent and purpose of the regulations and requirements. Approval by the Hearing Examiner of a preliminary plat on which variations and exceptions are clearly indicated shall constitute authorization of the variations and exceptions.

(Ord. 118566 § 1, 1997: Ord. 110570 § 1(part), 1982.)

Chapter 23.24
SHORT PLATS

Sections:

23.24.010Filing of application.
23.24.020Content of application.
23.24.030Content of short plat.
23.24.035Access.
23.24.040Criteria for approval.
23.24.045Townhouses.
23.24.050Director's decision.
23.24.060Redivision procedures.

23.24.010Filing of application.

A. Any person seeking to divide or redivide land situated within the City into nine (9) or fewer lots for the purpose of sale or lease, transfer of ownership, development or financing shall submit an application for approval of a short subdivision to the Director together with an application fee as established in the Permit Fee Subtitle, Chapters 22.901A—22.901T. The application is subject to procedural requirements, established in Chapter 23.76, the Master Use Permit Process.

B. A survey of each proposed short subdivision and preparation of the short plat for it shall be made by or under the supervision of a registered land surveyor who shall certify on a short plat that it is a true and correct representation of the lands actually surveyed.

(Ord. 118012 § 12, 1996: Ord. 110570 § 1(part), 1982.)

Cases: A building permit issued in violation of this ordinance and RCW Chapter 58.17 is invalid. **Kates v. Seattle**, 44 Wn.App. 754, 723 P.2d 493 (1986).

23.24.020Content of application.

Applications for approval of a short subdivision shall include the following:

A. A plat of the proposed short subdivision containing standard survey data;

B. A vicinity map on which shall be indicated the property to be subdivided;

C. A plot plan, as appropriate, showing the location and dimensions of existing buildings in relation to the proposed short subdivision;

D. Legal descriptions of the property to be subdivided and of all proposed lots or divisions;

E. Name and address of owner(s) of the tract;

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F. Location of existing roadways, sanitary sewer, storm drain and watermains, if any, together with proposed street improvements.
(Ord. 110570 § 1(part), 1982.)

23.24.030Content of short plat.

A. Every short plat of a short subdivision filed for record must contain:

1. A certificate giving a full correct description of the lands divided as they appear on the short plat, including a statement that the short subdivision has been made with the free consent and in accordance with the desires of the owner or owners.

2. If the short plat includes a dedication, the certificate or a separate written instrument of dedication shall contain the dedication of all streets and other areas to the public, an individual or individuals, religious society or societies or to any corporation, public or private, as shown on the short plat and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of the road.

3. Roads not dedicated to the public must be clearly marked on the face of the short plat.

4. All short plats containing a proposed dedication must be accompanied by a title report confirming that the title of the lands as described and shown on the short plat is in the name of the owner signing the certificate or instrument of dedication.

B. The certificate and instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the land subdivided and shall be recorded as part of the final plat. Any dedication, donation, or grant as shown on the face of the short plat shall be considered to all intents and purposes as a quitclaim deed to the donee or donees, grantee or grantees for his, her or their use for the purpose intended by the donors or grantors.
(Ord. 110570 § 1(part), 1982.)

23.24.035Access.

A. Every short plat shall include adequate provision for dedication of drainage ways, streets, alleys, easements, slope rights, parks and other public open spaces for general purposes as may be required to protect the public health, safety and welfare.

B. Protective improvements and easements to maintain the improvements shall be dedicated at the discretion of the City.

C. Convenient pedestrian and vehicular access to every lot by way of a dedicated street or permanent appurtenant easement shall be required.

D. Access to new lots shall be from a dedicated street, unless the Director determines that the following conditions exist, and permits access by a permanent private easement:

1. Access by easement would not compromise the goals of the Land Use Code to provide for adequate light, air and usable open space between structures; and

2. The dedication and improvement of a street is not necessary or desirable to facilitate adequate water supply for domestic water purposes or for fire protection, or to facilitate adequate storm drainage; and

3. The dedication and improvement of a street is not necessary or desirable in order to provide on-street parking for overflow conditions; and

4. No potential safety hazards would result from multiple access points between existing and future developments onto a roadway without curbs and with limited sight lines; and

5. There is identifiable access for the public and for emergency vehicles; and

6. There is no potential for extending the street system.

E. Dedicated streets and alleys shall meet the requirements of Chapter 23.53 and the Street Improvement Manual. Easements shall meet the requirements of Section 23.53.025.
(Ord. 115568 §§ 2, 3, 1990; Ord. 115326 § 2, 1990.)

23.24.040Criteria for approval.

A. The Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition or deny a short plat:

1. Conformance to the applicable Land Use Policies and Land Use Code provisions;

2. Adequacy of access for vehicles, utilities and fire protection as provided in Section 23.53.005;

3. Adequacy of drainage, water supply and sanitary sewage disposal;

4. Whether the public use and interests are served by permitting the proposed division of land;

5. Conformance to the applicable provisions of SMC Section 25.09.240, Short subdivisions and subdivisions, in environmentally critical areas;

6. Conformance to the provisions of Section 23.24.045, Townhouses, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses.

B. If the short subdivision contains a proposed dedication, the Director shall refer the matter to the Director of Transportation for report and recommendation. The short plat or dedication instrument shall be transmitted to the City Council for acceptance of the dedication by ordinance.
(Ord. 118414 § 2, 1996; Ord. 118409 § 176, 1996: Ord. 117570 § 7, 1995; Ord. 117430 § 2, 1994; Ord. 117263 § 2, 1994; Ord. 116262 § 3, 1992; Ord. 111390 § 2, 1983; Ord. 110669 § 4, 1982; Ord. 110570 § 1(part), 1982.)

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23.24.045Townhouses.

A. Sites developed or proposed to be developed with townhouse structures may be subdivided into individual townhouse unit lots. The proposed townhouse development as a whole shall meet development standards. The subdivided townhouse unit shall be exempt from meeting development standards except that private, usable open space for each unit shall be provided on the same lot as the unit it serves.

B. Subsequent platting actions, additions or modifications to the structure may not create or increase any nonconformity of the structure as a whole, when considered on the combined site.

C. As a result of townhouse subdivision, required parking for a unit may be provided on a different lot than the unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of the King County Department of Records and Elections.

D. The fact that additional development of the lots of individual units may be limited as a result of the application of development standards to the combined site shall be noted on the plat, as recorded.

(Ord. 118414 § 3, 1996: Ord. 117430 § 3, 1994.)

23.24.050Director's decision.

A. If the Director determines that the requirements of this section are met, or may be met upon compliance with specified conditions, the Director shall inform the applicant in writing of the decision to approve the application and the conditions of the approval, if any, and may return the proposed short plat to the applicant for modification or correction. When the Director has determined that: (1) the short plat contains the certificates, dedication instruments and statements of approval required by state law and this chapter, (2) the short plat and all legal descriptions are technically correct, and (3) review procedures pursuant to Chapter 23.76 have been concluded, the short plat shall be filed for record with the King County Director of Records and Elections. Except for purposes of appeal, no short plat or short subdivision granted approval by the Director shall be deemed to have final approval until filed.

B. The decision of the Director on a short subdivision is subject to the further review procedures established under the Master Use Permit process, Chapter 23.76.

(Ord. 110570 § 1(part), 1982.)

23.24.060Redivision procedures.

Land within a short subdivision may not be further divided within a five (5) year period immediately following approval and filing of a short plat unless a final plat for such subdivision is approved and filed for record in accordance with the provisions of Chapter 23.22. However, any revision of an approved short plat in which the total number of lots is not increased shall not be considered a further division, and shall be approved or disapproved in the manner prescribed in Chapter 23.28.

(Ord. 110570 § 1(part), 1982.)

Chapter 23.28
LOT BOUNDARY ADJUSTMENTS

Sections:

23.28.010Purpose.
23.28.020Application for approval of lot boundary adjustment.
23.28.030Criteria for approval.

Cases: A house straddling the boundary between two platted lots effectively merges them into a single building site. **R/L Associates v. Klockars**, 52 Wn.App. 726, 763 P.2d 1244 (1988).

23.28.010Purpose.

The purpose of this chapter is to provide a method for summary approval of lot boundary adjustments which do not create any additional lot, tract, parcel, site or division, while insuring that such lot boundary adjustment satisfies public concerns of health, safety, and welfare.

(Ord. 110570 § 1(part), 1982.)

23.28.020Application for approval of lot boundary adjustment.

Anyone seeking an approval by the Director of a lot boundary adjustment shall file an application as provided in Chapter 23.76, the Master Use Permit Process. All applications for lot boundary adjustments shall contain the following:

1. A plan showing the proposed change and containing standard survey data;
2. A plot plan as appropriate showing the location and dimensions of existing structures in relation to the proposed lot boundary adjustment;
3. A legal description of the property involved;
4. Name and address of owner(s) of the property involved.

(Ord. 110570 § 1(part), 1982.)

23.28.030Criteria for approval.

The Director shall approve an application for a lot boundary adjustment if it is determined that:

1. No additional lot, tract, parcel, site or division will be created by the proposed adjustment;
2. No lot is created which contains insufficient area and dimensions to meet the minimum requirements of the zone in which the lots affected are situated, except as provided in Section 23.44.010;
3. No lot is created which does not have adequate drainage, water supply and sanitary sewage disposal, and access for vehicles, utilities and fire protection;
4. The lot boundary adjustment is consistent with applicable provisions of the Land Use Code, Title 23, and SMC Chapter 25.09, Regulations for Environmentally Critical Areas.

(Ord. 116262 § 4, 1992: Ord. 110570 § 1 (part), 1982.)

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Subtitle IV Land Use Regulations

Division 1 Land Use Zones

Chapter 23.30
ZONE DESIGNATIONS ESTABLISHED

Sections:

23.30.010Classifications for the purpose of this subtitle.
23.30.020Zone boundaries.
23.30.030Property not specifically zoned.

23.30.010Classifications for the purpose of this subtitle.

All land within the City shall be classified as being within one (1) of the following land use zones and regulated accordingly:

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	L1
Residential, Multifamily, Lowrise 2	L2
Residential, Multifamily, Lowrise 3	L3
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 Cascade Mixed	SCM
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

(Ord. 118302 § 2, 1996: Ord. 117430 § 4, 1994: Ord. 115002 § 3, 1990: Ord. 114888 § 1, 1989: Ord. 114887 § 1, 1989: Ord. 114196 § 1, 1988: Ord. 113658 § 1, 1987: Ord. 112777 § 1, 1986: Ord. 112519 § 2, 1985: Ord. 112134 § 4, 1985: Ord. 11110 § 2, 1983: Ord. 110793 § 1, 1982: Ord. 110570 § 5, 1982: Ord. 110381 § 1 (part), 1982.)

23.30.020Zone boundaries.[1]

Unless the location of zone boundary lines is expressly established by reference to established lines, points or features on the Official Land Use Map, the zone boundary lines are the centerlines of streets, including freeways, expressways and parkways, public alleys, waterways or railroad rights-of-way, or in the case of navigable water, the pierhead or outer harbor lines, or in the case of Lake Union, the "Seattle Construction Limit Line" as established by Section 23.60.014. Where the pierhead, outer harbor lines or construction limit lines are not established, then the zone boundary lines shall be on the water side of the natural shoreline and five hundred feet (500′), measured at right angles, from the shoreline. If the exact location of a zone boundary line cannot be determined otherwise, then its location shall be determined by measuring to scale on the Official Land Use Map.
(Ord. 117570 § 8, 1995: Ord. 110381 § 1 (part), 1982.)

1.Editor's Note: Ord. 110381 erroneously numbered this section "23.30.06." It has been editorially corrected to reflect legislative intent.

23.30.030Property not specifically zoned.

In every case where property has not been specifically included within a zone on the Official Land Use Map the property is declared to be in the SF 9600 Zone. This provision shall apply to any property included in areas annexed to the City after the effective date of this provision unless the area is zoned at the time of annexation.
(Ord. 110381 § 1 (part), 1982.)

Chapter 23.32
LAND USE MAPS[1]

Sections:

23.32.006Underlying zones established.
23.32.010Overlay districts established.
23.32.016Official Land Use Map.

1.Editor's Note: The Land Use Maps are set out at the end of this title.

23.32.006Underlying zones established.

The zone classifications established in Section 23.30.010 and their boundaries within the City are established as shown on the series of maps, marked Exhibit "A" to the ordinance from which this section derives.
(Ord. 117570 § 9, 1995: Ord. 110381 § 1 (part), 1982.)

23.32.010Overlay districts established.

The overlay districts regulated in Part 3 of this subtitle are also established on the maps identified as Exhibit "A" to the ordinance from which this section derives.

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(Ord. 110381 § 1 (part), 1982.)

23.32.016 Official Land Use Map.

Exhibit "A" to the ordinance from which this section derives is by this reference made a part of this subtitle and constitutes the Official Land Use Map of The City of Seattle.

(Ord. 110381 § 1 (part), 1982.)

Chapter 23.34
AMENDMENTS TO OFFICIAL LAND USE MAP (REZONES)

Sections:

Subchapter I Procedure

23.34.002 Standard rezone procedures.
23.34.004 Contract rezones.

Subchapter II Rezone Criteria

23.34.007 Rezone evaluation.
23.34.008 General rezone criteria.
23.34.009 Height limits of the proposed rezone.
23.34.010 Designation of single-family zones.
23.34.011 Single-family zones, function and locational criteria.
23.34.012 Residential Small Lot (RSL) zone, function and locational criteria.
23.34.013 Designation of multifamily zones.
23.34.014 Lowrise Duplex/Triplex (LDT) zone, function and locational criteria.
23.34.016 Lowrise 1 (L1) zone, function and locational criteria.
23.34.018 Lowrise 2 (L2) zone, function and locational criteria.
23.34.020 Lowrise 3 (L3) zone, function and locational criteria.
23.34.022 Lowrise 4 (L4) zone, function and locational criteria.
23.34.024 Midrise (MR) zone, function and locational criteria.
23.34.026 Midrise/85′ (MR/85′) zone, function and locational criteria.
23.34.028 Highrise (HR) zone, function and locational criteria.
23.34.046—
23.34.056 Reserved by 110381.
23.34.070 Residential—Commercial (RC) zone, function and locational criteria.
23.34.072 Designation of commercial zones.
23.34.074 Neighborhood Commercial 1 (NC1) zone, function and locational criteria.
23.34.075 Neighborhood Commercial 30′/Lowrise 1 designation.
23.34.076 Neighborhood Commercial 2 (NC2) zone, function and locational criteria.
23.34.077 Neighborhood Commercial 2/Residential (NC2/R) designation.
23.34.078 Neighborhood Commercial 3 (NC3) zone, function and locational criteria.
23.34.079 Neighborhood Commercial 3/Residential (NC3/R) designation.
23.34.080 Commercial 1 (C1) zone, function and locational criteria.
23.34.082 Commercial 2 (C2) zone, function and locational criteria.
23.34.086 Locational criteria—Pedestrian District 1(P1) overlay.
23.34.088 Locational criteria—Pedestrian District 2 (P2) overlay.
23.34.090 Designation of industrial zones.
23.34.092 General Industrial 1 (IG1) zone, function and locational criteria.
23.34.093 General Industrial 2 (IG2) zone, function and locational criteria.
23.34.094 Industrial Buffer (IB) zone, function and locational criteria.
23.34.096 Location criteria—Industrial Commercial (IC) zone.
23.34.098 Manufacturing Center Overlay (MCO), function and locational criteria.
23.34.100 Designation of Downtown zones.
23.34.102 Downtown Office Core-1 (DOC-1) zone, function and locational criteria.
23.34.104 Downtown Office Core-2 (DOC-2) zone, function and locational criteria.
23.34.106 Downtown Retail Core (DRC) zone, function and locational criteria.
23.34.108 Downtown Mixed Commercial (DMC) zone, function and locational criteria.
23.34.110 Downtown Mixed Residential (DMR) zone, function and locational criteria.
23.34.112 Pioneer Square Mixed (PSM) zone, locational criteria.
23.34.114 International District Mixed (IDM) zone, locational criteria.
23.34.116 International District Residential (IDR) zone, locational criteria.

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23.34.118Downtown Harborfront-1 (DH-1) zone, locational criteria.
23.34.120Downtown Harborfront-2 (DH-2), function and locational criteria.
23.34.122Pike Market Mixed (PMM) zone, locational criteria.
23.34.124Designation of Major Institution Overlay (MIO) districts.
23.34.126Designation of the Seattle Cascade Mixed (SCM) zone.
23.34.128Seattle Cascade Mixed (SCM) zone, function and locational criteria.

Subchapter I Procedure

23.34.002Standard rezone procedures.

Procedures for amending the Official Land Use Map, including overlay districts and shoreline environment classifications, shall be as provided in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.
(Ord. 112522 § 6 (part), 1985.)

23.34.004Contract rezones.

A. Property Use and Development Agreement. The Council may approve a map amendment subject to an agreement by the legal or beneficial owner of the property to be rezoned to self-imposed restrictions upon the use and development of the property in order to ameliorate adverse impacts which could occur from unrestricted use and development permitted in the zone. All restrictions shall be directly related to the impacts which may be expected to result from the amendment. The agreements shall be approved as to form by the City Attorney, and shall not be construed as a relinquishment by the City of its discretionary powers.

B. Waiver of Certain Requirements. The ordinance accepting the agreement may waive specific bulk or off-street parking and loading requirements if the Council determines that the waivers are necessary under the agreement to achieve a better development than would otherwise result from the application of regulations of the zone. No waiver of requirements shall be granted which would be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.
(Ord. 112522 § 6 (part), 1985: Ord. 110381 § 1 (part), 1982.)

Subchapter II Rezone Criteria

23.34.007Rezone evaluation.

A. The provisions of this chapter shall apply to all rezones. In evaluating proposed rezones, the provisions of this chapter shall be weighed and balanced together to determine which zone or height designation best meets those provisions. In addition, the zone function statements, which describe the intended function of each zone designation, shall be used to assess the likelihood that the area proposed to be rezoned would function as intended.

B. No single criterion or group of criteria shall be applied as an absolute requirement or test of the appropriateness of a zone designation, nor is there a hierarchy or priority of rezone considerations, unless a provision indicates the intent to constitute a requirement or sole criterion.

C. Overlay districts established pursuant to neighborhood plans adopted by the City Council may be modified only pursuant to amendments to neighborhood plans adopted or amended by the City Council after January 1, 1995.

D. Compliance with the provisions of this chapter shall constitute consistency with the Comprehensive Plan for the purpose of reviewing proposed rezones.

E. Provisions of this chapter that pertain to areas inside of urban centers or villages shall be effective only when a boundary for the subject center or village has been established in the Comprehensive Plan. Provisions of this chapter that pertain to areas outside of urban villages or outside of urban centers shall apply to all areas that are not within an adopted urban village or urban center boundary. This subsection does not apply to the provisions of other chapters including, but not limited to, those which establish regulations, policies, or other requirements for commercial/mixed use areas inside or outside of urban centers/villages as shown on the Future Land Use Map.
(Ord. 117430 § 5, 1994.)

23.34.008General rezone criteria.

A. To be approved a rezone shall meet the following standards:

1. In urban centers and urban villages the zoned capacity for the center or village taken as a whole shall be no less than one hundred twenty-five percent (125%) of the growth targets adopted in the Comprehensive Plan for that center or village.

2. For each urban center or urban village, the zoned capacity for the center or village taken as a whole shall allow the minimum zoned capacity established in Section B of the Land Use Element of the Comprehensive Plan.

3. For the area within the urban village boundary but outside the core of hub urban villages and for residential urban villages taken as a whole the zoned capacity shall not exceed the maximum established in Section B of the Land Use Element of the Comprehensive Plan.

B. Match Between Zone Criteria and Area Characteristics. The most appropriate zone designation shall be that for which the provisions for designation of the zone type and the locational criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation.

C. Zoning History and Precedential Effect. Previous and potential zoning changes both in and around the area proposed for rezone shall be examined.

D. Neighborhood Plans.

1. For the purposes of this title, the effect of a neighborhood plan, adopted or amended by the City Council after January 1, 1995, shall be as expressly

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established by the City Council for each such neighborhood plan.

2. Council adopted neighborhood plans that apply to the area proposed for rezone shall be taken into consideration.

3. Where a neighborhood plan adopted or amended by the City Council after January 1, 1995 establishes polices expressly adopted for the purpose of guiding future rezones, but does not provide for rezones of particular sites or areas, rezones shall be in conformance with the rezone polices of such neighborhood plan.

4. If it is intended that rezones of particular sites or areas identified in a Council adopted neighborhood plan are to be required, then the rezones shall be approved simultaneously with the approval of the pertinent parts of the neighborhood plan.

E. Zoning Principles. The following zoning principles shall be considered:

1. The impact of more intensive zones on less intensive zones or industrial and commercial zones on other zones shall be minimized by the use of transitions or buffers, if possible. A gradual transition between zoning categories, including height limits, is preferred.

2. Physical buffers may provide an effective separation between different uses and intensities of development. The following elements may be considered as buffers:

a. Natural features such as topographic breaks, lakes, rivers, streams, ravines and shorelines;

b. Freeways, expressways, other major traffic arterials, and railroad tracks;

c. Distinct change in street layout and block orientation;

d. Open space and greenspaces.

3. Zone Boundaries.

a. In establishing boundaries the following elements shall be considered:

(1) Physical buffers as described in subsection E2 above;

(2) Platted lot lines.

b. Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located, and face away from adjacent residential areas. An exception may be made when physical buffers can provide a more effective separation between uses.

F. Impact Evaluation. The evaluation of a proposed rezone shall consider the possible negative and positive impacts on the area proposed for rezone and its surroundings.

1. Factors to be examined include, but are not limited to, the following:

a. Housing, particularly low-income housing;

b. Public services;

c. Environmental factors, such as noise, air and water quality, glare, odor, shadows, and energy conservation;

d. Pedestrian safety;

e. Manufacturing activity;

f. Employment activity;

g. Character of areas recognized for architectural or historic value.

2. Service Capacities. Development which can reasonably be anticipated based on the proposed development potential shall not exceed the service capacities which can reasonably be anticipated in the area, including:

a. Street access to the area;

b. Street capacity in the area;

c. Transit service;

d. Parking capacity;

e. Utility and sewer capacity.

G. Changed Circumstances. Evidence of changed circumstances shall be taken into consideration in reviewing proposed rezones, but is not required to demonstrate the appropriateness of a proposed rezone. Consideration of changed circumstances shall be limited to elements or conditions included in the criteria for the relevant zone designations in this chapter.

H. Overlay Districts. If the area is located in an overlay district, the purpose and boundaries of the overlay district shall be considered.

I. Critical Areas. If the area is located in or adjacent to a critical area (SMC Chapter 25.09), the effect of the rezone on the critical area shall be considered.

J. Land Use Policies. Land use policies contained or referenced in Chapter 23.12 that are applicable to the area shall be considered.

(Ord. 117929 § 6, 1995; Ord. 117430 § 6, 1994: Ord. 114725 § 1, 1989; Ord. 113079 § 2 (part), 1986; Ord. 112522 § 6 (part), 1985; Ord. 110381 § 1 (part), 1982.)

23.34.009Height limits of the proposed rezone.

Where a decision to designate height limits in Neighborhood Commercial or Industrial zones is independent of the designation of a specific zone, in addition to the general rezone criteria of Section 23.34.008, the following shall apply:

A. Function of the Zone. Height limits shall be consistent with the type and scale of development intended for each zone classification. The demand for permitted goods and services and the potential for displacement of preferred uses shall be considered.

B. Topography of the Area and its Surroundings. Height limits shall reinforce the natural topography of the area and its surroundings, and the likelihood of view blockage shall be considered.

C. Height and Scale of the Area.

1. The height limits established by current zoning in the area shall be given consideration.

2. In general, permitted height limits shall be compatible with the predominant height and scale of existing development, particularly where existing development is a good measure of the area's overall development potential.

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D. Compatibility with Surrounding Area.

1. Height limits for an area shall be compatible with actual and zoned heights in surrounding areas excluding buildings developed under Major Institution

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height limits; height limits permitted by the underlying zone, rather than heights permitted by the Major Institution designation, shall be used for the rezone analysis.

2. A gradual transition in height and scale and level of activity between zones shall be provided unless major physical buffers, as described in Subsection 23.34.008 D2, are present.

E. Neighborhood Plans.

1. Particular attention shall be given to height recommendations in business district plans or neighborhood plans adopted by the City Council subsequent to the adoption of the 1985 Land Use Map.

2. Neighborhood plans adopted or amended by the City Council after January 1, 1995 may require height limits different than those that would otherwise be established pursuant to the provisions of this section and Section 23.34.008.

(Ord. 117430 § 7, 1994.)

23.34.010Designation of single-family zones.

A. Except as provided in subsection B of this section, single-family zoned areas may be rezoned to another classification only if the applicant can demonstrate that the area does not meet the criteria for single-family designation.

B. Areas zoned single family, or RSL which meet the criteria for single-family zoning contained in subsection B of Section 23.34.011 and are located within the adopted boundaries of an urban village may be considered for rezoning 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 (L1), Neighborhood Commercial 1 30′/Lowrise 1 (NC1 30′/L1), Neighborhood Commercial 2 30′/Lowrise 1 (NC2 30′/L1), Neighborhood Commercial 3 30′/Lowrise 1 (NC3 30′/L1), or Lowrise 1/Residential-Commercial (L1/RC) only when all of the following conditions are met:

1. A neighborhood plan adopted or amended by the City Council after January 1, 1995 has designated the area as appropriate for the zone designation, including specification of the RSL/T, RSL/C, or RSL/TC suffix when applicable;

2. All parts of the rezone area are within a five (5) minute walk for a person of typical abilities, within five (5) blocks, or within one-quarter (¼) mile, whichever is the shortest distance, of a designated principal commercial street;

3. The acreage of land proposed for such rezoning on a cumulative basis does not exceed the quantity of land specified for the area in Appendix C of the Land Use Element of the Comprehensive Plan;

4. If the rezone is to an NC1 30/L1, NC2 30/L1, NC3 30/L1 or L1/RC zone designation, the subject property is contiguous to an urban village commercial zone.

(Ord. 117430 § 8, 1994: Ord. 112522 § 6 (part), 1985; Ord. 110381 § 1 (part), 1982.)

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23.34.011Single-family zones, function and locational criteria.

A. Function. An area that provides predominantly detached single-family structures on lot sizes compatible with the existing pattern of development and the character of single-family neighborhoods.

B. Locational Criteria. A single-family zone designation is most appropriate in areas meeting the following criteria:

1. Areas that consist of blocks with at least seventy percent (70%) of the existing structures in single-family residential use; or

2. Areas that are designated by an adopted neighborhood plan as appropriate for single-family residential use; or

3. Areas that consist of blocks with less than seventy percent (70%) of the existing structures in single-family residential use but in which an increasing trend toward single-family residential use can be demonstrated; for example:

a. The construction of single-family structures in the last five (5) years has been increasing proportionately to the total number of constructions for new uses in the area, or

b. The area shows an increasing number of improvements and rehabilitation efforts to single-family structures, or

c. The number of existing single-family structures has been very stable or increasing in the last five (5) years, or

d. The area's location is topographically and environmentally suitable for single-family residential developments.

C. An area that meets at least one (1) of the locational criteria in subsection B above should also satisfy the following size criteria in order to be designated as a single-family zone:

1. The area proposed for rezone should comprise fifteen (15) contiguous acres or more, or should abut an existing single-family zone.

2. If the area proposed for rezone contains less than fifteen (15) contiguous acres, and does not abut an existing single-family zone, then it should demonstrate strong or stable single-family residential use trends or potentials such as:

a. That the construction of single-family structures in the last five (5) years has been increasing proportionately to the total number of constructions for new uses in the area, or

b. That the number of existing single-family structures has been very stable or increasing in the last five (5) years, or

c. That the area's location is topographically and environmentally suitable for single-family structures, or

d. That the area shows an increasing number of improvements or rehabilitation efforts to single-family structures.

D. Half-blocks at the edges of single-family zones which have more than fifty percent (50%) single-family structures, or portions of blocks on an arterial which have a majority of single-family structures, shall generally be included. This shall be decided on a case-by-case basis, but the policy is to favor including them.

(Ord. 117430 § 9, 1994: Ord. 112522 § 6 (part), 1985; Ord. 110381 § 1 (part), 1982.)

23.34.012Residential Small Lot (RSL) zone, function and locational criteria.

A. Function. An area within an urban village that provides for the development of homes on small lots that may be appropriate and affordable to households with children and other households which might otherwise choose existing detached houses on larger lots.

B. Locational Criteria. An RSL zone shall be appropriate only under circumstances as provided in Section 23.34.010 B.

(Ord. 117430 § 10, 1994.)

23.34.013Designation of multifamily zones.

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

(Ord. 117430 § 11 (part), 1994: Ord. 116795 § 3, 1993: Ord. 114886 § 2, 1989.)

23.34.014Lowrise Duplex/Triplex (LDT) zone, function and locational criteria.

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.

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.

a. Areas where structures of small bulk and low heights, generally less than thirty feet (30′), establish the pattern of development; and

b. 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.

a. 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;

b. Areas where narrow streets, on-street parking congestion, local traffic congestion, lack of alleys,

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or irregular street patterns restrict local access and circulation;

c. Areas close to existing or projected facilities and services used by households with children, including schools, 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 B are met.

(Ord. 117430 § 11 (part), 1994: Ord. 116795 § 3, 1993: Ord. 114886 § 2, 1989.)

23.34.016Lowrise 1 (L1) zone, function and locational criteria.

A. Function. An area that provides low density, ground-related multifamily housing opportunities.

B. Locational Criteria. Lowrise 1 zone designation is most appropriate in areas generally characterized by the following:

1. Development Characteristics of the Area.

a. Areas where structures of low heights, generally less than thirty feet (30′), and small bulk establish the pattern of development;

b. Areas with:

(1) 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 encourage new development opportunities, or

(2) Numerous or large vacant parcels suitable for family housing where densities greater than single family are desired; and

c. Areas where internal vehicular circulation is conducive to residential units that are oriented to the ground level and the street. Preferred locations are generally separated from principal arterials, as defined by the Seattle Comprehensive Transportation Program, which conflict with the desired ground-related character of L1 areas.

2. Relationship to the Surrounding Area.

a. Areas that are definable pockets within a larger, higher density multifamily area, where it is desirable to preserve a small-scale, ground-related character;

b. Areas generally surrounded by a larger single-family area where variation and replacement in housing type could be accommodated without significant disruption of the pattern, character or livability of the surrounding development;

c. Areas where a gradual transition is appropriate between single-family areas and more intensive multifamily or neighborhood commercial zones;

d. Areas where narrow streets, on-street parking congestion, local traffic congestion, or irregular street patterns restrict local access and circulation;

e. Areas close to facilities and services used by households with children, including schools, parks and community centers.

C. Areas zoned single family meeting the locational criteria for single-family designation may be rezoned to L1 only when the provisions of Section 23.34.010 B are met.

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(Ord. 117430 § 11 (part), 1994: Ord. 116795 § 3, 1993: Ord. 114886 § 2, 1989.)

23.34.018Lowrise 2 (L2) zone, function and locational criteria.

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.

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

1. Development Characteristics of the Area.

a. Areas that feature a mix of single-family structures and small to medium multifamily structures generally occupying one (1) or two (2) lots, with heights generally less than thirty feet (30′);

b. Areas suitable for multifamily development where topographic conditions and the presence of views make it desirable to limit height and building bulk to retain views from within the zone;

c. Areas occupied by a substantial amount of multifamily development where 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 Area.

a. Areas 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 where existing moderate scale multifamily structures have already established the scale relationship with abutting single-family areas;

b. Areas that are definable pockets within a more intensive area, where it is desirable to preserve a smaller scale character and mix of densities;

c. 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;

d. Areas where vehicular access to the area does not require travel on “residential access streets” in less intensive residential zones.

(Ord. 771430 § 11 (part), 1994: Ord. 116795 § 3, 1993: Ord. 114886 § 2, 1989.)

23.34.020Lowrise 3 (L3) zone, function and locational criteria.

A. Function. 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.

B. Locational Criteria.

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

a. Areas already zoned L3;

b. Areas already developed predominantly to the permitted L3 density and where L3 scale is well established; or

c. Areas within an urban center or village, where less emphasis shall be placed on density and scale compatibility with existing development, when the designation will be consistent with the densities required for the center or village category as established in Section B of the Land Use Element of the Comprehensive Plan, unless otherwise indicated by a neighborhood plan adopted or amended by the City Council after January 1, 1995.

2. Areas designated as environmentally critical may not be rezoned to an L3 designation, and may remain L3 only in areas predominantly developed to the intensity of the L3 zone.

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, or

(b) Areas that are within an urban center or urban village, where less emphasis shall be placed on density and scale compatibility with existing development, when the designation will be consistent with the densities required for the center or village category as established in Section B of the Land Use Element of the Comprehensive Plan, unless otherwise indicated by a neighborhood plan adopted or amended by the City Council after January 1, 1995.

(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) curbside.

b. Relationship to the Surrounding Area.

(1) 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) Areas with significant topographic breaks, major arterials or open space that provide sufficient transition to LDT or L1 multifamily development;

(3) Areas with existing multifamily zoning with close proximity and pedestrian connections to neighborhood services, public open spaces, schools and other residential amenities;

(4) Areas 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.

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(Ord. 117430 § 11 (part), 1994: Ord. 116795 § 3, 1993: Ord. 114886 § 2, 1989.)

23.34.022Lowrise 4 (L4) zone, function and locational criteria.

A. Function. An area that provides moderate density multifamily infill development in residential neighborhoods already characterized by moderate density residential structures, with good vehicular circulation, adequate alleys, and on-street parking.

B. Locational Criteria.

1. Threshold Conditions. Subject to subsection B2 of this section, areas that may be considered for an L4 designation are limited to the following:

a. Areas already zoned L4;

b. Areas already developed predominantly to the permitted L4 density and where L4 scale is well established; or

c. Areas within an urban center or urban village, where less emphasis shall be placed on density and scale compatibility with existing development, when the designation will be consistent with the densities required for the center or village category as established in Section B of the Land Use Element of the Comprehensive Plan, unless otherwise indicated by a neighborhood plan adopted or amended by the City Council after January 1, 1995.

2. Areas designated as environmentally critical may not be rezoned to an L4 designation, and may remain L4 only in areas predominantly developed to the intensity of the L4 zone.

3. Other Criteria. The Lowrise 4 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 L4 density and where L4 scale is well established, or

(b) Areas that are within an urban center or urban village, where less emphasis shall be placed on density and scale compatibility with existing development, when the designation will be consistent with the densities required for the center or village category as established in Section B of the Land Use Element of the Comprehensive Plan, unless otherwise indicated by a neighborhood plan adopted or amended by the City Council after January 1, 1995.

(2) Areas of sufficient size to promote a high quality, higher density residential environment where there is good pedestrian access to amenities;

(3) Areas generally platted with alleys that can provide access to parking, allowing the street frontage to remain uninterrupted by driveways, thereby promoting a street environment better suited to the level of pedestrian activity associated with higher density residential environments;

(4) Areas with good internal vehicular circulation, and good access to sites, preferably from alleys. Generally, the width of principal streets in the area should be sufficient to allow for two (2) way traffic and parking along at least one (1) curbside.

b. Relationship to the Surrounding Area.

(1) Areas adjacent to concentrations of employment;

(2) Areas that are directly accessible to regional transportation facilities, especially transit, providing connections to major employment centers, including arterials where transit service is good to excellent and street capacity is sufficient to accommodate traffic generated by higher density development. Vehicular access to the area should not require use of streets passing through less intensive residential areas;

(3) Areas with close proximity and with good pedestrian connections to services in neighborhood commercial areas, public open spaces and other residential amenities;

(4) Areas with well-defined edges providing sufficient separation from adjacent areas of small scale residential development, or where such areas are separated by zones providing a transition in the height, scale and density of development.

(Ord. 117430 § 11 (part), 1994: Ord. 116795 § 3, 1993: Ord. 114886 § 2, 1989.)

23.34.024Midrise (MR) zone, function and locational criteria.

A. Function. An area that provides concentrations of housing in desirable, pedestrian-oriented urban neighborhoods having convenient access to regional transit stations, where the mix of activity provides convenient access to a full range of residential services and amenities, and opportunities for people to live within walking distance of employment.

B. Locational Criteria.

1. Threshold Conditions. Subject to subsection B2 of this section, areas that may be considered for a Midrise designation are limited to the following:

a. Areas already zoned Midrise;

b. Areas already developed predominantly to the intensity permitted by the Midrise zone; or

c. Areas within an urban center, the village core of a hub urban village, or a residential urban village, where a neighborhood plan adopted or amended by the City Council after January 1, 1995 indicates that the area is appropriate for a Midrise zone designation.

2. Environmentally Critical Areas. Areas designated as environmentally critical may not be rezoned to a Midrise designation, and may remain Midrise only in areas predominantly developed to the intensity of the Midrise zone.

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

a. Either:

(1) Areas that are developed predominantly to the intensity permitted by the Midrise zone, or

(2) Areas that are within an urban center, the village core of a hub urban village, or a residential urban village, where a neighborhood plan adopted or amended by the City Council after January 1, 1995 indicates that the area is appropriate for a Midrise zone designation.

b. Areas that are adjacent to business and commercial areas with comparable height and bulk;

c. Areas that are served by major arterials and where transit service is good to excellent and street capacity could absorb the traffic generated by midrise development;

d. Areas that are in close proximity to major employment centers;

e. Areas that are in close proximity to open space and recreational facilities;

f. Areas along arterials where topographic changes either provide an edge or permit a transition in scale with surroundings;

g. Flat areas where the prevailing structure height is greater than thirty-seven feet (37′) or where due to a mix of heights, there is no established height pattern;

h. Areas with moderate slopes and views oblique or parallel to the slope where the height and bulk of existing structures have already limited or blocked views from within the multifamily area and upland areas;

i. Areas with steep slopes and views perpendicular to the slope where upland developments are of sufficient distance or height to retain their views over the area designated for the sixty foot (60′) height limit;

j. Areas where topographic conditions allow the bulk of the structure to be obscured. Generally, these are steep slopes, sixteen percent (16%) or more, with views perpendicular to the slope.

(Ord. 117430 § 11 (part), 1994: Ord. 116795 § 3, 1993: Ord. 114886 § 2, 1989.)

23.34.026Midrise/85′ (MR/85′) zone, function and locational criteria.

A. The Midrise/85′ (MR/85′) is most appropriate in areas generally characterized by the criteria described for a rezone to Midrise in Section 23.34.024.

B. In addition, the following shall apply to designate an MR zone as Midrise/85′:

1. A neighborhood plan adopted by the City Council shall have designated the area as suitable for Midrise zoning with an eighty-five foot (85′) height limit; and

2. A height of eighty-five feet (85′) could be accommodated without significantly blocking views; and

3. The development permitted by the zone would not exceed the service capacities which exist in the area, including transit service, parking, and sewers; and

4. A gradual transition in height and scale and level of activity between zones is provided unless major physical edges are present. These edges may be the following:

a. Natural features such as topographic breaks, water bodies and ravines,

b. Freeways, expressways, and other major traffic arterials, and railroad tracks,

c. Street grid and block orientation, or

d. Significant open space and greenspaces.

(Ord. 117430 § 11 (part), 1994: Ord. 116795 § 3, 1993: Ord. 114886 § 2, 1989.)

23.34.028Highrise (HR) zone, function and locational criteria.

A. Function. An area that provides a concentration of high density multifamily housing in a pedestrian-oriented neighborhood with convenient access to regional transit stations, and where the mix of activity provides convenient access to a full range of residential services and amenities and employment centers.

B. Locational Criteria.

1. Threshold Conditions. Subject to subsection B2 of this section, areas that may be considered for a Highrise designation are limited to the following:

a. Areas already zoned Highrise;

b. Areas already developed predominantly to the intensity permitted by the Highrise zone, or

c. Areas within an urban center, the village core of a hub urban village, or a residential urban village, where a neighborhood plan adopted or amended by the City Council after January 1, 1995 indicates that the area is appropriate for a Highrise zone designation.

2. Environmentally Critical Areas. Areas designated as environmentally critical may not be rezoned to a Highrise designation, and may remain Highrise only in areas predominantly developed to the intensity of the Highrise zone.

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

a. Either:

(1) Areas that are developed predominantly to the intensity permitted by the Highrise zone, or

(2) Areas that are within an urban center, the village core of a hub urban village, or a residential urban village, where a neighborhood plan adopted or amended by the City Council after January 1, 1995 indicates that the area is appropriate for a Highrise zone designation.

b. Areas that are served by arterials where transit service is good to excellent and street capacity is sufficient to accommodate traffic generated by highrise development;

c. Areas that are adjacent to a concentration of residential services or a major employment center;

d. Areas that have excellent pedestrian or transit access to downtown;

e. Areas that have close proximity to open space, parks and recreational facilities;

f. Areas where no uniform scale of structures establishes the character and where highrise

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development would create a point and help define the character;

g. Flat areas on the tops of hills or in lowland areas away from hills, where views would not be blocked by highrise structures;

h. Sloping areas with views oblique or parallel to the slope where the height and bulk of existing buildings have already limited or blocked views from within the multifamily area and upland areas where the hillform has already been obscured by development.

(Ord. 117430 § 11 (part), 1994: Ord. 116795 § 3, 1993: Ord. 114886 § 2, 1989.)

23.34.046—
23.34.056Reserved by 110381.

23.34.070Residential-Commercial (RC) zone, function and locational criteria.

A. Function.

1. Purposes. Areas that serve as the following:

a. As a means to downzone strip commercial areas which have not been extensively developed with commercial uses;

b. As a means to downzone small commercial areas which have not been extensively developed with commercial uses and where commercial services are available nearby;

c. To provide opportunities for needed parking in areas where spillover parking is a major problem;

d. As a means of supporting an existing commercial node.

2. Desired Characteristics. Areas that provide the following:

a. Physical appearance resembling the appearance of adjacent residential areas;

b. Mixed use with small commercial uses at street level.

B. Location Criteria.

1. Requirement. A residential-commercial designation shall be combined only with a multifamily designation.

2. Other Criteria. Residential-Commercial zone designation is most appropriate in areas generally characterized by the following:

a. Existing Character.

(1) Areas which are primarily residential in character (which may have either a residential or commercial zone designation), but where a pattern of mixed residential/commercial development is present; or

(2) Areas adjacent to commercial areas, where accessory parking is present, where limited commercial activity and accessory parking would help reinforce or improve the functioning of the commercial areas, and/or where accessory parking would help relieve spillover parking in residential areas.

b. Physical Factors Favoring RC Designation.

(1) Lack of edges or buffer between residential and commercial uses;

(2) Lack of buffer between major arterial and residential uses;

(3) Streets with adequate access and circulation;

(4) Insufficient parking in adjacent commercial zone results in parking spillover on residential streets.

(Ord. 117430 § 12, 1994: Ord. 112777 § 2(part), 1986.)

23.34.072Designation of commercial zones.

A. The encroachment of commercial development into residential areas shall be discouraged.

B. Areas meeting the locational criteria for a single-family designation may be designated NC1 30′/L1, NC2 30′/L1 or NC3 30′/L1 only as provided in Section 23.34.010 B.

C. Preferred configuration of commercial zones shall not conflict with the preferred configuration and edge protection of residential zones as established in the Single Family Policies.

D. Compact, concentrated commercial areas, or nodes, shall be preferred to diffuse, sprawling commercial areas.

E. The preservation and improvement of existing commercial areas shall be preferred to the creation of new business districts.

(Ord. 117430 § 13, 1994: Ord. 112777 § 2(part), 1986.)

23.34.074Neighborhood Commercial 1 (NC1) zone, function and locational criteria.

A. Function.

1. A Neighborhood Commercial 1 zone is intended to be a small area composed primarily of businesses providing convenience retail sales and services to the adjoining residential neighborhood. These areas provide locations for single purpose commercial structures, multi-story mixed use development with commercial uses along the street front, or in limited circumstances multi-story residential structures.

2. Desired Characteristics:

a. Variety of small neighborhood-serving businesses;

b. Continuous storefronts with commercial use, built to the front property line;

c. Atmosphere friendly to pedestrians;

d. Shoppers walk from store to store.

B. Locational Criteria. Neighborhood Commercial 1 zone designation is most appropriate in areas generally characterized by the following:

1. Existing Character. Small commercial areas surrounded by low-density residential areas;

2. Physical Conditions:

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a. Surroundings are low-density residential areas;

b. No physical edges to buffer the residential areas;

c. Lack of vacant land or land appropriate for additional commercial development within the commercial area;

d. Access is through low-density residential neighborhoods (i.e., commercial area will draw traffic through the neighborhood);

e. Generally, limited street capacity;

f. Limited transit service;

g. Limited off-street parking capacity.

(Ord. 117430 § 14, 1994: Ord. 112777 § 2 (part), 1986.)

23.34.075Neighborhood Commercial 30′/Lowrise 1 designation.

A Neighborhood Commercial (NC) zone may be designated NC 30′/L1 according to the criteria contained in Section 23.34.010 B.

(Ord. 117430 § 15, 1994.)

23.34.076Neighborhood Commercial 2 (NC2) zone, function and locational criteria.

A. Function.

1. A pedestrian-oriented shopping area that provides a full range of household and personal goods and services, including convenience and specialty goods, to the surrounding neighborhoods. These areas provide locations for single purpose commercial structures, multi-story mixed use structures with commercial uses along the street front and multi-story residential structures.

2. Desired Characteristics.

a. Variety of small to medium-sized neighborhood-serving businesses;

b. Continuous storefronts with commercial use, built to the front property line;

c. Pedestrian friendly atmosphere;

d. Shoppers can drive to the area, but walk from store to store.

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

1. Existing Character.

a. Medium sized node generally surrounded by low- to medium-density residential areas; or

b. Small commercial area located at the edge of a larger business area, which provides a transition between intense commercial activity and surrounding areas; or

c. Area in the core of an established commercial district characterized by a concentration of small retail and service uses; or

d. Commercial area along major arterial where lots are generally small and shallow, and are surrounded by low-density residential areas.

2. Physical Conditions Favoring Designation as NC2.

a. Surrounded by low- to medium-density residential areas;

b. Lack of strong edges to buffer the residential areas;

c. Lack of vacant land or land appropriate for additional commercial development within the commercial area;

d. Access is through low- and medium-density residential areas;

e. Located on streets with good capacity (major traffic streets and minor arterials), but generally not on major transportation corridors;

f. Limited transit service (i.e., a few routes);

g. Limited off-street parking capacity; may include a parking area for a supermarket or other larger use.

(Ord. 117430 § 16, 1994: Ord 112777 § 2(part), 1986.)

23.34.077Neighborhood Commercial 2/Residential (NC2/R) designation.

A. Function. An area designated as NC2/R functions as an NC2 zone while maintaining existing residential uses and/or promoting increased residential development. These areas provide locations for moderate density residential development in single purpose and mixed use structures; limit single purpose commercial development; and encourage commercial storefronts built to the street property line.

B. NC2 zoned areas or areas that meet NC2 criteria may be designated NC2/R only under the following conditions:

1. a. Areas located inside urban center villages and the village core of hub urban villages; or

b. Areas in a residential urban village characterized by a concentration of small retail sales and service uses and residential support services, where it is desirable to promote moderate density residential uses; and

2. The NC2/R designation is provided for in a neighborhood plan adopted or amended by the City Council after January 1, 1995.

(Ord. 117430 § 17, 1994.)

23.34.078Neighborhood Commercial 3 (NC3) zone, function and locational criteria.

A. Function.

1. A pedestrian-oriented shopping district serving the surrounding neighborhood and a larger community or citywide clientele. The area provides for comparison shopping with a wide range of retail goods and services. The area also provides offices and business support services that are compatible with the retail character of the area and may also include residences. These areas provide locations for single purpose commercial structures, multi-story mixed use structures with commercial uses along with the street front and multi-story residential structures.

2. Desired Characteristics.

a. Variety of retail businesses at street level;

b. Continuous storefronts built to the front property line;

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c. Intense pedestrian activity;

d. Shoppers can drive to the area, but will walk around from store to store;

e. Cycling and transit are important means of access.

B. Locational Criteria. The Neighborhood Commercial 3 zone designation is most appropriate in areas generally characterized by the following:

1. Existing Character.

a. Major commercial nodes surrounded by medium- to high-density residential areas or other commercial areas; or

b. Commercial, retail-oriented strip along a major arterial with significant amounts of retail frontage and generally surrounded by medium-density residential areas; or

c. Shopping centers.

2. Physical Conditions Favoring Designation as NC3.

a. Served by principal arterial;

b. Separated from low-density residential areas by physical edges, less-intense commercial areas or more-intense residential areas;

c. Highly accessible for large numbers of people (considering present and anticipated congestion) so that intense activity of a major commercial node can be accommodated;

d. Combination of circulation and transit system accommodates commercial traffic without drawing traffic through residential areas;

e. Excellent transit service;

f. Presence of large, perhaps shared, off-street parking lots; land available for additional parking, or other means to accommodate parking demand.

(Ord. 117430 § 18, 1994: Ord. 116795 § 4, 1993: Ord. 112777 § 2(part), 1986.)

23.34.079Neighborhood Commercial 3/Residential (NC3/R) designation.

A. Function. An area designated as NC3/R functions as an NC3 zone while maintaining existing residential uses and/or promoting increased residential development. These areas provide locations for moderate density residential development in single purpose and mixed use structures; limit single purpose commercial development; and encourage commercial storefronts built to the front property line.

B. NC3 zoned areas or areas that meet NC3 criteria may be designed NC3/R only under the following conditions:

1. a. Areas located inside urban center villages and the village core of hub urban villages; or

b. Areas in a residential urban village characterized by a concentration of small retail sales and service uses and residential support services, where it is desirable to promote high density residential uses, and

2. The NC3/R designation is provided for in a neighborhood plan adopted or amended by the City Council after January 1, 1995.

(Ord. 117430 § 19, 1994.)

23.34.080Commercial 1 (C1) zone, function and locational criteria.

A. Function. An auto-oriented, primarily retail/service commercial area, that serves surrounding neighborhoods and the larger community or citywide clientele. The area provides a wide range of commercial services, including retail, offices and business support services, and may also provide for residential uses at limited densities.

B. Locational Criteria. Commercial 1 zone designation is most appropriate in areas generally characterized by the following:

1. Existing Character.

a. Shopping centers; or

b. Shopping areas along arterials where customers drive from one (1) individual business to another.

2. Physical Conditions Favoring Designation as C1.

a. Readily accessible from a principal arterial;

b. Presence of edges that buffer residential or commercial areas of lesser intensity, such as changes in street layout or platting pattern;

c. Predominance of large lots that can accommodate a wide range of commercial activity;

d. Limited pedestrian access on the public right-of-way, curb cuts, auto movement or parking lots create an environment which is unfriendly to pedestrian activity;

e. Presence of large, perhaps shared, off-street parking lots; readily accessible from major transportation corridors or arterials.

(Ord. 117430 § 20, 1994: Ord. 112777 § 2(part), 1986.)

23.34.082Commercial 2 (C2) zone, function and locational criteria.

A. Function. An auto-oriented, primarily non-retail commercial area that provides a wide range of commercial activities serving a citywide function. These areas provide employment opportunities, business support services and locations for light manufacturing and warehouse uses, and may also provide for residential uses at limited densities.

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

1. Existing Character.

a. Major commercial nodes characterized by heavy, non-retail commercial activity, often including a few major employees; or

b. A commercial strip located along a major arterial characterized by heavy, non-retail commercial activity.

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2. Physical Conditions Favoring Designation as C2.

a. Readily accessible from a principal arterial;

b. Possibly adjacent to manufacturing/industrial zones;

c. Presence of edges that buffer residential or commercial areas of lesser intensity, such as changes in street layout or platting pattern;

d. Predominance of large lots which can accommodate a wide range of heavy commercial and light manufacturing activity;

e. Limited pedestrian access.

(Ord. 117430 § 21, 1994: Ord. 112777 § 2(part), 1986.)

23.34.086Locational criteria— Pedestrian District 1 (P1) overlay.

In reviewing a proposal to rezone an area to Pedestrian District 1 (P1) overlay, the following criteria shall be considered:

A. Function. To preserve and encourage an intensely retail and pedestrian-oriented shopping district where non-auto modes of transportation to and within the district are strongly favored.

B. Desired Characteristics.

1. Intense pedestrian interest and activity at street level;

2. Wide variety of retail/service activities;

3. Large number of shops and services per block;

4. Buildings built to the front property line with a minimum of auto-oriented uses;

5. Minimal pedestrian-auto conflicts.

C. Physical Conditions Favoring Designation as P1.

1. Pedestrian district generally surrounded by medium- to high-density residential areas and/or major activity centers;

2. Excellent access for transit, bicycle and pedestrian;

3. Availability of on- and off-street parking which can accommodate those who drive to the area;

4. Commercial areas with sufficient depth to accommodate off-street parking away from the principal pedestrian street;

5. Alleys or side streets allow access to parking areas by means other than curb cuts on principal pedestrian street;

6. Strong existing pedestrian character substantially reduces impact of parking waiver on surrounding areas.

(Ord.112777 § 2(part), 1986.)

23.34.088Locational criteria—Pedestrian District 2 (P2) overlay.

In reviewing a proposal to rezone an area to Pedestrian District 2 (P2) overlay, the following criteria shall be considered:

A. Function. To preserve and encourage a pedestrian-oriented retail shopping area where non-auto modes of transportation within the district are strongly favored but where many of the conditions favoring designation as P1 are not present.

B. Desired Characteristics.

1. A variety of retail/service activities and interest along the street front, with limited breaks for parking;

2. Primarily built to the front property line;

3. Minimal pedestrian-auto conflicts;

4. Commercial frontage uninterrupted by housing, drive-in facilities, or large parking areas along the principal pedestrian street front.

C. Physical Conditions Favoring Designation as P2.

1. The area is surrounded by low- to medium-density residential areas;

2. Pedestrian access from residential areas is good, and/or excellent transit service exists;

3. On- and off-street parking capacity is limited, and full parking waiver (as in Pedestrian 1) could create unacceptable spillover parking in surrounding residential areas;

4. The commercial area is shallow, so that there is limited opportunity to provide accessory parking away from the principal pedestrian street front.

(Ord. 112777 § 2(part), 1986.)

23.34.090Designation of industrial zones.

A. The industrial zones are intended to support existing industrial activity and related businesses and provide for new industrial development, as well as increased employment opportunities.

B. Industrial areas are generally well-served by rail, truck and water transportation facilities and do not require direct vehicular access through residential zones.

C. Relative isolation from residential zones either by distance or physical buffers shall be preferred in the creation of new industrial zones.

D. Areas where the infrastructure (streets, water, sewer, electrical, and other facilities) is adequate, or can be upgraded at a reasonable cost, are preferred to accommodate an industrial designation.

E. 1. Economic Development. Increasing industrially zoned land shall be favorably considered when such action will provide additional opportunities for business expansion, retention of manufacturing and other industrial firms in Seattle, or increased employment, especially employment that adds to or maintains the diversity of job opportunities in Seattle. Land proposed to be assigned an industrial designation shall be suitable for manufacturing, research and development and other industrial uses and shall meet the locational criteria for the industrial zone.

2. The rezone shall enhance and strengthen the industrial character of an area.

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F. In determining appropriate boundaries with residentially and commercially zoned land, the adopted residential and commercial policies shall be considered.

G. Rezoning of Industrial Land. Rezoning of industrial land to a less-intensive zone shall be discouraged unless most of the following can be shown:

1. The area does not meet the locational criteria for the industrial zone.

2. The rezone will not decrease industrial development and employment potential, especially manufacturing employment.

3. The rezone would not result in existing industrial uses becoming nonconforming.

4. The area clearly functions as a residential or commercial zone, has little or no potential for industrial development, and would not lead to further encroachment of residential, office, or retail uses into industrially zoned land located adjacent to or near the proposed rezone.

5. The rezone shall be consistent with the Seattle Shoreline Master Program.

6. The area is not part of an adopted Manufacturing/Industrial Center (MIC).

H. Compatibility With Scale and Character of Surrounding Area—Edges. In general, a transition in scale and character shall be provided between zones. A gradual change in height limit or an area of transition (e.g., commercial zone between residential and industrial zones) shall be provided when the area lacks physical edges. Rezones shall achieve a better separation between residential and industrial zones, significantly reducing or eliminating major land use conflicts in the area. The following elements shall be considered physical edges or buffers:

1. Natural features such as topographic breaks, lakes, streams, ravines and shorelines;

2. Freeways, expressways, other major traffic arterials, and railroad tracks;

3. Changes in street layout and block orientation;

4. Open spaces and greenspaces.

I. Existing Pattern of Development. Consideration shall be given to whether the area is primarily industrial, commercial, residential, or a mix, and whether the area is fully developed and in need of room for expansion, or minimally developed with vacant parcels and structures.

(Ord. 117430 § 22, 1994: Ord. 113658 § 2(part), 1987.)

23.34.092General Industrial 1 (IG1) zone, function and locational criteria.

A. Function. An area that provides opportunities for manufacturing and industrial uses and related activity, where these activities are already established and viable, and their accessibility by rail and/or waterway make them a specialized and limited land resource.

B. Locational Criteria. General Industrial 1 zone designation is most appropriate in areas generally characterized by the following:

1. Areas directly related to the shoreline having the following characteristics:

a. Suitable water access for marine industrial activity,

b. Upland property of sufficient depth to accommodate industrial activity,

c. An existing character established by industrial uses and related commercial activity including manufacturing use, warehousing, transportation, utilities, and similar activities;

2. Areas directly related to major rail lines serving industrial businesses;

3. Areas containing mostly industrial uses, including manufacturing, heavy commercial, warehousing, transportation, utilities and similar activities;

4. Large areas with generally flat topography;

5. Areas platted into large parcels of land.

(Ord. 117430 § 23, 1994: Ord. 113658 § 2(part), 1987.)

23.34.093General Industrial 2 (IG2) zone, function and locational criteria.

A. Function. An area with existing industrial uses, that provides space for new industrial development and accommodates a broad mix of activity, including additional commercial development, when such activity improves employment opportunities and the physical conditions of the area without conflicting with industrial activity.

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

1. Areas that are developed with industrial activity or a mix of industrial activity and a wide range of commercial uses;

2. Areas where facilities, such as the Kingdome or Design Center, have established a more commercial character for the surroundings and have created the need for a broader mix of support uses;

3. Areas with adequate access to the existing and planned neighborhood transportation network; where additional trips generated by increased commercial densities can be accommodated without conflicting with the access and circulation needs of industrial activity;

4. Areas where increased commercial densities would allow the economic reuse of small sites and existing buildings no longer suited to current industrial needs;

5. Areas that, because of their size and isolation from a larger industrial area due to separation by another type of zone or major physical barrier, such as an arterial or waterway, can accommodate more nonindustrial activity without conflicting with the industrial function of the larger industrial area;

6. Large areas with generally flat topography;

7. Areas platted into large parcels of land.

(Ord. 117430 § 24, 1994.)

23.34.094Industrial Buffer (IB) zone, function and locational criteria.

A. Function. An area that provides an appropriate transition between industrial areas and adjacent residential zones, or commercial zones having a residential orientation and/or pedestrian character.

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B. Locational Criteria. Industrial Buffer zone designation is most appropriate in areas generally characterized by the following:

1. Areas containing industrial uses or a mix of industrial activity and a wide range of commercial uses which are located on the edge of a larger industrial area designated Industrial General 1 (IG1), Industrial General 2 (IG2), or Industrial Commercial (IC).

2. Areas where a transition is needed to protect a less-intensive zone from potential negative impacts of industrial activity when the area directly abuts a residential, Neighborhood Commercial 1 (NC1), Neighborhood Commercial 2 (NC2), Neighborhood Commercial 2/Residential (NC2/R), Neighborhood Commercial 3 (NC3), Neighborhood Commercial 3/Residential (NC3/R), Commercial 1 (C1), or Commercial 2 (C2) zone with a substantial amount of residential development and/or pedestrian character.

C. Zone Boundaries. The boundaries and overall depth of the Industrial Buffer (IB) zone shall vary according to the specific conditions of each area, so that an adequate separation between industrial activity and less-intensive zones can be provided to reduce through traffic, noise, visual conflicts, and other impacts of industrial development. However, where there are no special features or other conditions to provide sufficient buffer depth, a distance ranging from three hundred (300) to five hundred (500) feet shall be maintained as a buffer. Within an industrial area, the following conditions help establish the transition desired between industrial areas and less-intensive zones and should be considered in establishing boundaries separating the Industrial Buffer zone from the rest of the industrial area:

1. Topographic Conditions. Significant changes in topography within an industrial area may provide a good boundary for the Industrial Buffer zone by reducing the noise and visual impacts of the larger industrial area on an abutting, less-intensive zone.

2. Development Patterns. Changes in the type of activity and/or the scale of existing development occurring along the edge of an industrial area may create conditions that are more compatible with the abutting, less-intensive zone.

3. Grid and Platting Patterns. Changes in block sizes, shifts in the street grid, a major arterial, undeveloped streets, platted lot lines, and other factors related to the platting pattern often create separate areas which, when located along the edge of an industrial area, can reinforce the transition desired in the Industrial Buffer zone.

4. Special Features. Certain natural or built features such as railway lines, open spaces, transmission line rights-of-way, and waterways may, because of their width, siting, or landscaping, separate the edge of an industrial zone from a larger industrial area, helping to establish the edge of the Industrial Buffer zone.

(Ord. 118414 § 4, 1996; Ord. 117430 § 25, 1994: Ord. 113658 § 2(part), 1987.)

23.34.096Locational criteria—Industrial Commercial (IC) zone.

The Industrial Commercial (IC) zone is intended to promote development of businesses which incorporate a mix of industrial and commercial activities, including light manufacturing and research and development, while accommodating a wide range of other employment activities. In reviewing a proposal to rezone an area to Industrial Commercial (IC), the following criteria shall be considered:

A. Areas with amenities such as shoreline views, proximity to downtown, or access to public open spaces that could provide an attraction for new businesses, particularly new technology-oriented and research and development activities which might otherwise be likely to seek locations outside the City;

B. Areas in close proximity to major institutions capable of providing support for new technology-oriented and research and development businesses;

C. Former industrial areas which are undergoing a transition to predominantly commercial or mixed commercial and industrial activity, but where transportation and/or other infrastructure capacities are constrained and can only accommodate modest growth without major improvements;

D. Areas where there is an existing concentration of technology-oriented and research and development uses which may be subject to displacement by commercial development;

E. Areas which are underutilized and, through substantial redevelopment, could provide the type of campus-like environment attractive for new technology-oriented industrial and commercial development.

(Ord. 113658 § 2(part), 1987.)

23.34.098Manufacturing Center Overlay (MCO), function and locational criteria.

A. Function. The Manufacturing Center Overlay (MCO) may be established in locations where a well maintained and physically attractive setting is desired to promote and encourage new manufacturing and related commercial activities, particularly advanced technology manufacturing and research and development laboratories.

B. Locational Criteria. Areas zoned General Industrial 1 (IG1), General Industrial 2 (IG2) or Industrial Buffer (IB), except waterfront lots within two hundred (200) feet of the shoreline, may be considered for designation as a Manufacturing Center Overlay if the area meets one (1) or more of the following locational criteria:

1. Areas with potential for significant redevelopment, evidenced by underused sites, vacant land, and uses in transit;

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2. Areas where existing manufacturing uses can be retained to provide a base for further manufacturing or mixed use development;

3. Areas where the existing infrastructure is inadequate and may be improved at a reasonable cost through redevelopment;

4. Areas large enough to acquire a special character through redevelopment coordinated according to a long-range development plan;

5. Areas in close proximity to downtown, or with good regional access to downtown, major research centers, or other employment centers.

(Ord. 117430 § 26, 1994: Ord. 113658 § 5 (part), 1987.)

23.34.100Designation of Downtown zones.

Rezones to a downtown zone designation shall be considered only for areas within the boundaries of downtown as established by the Land Use and Transportation Plan for Downtown Seattle.

(Ord. 117430 § 27, 1994.)

23.34.102Downtown Office Core-1 (DOC-1) zone, function and locational criteria.

Locations appropriate for Downtown Office Core-1 zone designation shall be consistent with the following:

A. Function. Areas that provide high density office and commercial activities with related support services and retail shopping. The density of office activity shall be greater in this area than any other part of downtown.

B. Scale and Character of Development. Areas with the greatest concentration of large buildings of primarily office and commercial use.

C. Transportation and Infrastructure Capacity. Areas with a very high level of access to vehicular and transit systems and where the existing urban infrastructure is adequate or can be easily expanded to support high densities of development.

D. Relationship to Surrounding Activity. A single, contiguous area which is centrally located in relation to other downtown districts having lower intensities of development and more mixing of uses.

(Ord. 117430 § 28, 1994.)

23.34.104Downtown Office Core-2 (DOC-2) zone, function and locational criteria.

Locations appropriate for Downtown Office Core-2 zone designation shall be consistent with the following:

A. Function. Areas that provide a range of high density office and commercial activities with retail shopping and support services closely related to the primary office core. The density of development is not as great as in the DOC-1 designation.

B. Scale and Character of Development. Areas where large scale office buildings are appropriate and do not adversely affect the pedestrian environment or existing development determined desirable for preservation.

C. Transportation and Infrastructure Capacity. Areas that are well served by transit and vehicular systems and where other urban infrastructure systems are adequate or readily expandable to accommodate anticipated growth.

D. Relationship to Surrounding Activity. Areas shall be adjacent to DOC-1. These areas shall provide transition to the north of the office and retail cores where the character is not well established and land is available for development. To the south of the office core, these areas shall provide a transition to those areas where a strong character exists in Pioneer Square and the International District.

E. Heights. Two (2) height classifications of DOC-2 shall provide transition between the high structures of the DOC-1 designation and areas adjacent to this classification. Generally, maximum heights should be lower in the southern part of downtown to provide transition to Pioneer Square and the International District.

(Ord. 117430 § 29, 1994.)

23.34.106Downtown Retail Core (DRC) zone, function and locational criteria.

Locations appropriate for Downtown Retail Core zone designation shall be consistent with the following:

A. Function. Areas that provide highly concentrated, regional retail shopping activity in the core of downtown. Retail shopping, entertainment and consumer services predominate at street level, and related and supporting uses occur in the upper floors of buildings. Office and other commercial uses may also be present, but at a density and scale of development that does not conflict with the primary retail function or make the street level environment less conducive to shopping.

B. Scale and Character of Development. Areas with moderate scale buildings and well defined street spaces where sidewalks are lined with a variety of retail shopping, entertainment and consumer services. Areas are characterized by a combination of buildings and street spaces conducive to an active, high quality pedestrian environment on relatively level terrain.

C. Transportation Access. Areas where both vehicular and transit systems provide good access for shoppers. The are is served by a wide range of regional, citywide and local transit routes providing high levels of service during the prime shopping hours of the day and evening. Recognizing that the auto will be a prime means of shopper travel, the area provides good off-peak auto access with adequate amounts of short-term shopper parking.

D. Relationship to Surrounding Activity. The area shall be centrally located in relation to areas of downtown employment and residential concentrations.

(Ord. 117430 § 30, 1994.)

23.34.108Downtown Mixed Commercial (DMC) zone, function and locational criteria.

Locations appropriate for Downtown Mixed Commercial zone designation shall be consistent with the following:

A. Function. Areas characterized by lower scale office, retail and commercial uses related to activity in the office and retail cores, mixed with housing and associated residential services.

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B. Scale and Character of Development. The scale of buildings shall be moderate in height and mass to provide a physical transition between the high density office areas and surrounding lower scale mixed use and residential districts.

C. Transportation and Infrastructure Capacity. Areas having less accessibility to vehicular and transit systems than the concentrated office districts. Transportation and other infrastructure capacities shall be capable of accommodating modest growth without major improvement.

D. Relationship to Surrounding Activity. Areas that provide less intensive activity along the western and northern edges of the retail and office cores. These areas shall provide a buffer to less intensive areas, such as the Harborfront, Pike Place Market, and Denny Regrade residential area to the west and the Neighborhood Commercial areas north of Denny Way.

E. Heights. Five (5) height designations shall provide desired transitions compatible with adjacent downtown districts and those areas outside downtown.

(Ord. 117430 § 31, 1994.)

23.34.110Downtown Mixed Residential (DMR) zone, function and locational criteria.

Locations appropriate for Downtown Mixed Residential zone designation shall be consistent with the following:

A. Function. Areas that provide a mixed use community where housing and associated services and amenities predominate. Office, retail and other commercial uses shall be compatibly integrated with the predominant residential character at low to moderate densities.

B. Scale and Character of Development. Areas where there is an existing base of housing and the potential exists for establishing a residential community. Areas shall have the potential for supporting a wide range of residential building types, ranging from midrise structures closely related to the street to larger tower forms. Opportunities shall exist for major public amenities, such as parks and open space and views of downtown. Elliott Bay and surrounding land forms.

C. Transportation and Infrastructure Capacity. Areas with adequate transportation and infrastructure capacity to accommodate a substantial residential population. Employment densities shall be related to the ability of the transportation system to accommodate peak hour flow without adversely affecting the residential development.

D. Relationship to Surrounding Activity. Areas where there are surrounding mixed use areas providing transition between the residential community and higher intensity core areas of downtown.

E. Mix of Use. Two (2) mix of use designations shall be applied to achieve subarea objectives. The DMR/R designation shall apply to areas predominantly residential in character or containing large amounts of underused land; non-residential uses may be present but should be of modest scale, likely to change in the future, or neighborhood serving in character. The DMR/C designation shall apply to those areas containing housing or having housing potential where larger scale, non-residential serving commercial development exists and is likely to remain.

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F. Heights. One (1) of three (3) building height designations may be applied to achieve subarea objectives. The lowest height designation shall generally be centered on Belltown, in areas characterized by existing modest scale development, buildings of historic character or topographic features such as the bluff rising from Elliott Bay. The intermediate area shall provide transition in height and density to the north of Belltown and along the bluff where larger scale commercial buildings divide the area from Elliott Bay. The highest height and density shall apply to areas now characterized by larger residential and commercial buildings, generally north and east of Belltown near the higher density mixed commercial areas of downtown.
(Ord. 117430 § 32, 1994.)

23.34.112Pioneer Square Mixed (PSM) zone, locational criteria.

The Pioneer Square Mixed zone designation shall apply to those areas which lie within the Pioneer Square Preservation District, north of those areas predominantly in manufacturing and industrial use and not contained within the International Special Review District.
(Ord. 117430 § 33, 1994.)

23.34.114International District Mixed (IDM) zone, locational criteria.

The International District Mixed zone designation shall apply to those downtown areas of the International Special Review District designated by the Downtown Plan for mixed use development. The areas designated IDM shall be characterized by a mix of uses contained in low and medium scale structures and include the area west of Fifth Avenue South bordering Pioneer Square.
(Ord. 117430 § 34, 1994.)

23.34.116International District Residential (IDR) zone, locational criteria.

The International District Residential zone designation shall apply to those downtown areas of the International Special District designated by the Downtown Plan for development as a predominantly residential neighborhood. The areas designated IDR shall be generally located north of the International District core, contain parcels available for infill development and possess topographic features providing view potential.
(Ord. 117430 § 35, 1994.)

23.34.118Downtown Harborfront-1 (DH-1) zone, locational criteria.

The Downtown Harborfront-1 zone and the Urban Harborfront Shoreline Environment designation shall apply to waterfront lots and adjacent harbor area located within the boundaries of downtown.
(Ord. 117430 § 36, 1994.)

23.34.120Downtown Harborfront-2 (DH-2), function and locational criteria.

The Downtown Harborfront-2 zone designation shall apply to those areas which meet the following:

A. Function. Areas which provide commercial activities in support of shoreline goals and related office, commercial, retail and residential uses.

B. Scale and Character of Development. Areas where the intended scale of development is moderate, and an orientation toward the water exists. The area provides a transition in scale and character between the waterfront and adjacent downtown areas.

C. Transportation Capacity. Areas with transportation capacity to support low and moderate densities commensurate with planned capacity of Alaskan Way.

D. Relationship to Surrounding Activity. Areas adjacent to the shoreline that have a strong physical relationship to activities on the waterfront and are separated from downtown areas due to topographic conditions. The primary relationship shall be to the harbor areas. The relationship to downtown shall be secondary.

E. Heights. One (1) of three (3) height districts may be applied to maintain existing views from upland public spaces and provide a transition in scale between the waterfront and downtown.
(Ord. 117430 § 37, 1994.)

23.34.122Pike Market Mixed (PMM) zone, locational criteria.

The Pike Market Mixed zone designation shall apply to the area encompassed by the adopted Pike Place Project Urban Renewal Plan inclusive of the Pike Place Historic District.
(Ord. 117430 § 38, 1994.)

23.34.124Designation of Major Institution Overlay (MIO) districts.

A. Public Purpose. The applicant shall submit a statement which documents the reasons the rezone is being requested, including a discussion of the public benefits resulting from the proposed expansion, the way in which the proposed expansion will serve the public purpose mission of the major institution, and the extent to which the proposed expansion may affect the livability of the surrounding neighborhood. Review and comment on the statement shall be requested from the appropriate Advisory Committee as well as relevant state and local regulatory and advisory groups.

B. Boundaries Criteria. The following criteria shall be used in the selection of appropriate boundaries for: 1) new Major Institution Overlay districts; 2) additions to existing MIO districts; and 3) modifications to boundaries of existing MIO districts.

1. Establishment or modification of boundaries shall take account of the holding capacity of the existing campus and the potential for new development with and without a boundary expansion.

2. Boundaries for an MIO district shall correspond with the main, contiguous major institution campus.

Properties separated by only a street, alley or other public right-of-way shall be considered contiguous.

3. Boundaries shall provide for contiguous areas which are as compact as possible within the constraints of existing development and property ownership.

4. The land use policies for the underlying zoning and the surrounding areas shall be considered in the determination of boundaries.

5. Preferred locations for boundaries shall be streets, alleys or other public rights-of-way. Configuration of platted lot lines, size of parcels, block orientation and street layout shall also be considered.

6. Selection of boundaries should emphasize physical features that create natural edges such as topographic changes, shorelines, freeways, arterials, changes in street layout and block orientation, and large public facilities, land areas or open spaces, or greenspaces.

7. New or expanded boundaries shall not be permitted where they would result in the demolition of structures with residential uses or change of use of those structures to non-residential major institution uses unless comparable replacement is proposed to maintain the housing stock of the city.

8. Expansion of boundaries generally shall not be justified by the need for development of professional office uses.

C. Height Criteria. The following criteria shall be used in the selection of appropriate height designations for: 1) proposed new Major Institution Overlay districts; 2) proposed additions to existing MIO districts; and 3) proposed modifications to height limits within existing MIO districts;

1. Increases to height limits may be considered where it is desirable to limit MIO district boundary by expansion.

2. Height limits at the district boundary shall be compatible with those in the adjacent areas.

3. Transitional height limits shall be provided wherever feasible when the maximum permitted height within the overlay district is significantly higher than permitted in areas adjoining the major institution campus.

4. Height limits should generally not be lower than existing development to avoid creating non-conforming structures.

5. Obstruction of public scenic or landmark views to, from or across a major institution campus should be avoided where possible.

D. In addition to the general rezone criteria contained in Section 23.34.008, the following factors shall also be considered:

1. Proposed and potential development for the entire campus in relation to the policies contained in Section 23.12.120, Policy 5; and

2. The comments of the Major Institution Master Plan Advisory Committee for the major institution requesting the rezone.

(Ord. 117929 § 7, 1995; Ord. 117430 § 39, 1994.)

23.34.126Designation of the Seattle Cascade Mixed (SCM) zone.

The Seattle Cascade Mixed (SCM) zone is applied to the Cascade Neighborhood to achieve the goal of a diverse, mixed-use community with a strong pedestrian orientation. The SCM zone permits a wide range of uses and promotes density to encourage redevelopment of the planning area into a mixed-use neighborhood. This new zoning designation balances the need for flexibility and a variety of activities with the need to provide adequate direction to ensure the presence of housing and commercial activities critical to the success of an urban neighborhood.

(Ord. 118302 § 3, 1996.)

23.34.128Seattle Cascade Mixed (SCM) zone, function and locational criteria.

Rezones to the Seattle Cascade Mixed (SCM) zone designation shall be considered only for areas within the boundaries of the Cascade Neighborhood, as depicted on Map A of Chapter 23.48. Decisions whether to rezone to the Seattle Cascade Mixed (SCM) zone designation shall take the following function and locational criteria into consideration:

A. Function. An area that provides for a wide range of uses to encourage redevelopment of the area into a mixed-use neighborhood with a pedestrian orientation;

B. Transportation and Infrastructure Capacity. An area that is well-served by transit and vehicular systems and where utility infrastructure is adequate or is readily expandable to accommodate growth;

C. Relationship to Surrounding Activity. An area, adjacent to downtown, which provides a transition from the dense city core and which is intended by the city to become an area which is self-contained where residents may live, work and play;

D. Mix of Use. An area within the SCM zone may be identified for the purposes of encouraging a primarily residential character. Such an area shall be designated as SCM/R. Within the SCM/R area nonresidential uses shall generally be of modest scale or neighborhood-serving in character;

E. Height. One (1) of three (3) height limits fifty-five feet (55′), seventy-five feet (75′), and one hundred twenty-five feet (125′) may be applied to land zoned SCM. A fifty-five foot (55′) height shall generally be centered around Cascade Playground and elsewhere in the area designated SCM/R where it is appropriate to limit the intensity and scale of nonresidential use. A seventy-five foot (75′) height shall apply throughout the remainder of the SCM zone consistent with ensuring a uniform and pedestrian scale, and a one hundred twenty-five foot (125′) height may be designated to serve as transition from the higher height permitted for development pursuant to downtown zoning in effect south of Denny Way. Height limits may be applied to different uses to achieve area objectives.

(Ord. 118302 § 4, 1996.)

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Chapter 23.40
COMPLIANCE WITH REGULATIONS REQUIRED—EXCEPTIONS

Sections:

23.40.002Conformity with regulations required.
23.40.004Reduction of required spaces.
23.40.006Demolition of housing.
23.40.008Demolition of landmarks.
23.40.020Variances.
23.40.030Undeveloped streets—Modification of certain development standards.
23.40.040Reasonable accommodation.

23.40.002Conformity with regulations required.

The establishment or change of use of any structures, buildings or premises, or any part thereof, shall require approval according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. No structure or premises shall hereafter be used or occupied, and no structure or part of a structure shall be erected, moved, reconstructed, extended, enlarged or altered, except in conformity with the regulations specified in Title 24 or this title for the zone and overlay district, if any, in which it is or will be located. Changes to existing structures may be permitted which make the structures nonconforming if the changes are required by law for reasons of health and safety.
(Ord. 112522 § 7(part), 1985: Ord. 110669 § 6, 1982; Ord. 110381 § 1(part), 1982.)

23.40.004Reduction of required spaces.

A. No minimum lot area, yard, setback, modulation, open space, landscaping, access, screening or other element of development existing on or after July 24, 1957, shall be reduced in area, number or dimension below the minimum development standard required by this Land Use Code, nor shall any existing lot area, yard, setback, modulation, open space, landscaping, access, screening or other element of development less than the minimum required by this Land Use Code be further reduced, except as specifically provided in this Code.

B. Legally established parking spaces or loading areas existing on or after July 24, 1957 that became required as accessory to a principal use on or after July 24, 1957, may not be eliminated unless at least an equal number of spaces serving the use for which they are required and meeting the requirements of this Code are provided.

C. No minimum lot area, yard, setback, open space, landscaping, access, screening or other element of a development used to meet a development standard for one (1) use or structure may be used to meet the development standards of another use or structure except as specifically provided in this Code.
(Ord. 111390 § 3, 1983: Ord. 110669 § 7, 1982.)

23.40.006Demolition of housing.

No demolition permit for a structure containing a housing unit shall be issued unless one of the following conditions is satisfied:

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A. A permit or approval has been issued by the Director according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, to change the use of the structure or the premises; provided, that no housing demolition permit may be issued if the new use is for nonrequired parking; or

B. A permit or approval has been issued by the Director to relocate the structure containing housing units to another lot within the City to be used, on the new lot, as housing units; or

C. Demolition of the structure is ordered by the Director for reasons of health and safety under Chapter 22.206 or 22.208 of the Housing and Building Maintenance Code, or under the provisions of the Seattle Building Code;[1]

D. The housing unit(s) to be demolished have been continuously vacant since January 1, 1974.

(Ord. 118414 § 5, 1996; Ord. 115058 § 3, 1990.)

1.Editor's Note: The Seattle Building Code is set out at Subtitle I of Title 22 of this Code.

23.40.008Demolition of landmarks.

A. Except as provided in subsection B, no demolition permit for a landmark shall be issued until the requirements of Section 25.12.835 of the Landmarks Preservation Ordinance have been satisfied.

B. In the event that the Director believes that demolition of a landmark is required for reasons of health and safety under Chapter 22.206 or 22.208 of the Housing and Building Maintenance Code or under the provisions of the Seattle Building Code,[1] the Director shall consult with the Landmarks Preservation Board and with the Director of the Department of Neighborhoods about alternatives to demolition. The Director shall not order demolition of a landmark until all alternatives to demolition have been explored, unless the Director is faced with a threat to the public health and safety that is so imminent as to preclude all deliberation.

(Ord. 116540 § 2, 1993.)

1.Editor's Note: The Seattle Building Code is set out at Subtitle I of Title 22 of this Code.

23.40.020Variances.

A. Variances may be sought from the provisions of Subtitle IV, Parts 2 and 3 of this Land Use Code, as applicable, except for the establishment of a use which is otherwise not permitted in the zone in which it is proposed, for maximum height which is shown on the Official Land Use Map,[1] from the provisions of Section 23.55.014 A, or from the provisions of Chapter 23.52. Applications for prohibited variances shall not be accepted for filing.

B. Variances shall be authorized according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

C. Variances from the provisions or requirements of this Land Use Code shall be authorized only when all the following facts and conditions are found to exist:

1. Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity; and

2. The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located; and

3. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located; and

4. The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue and unnecessary hardship; and

5. The requested variance would be consistent with the spirit and purpose of the Land Use Code and adopted Land Use Policies or Comprehensive Plan, as applicable.

D. When a variance is authorized, conditions may be attached regarding the location, character and other features of a proposed structure or use as may be deemed necessary to carry out the spirit and purpose of this Land Use Code.

(Ord. 117570 § 11, 1995: Ord. 117383 § 2, 1994; Ord. 113263 § 2, 1986; Ord. 112522 § 7(part), 1985; Ord. 111390 § 4, 1983; Ord. 110669 § 8, 1982: Ord. 110381 § 1(part), 1982.)

1.Editor's Note: The Official Land Use Map is codified at the end of this title.

23.40.030Undeveloped streets—Modification of certain development standards.

For purposes of determining yards, setbacks and whether or not a lot is a corner lot or a through lot, the Director may allow an abutting street to be treated as an alley if the Director finds that the lot abuts on at least one (1) other street suitable for vehicular use or is served by an access easement meeting the standards of Section 23.53.025, and that the following criteria are met:

A. The street in the block where it abuts the lot is wholly undeveloped, is unpaved, or is developed with a roadway less than twenty (20) feet in width; and

B. The street provides either no access or only secondary access to those lots to which it abuts; and

C. The development proposed for the lot does not require improvement of the street and no plans to develop the street are on file with the City; and

D. Existing streetscapes and development patterns are not disrupted.

(Ord. 115326 § 3, 1990.)

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23.40.040Reasonable accommodation.

The Federal Fair Housing Act requires that reasonable accommodations be made in rules, policies, practices, or services, when such accommodations may be necessary to afford handicapped people equal opportunity to use an enjoy a dwelling. The Director is therefore authorized to make accommodations in the provisions of this title as applied to dwellings occupied or to be occupied by handicapped persons as defined in the Federal Fair Housing Act, when the Director determines that such accommodations reasonably may be necessary in order to comply with such Act.
(Ord. 117202 § 24, 1994.)

Chapter 23.41
EARLY PROJECT IMPLEMENTATION

Sections:

Part I Design Review
23.41.002Purpose and intent.
23.41.004Applicability and phasing.
23.41.006Design Review Map.
23.41.008Design Review Board.
23.41.010Design Review Guidelines.
23.41.012Development standard departures.
23.41.014Design review process.

Editor's Note: Citywide Design Guidelines are available at the Master Use Permit Counter, Room 200, Dexter Horton Building.

Part I Design Review

23.41.002Purpose and intent.

The purpose of this chapter is to implement the policies contained in Council Resolution 28757, establishing design review as the first element of the Early Project Implementation Program. Design review is intended to:

A. Encourage better design and site planning to help ensure that new development enhances the character of the city and sensitively fits into neighborhoods, while allowing for diversity and creativity; and

B. Provide flexibility in the application of development standards to better meet the intent of the Land Use Code as established by City policy, to meet neighborhood objectives, and to provide for effective mitigation of a proposed project's impact and influence on a neighborhood; and

C. Improve communication and mutual understanding among developers, neighborhoods, and the City early and throughout the development review process.
(Ord. 116909 § 1(part), 1993.)

23.41.004Applicability and phasing.

A. Design Review Required.

1. Design review shall be required for all new multifamily and commercial structures which exceed the thresholds for environmental review established in the State Environmental Policy Act (SEPA) as adopted by The City of Seattle and codified in Chapter 25.05, SMC, in all Neighborhood Commercial 1, 2, 3 (NC1, 2, 3) zones and in the Seattle Cascade Mixed (SCM) zone.

2. Design review shall also be required for all new multifamily and commercial structures which exceed the SEPA thresholds in Lowrise 3 (L3), Lowrise 4 (L4), Midrise (MR) and Highrise (HR) zones.

3. Design review shall also be required for all new multifamily and commercial structures which exceed SEPA thresholds in Commercial 1 and 2 (C1, C2) zones, when that development abuts or is directly across a street or alley from any lot zoned single family.

4. Design review shall also be required for all new structures containing more than fifty thousand (50,000) square feet of usable new office space in all downtown zones.

5. Design review is optional for all new multifamily and commercial structures not otherwise subject to this chapter, in all multifamily, commercial, and downtown zones.

6. Design review shall also be required for all new Major Institution structures which exceed the SEPA thresholds in NC1, NC2, NC3, L3, L4, MR, and HR zones, and in C1 and C2 zones when the new structure(s) abuts or is directly across a street or alley from any lot zoned single family; provided that design review shall not be required for any structure in a Major Institution Overlay (MIO) District. Design review is optional for new Major Institution structures not otherwise subject to this chapter in all multifamily, commercial, and downtown zones.

B. Phasing. The following development shall be subject to the provisions of this chapter:

1. All new structures described in subsections A1—3, that abut or are directly across a street or alley from any lot zoned single family;

2. As of April 15, 1995 — All new structures described in subsection A2 that abut or are directly across a street or alley from any lot zoned single family, and all new structures described in subsections A1 and A3;

3. As of October 15, 1995 — All new structures as described in subsections A1—3;

4. Beginning April 1, 1996 — All new structures as described in subsection A4.

C. Exemptions. New structures located within Special Review Districts as regulated by Chapter 23.66, within Landmark Districts as regulated by SMC Title 25, Environmental Protection and Historic Preservation, or which are required to undergo Shoreline Design Review as regulated by Chapter 23.60, shall be exempt from requirements for design review under this chapter.
(Ord. 118362 § 4, 1996; Ord. 118302 § 5, 1996; Ord. 118012 § 13, 1996: Ord. 117430 § 40, 1994; Ord. 116909 § 1(part), 1993.)

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23.41.006Design Review Map.

For the purposes of design review, the city shall be divided into six (6) geographic areas, five (5) of which shall be further divided into twelve (12) subareas, as depicted on the Design Review Map, Exhibit 23.41.006 A. (Ord. 118012 § 14, 1996: Ord. 116909 § 1(part), 1993.)

23.41.008Design Review Board.

A. Role of the Design Review Board. The Design Review Board shall be convened for the purpose of reviewing all development subject to design review. To accomplish this purpose, the Design Review Board shall:

1. Synthesize community input on design concerns and provide predesign guidance to the development team and community; and

2. Recommend to the Director specific conditions of approval which are consistent with the design guidelines applicable to the development; and

3. Ensure fair and consistent application of Citywide or neighborhood-specific design guidelines.

B. Membership of the Design Review Board.

1. Design Review Board Membership Criteria.

a. Members shall reside in Seattle; and

b. Members should possess experience in neighborhood land use issues and demonstrate, by their experience, sensitivity in understanding the effect of design decisions on neighborhoods and the development process; and

c. Members should possess a familiarity with land use processes and standards as applied in Seattle; and

d. Consistent with the City's Code of Ethics, SMC Section 4.16.070, no member of the Design Review Board shall have a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, in a project under review by the Design Review Board on which that member sits.

2. Design Review Board Composition.

a. The Design Review Board shall be composed of seven (7) members representing development-related fields, seven (7) members representing general residential community interests, and seven (7) members representing the design professions, of whom three (3) members of each group of seven (7) shall be appointed by the City Council and four (4) members by the Mayor, and all members to be confirmed by the City Council; and

b. The Design Review Board shall also include one (1) member representing local residential community interests and one (1) member representing local business interests from area six (6) and each of the twelve (12) subareas shown on the Design Review Map, Exhibit 23.41.006 A. These members shall be nominated by local community and business interest groups, respec-

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tively, of area six (6) and the subareas described in Section 23.41.006, and shall be jointly appointed by the Mayor and City Council.

C. Design Review Board Assignment.

1. Projects subject to design review should be reviewed by five (5) Design Review Board members to be determined on the basis of the project's location, as follows:

a. At-large members representing development-related fields, general residential community interests, and the design professions, will each be assigned to one of the six (6) geographic areas, such that one (1) member of each of the three (3) interest groups will review projects in each of the six (6) areas, and one member of each of the three (3) interest groups will remain unassigned; in addition,

b. Members representing local residential community interests and local business interests shall participate in review of projects subject to design review as they occur in their subarea, such that each project will be reviewed by one member representing local residential community interests and one member representing local business interests.

c. Three Design Review Board members shall be a quorum.

2. The five (5) Design Review Board members assigned to each project as described in subsection C1 shall be known collectively as the Design Review Board. All members of the Design Review Board shall be voting members.

3. In the event that, in one of the six (6) geographic areas, more projects are undergoing simultaneous design review than the Design Review Board members assigned to that area can review in a timely manner, the unassigned at-large Design Review Board members described in subsection C1a may serve. If an individual at-large member is unable to serve, the Director may appoint a member of the unassigned at-large Design Review Board to serve in his or her absence, provided that each at-large interest group is represented by one (1) member. In addition, a Design Review Board may review projects outside of its designated geographic subarea to expedite review, provided that the local community representative and local business representative shall review development only within their subarea.

D. Meetings of the Design Review Board.

1. Project-specific pre-design public meetings shall be held as required in Section 23.41.014 B, at a location in the same general neighborhood as the proposed project. Mailed notice and placards for the pre-design public meeting shall be provided as described in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

2. Regularly scheduled meetings of the Design Review Board shall be held in the evening in a location which is accessible and conveniently located in the area of the city to which the Board is assigned. Public notice for the regularly scheduled Design Review Board meetings shall be posted in the Department and published in the General Mailed Release.

3. All meetings of the Design Review Board are open to the general public, and the actions of the Board are not quasi-judicial in nature.

(Ord. 118012 § 15, 1996; Ord. 117075 § 1, 1994; Ord. 116909 § 1(part), 1993.)

23.41.010Design Review Guidelines.

The adopted Citywide design guidelines provide the basis for Design Review Board recommendations and City design review decisions, except in Downtown, where the "Interim Downtown Design Guidelines" apply. Neighborhoods may develop design guidelines specific to a neighborhood's individual character. Neighborhood design guidelines may amend or supersede the Citywide design guidelines or the "Interim Downtown Design Guidelines" and shall provide the basis for design review decisions in that neighborhood, to the extent provided by the City Council in adopting the neighborhood design guidelines.

(Ord. 118012 § 16, 1996: Ord. 116909 § 1(part), 1993.)

23.41.012Development standard departures.

A. Departure from Land Use Code requirements may be permitted for new multifamily, commercial, and Major Institution development as part of the design review process. Departures may be allowed if an applicant demonstrates that departures from Land Use Code standards would result in a development which better meets the intent of the adopted design guidelines.

B. The following development standard departures may be permitted through design review:

1. Structure width and depth limits;
2. Setback requirements;
3. Modulation requirements;
4. SCM zone facade requirements, including transparency and blank facade provisions;
5. Design, location and access to parking requirements;
6. Open space or common recreation area requirements;
7. Lot coverage limits;
8. Screening and landscaping requirements;
9. Standards for the location and design of nonresidential uses in mixed-use buildings;
10. Within Urban Centers, in L-3 zones only, the pitched roof of a structure, as provided in Section 23.45.009 C, may incorporate additional height of up to twenty percent (20%) of the maximum height permitted, as provided in Section 23.45.009 A, subject to the following limitations:

a. A pitched roof may not incorporate the additional height if the structure is on a site abutting or across a street or alley from a single-family residential zone,

b. The proposed structure must be compatible with the general development potential anticipated within the zone,

c. The additional height must not substantially interfere with views from up-slope properties, and

d. No more than one (1) project on one (1) site within each Urban Center may incorporate additional

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height in the pitched roofs of its structures pursuant to this subsection unless development regulations enacted pursuant to a neighborhood planning process allow other projects to incorporate such additional height;

11. Downtown street facade requirements;

12. Downtown upper-level development standards; and

13. Downtown maximum wall dimensions.

C. Other development standards may be added to the list of permitted development standard departures in subsection B, through neighborhood-specific design guidelines which are adopted by City Council.

(Ord. 118362 § 5, 1996; Ord. 118302 § 6, 1996; Ord. 118012 § 17, 1996; Ord. 117943 § 1, 1995: Ord. 116909 § 1(part), 1993.)

23.41.014Design review process.

A. A preapplication conference is required for all projects subject to design review, unless waived by the Director, as described at Section 23.76.008.

B. Pre-design Public Meeting.

1. Following a preapplication conference, and site visits by Design Review Board members assigned to review a proposed project, a pre-design public meeting with the Design Review Board shall be held.

2. The purpose of the pre-design public meeting shall be to identify concerns about the site and the proposed development program, review the design guidelines applicable to the site, determine neighborhood priorities among the design guidelines, and explore design options.

3. At the pre-design public meeting, the project proponent shall present the following information:

a. An initial site analysis addressing site opportunities and constraints, the use of all adjacent buildings, and the zoning of the site and adjacent properties; and

b. A drawing of existing site conditions, indicating topography of the site and the location of structures and prominent landscape elements on or abutting the site; and

c. Photos showing the facades of adjacent development, general streetscape character and territorial or other views from the site, if any; and

d. A zoning envelope study which includes a perspective drawing; and

e. A description of the proponent's objectives with regard to site development.

4. The proponent is encouraged, but not required, to bring one (1) or more development concepts or alternatives to indicate possible design options for the site.

C. Guideline Priorities.

1. Based on the concerns expressed at the pre-design public meeting or in writing to the Design Review Board, the Board shall identify any guidelines which may not be applicable to the site and identify those guidelines of highest priority to the neighborhood. The Board shall incorporate any community consensus expressed at the meeting into its guideline priorities, to the extent the consensus is consistent with the design guidelines and reasonable in light of the facts of the proposed development.

2. The Director shall distribute a copy of the guideline priorities applicable to the development to all those who attended the pre-design public meeting, to those who sent in comments or otherwise requested notification, and to the project proponent.

3. The project proponent is encouraged to meet with the Board and the public for early resolution of design issues, and may hold additional optional meetings with the public or the Design Review Board prior to filing a Master Use Permit application.

D. Application for Master Use Permit.

1. Following the pre-design public meeting, distribution of the guideline priorities, and any additional optional meetings that the project proponent chooses to hold with the public and the Design Review Board, the proponent may apply for a Master Use Permit.

2. The Master Use Permit (MUP) application submittal shall include a supporting site analysis and an explanation of how the proposal addresses the applicable design guidelines, in addition to standard MUP submittal requirements as provided in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

3. Notice of application for a development subject to design review shall be provided according to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

E. Design Review Board Recommendation.

1. During a regularly scheduled evening meeting of the Design Review Board, the Board shall review the record of public comments on the project's design, the design's conformance to the guideline priorities applicable to the proposed project, and the staff's review of the project's design and its application of the design guidelines.

2. At the meeting of the Design Review Board, a determination shall be made by the Design Review Board that the proposed design submitted by the project proponent does or does not comply with applicable design guidelines. The Design Review Board shall recommend to the Director whether to approve or conditionally approve the proposed project based on the design guidelines.

F. Director's Decision.

1. A decision on an application for a permit subject to design review shall be made by the Director.

2. Projects subject to design review must meet all codes and regulatory requirements applicable to the subject site, except as provided in Section 23.41.012.

3. The Director's design review decision shall be made as part of the overall Master Use Permit decision for the project. The Director's decision shall consider the recommendation of the Design Review Board, provided that, if four (4) members of the Design Review Board are in agreement in their recommendation to the Director, the Director shall issue a decision which incorporates the full substance of the recommendation of the Design Review Board, unless the Director concludes that the recommendation of the Design Review Board:

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a. Reflects inconsistent application of the design review guidelines; or

b. Exceeds the authority of the Design Review Board; or

c. Conflicts with SEPA conditions or other regulatory requirements applicable to the site; or

d. Conflicts with the requirements of state or federal law.

G. Notice of Decision. Notice of the Director's decision shall be as provided in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

H. Appeals. Appeal procedures for design review decisions are as described in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.
(Ord. 116909 § 1(part), 1993.)

Chapter 23.42
GENERAL USE PROVISIONS

Sections:

23.42.010Identification of principal permitted uses.
23.42.020Accessory uses.
23.42.040Temporary uses.
23.42.042Conditional uses.

23.42.010Identification of principal permitted uses.

Principal uses not listed in the respective zones of Subtitle IV, Division 2 of SMC Title 23, Land Use Code or of SMC Title 24, Zoning and Subdivisions, shall be prohibited in those zones. If a use is not identified in Title 23 or in Title 24, the Director may determine that a proposed use is substantially similar to other uses permitted in the respective zones and should also be permitted.
(Ord. 113978 § 1, 1988: Ord. 110669 § 9, 1982: Ord. 110381 § 1(part), 1982.)

23.42.020Accessory uses.

A. Any accessory use not permitted by Title 23, either expressly or by the Director, shall be prohibited. The Director shall determine whether any accessory use on the lot is incidental to the principal use on the same lot, and shall also determine whether uses not listed as

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accessory uses are customarily incidental to a principal use.

Unless Title 23 expressly permits an accessory use as a principal use, a use permitted only as an accessory use shall not be permitted as a principal use.

B. The general development standards for each zone shall apply to accessory uses unless the general standards are specifically modified.

(Ord. 117570 § 12, 1995: Ord. 117263 § 3, 1994; Ord. 113978 § 2, 1988: Ord. 110669 § 10, 1982: Ord. 110381 § 1(part), 1982.)

23.42.040Temporary uses.

The Director may grant, deny or condition applications for temporary use authorization for uses not otherwise permitted or not meeting development standards in the zone, which are in keeping with the spirit and purpose of the Land Use Code.

A. Temporary Four (4) Week Use.

1. A Master Use Permit for any use which is to last no longer than four (4) weeks and does not involve the erection of a permanent structure may be authorized under the following conditions:

a. The use shall not be materially detrimental to the public welfare; and

b. The use shall not be injurious to property in the vicinity.

2. The Director may impose conditions to ensure compatibility with adjacent uses and structures and to mitigate adverse impacts.

B. Temporary Uses for Up to Six (6) Months.

1. A Master Use Permit for any use of premises for a period of up to six (6) months which does not involve the erection of any permanent structure may be granted by the Director.

2. In granting, conditioning or denying permits for temporary uses, the considerations recited in Section 23.42.040 A shall pertain.

C. Boatbuilding Shelters.

1. A temporary use of premises, not involving the erection of any permanent structure, for the express purpose of sheltering the construction of boatbuilding projects by noncommercial home hobbyists, may be authorized by the Director by a revocable Master Use Permit for a period of not more than one (1) year. One (1) year extensions may be granted by the Director for a period not to exceed four (4) years. The permit is subject to the following development standards:

a. The boatbuilding shelter shall not detract from the general appearance of the neighborhood.

b. The structure, though temporary, shall be sturdy enough to withstand inclement weather conditions.

c. Measures which may be required to mitigate possible adverse impacts of the boatbuilding shelter may include, but are not limited to, restrictions on height, size, location or external treatment.

D. Temporary Relocation of Police and Fire Stations, Twelve (12) Months or Less. A Master Use Permit, issued for a period of twelve (12) months or less not involving the construction of any permanent structure, may be authorized subject to the conditions of subsection A of Section 23.42.040. Such permits shall not be renewable.

(Ord. 117263 § 4, 1994; Ord. 112840 § 1, 1986; Ord. 110381 § 1(part), 1982.)

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23.42.042Conditional uses.

Administrative conditional uses and uses requiring Council approval as provided in the respective zones of Subtitle IV, Part 2, of this Land Use Code, and applicable provisions of SMC Chapter 25.09, Regulations for Environmentally Critical Areas, may be authorized according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

(Ord. 117570 § 13, 1995: Ord. 116262 § 5, 1992: Ord. 112522 § 8, 1985.)

Chapter 23.43
RESIDENTIAL SMALL LOT

Sections:

23.43.006Residential Small Lot zone, principal uses permitted outright.
23.43.008Development standards for one dwelling unit per lot.
23.43.010Tandem housing.
23.43.012Cottage Housing Developments (CHDs).
23.43.040Accessory uses and structures.
23.43.080Nonconforming uses.
23.43.082Nonconforming structures.

23.43.006Residential Small Lot zone, principal uses permitted outright.

The following principal uses shall be permitted outright in the Residential Small Lot (RSL) zone:

A. Single-family Dwelling Unit on One (1) Lot. The designation RSL without a suffix shall indicate that a detached single-family dwelling unit on one (1) lot is the only residential structure type allowed in the zone.

B. Tandem Houses, pursuant to a neighborhood plan adopted or amended by the City Council after January 1, 1995. The designation RSL/T shall indicate that in addition to detached single-family dwelling units on individual lots, tandem houses are allowed in the zone.

C. Cottage Housing Developments, pursuant to a neighborhood plan adopted or amended by the City Council after January 1, 1995. The designation RSL/C shall indicate that in addition to detached single-family dwelling units on individual lots, cottage housing developments are allowed in the zone.

D. The designation RSL/TC shall indicate that in addition to detached single-family dwelling units on individual lots, tandem houses and cottage housing developments are allowed in the zone.

(Ord. 117430 § 41 (part), 1994.)

23.43.008Development standards for one dwelling unit per lot.

A. Lot Area. Minimum lot area for one (1) detached dwelling unit shall be two thousand five hundred (2,500) square feet.

B. Height Limit and Roof Pitch. The basic height limit shall be twenty-five feet (25′). The ridge of pitched roofs with a minimum slope of three to twelve (3:12) may extend above the height limit to thirty feet (30′). All parts of the roof above twenty-five feet (25′) shall be pitched.

C. Structure Depth. The depth of any structure shall not exceed sixty feet (60′). Decks, balconies, and bay windows shall be excluded from measurement for the purposes of this provision.

D. Yards and Setbacks.

1. Front and Rear Yards.

a. The sum of the front yard plus the rear yard shall be a minimum of thirty feet (30′).

b. In no case shall either yard have a depth of less than ten feet (10′).

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 yard setbacks greater than ten feet (10′), provided that the requirement of subsection D1a of this section shall not be increased or decreased, and the requirement of subsection D1b of this section shall not be reduced.

2. Side Setbacks. The required side setback shall be five feet (5′). The side setback may be averaged. No portion of the side setback shall be less than three feet (3′), except as follows:

a. Street side setbacks shall be a minimum of five feet (5′).

b. If an easement is provided along a side lot line of the abutting lot sufficient to leave a ten foot (10′) separation between the two (2) principal structures of the two (2) lots, the required side yard may be reduced from the requirement of subsection D2 above. 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, except that the eaves of a principal structure may project a maximum of eighteen inches (18″) into the easement. No portion of any structure, including eaves, shall cross the property line.

E. Parking.

1. One (1) parking space per dwelling unit shall be required as provided for single-family structures in Chapter 23.54, Quantity and Design Standards for Access and Off-street Parking.

2. Access. Access to parking shall be from the alley when the property abuts a platted alley improved to the standards of subsection C of Section 23.53.030, Alley improvements in all zones, or when the Director determines that alley access is feasible and desirable to mitigate parking access impacts.

3. Location.

a. Parking shall be located on the same lot as the principal structure.

b. Parking may be in or under a structure, or outside a structure, provided that:

(1) Parking shall not be located in the front yard;

(2) Parking shall not be located in a side setback abutting a street or in the first ten feet (10′) of a rear yard abutting a street.

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(Ord. 117430 § 41 (part), 1994.)

23.43.010 Tandem housing.

A. Density and Minimum Lot Area.

1. The maximum density shall be one (1) dwelling unit per two thousand five hundred (2,500) square feet of lot area.

2. A maximum of two (2) residential structures may be located on a lot used for tandem houses.

3. The minimum lot area for tandem houses shall be five thousand (5,000) square feet.

4. Accessory dwelling units shall not be permitted on a lot containing tandem houses.

B. Height Limit and Roof Pitch.

1. The basic height limit for new principal structures shall be eighteen feet (18′). Existing structures may remain and be expanded, provided that new portions of the structure shall not exceed the height limits of this subsection.

2. The ridge of pitched roofs with a minimum slope of six to twelve (6:12) may extend up to twenty-eight feet (28′). The ridge of pitched roofs with a minimum slope of four to twelve (4:12) may extend up to twenty-three feet (23′). All parts of the roof above eighteen feet (18′) shall be pitched at the required slope.

C. Yards and Setbacks.

1. Front Yard. The front yard shall be a minimum of ten feet (10′).

2. Interior Separation between Tandem Houses. The interior separation between the residential structures shall be a minimum of ten feet (10′).

3. Rear Yard. Where no platted alley exists, the rear yard for a lot containing tandem houses shall be a minimum of ten feet (10′). Where a platted developed alley exists, this rear yard requirement shall not apply.

4. Total Combined Yards. The total of the front yard, rear yard (if any), and the interior separation shall be a minimum of thirty-five feet (35′).

5. Modification of Front and Rear Yards. 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 yard setbacks greater than ten feet (10′) (except for rear yards where platted and developed alleys exist), subject to the provisions of subsections C1, C2, C3, and C4 of this section, and provided that the required total combined yards shall not exceed thirty-five feet (35′).

6. Side Setbacks. The required side setback shall be five feet (5′). The side setback may be averaged. No portion of the side setback shall be less than three feet (3′), except as follows:

a. Street side setbacks shall be a minimum of five feet (5′).

b. If an easement is provided along a side lot line of the abutting lot sufficient to leave a ten foot (10′) separation between the two (2) principal structures of the two (2) lots, the required side setback may be reduced from the requirement of Section 23.43.008 D2. The easement shall be recorded with the King County Department of Records and Elections. The easement shall provide access for normal maintenance activities on the principal structure on the lot with less than the required side setback. No principal structure shall be located in the easement, except that eaves of a principal structure may project a maximum of eighteen inches (18″) into the easement. No portion of any structure, including eaves shall cross the property line.

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D. Lot Coverage. The maximum lot coverage shall be fifty percent (50%), subject to the exceptions noted in Section 23.44.010 D.

E. Parking.

1. One (1) parking space per dwelling unit shall be required, as provided for single-family structures in Chapter 23.54.

2. Access. Access to parking shall be from the alley when the property abuts a platted alley improved to the standards of subsection C of Section 23.53.030, Alley improvements in all zones, or when the Director determines that alley access is feasible and desirable to mitigate parking access impacts.

3. Location.

a. Parking shall be located on the same lot as the tandem houses.

b. Parking may be in or under a structure, or outside a structure, provided that:

(1) Parking shall not be located in the front yard;

(2) Parking shall not be located in a side setback abutting a street or the first ten feet (10′) of a rear yard abutting a street.

F. Pedestrian Access to Public Right-of-way. There shall be an area of no less than ten feet (10′) in width between each dwelling unit and a street or platted and developed alley. This access may be a driveway and/or cross any required yards.

(Ord. 117430 § 41 (part), 1994.)

23.43.012Cottage Housing Developments (CHDs).

A. Accessory dwelling units shall not be permitted in cottage housing developments.

B. Density and Minimum Lot Area.

1. In cottage housing developments (CHDs), the permitted density shall be one (1) dwelling unit per one thousand six hundred (1,600) square feet of lot area.

2. Cottage housing developments shall contain a minimum of four (4) cottages arranged on at least two (2) sides of a common open space, with a maximum of twelve (12) cottages per development.

3. The minimum lot area for a cottage housing development shall be six thousand four hundred (6,400) square feet.

4. On a lot to be used for a cottage housing development, existing detached single-family residential structures, which may be nonconforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased.

C. Height Limit and Roof Pitch.

1. The height limit permitted for structures in cottage housing developments shall be eighteen feet (18′).

2. The ridge of pitched roofs with a minimum slope of six to twelve (6:12) may extend up to twenty-eight feet (28′). The ridge of pitched roofs with a minimum slope of four to twelve (4:12) may extend up to twenty-three feet (23′). All parts of the roof above eighteen feet (18′) shall be pitched.

D. Lot Coverage and Floor Area.

1. The maximum lot coverage permitted for principal and accessory structures in cottage housing developments shall not exceed forty percent (40%).

2. The lot coverage for an individual principal structure in a cottage housing development shall not exceed six hundred fifty (650) square feet.

3. The total floor area of each cottage shall not exceed either 1.5 times the area of the main level or nine hundred seventy-five (975) square feet, whichever is less. Enclosed space in a cottage located either above the main level and more than twelve feet (12′) above finished grade, or below the main level, shall be limited to no more than fifty percent (50%) of the enclosed space of the main level, or three hundred seventy-five (375) square feet, whichever is less. This restriction applies regardless of whether a floor is proposed in the enclosed space, but shall not apply to attic or crawl spaces.

E. Yards.

1. Front Yards. The front yard for cottage housing developments shall be an average of ten feet (10′), and at no point shall be less than five feet (5′).

2. Rear Yards. The minimum rear yard for a cottage housing development shall be ten feet (10′).

3. Side Yards. The minimum required side yard for a cottage housing development shall be five feet (5′). When there is a principal entrance along a side facade, the side yard shall be no less than ten feet (10′) along that side for the length of the pedestrian route. This ten-foot (10′) side yard shall apply only to a height of eight feet (8′) above the access route.

4. Interior Separation for Cottage Housing Developments. There shall be a minimum separation of six feet (6′) between principal structures. Facades of principal structures facing facades of accessory structures shall be separated by a minimum of three feet (3′). When there is a principal entrance on an interior facade of either or both of the facing facades, the minimum separation shall be ten feet (10′).

F. Required Open Space.

1. Quantity of Open Space. A minimum of four hundred (400) square feet per unit of landscaped open space is required. This quantity shall be allotted as follows:

a. A minimum of two hundred (200) square feet per unit shall be private usable open space; and

b. A minimum of one hundred fifty (150) square feet per dwelling unit shall be provided as common open space.

2. Development Standards.

a. Private usable open space shall be provided at ground level in one (1) contiguous parcel with a minimum area of two hundred (200) square feet. No horizontal dimension of the open space shall be less than ten feet (10′).

b. Required common open space shall be provided at ground level in one (1) contiguous parcel with a minimum area of one hundred fifty (150) square feet per unit. Each cottage shall abut the common open space, and the common open space shall have cottages abutting at least two (2) sides.

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c. The minimum horizontal dimension for open space shall be ten feet (10′).

G. Parking

1. One (1) parking space per dwelling unit shall be required, as provided in Chapter 23.54.

2. Access. Access to parking shall be from the alley when property abuts a platted alley improved to the standards of subsection C of Section 23.53.030 or when the Director determines that alley access is feasible and desirable to mitigate parking access impacts.

3. Location.

a. Parking shall be on the same lot as the cottage housing development.

b. Parking may be in or under a structure, or outside a structure, provided that:

(1) The parking is screened from direct street view by one (1) or more street-facing facades, by garage doors, or by a fence and landscaping as provided in subsection D of Section 23.45.018.

(2) Parking outside a structure may not be located between cottages.

(3) Parking may not be located in the front yard.

(4) Parking may be located between any structure and the rear lot line of the lot, or between any structure and a side lot line which is not a street side lot line.

(Ord. 117430 § 41 (part), 1994.)

23.43.040Accessory uses and structures.

A. Accessory structures shall be permitted in the RSL zone under the following conditions:

1. New garages shall be subject to the yard and setback requirements of Section 23.43.008 D when accessory to one (1) detached structure per lot, of Section 23.43.010 C when accessory to tandem houses, and of Section 23.43.040 E when accessory to cottage housing.

2. When converted to principal use in tandem house developments, garages shall be subject to the development standards for tandem house principal structures.

3. Garages shall be limited to a height of twelve feet (12′) as measured on the facade containing the entrance for the vehicle.

4. Accessory structures other than garages shall also be limited to twelve feet (12′) in height.

B. Solar Collectors. Solar collectors are permitted outright as an accessory use to any principal use subject to the following standards:

1. Solar collectors, including solar greenhouses which meet minimum standards and maximum size limits as determined by the Director, shall not be counted in lot coverage.

2. Solar collectors, except solar greenhouses attached to principal use structures, may exceed the height limits of the RSL zone by four feet (4′) or extend four feet (4′) above the ridge of a pitched roof. However, the total height from existing grade to the top of the solar collector may not extend more than nine feet (9′) above the height limit established for the zone. A solar collector which exceeds the basic height limit for the zone shall be placed so as not to shade an existing solar collector or property to the north on January 21st, at noon, any more than would a structure built to the maximum permitted height and bulk.

3. Solar collectors and solar greenhouses meeting minimum written energy conservation standards administered by the Director may be located in required yards according to the following conditions:

a. In a side yard, no closer than three feet (3′) from the property line; or

b. In a rear yard, no closer than fifteen feet (15′) from the rear property line unless there is a platted alley, in which case the solar collector shall be no closer than ten feet (10′) from the centerline of the alley; or

c. In a front yard, solar greenhouses which are integrated with the principal structure and have a maximum height of twelve feet (12′) may extend up to six feet (6′) into the front yard. In no case shall be greenhouse be located closer than five feet (5′) from the property line.

C. Home Occupations. Home occupations are permitted accessory uses in the RSL zone, subject to the standards contained in Section 23.44.050, Home occupations.

D. Common Structures in Cottage Housing Developments. Shared structures which are used by the occupants of more than one (1) dwelling unit are allowed as an accessory use. Such structures may include meeting space, a food preparation area, sinks, and toilets, but shall not include either sleeping quarters or bathing facilities.

(Ord. 117430 § 41 (part), 1994.)

23.43.080Nonconforming uses.

A. A nonconforming multifamily residential use shall not be expanded or extended nor shall the number of dwelling units be increased. A structure occupied by a nonconforming multifamily residential use may be maintained, repaired, renovated or structurally altered but shall not be expanded or extended except as otherwise required by law, as necessary to improve access for the elderly or disabled, or as specifically permitted for nonconforming uses and nonconforming structures elsewhere in this Code. Structural features including, but not limited to, exterior decks and balconies, bay windows, dormers, eaves and solar collectors may be added to a principal structure, or a new or expanded accessory structure may be constructed, provided that the addition or new structure conforms to the development standards of the zone.

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B. A structure occupied by a nonconforming use may be converted to single-family residential use even if the structure does not conform to development standards of the zone. A converted structure may be expanded or extended provided that the expansion or extension shall conform to the development standards of the zone and shall not cause an already nonconforming structure to become more nonconforming to development standards.
(Ord. 117430 § 41 (part), 1994.)

23.43.082Nonconforming structures.

A. A nonconforming structure may be maintained, renovated, repaired or structurally altered but shall be prohibited from being expanded or extended in any manner which increases the extent of nonconformity, or creates additional nonconformity, except as otherwise required by law, as necessary to improve access for the elderly or disabled or as specifically permitted for the nonconforming uses and nonconforming structures elsewhere in this Code.

B. A nonconforming accessory structure or nonconforming part of a principal structure located in a yard that is required by the development standards for the use or zone may be rebuilt or replaced but may not be expanded or extended beyond its former dimensions.

C. A nonconforming structure that is destroyed by fire, other act of nature, or other causes beyond the control of the owner may be rebuilt to the same or smaller configuration existing immediately prior to the time the structure was destroyed.

D. Where replacement of a nonconforming structure or portion of a structure is permitted under this section, action toward that replacement must be commenced within twelve (12) months after the demolition or destruction of the structure. Action toward replacement shall include an application for a building permit, commencement of construction, or other significant activity directed toward the replacement of the structure. If this action is not commenced within this time limit, any replacement must conform to the existing development standards.
(Ord. 117430 § 41 (part), 1994.)

Chapter 23.44
RESIDENTIAL, SINGLE-FAMILY

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Subchapter IV Nonconforming Uses and Structures

23.44.080Nonconforming uses.
23.44.082Nonconforming structures.

23.44.002Applicability of provisions.

This chapter details those authorized uses and their development standards which are or may be permitted in the three (3) single-family residential zones: SF 9600, SF 7200 and SF 5000. Communication utilities and accessory communication devices are subject to additional regulations in Chapter 23.57.

(Ord. 116295 § 1, 1992: Ord. 110669 § 32(part), 1982; Ord. 110381 § 1(part), 1982.)

Subchapter I Principal Uses Permitted Outright

23.44.006Principal uses permitted outright.

The following principal uses shall be permitted outright in single-family zones:

A. Single-family Dwelling Unit. One (1) single-family dwelling unit shall be permitted on a lot, except when an accessory dwelling unit is approved pursuant to Section 23.44.025;

B. Floating Homes. Floating homes shall be permitted uses in single-family zones subject to the requirements of Chapter 23.60;

C. Existing Cemetery. Existing cemeteries shall be permitted to continue in use. No new cemeteries shall be permitted and existing cemeteries shall not be expanded in size;

D. Public or private parks, including customary buildings and activities, provided that garages and service or storage areas accessory to parks shall be located one hundred (100) feet or more from any other lot in a residential zone and shall be obscured from view from such lot;

E. Public playgrounds;

F. Existing railroad right-of-way;

G. Public Schools Meeting Development Standards. New public schools or additions to existing public schools and accessory uses including child care centers shall be permitted in all single-family zones subject to the special development standards and departures from standards contained in Section 23.44.017. Departures from development standards may be permitted or required pursuant to procedures and criteria established in Chapter 23.79, Development Standard Departure for Public Schools;

H. 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 or similar uses shall be permitted in existing or former public schools.

2. Other nonschool uses shall be permitted in existing or former public schools pursuant to procedures established in Chapter 23.78, The Establishment of Criteria for Joint Use or Reuse of Schools.

3. Additions to existing public schools may be made only when the proposed use of the addition is a public school;

I. Nursing Homes. Nursing homes, meeting the development standards of this chapter, and limited to eight (8) or fewer residents;

J. Adult Family Homes. Adult family homes, designed and licensed by the state of Washington.

(Ord. 117263 § 5, 1994; Ord. 117203 § 1, 1994; Ord. 117202 § 1, 1994; Ord. 114875 § 1, 1989; Ord. 112539 § 1, 1985; Ord. 110669 §§ 11, 32(part), 1982: Ord. 110381 § 1(part), 1982.)

23.44.008Development standards for uses permitted outright.

A. The development standards set out in this subchapter apply to principal and accessory uses permitted outright in single-family zones.

B. All structures or uses shall be built or established on a lot or lots.

C. Floating homes shall be subject to the provisions of Chapter 23.60, Shoreline Master Program, except they shall be subject to the parking provisions of this chapter.

D. An exception from one (1) specific standard does not relieve the applicant from compliance with any other standard.

E. Methods for measurements are provided in Chapter 23.86. Standards for parking access and design are provided in Chapter 23.54.

F. A structure occupied by a permitted use other than single-family residential use may be converted to single-family residential use even if the structure does not conform to the development standards for single-family structures. Expansions of converted nonconforming structures shall be regulated by Section 23.44.082. Conversion of structures occupied by nonconforming uses shall be regulated by Section 23.44.080.

G. Development standards governing lots located in an environmentally critical area may be modified according to the provisions of SMC Chapter 25.09, Regulations for Environmentally Critical Areas.

H. Exterior lighting shall be shielded and directed away from residentially zoned lots. The Director may require that the intensity of illumination be limited and that the location of the lighting be changed.

(Ord. 117263 § 6, 1994; Ord. 116262 § 6, 1992; Ord. 111390 § 5, 1983: Ord. 110669 §§ 12(part), 32(part), 1982: Ord. 110381 § 1(part), 1982.)

23.44.010Lot requirements.

A. Minimum Lot Area. The minimum lot area shall be:

S.F. Zone	Minimum Lot Area Required
S.F. 9600	9,600 sq. ft.
S.F. 7200	7,200 sq. ft.
S.F. 5000	5,000 sq. ft.

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Submerged lands shall not be counted in calculating the area of lots for the purpose of these minimum lot area requirements, or the exceptions to minimum lot area requirements provided in this section.

B. Exceptions to Minimum Lot Area. The following exceptions to minimum lot area are subject to the limits of subsection B5. A lot which does not satisfy the minimum lot area requirements of its zone may be developed or redeveloped as a separate building site according to the following:

1. In order to recognize separate building sites established in the public record under previous codes, to allow the consolidation of very small lots into larger lots, to adjust lot lines to permit more orderly development patterns, and to create additional buildable sites out of oversized lots which are compatible with surrounding lots, the following exceptions are permitted if the Director determines that:

a. The lot was established as a separate building site in the public records of the county or City prior to July 24, 1957 by deed, contract of sale, mortgage, property tax segregation, platting or building permit and has an area of at least seventy-five percent (75%) of the minimum required lot area and at least eighty percent (80%) of the mean lot area of the lots on the same block face and within the same zone in which the lot is located (Exhibit 23.44.010 A); or

b. The lot is or was created by subdivision, short subdivision or lot boundary adjustment, and is at least seventy-five percent (75%) of the minimum required lot area and is at least eighty percent (80%) of the mean lot area of the lots on the same block face within which the lot will be located and within the same zone (Exhibit 23.44.010 A); or

2. The lot area deficit is the result of a dedication or sale of a portion of the lot to the City or state for street or highway purposes and payment was received for only that portion of the lot, and the lot area remaining is at least fifty percent (50%) of the minimum required; or

3. The lot would qualify as a legal building site under this section but for a reduction in lot area due to court-ordered adverse possession, and the amount by which the lot was so reduced was less than ten percent (10%) of the former area of the lot, provided that this exception shall not apply to lots reduced to less than fifty percent (50%) of the minimum area required under subsection A of Section 23.44.010; or

4. The lot was established as a separate building site in the public records of the county or City prior to July 24, 1957 by deed, contract of sale, mortgage, property tax segregation, platting or building permit, and falls into one of the following categories, provided that lots on totally submerged lands shall not qualify for this exception:

a. The lot is not held in common ownership with any contiguous lot on or after the effective date of the ordinance from which this subsection derives;[1] or

b. The lot is or has been held in common ownership with a contiguous lot on or after the effective date of the ordinance from which this subsection derives[1] and is or has been developed with a principal structure which is wholly within the lot boundaries; provided that no portion of any contiguous lot is required to meet the least restrictive of lot area, lot coverage, setback or yard requirements which were in effect at the time of the original construction of the principal structure, at the time of its subsequent additions, or which are in effect at the time of redevelopment of the lot (Exhibit 23.44.010 B); or

c. The lot is or has been held in common ownership with a contiguous lot on or after the effective date of the ordinance from which this subsection derives[1] and is not developed with all or part of a principal structure; provided, that no portion of the lot is required to meet the least restrictive of lot area, lot coverage, setback or yard requirements which were in effect for a principal structure on the contiguous lot at the time of the construction of the principal structure, at the time of its subsequent additions, or which are in effect at the time of the development of the lot (Exhibit 23.44.010 B); and provided further, that if any portion of the lot to be developed has been used to meet the parking requirement in effect for a principal structure on a contiguous lot, such parking requirement can and shall be legally met on the contiguous lot.

For purposes of this subsection B4, removal of all or any part of a principal structure or destruction by fire or act of nature on or after the effective date of the ordinance from which this subsection derives[1] shall not qualify the lot for the minimum lot area exception (Exhibit 23.44.010 C).

5. Development may occur on a substandard lot containing a riparian corridor buffer, a wetland and wetland buffer, or a steep slope and steep slope buffer pursuant to the provisions of SMC Chapter 25.09, Regulations for Environmentally Critical Areas, if the following conditions apply:

a. The substandard lot is not held in common ownership with an adjacent lot or lots at any time after the effective date of SMC Chapter 25.09, Regulations for Environmentally Critical Areas;[2] or

b. The substandard lot is held in common ownership with an adjacent lot or lots, or has been held in common ownership at any time after the effective date of SMC Chapter 25.09, Regulations for Environmentally Critical Areas,[2] but proposed and future development will not intrude upon the environmentally critical area.

C. Maximum Lot Coverage. The maximum lot coverage permitted for principal and accessory structures shall not exceed thirty-five percent (35%) of the lot area or one thousand seven hundred fifty (1,750) square feet, whichever is greater.

D. Lot Coverage Exceptions.

1. Lots Abutting Alleys and Corner Lots. For purposes of computing the lot coverage only:

a. The area of a corner lot where a side lot line abuts upon a street may be increased by one-half (½) the width of the abutting side street.

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b. The area of a lot with alley or alleys abutting any lot line may be increased by one-half (½) the width of the abutting alley or alleys.

c. The total lot area for any lot may not be increased by the provisions of this section by more than twenty-five (25) percent.

2. Special Structures and Portions of Structures. The following structures and portions of structures shall not be counted in lot coverage calculations:

a. Access Bridges. Uncovered, unenclosed pedestrian bridges of any height necessary for access and five (5) feet or less in width;

b. Barrier-free Access. Ramps or other access for the disabled or elderly meeting Washington State Building Code, Chapter 11;

c. Decks. Decks or parts of a deck which are eighteen (18) inches or less above the existing grade;

d. Freestanding Structures and Bulkheads. Fences, freestanding walls except arbors, bulkheads, signs and other similar structures;

e. Underground Structures. An underground structure, or underground portion of a structure, may occupy any part of the entire lot;

f. Eaves and Gutters. The first eighteen (18) inches of eaves and gutters projecting from principal and accessory structures, except that eaves associated with the roof of an arbor shall be included in lot coverage calculations;

g. Solar collectors meeting the provisions of Section 23.44.046 and swimming pools meeting the provisions of Section 23.44.044.

(Ord. 118414 § 6, 1996; Ord. 117263 § 7, 1994; Ord. 116262 § 7, 1992; Ord. 116205 § 2, 1992; Ord. 115686 § 1, 1991; Ord. 113883 § 1, 1988; Ord. 113297 § 1, 1987; Ord. 113216 § 1, 1986; Ord. 111390 § 6, 1983; Ord. 110793 § 3, 1982; Ord. 110669 §§ 12(part), 32(part), 1982: Ord. 110381 § 1(part), 1982.)

1.Editor's Note: Ordinance 113216 was passed on December 15, 1986 and became effective on January 18, 1987.

2.Editor's Note: Ordinance 116253, which added Chapter 25.09, was adopted by the City Council on July 13, 1992.

3.Ordinance 116205 concerns interim controls on development of certain submerged lots. Section 2 of Ordinance 116431 amended § 6 of Ordinance 116205 as follows:

Section 6. Duration of interim controls. This ordinance shall remain in effect until June 30, 1993, or until the effective date of permanent environmentally critical area regulations and submerged lands provisions included in the Seattle Shoreline Master Program, whichever comes first.

23.44.012Height limits.

A. Base Height Established.

1. Except as provided in subsection A2, the base permitted height for any structure not located in required yards, except as permitted in Section 23.44.014 D3, shall not exceed the greater of the following:

a. Thirty (30) feet;

b. The average height of the two (2) single-family structures which the subject structure abuts if one (1) or both of the abutting structures exceed thirty (30) feet.

2. The base permitted height for any structure on lots thirty (30) feet or less in width shall not exceed the greater of the following:

a. Twenty-five (25) feet;

b. The average height of the two (2) single-family structures on abutting lots, but not to exceed thirty (30) feet.

3. The methods of determining structure height, height averages, and lot width are detailed in Chapter 23.86, Measurements.

B. Special Features.

1. Pitched Roofs. The ridge of a pitched roof on a principal structure may extend up to five (5) feet above the base height limit, as determined under subsection A above. All parts of the roof above the height limit must be pitched at a rate of not less than three to twelve (3:12) (Exhibit 23.44.012 A). No portion of a shed roof shall be permitted to extend beyond the base height limit, as determined under subsection A above.

2. Sloped Lots. Additional height shall be permitted for sloped lots, at the rate of one (1) foot for each six (6) percent of slope. The additional height shall be permitted on the downhill side of the structure only, as described in the measurements portion of this Land Use Code (Exhibit 23.44.012 B).

When the downhill portion of a sloped lot fronts on the street where the required front yard exemption in Section 23.44.014 A is claimed, the permitted height of the wall along the lowest elevation of the site shall be reduced one (1) foot for each foot of exemption claimed. In no case shall the height of the wall be required to be less than the base height limit, as determined under subsection A above.

C. Height Limit Exemptions.

1. Radio and Television Antennas and Flagpoles. Except in the Airport Height District, Chapter 23.64, receive-only radio and television antennas, except for dishes, and flagpoles are exempt from height limits, provided that they are no closer to any adjoining lot line than fifty (50) percent of their height above existing grade, or, if attached only to a roof, no closer than fifty (50) percent of their height above the roof portion where attached.

2. Other Features. Open rails, planters, skylights, and clerestories may extend no higher than the ridge of a pitched roof or four (4) feet above a flat roof. Chimneys may extend four (4) feet above the ridge of a pitched roof or above a flat roof.

3. Solar Collectors. For height exceptions for solar collectors, not including solar greenhouses, see Section 23.44.046.

(Ord. 118414 § 7, 1996; Ord. 117263 § 8, 1994: Ord. 116295 § 2, 1992: Ord. 113883 § 2, 1988; Ord. 113401 § 1, 1987; Ord. 110793 § 4, 1982; Ord. 110669 §§ 12(part), 32(part), 1982: Ord. 110381 § 1(part), 1982.)

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23.44.013Transportation concurrency level-of-service standards.

Proposed uses in single-family zones shall meet the transportation concurrency level-of-service standards prescribed in Chapter 23.52.
(Ord. 117383 § 3, 1994.)

23.44.014Yards.

Yards are required for every lot in a single-family residential zone. A yard which is larger than the minimum size may be provided.

A. Front Yards.

1. The front yard shall be either the average of the front yards of the single-family structures on either side or twenty (20) feet, whichever is less.

2. On any lot where the natural gradient or slope, as measured from the front line of the lot for a distance of sixty (60) feet or the full depth of the lot, whichever is less, is in excess of thirty-five (35) percent, the required front yard shall be either twenty (20) feet less one (1) foot for each one (1) percent of gradient or slope in excess of thirty-five (35) percent or the average of the front yards on either side, whichever is less.

3. In the case of a through lot, each yard abutting a street, except a side yard, shall be a front yard. Rear yard requirements shall not apply to the lot.

4. A larger yard may be required in order to meet the provisions of Section 23.53.015, Improvement requirements for existing streets in residential and commercial zones.

B. Rear Yards. The rear yard shall be twenty-five (25) feet.

The minimum required rear yard for a lot having a depth of less than one hundred twenty-five (125) feet shall be twenty (20) percent of the lot depth and in no case less than ten (10) feet.

When the required rear yard abuts upon an alley along a lot line, the centerline of the alley between the side lot lines extended shall be assumed to be a lot line for purposes of the provision of rear yard and the determination of lot depth; provided, that at no point shall the principal structure be closer than five (5) feet to the alley.

When a lot in any single-family zone abuts at the rear lot line upon a public park, playground or open water, not less than fifty (50) feet in width, the rear yard need not exceed the depth of twenty (20) feet.

C. Side Yards. The side yard shall be five (5) feet.

In the case of a reverse corner lot, the key lot of which is in a single-family zone, the width of the side yard on the street side of the reversed corner lot shall be not less than ten (10) feet.

When the side yard of a lot borders on an alley, a single-family structure may be located in the required side yard, provided that no portion of the structure may cross the side lot line.

D. Exceptions from Standard Yard Requirements. No structure shall be placed in a required yard except pursuant to the following subsections:

1. Certain Accessory Structures. Any accessory structure may be constructed in a side yard which abuts the rear or side yard of another lot upon recording with the King County Department of Records and Elections an agreement to this effect between the owners of record of the abutting properties. Any accessory structure which is a private garage may be located in that portion of a side yard which is either within thirty-five (35) feet of the centerline of an alley or within twenty-five (25) feet of any rear lot line which is not an alley lot line, without providing an agreement as provided in Section 23.44.016.

2. A single-family structure may extend into one (1) side yard if an easement is provided along the side lot line of the abutting lot, sufficient to leave a ten (10) foot separation between that structure and any principal structures on the abutting lot. Features and projections such as porches, eaves, and chimneys shall be permitted in the ten (10) foot separation area as if the property line were five (5) feet from the wall of the house on the dominant lot, provided that no portion of either principal structure including eaves shall cross the actual property line. 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 yard.

3. Certain Additions. Certain additions may extend into a required yard when the existing single-family structure is already nonconforming with respect to that yard. The presently nonconforming portion must be at least sixty (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, except as described below. They may extend up to the height limit and may include basement additions. New additions to the nonconforming wall or walls shall comply with the following requirements (Exhibit 23.44.014 A):

a. Side yard: When the addition is a side wall, the existing wall line may be continued by the addition except that in no case shall the addition be closer than three (3) feet to the side lot line;

b. Rear yard: When the addition is a rear wall, the existing wall line may be continued by the addition except that in no case shall the addition be closer than twenty (20) feet to the rear lot line or centerline of an alley abutting the rear lot line;

c. Front yard: When the addition is a front wall, the existing wall line may be continued by the addition except that in no case shall the addition be closer than fifteen (15) feet to the front lot line;

d. When the nonconforming wall of the single-family structure is not parallel or is otherwise irregular, relative to the lot line, then the Director shall determine the limit of the wall extension, except that the wall extension shall not be located closer than specified in subsections D3a—c above.

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4. Uncovered Porches. Uncovered, unenclosed porches or steps may project into any required yard, provided that they are no higher than four (4) feet on average above existing grade, no closer than three (3) feet to any side lot line, no wider than six (6) feet and project no more than six (6) feet into required front or rear yards.

5. Special Features of a Structure. Special features of a structure may extend into required yards subject to the following standards only, unless permitted elsewhere in this chapter:

a. External architectural details with no living area, such as chimneys, cornices and columns, may project no more than eighteen (18) inches into any required yard;

b. Bay windows may project no more than two (2) feet into a required front, rear, and street side yard; and

c. Other projections which include interior space, such as garden windows, may extend no more than eighteen (18) inches into any required yard, starting a minimum of thirty (30) inches above finished floor, and with maximum dimensions of six (6) feet tall and eight (8) feet wide.

d. The combined area of features permitted in subsections D5b and c above may comprise no more than thirty (30) percent of the area of the facade.

6. Private Garages, Covered Unenclosed Decks or Roofs Over Patios in Rear Yards.

a. Any attached private garages or covered, unenclosed decks or roofs over patios are portions of principal structures. They may extend into the required rear yard, but shall not be within twelve (12) feet of the centerline of any alley, nor within twelve (12) feet of any rear lot line which is not an alley lot line, nor closer than five (5) feet to any accessory structure. The height of private garages shall meet the provisions of Section 23.44.016, D2 and the height of the roof over unenclosed decks and patios may not exceed twelve (12) feet. The roof over these decks, patios and garages shall not be used as a deck.

Any detached private garage meeting the requirements of Section 23.44.016, Parking location and access, or detached permitted accessory structure meeting the requirements of Section 23.44.040, General provisions, may be located in a rear yard.

If a private garage has its vehicular access facing the alley, the private garage shall not be within twelve (12) feet of the centerline of the alley.

b. Garages meeting the standards of Section 23.44.106, and other accessory structures meeting the standards of Section 23.44.040, shall be permitted in required rear yards, subject to a maximum combined coverage of forty (40) percent of the required rear yard.

In the case of a rear yard abutting an alley, rear yard coverage shall be calculated from the centerline of the alley.

7. Private Garages in Front Yards of Through Lots. On through lots less than one hundred twenty-five (125) feet in depth, either an accessory garage structure or a portion of the principal structure containing a garage shall be permitted to locate in one (1) of the front yards. Private garages, either as accessory structures or as a portion of the principal structure, shall be limited as set forth in Section 23.44.016.

The front yard in which the garage may be located shall be determined by the Director based on the location of other accessory garages on the block.

If no pattern of garage location can be determined, the Director shall determine in which yard the accessory garage shall be located based on the prevailing character and setback patterns of the block.

8. Access Bridges. Uncovered, unenclosed pedestrian bridges of any height, necessary for access and five (5) feet or less in width, are permitted in required yards except that in side yards an access bridge must be at least three (3) feet from any side lot line.

9. Barrier-Free Access. Access facilities for the disabled and elderly meeting Washington State Building Code, Chapter 11 are permitted in any required yards.

10. Freestanding Structures and Bulkheads.

a. Fences, freestanding walls, signs and similar structures six (6) feet or less in height above existing or finished grade whichever is lower, may be erected in any required yard. The six (6) foot height may be averaged along sloping grade for each six (6) foot long segment of the fence, but in no case may any portion of the fence exceed eight (8) feet.

Architectural features may be added to the top of the fence or freestanding wall above the six (6) foot height when the following provisions are met: horizontal architectural feature(s), no more than ten (10) inches high, and separated by a minimum of six (6) inches of open area, measured vertically from the top of the fence, may be permitted when the overall height of all parts of the structure, including post caps, are no more than eight (8) feet high; averaging the eight (8) foot height is not permitted. Structural supports for the horizontal architectural feature(s) may be spaced no closer than three (3) feet on center.

b. The Director may allow variation from the development standards listed in subsection D10a above, according to the following:

i. No part of the structure may exceed eight (8) feet; and

ii. Any portion of the structure above six (6) feet shall be predominately open, such that there is free circulation of light and air.

c. Bulkheads and retaining walls used to raise grade may be placed in any required yard when limited to six (6) feet in height, measured above existing grade. A guardrail no higher than forty-two (42) inches may be placed on top of a bulkhead or retaining wall existing as of the date of the ordinance codified in this section. If a fence is placed on top of a new bulkhead or retaining wall, the maximum combined height is limited to nine and one-half (9-1/2) feet.

d. Bulkheads and retaining walls used to protect a cut into existing grade may not exceed the minimum height necessary to support the cut or six (6) feet whichever is greater. When the bulkhead is measured from

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the low side and it exceeds six (6) feet, an open guardrail of no more than forty-two (42) inches meeting Building Code requirements may be placed on top of the bulkhead or retaining wall. A fence must be set back a minimum of three (3) feet from such a bulkhead or retaining wall.

e. When located in the shoreline setbacks or in view corridors in the Shoreline District as regulated in Chapter 23.60, these structures shall not obscure views protected by Chapter 23.60 and the Director shall determine the permitted height.

11. Decks in Yards. Decks no greater than eighteen (18) inches above existing or finished grade, whichever is lower, may extend into required yards.

12. Heat Pumps. Heat pumps and similar mechanical equipment, not including incinerators, may be permitted in required yards if the requirements of the Noise Control Ordinance, Chapter 25.08, are not violated. Any heat pump or similar equipment shall not be located within three (3) feet of any lot line.

13. Solar Collectors. Solar collectors may be located in required yards, subject to the provisions of Section 23.44.046.

14. Front Yard Projections for Structures on Lots Thirty (30) Feet or Less in Width. For a structure on a lot which is thirty (30) feet or less in width, portions of the front facade which begin eight (8) feet or more above finished grade may project up to four (4) feet into the required front yard, provided that no portion of the facade, including eaves and gutters, shall be closer than five (5) feet to the front line (Exhibit 23.44.014 B).

15. Front and rear yards may be reduced by twenty-five (25) percent, but no more than five (5) feet, if the site contains a required environmentally critical area buffer or other area of the property which can not be disturbed pursuant to subsection A of Section 25.09.280 of SMC Chapter 25.09, Regulations for Environmentally Critical Areas.

16. Arbors. Arbors may be permitted in required yards under the following conditions:

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

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

(Ord. 118414 § 8, 1996; Ord. 117263 § 9, 1994: Ord. 116262 § 8, 1992: Ord. 115326 § 4, 1990; Ord. 113883 § 3, 1988; Ord. 113401 § 2, 1987; Ord. 112971 § 4, 1986; Ord. 111390 § 7, 1983; Ord. 110669 §§ 12(part), 32(part), 1982: Ord. 110381 § 1(part), 1982.)

23.44.015Allowance for larger households.

The Director may allow larger numbers of unrelated persons to live together in a household than would otherwise be permitted in two situations: (1) through a grant of special accommodation, available only to domestic violence shelters as defined in Chapter 23.84, and (2) through a grant of reasonable accommodation, available only to persons with handicaps as defined by federal law.

A. The Director may grant special accommodation to individuals who are residents of domestic violence shelters in order to allow them to live together in groups of between nine (9) and fifteen (15) persons in single-family dwelling units, according to the following:

1. An application for special accommodation must demonstrate to the satisfaction of the Director:

a. That the needs of the residents of the domestic violence shelter make it necessary for the residents to live together in a group of the size proposed; and

b. That adverse impacts on the neighborhood from the increased density will be mitigated.

2. The Director shall take into account the size, shape and location of the dwelling unit and lot, the traffic and parking conditions on adjoining and neighboring streets, the vehicle usage to be expected from residents, staff and visitors, and any other circumstances the Director determines to be relevant as to whether the proposed increase in density will adversely impact the neighborhood.

3. An applicant shall modify the proposal as needed to mitigate any adverse impacts identified by the Director or the Director shall deny the request for special accommodation.

4. A grant of special accommodation permits a dwelling to be inhabited only according to the terms and conditions of the applicant's proposal and the Director's decision. If circumstances materially change or the number of residents increases, or if adverse impacts occur that were not adequately mitigated, the Director shall revoke the grant of special accommodation and require the number of people in the dwelling to be reduced to eight unless a new grant of special accommodation is issued for a modified proposal.

5. A decision to grant special accommodation is a Type 1 Master Use Permit decision (See Chapter 23.76) that shall be recorded with the King County Division of Records and Elections.

B. The Director may grant reasonable accommodation to individuals who are handicapped within the meaning of 42 U.S.C. 3602, in order for them to live in a household of more than eight (8) persons, according to the following:

1. An applicant for reasonable accommodation must demonstrate to the satisfaction of the Director that the handicap of the proposed residents makes it necessary for them to live in a household of the size proposed

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in order to have equal opportunity to use and enjoy a dwelling.

2. The Director shall determine what adverse land use impacts, including cumulative impacts, if any, would result from granting the proposed accommodation. The Director shall take into account the size, shape and location of the dwelling unit and lot; the traffic and parking conditions on adjoining and neighboring streets; vehicle usage to be expected from residents, staff and visitors; and any other circumstances the Director determines to be relevant.

3. The Director shall consider the applicant's need for accommodation in light of the anticipated land use impacts, and the Director may impose conditions in order to make the accommodation reasonable in light of those impacts.

4. A grant of reasonable accommodation permits a dwelling to be inhabited only according to the terms and conditions of the applicant's proposal and the Director's decision. If the Director determines that the accommodation has become unreasonable because circumstances have changed or adverse land use impacts have occurred that were not anticipated, the Director shall rescind or modify the decision to grant reasonable accommodation.

5. A decision to grant reasonable accommodation is a Type 1 Master Use Permit decision (see Chapter 23.76) that shall be recorded with the King County Division of Records and Elections.

6. Nothing herein shall prevent the Director from granting reasonable accommodation to the full extent required by federal or state law.

(Ord. 117202 § 25, 1994.)

23.44.016Parking location and access.

Parking shall be required as provided in Chapter 23.54 and in accordance with the following:

A. Access.

1. Vehicular access to parking from an improved street, alley or easement is required.

2. Access to parking is permitted through a required yard abutting a street only if the Director determines that one (1) of the following conditions exists:

a. There is no alley improved to the standards of Section 23.53.030 C; or

b. Existing topography does not permit alley access; or

c. A portion of the alley abuts a nonresidential zone; or

d. The alley is used for loading or unloading by an existing nonresidential use; or

e. 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

f. Parking access must be from the street in order to provide access to parking space(s) which meet the Washington State Building Code, Chapter 11; or

3. Where access to required parking spaces passes through a required yard, automobiles, motorcycles and similar vehicles may be parked on the access located in a required yard. Trailers, boats, recreational vehicles or similar equipment shall not be parked in any required yard abutting a street or on any access which is located in a required yard. When a rear yard abuts a street, trailers, boats, recreational vehicles or similar equipment shall be prohibited from parking in the first ten (10) feet of the rear yard abutting the street.

B. Parking on Lot of Principal Use.

1. Except as otherwise provided in this subsection, accessory parking shall be located on the same lot as the principal use.

2. Parking on planting strips is prohibited.

3. Parking accessory to a floating home may be located on another lot if within six hundred (600) feet of the lot on which the floating home is located.

4. Parking accessory to a single-family structure existing on June 11, 1982 may be established on another lot if all the following conditions are met:

a. There is no vehicular access to permissible parking areas on the lot.

b. Any garage constructed is for no more than two (2) two (2) axle or two (2) up-to-four (4) wheeled vehicles.

c. Any garage is located and screened or landscaped per Section 23.44.016 E if applicable, as required by the Director who shall consider development patterns of the block or nearby blocks.

d. The lot providing the parking is within the same block or across the alley from the principal use lot.

e. The accessory parking shall be tied to the lot of the principal use by a covenant or other document recorded with the King County Department of Records and Elections.

5. Trailers, boats, recreational vehicles and similar equipment shall not be parked in required front and side yards.

C. Location of Parking on Lot.

1. Except for public school use, parking may be located:

a. Within the principal structure; or

b. In the side or rear yard except a required side yard abutting a street or the first ten (10) feet of a required rear yard abutting a street.

2. Parking shall not be located in the required front yard except as provided in subsections C3, C4, C5 and C6.

3. Lots With Uphill Yards Abutting Streets. Accessory parking for one (1) two (2) axle or one (1) up-to-four (4) wheeled vehicle may be established in a required yard abutting a street according to subsection C3a or b below only if access to parking is permitted through that yard pursuant to subsection A of this section.

a. Open Parking Space.

i. The existing grade of the lot slopes upward from the street lot line an average of at least six (6) feet above sidewalk grade at a line which is ten (10) feet from the street lot line; and

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ii. The parking area shall be at least an average of six (6) feet below the existing grade prior to excavation and/or construction at a line which is ten (10) feet from the street lot line;

iii. The parking space shall be no wider than ten (10) feet for one (1) parking space at the parking surface and no wider than twenty (20) feet for two (2) parking spaces when permitted as provided in subsection C6.

b. Terraced Garage.

i. The height of a terraced garage shall be limited to no more than two (2) feet above existing or finished grade, whichever is lower, for the portions of the garage which are ten (10) feet or more from the street lot line. The ridge of a pitched roof on a terraced garage may extend up to three (3) feet above this two (2) foot height limit. All parts of the roof above the two (2) foot height limit shall be pitched at a rate or not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the two (2) foot height limit of this provision. Portions of a terraced garage which are less than ten (10) feet from the street lot line shall comply with the height standards in Section 23.44.016 D2;

ii. The terraced garage structure width may not exceed fourteen (14) feet for one (1) two (2) axle or one (1) up-to-four (4) wheel vehicle or twenty-four (24) feet when permitted to have two (2) two (2) axle or two (2) up-to-four (4) wheel vehicle as provided in subsection C6;

iii. All aboveground portions of the terraced garage shall be included in lot coverage; and

iv. The roof of the terraced garage may be used as a deck and shall be considered to be a part of the garage structure even if it is a separate structure on top of the garage.

4. Lots With Downhill Yards Abutting Streets. Accessory parking, either open or enclosed, for one (1) two (2) axle or one (1) up-to-four (4) wheeled vehicle may be located in a required yard abutting a street when the following conditions are met:

a. The existing grade slopes downward from the street lot line which the parking faces;

b. For front yard parking the lot has a vertical drop of at least twenty (20) feet in the first sixty (60) feet as measured along a line from the midpoint of the front lot line to the midpoint of the rear lot line;

c. Parking shall not be permitted in downhill required side yards abutting streets;

d. Parking in downhill rear yards shall be in accordance with Section 23.44.014 D6 and Section 23.44.016, subsections C1 and D3d;

e. Access to parking is permitted through the required yard abutting the street by subsection A of this section; and

f. A driveway access bridge may be permitted in any required downhill yard where necessary for access to parking. The access bridge shall be no wider than twelve (12) feet for access to one (1) parking space or eighteen (18) feet for access to two (2) or more parking spaces. The driveway access bridge may not be located closer than five (5) feet to an adjacent property line and shall not be included in lot coverage calculations.

5. Through Lots. On through lots less than one hundred twenty-five (125) feet in depth, accessory parking for one (1) two (2) axle or one (1) up-to-four (4) wheeled vehicle may be located in one (1) of the required front yards.

The front yard in which the parking may be located shall be determined by the Director based on the location of other private garages or parking areas on the block. If no pattern of parking location can be determined, the Director shall determine in which yard the parking shall be located based on the prevailing character and setback patterns of the block.

6. Lots With Uphill Yards Abutting Streets or Downhill or Through Lot Front Yards Fronting on Streets Which Prohibit Parking. Accessory parking for two (2) two (2) axle or four (4) wheeled vehicles may be located in uphill yards abutting streets or downhill or through lot front yards as provided in subsection C3, C4 or C5 if, in consultation with Seattle Transportation, it is found that uninterrupted parking for twenty-four (24) hours is prohibited on at least one (1) side of the street within two hundred (200) feet of the lot line over which access is proposed. The Director may authorize a curb cut wider than would be permitted under Section 23.54.030 if necessary for access.

D. Private Garages Located in Required Yards. Private garages which are either detached accessory structures or portions of a principal structure for the primary purpose of enclosing a two (2) axle or four (4) wheeled vehicle may be permitted in required yards according to the following conditions:

1. Maximum Coverage and Size.

a. In accordance with Section 23.44.014 D6, private garages, together with any other accessory structures and other portions of the principal structure, are limited to a maximum combined coverage of forty (40) percent of the required rear yard. In the case of a rear yard abutting an alley, rear yard coverage shall be calculated from the centerline of the alley.

b. In accordance with Section 23.44.040, private garages located in side or rear yards shall not exceed one thousand (1,000) square feet in area.

c. In front yards, the area of private garages shall be limited to three hundred (300) square feet with fourteen (14) foot maximum width where one (1) space is allowed, and six hundred (600) square feet with twenty-four (24) foot maximum width where two (2) spaces are allowed. Access driveway bridges permitted under Section 23.44.016 C4f shall not be included in this calculation.

2. Height Limits.

a. Private garages shall be limited to twelve (12) feet in height as measured on the facade containing the entrance for the vehicle.

b. The ridge of a pitched roof on a private garage located in a required yard may extend up to three (3) feet above the twelve (12) foot height limit. All parts of the roof above the height limit shall be pitched at a rate

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of not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the twelve (12) foot height limit under this provision.

c. Open rails around balconies or decks located on the roofs of private garages may exceed the twelve (12) foot height limit by a maximum of three (3) feet.

3. Separations.

a. Attached private garages are portions of principal structures. In accordance with Section 23.44.014 D6, they may extend into the required rear yard, but shall not be within twelve (12) feet of the centerline of any alley, nor within twelve (12) feet of any rear lot line which is not an alley lot line nor closer than five (5) feet to any accessory structure.

b. If the facade of a private garage which contains the entrance for the vehicle faces an alley, the garage shall not be within twelve (12) feet of the centerline of the alley.

c. In accordance with Section 23.44.040 D, any private garage which is an accessory structure located in a required yard shall be separated from its principal structure by a minimum of five (5) feet.

d. In accordance with Section 23.44.040 F, on a reversed corner lot, no private garage which is an accessory structure shall be located in that portion of the required rear yard which abuts the required front yard of the adjoining key lot, nor shall the private garage be located closer than five (5) feet from the key lot's side lot line unless the provisions of Section 23.44.014 D1 or 23.44.016 C3b apply.

e. In accordance with Section 23.44.014 D1, private garages which are accessory structures may extend into a required side yard which is either within thirty-five (35) feet of the centerline of an alley or within twenty-five (25) feet of any rear lot line which is not an alley lot line.

Private garages which are accessory structures may extend into a required side yard which is more than thirty-five (35) feet from the centerline of an alley abutting the lot, or which is more than twenty-five (25) feet from the rear lot line of a lot which does not abut an alley, upon the recording with the King County Department of Records and Elections an agreement to this effect between the owners of record of the abutting properties.

E. Screening.

1. Parking accessory to floating homes when located on a separate lot from the floating homes shall be screened from direct street view by a fence or wall between five (5) and six (6) feet in height. When the fence or wall runs along the street front, there shall be a landscaped strip on the street side of the fence or wall. This strip may be between one (1) and five (5) feet deep, as measured from the property line, but the average distance from the property line to the fence shall be three (3) feet. Such screening shall be located outside any required sight triangle.

2. The height of the visual barrier created by the screen required by subdivision 1 of this subsection shall be measured from street level. 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 three (3) feet in height (see Exhibit 23.44.016 B).

(Ord. 118414 § 9, 1996; Ord. 118409 § 177, 1996: Ord. 117263 § 10, 1994; Ord. 115326 § 5, 1990; Ord. 113614 § 1, 1987; Ord. 112777 § 5, 1985; Ord. 112539 § 2, 1985; Ord. 111390 § 8, 1983: Ord. 110669 §§ 13(part), 32(part), 1982: Ord. 110381 § 1(part), 1982.)

23.44.017Development standards for public schools.

Public schools shall be subject to the following development standards:

A. Maximum Lot Coverage.

1. For new public school construction on new public school sites the maximum lot coverage permitted for all structures shall not exceed forty-five (45) percent of the lot area for one (1) story structures or thirty-five (35) percent of the lot area if any structure or portion of a structure has more than one (1) story.

2. For new public school construction and additions to existing public school structures on existing public school sites, the maximum lot coverage permitted shall not exceed the greater of the following:

a. The lot coverage permitted in subsection A1; or

b. The lot coverage of the former school structures on the site provided that the height of the new structure or portion of structure is no greater than that of the former structures as regulated in Section 23.86.006 E, and at least fifty (50) percent of the footprint of the new principal structure is constructed on a portion of the lot formerly occupied by the footprint of the former principal structure. (See Exhibit 23.44.017 A.)

3. Development standard departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79. Up to fifty-five (55) percent lot coverage may be allowed for single-story structures, and up to forty-five (45) percent lot coverage for structures of more than one (1) story. Lot coverage restrictions may be waived by the Director when waiver would contribute to reduced demolition of residential structures.

4. The exceptions to lot coverage set forth in subsection D of Section 23.44.010 shall apply.

B. Height.

1. For new public school construction on new public school sites, the maximum permitted height shall be thirty (30) feet. For gymnasiums and auditoriums that are accessory to the public school, the maximum permitted height shall be thirty-five (35) feet plus ten (10) feet for a pitched roof if all portions of the structure above thirty (30) feet are set back at least twenty (20) feet from all property lines. All parts of a gymnasium or auditorium roof above the height limit must be pitched at a rate

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of not less than three to twelve (3:12). No portion of a shed roof on a gymnasium or auditorium shall be permitted to extend above the thirty-five (35) foot height limit under this provision.

2. For new public school construction on existing public school sites, the maximum permitted height shall be thirty-five (35) feet plus fifteen (15) feet for a pitched roof. All parts of the roof above the height limit must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the thirty-five (35) foot height limit under this provision.

3. For additions to existing public schools on existing public school sites, the maximum height permitted shall be the height of the existing school or thirty-five (35) feet plus fifteen (15) feet for a pitched roof, whichever is greater. When the height limit is thirty-five (35) feet, the ridge of the pitched roof on a principal structure may extend up to fifteen (15) feet above the height limit, and all parts of the roof above the height limit must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the thirty-five (35) foot limit under this provision.

4. Development standard departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79. For construction of new structures on new and existing public school sites to the extent not otherwise permitted outright, maximum height which may be granted as development standard departure shall be thirty-five (35) feet plus fifteen (15) feet for a pitched roof for elementary schools and sixty (60) feet plus fifteen (15) feet for a pitched roof for secondary schools. The standards for roof pitch at paragraph 3 shall apply. All height maximums may be waived by the Director when waiver would contribute to reduced demolition of residential structures.

5. The provisions of subsection B of Section 23.44.012 regarding pitched roofs and sloped lots and the exemptions of subsection C of Section 23.44.012 shall apply.

C. Setbacks.

1. General Requirements.

a. No setbacks shall be 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 or abutting a lot in a nonresidential zone. When any portion of the site is across a street or an alley from or abuts a lot in a residential zone, setbacks shall be required for areas facing or abutting residential zones, as provided in subsections C2 through C5 below. Setbacks for sites across a street or alley from or abutting lots in Residential-Commercial (RC) zones shall be 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 C2b, C3b and C4b.

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

d. The exceptions of subsections D4, D5, D6, D8, D9, D10, D11 and D12 of Section 23.44.014 shall apply.

2. New 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 facade height of the school and the designation of the facing residential zone, as follows:

	Minimum Setbacks Zone from which Across			
Facade Height[1]	**SF/L1**	**L2/L3**	**MR**	**HR**
		Average		
Up to 20′	15′	10′	5′	0′
21′ to 35′	15′	10′	5′	0′
36′ to 50′	20′	15′	5′	0′
51′ or more	35′	20′	10′	0′

1.Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

b. New public school construction on new public school sites abutting lots in residential zones shall provide minimum setbacks according to the facade height of the school and the designation of the abutting residential zone, as follows:

	Minimum Setbacks Abutting Zone			
Facade Height[1]	**SF/L1**	**L2/L3**	**MR**	**HR**
		Average (minimum)		
Up to 20′	21′(10′)	15′(10′)	10′(5′)	0′
21′ to 35′	20′(10′)	15′(10′)	10′(5′)	0′
36′ to 50′	25′(10′)	20′(10′)	10′(5′)	0′
51′ or more	30′(15′)	25′(10′)	15′(5′)	0′

1.Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

3. New 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 facade height of the school and the designation of the facing residential zone as follows, whichever is less:

	Minimum Setbacks Zone from which Across			
Facade Height[1]	**SF/L1**	**L2/L3**	**MR**	**HR**
		Average		
Up to 20′	10′	5′	5′	0′
21′ to 35′	10′	5′	5′	0′

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36′ to 50′	15′	10′	5′	0′
51′ or more	20′	15′	10′	0′

1.Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

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 facade height of the school and the designation of the abutting residential zone, as follows, whichever is less:

	Minimum Setbacks Abutting Zone			
Facade Height[1]	**SF/L1**	**L2/L3**	**MR**	**HR**
	Average (minimum)			
Up to 20′	15′(10′)	10′(5′)	10′(5′)	0′(0′)
21′ to 35′	20′(10′)	15′(10′)	10′(5′)	0′(0′)
36′ to 50′	25′(10′)	20′(10′)	10′(5′)	0′(0′)
51′ or more	30′(15′)	25′(10′)	15′(5′)	0′(0′)

1.Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

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 facade height of the school and the designation of the facing residential zone as follows, whichever is less:

	Minimum Setbacks Zone from which Across			
Facade Height[1]	**SF/L1**	**L2/L3**	**MR**	**HR**
	Average			
Up to 20′	5′	5′	5′	0′
21′ to 35′	10′	5′	5′	0′
36′ to 50′	15′	10′	5′	0′
51′ or more	20′	15′	10′	0′

1.Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

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 facade height of the school and the designation of the abutting residential zone as follows, whichever is less:

	Minimum Setbacks Abutting Zone			
Facade Height[1]	**SF/L1**	**L2/L3**	**MR**	**HR**
	Average (minimum)			
Up to 20′	10′(5′)	10′(5′)	10′(5′)	0′(0′)
21′ to 35′	15′(5′)	10′(5′)	10′(5′)	0′(0′)
36′ to 50′	20′(10′)	20′(10′)	10′(5′)	0′(0′)
51′ or more	25′(10′)	25′(10′)	15′(5′)	0′(0′)

1.Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

5. Development standard departure 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 ten (10) feet and the minimum setback to five (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 fifteen (15) feet and the minimum setback to five (5) feet for structures or portions of structures abutting lots in residential zones.

c. The limits in subsections C5a and C5b may be waived by the Director when a waiver would contribute to reduced demolition of residential structures.

D. Structure Width.

1. When a new public school structure is built on a new public school site or on an existing public school site, the maximum width of a structure shall be sixty-six (66) feet unless either the modulation option in subsection D1a below or the landscape option in subsection D1b below is met.

a. Modulation Option. Facades shall be modulated according to the following provisions:

(1) The minimum depth of modulation shall be four (4) feet.

(2) The minimum width of modulation shall be twenty (20) percent of the total structure width or ten (10) feet, whichever is greater.

b. Landscape Option. The yards provided by the required setbacks shall be landscaped as follows:

(1) One (1) tree and three (3) shrubs are required for each three hundred (300) square feet of required yard. When new trees are planted, at least half must be deciduous.

(2) Trees and shrubs which already exist in the required planting area or have their trunk or center within ten (10) feet of the area may be substituted for required plantings on a one (1) tree to one (1) tree or one (1) shrub to one (1) shrub basis if the minimum standards of the Director's Rule for Landscaping are met, except that shrub height need not exceed two (2) feet at any time. In order to give credit for large existing trees, a tree may count as one (1) required tree for every three hundred (300) square feet of its canopy spread.

(3) The planting of street trees may be substituted for required trees on a one-to-one (1:1) basis. All street trees shall be planted according to City of Seattle tree planting standards.

(4) Each setback required to be landscaped shall be planted with shrubs, grass, and/or evergreen ground cover.

(5) Landscape features such as decorative paving are permitted to a maximum of twenty-five (25) percent of each required landscaped area.

(6) A plan shall be filed showing the layout of the required landscaping.

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(7) The School District shall maintain all landscape material and replace any dead or dying plants.

2. There is no maximum width limit for additions to existing public school structures on existing public school sites. The Director may require landscaping to reduce the appearance of bulk.

3. Development standard departure from the modulation and landscaping standards may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 to permit other techniques to reduce the appearance of bulk. Techniques to reduce the appearance of bulk may be waived by the Director when the waiver would contribute to reduced demolition of residential structures.

E. Parking Quantity. Parking shall be required as provided in Chapter 23.54.

F. Parking Location. Parking may be located:

1. Within the principal structure; or

2. On any portion of the lot except the front setback when separated from streets and from abutting lots in residential zones by a five (5) foot deep area which is landscaped with trees and ground cover determined by the Director as adequate to soften the view of the parking from adjacent properties. In the case of a through lot, parking may also be located in one (1) front setback when landscaped as described in this subsection;

3. Development standard departure may be granted or required pursuant to the procedures set forth in Chapter 23.79 to permit parking location anywhere on the lot and to reduce required landscaping. Landscaping may be waived in whole or in part if the topography of the site or other circumstances result in the purposes of landscaping being served, as, for example, when a steep slope shields parking from the view of abutting properties. This test may be waived by the Director when waiver would contribute to reduced demolition of residential structures.

G. Bus and Truck Loading and Unloading.

1. An off-street bus loading and unloading area of a size reasonable to meet the needs of the school shall be provided and may be located in any required yard. The bus loading and unloading area may be permitted in a landscaped area provided under subsection D1b if the Director determines that landscaping around the loading and unloading area softens the impacts of its appearance on abutting properties.

2. One (1) off-street truck loading berth meeting the requirements of subsection H of Section 23.54.030 shall be required for new public school construction.

3. Development standard departure from the requirements and standards for bus and truck loading and unloading areas and berths may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 only when departure would contribute to reduced demolition of residential structures.

H. Noise, Odor, Light and Glare. The development standards for small institutions set forth in subsections A1, B and C of Section 23.45.100 shall apply. Development standard departure from these standards may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 only when departure would contribute to reduced demolition of residential structures.

(Ord. 118414 § 10, 1996; Ord. 112777 § 6, 1986; Ord. 112830 § 1, 1986; Ord. 112539 § 3, 1985.)[1]

1.Editor's Note: Ordinance 112777 was signed by the Mayor on April 10, 1986 and became effective June 9, 1986. Ordinance 112830 was signed by the Mayor on May 9, 1986 and became effective on June 8, 1986; thus Ordinance 112777 is the later ordinance.

Subchapter II Principal Conditional Uses

23.44.018General provisions.

A. Only those conditional uses identified in this subchapter may be authorized as conditional uses in single-family zones. The Master Use Permit Process set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, shall be used to authorize conditional uses.

B. Unless otherwise specified in this subchapter, conditional uses shall meet the development standards for uses permitted outright in Sections 23.44.008 through 23.44.016.

C. A conditional use may be approved, conditioned or denied based on a determination of whether the proposed use meets the criteria for establishing a specific conditional use and whether the use will be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

D. In authorizing a conditional use, the Director or Council may mitigate adverse negative impacts by imposing requirements or conditions deemed necessary for the protection of other properties in the zone or vicinity in which the property is located.

E. Any authorized conditional use which has been discontinued shall not be reestablished or recommenced except pursuant to a new conditional use permit. The following shall constitute conclusive evidence that the conditional use has been discontinued:

1. A permit to change the use of the property has been issued and the new use has been established; or

2. The property has not been devoted to the authorized conditional use for more than twenty-four (24) consecutive months.

Property which is vacant, except for dead storage of materials or equipment of the conditional use, shall not be considered as being devoted to the authorized conditional use. The expiration of licenses necessary for the conditional use shall be evidence that the property is not being devoted to the conditional use. A conditional use in a multi-family structure or a multi-tenant commercial structure shall not be considered as discontinued unless all units are either vacant or devoted to another use.

(Ord. 113262 § 1, 1986; Ord. 112890 § 1, 1986: Ord. 112522 § 9, 1985; Ord. 110669 § 32(part), 1982; Ord. 110381 § 1(part), 1982.)

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Part 1 Administrative Conditional Uses

23.44.022Institutions.

A. Institutions Identified. The following institutions may be permitted as conditional uses in single-family zones:

Community centers
Child care centers
Private schools
Religious facilities
Public or private libraries
Existing institutes for advanced study
Other similar institutions

The following institutions are prohibited in single-family zones:

Hospitals
Colleges and universities
Museums
Private clubs
Vocational schools

B. Major Institutions. Existing major institutions and major institution uses within an existing Major Institution overlay district shall be permitted in accordance with the provisions of Chapter 23.69, Major Institution Overlay Districts, and the provisions of this section.

C. Public schools shall be permitted as regulated in Section 23.44.017.

D. General Provisions.

1. New or expanding institutions in single-family zones shall meet the development standards for uses permitted outright in Sections 23.44.008 through 23.44.016 unless modified elsewhere in this subsection or in a Major Institution master plan.

2. The establishment of a child care center in a legally established institution devoted to the care or instruction of children which does not violate any condition of approval of the existing institutional use and does not require structural expansion shall not be considered a new use or an expansion of the institutional use.

3. Structural work which does not increase usable floor area or seating capacity and does not exceed the height limit of the zone shall not be considered an expansion of the institution. Such work includes but is not limited to roof repair or replacement and construction of uncovered decks and porches, bay windows, dormers, and eaves.

4. Institutions seeking to establish or expand on property which is developed with residential structures may expand their campus up to a maximum of two and one-half (2½) acres. An institution campus may be established or expanded beyond two and one-half (2½) acres if the property proposed for the expansion is substantially vacant land.

5. An institution which finds that the development standards of the single-family zone classification are inadequate to its development needs may apply for reclassification to major institution status.

E. Dispersion.

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

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

b. A proposed institution may be located less than six hundred (600) feet from a lot line of another institution if the Director determines that the intent of the dispersion criteria 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, which provide substantial separation from other institutions.

2. A proposed child-care center serving not more than twenty-five (25) children which does not meet the criteria of subsection D1 of this section may be permitted to locate less than six hundred (600) feet from a lot line of another institution if the Director determines that, together with the nearby institution(s), the proposed child care center would not:

a. Create physical scale and bulk incompatible with the surrounding neighborhood;

b. Create traffic safety hazards;

c. Create or significantly increase identified parking shortages; or

d. Significantly increase noise levels to the detriment of surrounding residents.

F. Demolition of Residential Structures. No residential structure shall be demolished nor shall its use be changed to provide for parking. This prohibition may be waived if the demolition or change of use proposed is necessary to meet the parking requirements of this Land Use Code and if alternative locations would have greater noise, odor, light and glare or traffic impacts on surrounding property in residential use. If the demolition or change of use is proposed for required parking, the Director may consider waiver of parking requirements in order to preserve the residential structure and/or use. The waiver may include, but is not limited to, a reduction in the number of required parking spaces and a waiver of parking development standards such as location or screening.

G. Reuse of Existing Structures. Existing structures may be converted to institution use if the yard requirements for institutions are met. Existing structures which do not meet these yard requirements may be permitted to convert to institution use, provided that the Director may require additional mitigating measures to reduce impacts of the proposed use on surrounding properties.

H. Noise and Odors. For the purpose of reducing potential noise and odor impacts, the Director shall consider the location on the lot of the proposed institution, on-site parking, outdoor recreational areas, trash and refuse storage areas, ventilating mechanisms, sports facilities and other noise-generating and odor-generating equipment, fixtures or facilities.The institution shall be de-

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signed and operated in compliance with the Noise Ordinance, Chapter 25.08.

In order to mitigate identified noise and/or odor impacts, the Director may require measures such as landscaping, sound barriers or fences, mounding or berming, adjustments to yard or parking development standards, design modifications, setting hours of operation for facilities or other similar measures.

I. Landscaping. Landscaping shall be required to integrate the institution with adjacent areas, reduce the potential for erosion or extensive stormwater runoff, reduce the coverage of the site by impervious surfaces, screen parking from adjacent residentially zoned lots or streets or to reduce the appearance of bulk of the institution.

Landscaping plant materials shall be species compatible with surrounding flora. Existing plant material may be required to be retained. Maintenance of landscaped areas shall be the continuing responsibility of the owner.

J. Light and Glare. Exterior lighting shall be shielded or directed away from adjacent residentially zoned lots. The Director may also require that the area and intensity of illumination, the location or angle of illumination be limited.

Nonreflective surfaces shall be used to help reduce glare.

K. Bulk and Siting.

1. Lot Area. If the proposed site is more than one (1) acre in size, the Director may require the following and similar development standards:

a. For lots with unusual configuration or uneven boundaries, the proposed principal structures be located so that changes in potential and existing development patterns on the block or blocks within which the institution is located are kept to a minimum.

b. For lots with large street frontage in relationship to their size, the proposed institution reflect design and architectural features associated with adjacent residentially zoned block faces in order to provide continuity of the block front and to integrate the proposed structures with residential structures and uses in the immediate area.

2. Yards. Yards of institutions shall be as required for uses permitted outright in Section 23.44.008, provided that no structure other than freestanding walls, fences, bulkheads or similar structures shall be closer than ten (10) feet to the side lot line. The Director may permit yards less than ten (10) feet but not less than five (5) feet after finding that the reduced setback will not significantly increase impacts, including but not limited to noise, odor and comparative scale, to adjacent lots zoned residential and there will be a demonstrable public benefit.

3. Institutions Located on Lots in More Than One (1) Zone Classification. For lots which include more than one (1) zone classification, single-family zone provisions shall apply only to the single-family-zoned lot area involved.

4. Height Limit.

a. A religious symbol and that portion of the roof supporting it, including but not limited to a belfry or a spire, may extend an additional twenty-five (25) feet above the height limit.

b. For gymnasiums and auditoriums that are accessory to an institution the maximum height shall be thirty-five (35) feet if portions of the structure above thirty-five (35) feet are set back at least twenty (20) feet from all property lines. Pitched roofs on a gymnasium or auditorium which have a slope of not less than three to twelve (3:12) may extend ten (10) feet above the thirty-five (35) foot height limit. No portion of a shed roof on a gymnasium or an auditorium shall be permitted to extend beyond the thirty-five (35) foot height limit under this provision.

5. Facade Scale. If any facade of a new or expanding institution exceeds thirty (30) feet in length, the Director may require that facades adjacent to the street or a residentially zoned lot be developed with design features intended to minimize the appearance of bulk. Design features which may be required include, but are not limited to, modulation, architectural features, landscaping or increased yards.

L. Parking and Loading Berth Requirements.

1. Quantity and Location of Off-street Parking.

a. Use of transportation modes such as public transit, vanpools, carpools and bicycles to reduce the use of single-occupancy vehicles shall be encouraged.

b. Parking and loading shall be required as provided in Section 23.54.015.

c. The Director may modify the parking and loading requirements of Section 23.54.015, Required parking, and the requirements of Section 23.44.016, Parking location and access, on a case-by-case basis using the information contained in the transportation plan prepared pursuant to subsection M of this section. The modification shall be based on adopted City policies and shall:

i. Provide a demonstrable public benefit such as, but not limited to, reduction of traffic on residential streets, preservation of residential structures, and reduction of noise, odor, light and glare; and

ii. Not cause undue traffic through residential streets nor create a serious safety hazard.

2. Parking Design. Parking access and parking shall be designed as provided in Design Standards for Access and Off-street Parking, Chapter 23.54.

3. Loading Berths. The quantity and design of loading berths shall be as provided in Design Standards for Access and Off-street Parking, Chapter 23.54.

M. Transportation Plan. A transportation plan shall be required for proposed new institutions and for those institutions proposing expansions which are larger than four thousand (4,000) square feet of structure area and/or are required to provide an additional twenty (20) or more parking spaces.

The Director shall determine the level of detail to be disclosed in the transportation plan based on the probable impacts and/or scale of the proposed institution.

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Discussion of the following elements and other factors may be required:

1. Traffic. Number of staff on site during normal working hours, number of users, guests and others regularly associated with the site, level of vehicular traffic generated, traffic peaking characteristics of the institution and in the immediate area, likely vehicle use patterns, extent of traffic congestion, types and numbers of vehicles associated with the institution and mitigating measures to be taken by the applicant;

2. Parking. Number of spaces, the extent of screening from the street or abutting residentially zoned lots, direction of vehicle light glare, direction of lighting, sources of possible vibration, prevailing direction of exhaust fumes, location of parking access and curb cuts, accessibility or convenience of parking and measures to be taken by the applicant such as preference given some parking spaces for carpool and vanpool vehicles and provision of bicycle racks;

3. Parking Overflow. Number of vehicles expected to park on neighboring streets, percentage of on-street parking supply to be removed or used by the proposed project, opportunities for sharing existing parking, trends in local area development and mitigating measures to be taken by the applicant;

4. Safety. Measures to be taken by the applicant to ensure safe vehicular and pedestrian travel in the vicinity;

5. Availability of Public or Private Mass Transportation Systems. Route location and frequency of service, private mass transportation programs including carpools and vanpools, to be provided by the applicant.

N. Development Standards for Existing Institutes for Advanced Study.

1. The institute shall be located on a lot of not less than fifteen (15) acres.

2. The lot coverage for all structures shall not exceed twenty (20) percent of the total lot area.

3. Structures shall be set back a minimum of twenty-five (25) feet from any lot line.

4. Parking areas shall be set back a minimum of ten (10) feet from any lot line.

5. In the event of expansion, parking shall be required as provided for "existing institutes for advanced study" in Section 23.54.015, Required parking.

6. Landscaping shall be provided between a lot line and any structure and shall be maintained for the duration of the use.

(Ord. 118414 § 11, 1996; Ord. 117263 § 11, 1994; Ord. 116146 § 1, 1992; Ord. 115043 § 1, 1990; Ord. 115002 § 4, 1990; Ord. 114875 § 2, 1989; Ord. 113312 § 1, 1987; Ord. 113263 § 3, 1986; Ord. 112777 § 8, 1986; Ord. 112830 § 2, 1986; Ord. 112539 § 4, 1985; Ord. 110669 § 32(part), 1982; Ord. 110381 § 1(part), 1982.)[2]

1.Editor's Note: Ordinance 112539 was adopted on November 12, 1985.

2.Editor's Note: Ordinance 112777 was signed by the Mayor on April 10, 1986 and became effective June 9, 1986. Ordinance 112830 was signed by the Mayor on May 9, 1986 and became effective on June 8, 1986; thus Ordinance 112777 is the later ordinance.

23.44.024Clustered housing planned developments.

Clustered housing planned developments (CHPDs) may be permitted as an administrative conditional use in single-family zones. A CHPD is intended to enhance and preserve natural features, encourage the construction of affordable housing, allow for development and design flexibility, and protect and prevent harm in environmentally critical areas. CHPDs shall be subject to the following provisions:

A. Site Requirements.

1. The minimum size of a CHPD shall be two (2) acres. Land which is designated environmentally critical due to the presence of a riparian corridor, wetland or steep slope according to SMC Chapter 25.09, Regulations for Environmentally Critical Areas, and submerged land shall not be used to meet minimum size requirements.

2. Where portions of a site are designated environmentally critical due to the presence of a riparian corridor, wetland or steep slope according to SMC Chapter 25.09, Regulations for Environmentally Critical Areas, the conditional use clustered development provisions under Section 25.09.260 shall apply, superseding the standards of this section.

3. The Director may exclude land from a CHPD if it is separated from the site by topographical conditions, if it has a poor functional relationship with the site, or if inclusion of the land would negatively impact adjacent single-family zoned lots.

B. Type of Dwelling Units Permitted. Only single-family dwelling units shall be permitted in a CHPD.

C. Number of Dwelling Units Permitted.

1. The number of dwelling units permitted in a CHPD shall be calculated by dividing the CHPD land area by the minimum lot size permitted by subsection A of Section 23.44.010 in the single-family zone in which the CHPD is located. Land which is designated environmentally critical due to the presence of a riparian corridor, wetland or steep slope and submerged land shall be excluded from the land used to calculate density in a CHPD. For CHPDs which include more than one (1) zone, the number of dwelling units shall be calculated based on the proportion of land area in each zone.

2. Where portions of a site are designated environmentally critical due to the presence of a riparian corridor, wetland or steep slope according to SMC Chapter 25.09, Regulations for Environmentally Critical Areas, the conditional use provisions for regaining development credit and clustering under Section 25.09.260 shall apply.

3. One (1) additional detached single-family structure may be permitted if the development includes recreational, meeting and/or day care facilities open to the surrounding community.

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D. Subdivision. A CHPD may be subdivided into lots of less than the minimum size required by subsection A of Section 23.44.010.

E. Yards. Yards shall be required for structures within a CHPD.

1. Structures shall be set back a minimum distance of twenty (20) feet from the street property line of a CHPD.

2. No dwelling unit in a CHPD shall be closer than five (5) feet to a side lot line of an abutting single-family zoned lot.

3. No dwelling unit in a CHPD shall be closer than twenty-five (25) feet to a rear lot line of an abutting single-family zoned lot.

4. No dwelling unit in a CHPD shall be closer than five (5) feet to any lot line of an abutting non-single-family zoned lot.

5. There shall be a minimum distance of ten (10) feet between principal structures which are within one hundred (100) feet of the property line of a CHPD.

6. To provide a sense of privacy, and to mitigate the effects of shadows between structures which are more than one hundred (100) feet from the property line of CHPD, required yards between structures in the CHPD shall vary depending on the design of the facing facades as follows:

a. Walls shall be not less than ten (10) feet apart at any point.

b. A principal entrance to a structure shall be at least fifteen (15) feet from the nearest interior facade which contains no principal entrance.

c. A principal entrance to a structure shall be at least twenty (20) feet from the nearest interior facade which contains a principal entrance.

7. The Director may increase the minimum required yards or require alternate spacing or placement of structures in order to preserve or enhance topographical conditions, adjacent uses and the layout of the project and to maintain a compatible scale and design with the surrounding community.

F. Landscaping. The Director may require landscaping along some or all exterior lot lines of a CHPD to minimize the effect of the CHPD on adjacent uses. The Director may require the retention of existing mature landscaping. In addition, landscaping may be required to reduce the potential for erosion or excessive stormwater runoff, reduce the site coverage by impervious surfaces, and screen the parking from the view of adjacent residentially zoned lots and the street.

Plant species shall be compatible with surrounding flora. Maintenance of the landscaping shall be the continuing responsibility of the owner.

(Ord. 116262 § 9, 1992; Ord. 112890 § 2, 1986.)

23.44.026Use of landmark structures.

A. The Director may authorize a use not otherwise permitted in the zone within a structure designated as a landmark pursuant to the Seattle Municipal Code, Chapter 25.12, Landmark Preservation Ordinance, subject to the following development standards:

1. The use shall be compatible with the existing design and/or construction of the structure without significant alteration; and

2. The use shall be allowed only when it is demonstrated that uses permitted in the zone are impractical because of structure design and/or that no permitted use can provide adequate financial support necessary to sustain the structure in a reasonably good physical condition; and

3. The use shall not be detrimental to other properties in the zone or vicinity or to the public interest.

B. The parking requirements for a use allowed in a landmark are those listed in Chart A of Section 23.54.015. These requirements may be waived pursuant to Section 23.54.020 C.

(Ord. 112777 § 10, 1986: Ord. 111390 § 9, 1983: Ord. 110669 § 32(part), 1982; Ord. 110381 § 1(part), 1982.)

23.44.028Structures unsuited to uses permitted outright.

A. Uses not otherwise permitted in the zone may be permitted in structures unsuited to uses permitted outright in single-family zones. The determination that a use may be permitted shall be based on the following factors:

1. The design of the structure is not suitable for conversion to a use permitted outright in a single-family zone; and

2. The structure contains more than four thousand (4,000) square feet; and

3. The proposed use will provide a public benefit.

B. Parking requirements for uses permitted under this section shall be determined by the Director.

C. The Director may require measures to mitigate impacts such as noise, odor, parking or traffic impacts. Mitigating measures may include but are not limited to landscaping, sound barriers, fences, mounding or berming, adjustments to development standards, design modifications or setting hours of operation.

D. In the case of an existing or former public school, permissible uses other than those permitted outright in the zone and their development standards including parking requirements shall be established only pursuant to procedures for establishing criteria for joint use or reuse of public schools in Chapter 23.78 of this Land Use Code.

(Ord. 110669 § 32(part), 1982: Ord. 110381 § 1(part), 1982.)

23.44.030Park and pool lot.

The Director may authorize a park and pool lot under the management of a public agency responsible for commuter pooling efforts. The Director shall determine that:

A. It is to be located on an existing parking lot;

B. That parking proposed for the park and pool lot is not needed by the principal use or its accessory uses during the hours proposed for park and pool use; and

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C. The park and pool use shall not interfere or conflict with the peak-hour activities associated with the principal use and its accessory uses. The Director may control the number and location of parking spaces to be used.
(Ord. 110669 § 32(part), 1982; Ord. 110381 § 1(part), 1982.)

23.44.032Certain nonconforming uses.

Nonconforming uses which are authorized pursuant to Section 23.44.080 H may be permitted as a conditional use.
(Ord. 118414 § 12, 1996: Ord. 110669 § 32(part), 1982; Ord. 110381 § 1(part), 1982.)

Part 2 Council Conditional Uses

23.44.034Planned residential development (PRD).

Planned residential developments (PRDs) may be permitted in single-family zones as a council conditional use. A PRD is intended to enhance and preserve natural features, encourage the construction of affordable housing, allow for development and design flexibility, and protect and prevent harm in environmentally critical areas. PRDs shall be subject to the following provisions:

A. Site Requirements.

1. The minimum size of a PRD shall be two (2) acres. Land which is designated environmentally critical due to the presence of a riparian corridor, wetland or steep slope according to SMC Chapter 25.09, Regulations for Environmentally Critical Areas, and submerged land shall not be used to meet minimum size requirements.

2. The area of the site devoted to single-family uses at the time of application, calculated by multiplying the number of such uses by the minimum lot area for the zone, shall not exceed twenty (20) percent of the area of the entire site.

3. Land which is designated environmentally critical due to the presence of a riparian corridor, wetland or steep slope according to SMC Chapter 25.09, Regulations for Environmentally Critical Areas, and submerged land shall be excluded from the land used to calculate density in a PRD.

4. Land may be excluded from a PRD by the Director if it is separated from the site by topographical conditions, if it has a poor functional relationship with the site, or if inclusion of the land would negatively impact adjacent single-family zoned lots.

5. Where portions of a site are designated environmentally critical due to the presence of a riparian corridor, wetland or steep slope according to SMC Chapter 25.09, Regulations for Environmentally Critical Areas, the conditional use provisions under Section 25.09.260 shall apply, superseding the standards of this section.

B. Type of Dwelling Units Permitted.

1. Only single-family dwelling units shall be permitted within one hundred (100) feet of a PRD's property line which abuts or is directly across the street from a single-family zoned lot, except as provided in subsection B2.

2. Either single-family dwelling units or ground-related housing is permitted when within one hundred (100) feet of a property line of a PRD which does not abut or is not across from a single-family zoned lot or 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 provide substantial separation from the surrounding single-family neighborhood.

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3. Either single-family dwelling units or ground-related housing is permitted when more than one hundred feet (100′) from a PRD's property line.

4. Ground-related housing shall meet the development standards for structures in Lowrise 1 zones unless otherwise specified in this subchapter.

C. Number of Dwelling Units Permitted.

1. The number of dwelling units permitted in a PRD shall be calculated by dividing the PRD lot area by the minimum lot size permitted in Section 23.44.010 A. For PRD's which include more than one (1) zone, the number of dwelling units shall be calculated based on the proportion of land area in each zone.

2. An increase in number of dwelling units may be permitted in a PRD up to a maximum increase of twenty percent (20%). An increase in permitted density shall be based on the extent to which the proposed PRD provides substantial additional public benefits such as the following:

a. Low-income housing;

b. Usable open space;

c. Day care, meeting space or recreational facilities open to the surrounding community.

D. Subdivision.

1. A PRD may be subdivided into lots of less than the minimum size required by subsection A of Section 23.44.010.

2. A minimum of three hundred (300) square feet per unit of private, landscaped open space shall be required, at ground level and directly accessible to the unit.

E. Yards. Yards shall be required for residential structures within a PRD. For the purposes of this subsection, setbacks shall be considered yards, and the provisions relating to accessory structures in required yards of the applicable single-family zone shall apply.

1. Structures which are within one hundred feet (100′) of the property line of a PRD shall be set back a minimum distance of twenty feet (20′) from the street property line of a PRD.

2. No dwelling unit in a PRD shall be closer than five feet (5′) to a side lot line of an abutting single-family zoned lot.

3. No dwelling unit in a PRD shall be closer than twenty-five feet (25′) to a rear lot line of an abutting single-family zoned lot.

4. No dwelling unit in a PRD shall be closer than five feet (5′) to any lot line of an abutting non-single-family or non-residentially zoned lot.

5. A minimum distance of ten feet (10′) shall be maintained between principal structures.

6. To provide a sense of privacy and to mitigate the effects of shadows between structures which are more than one hundred feet (100′) from the property line of a PRD, required distance between structures shall vary depending on the design of the facing facades as follows:

a. Walls shall be not less than ten feet (10′) apart at any point.

b. A principal entrance to a structure shall be at least fifteen feet (15′) from the nearest interior facade which contains no principal entrance.

c. A principal entrance to a structure shall be at least twenty feet (20′) from the nearest interior facade which contains a principal entrance.

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7. The Director may modify the minimum required setbacks or require alternate spacing or placement of structures in order to preserve or enhance topographical conditions, adjacent uses or the layout of the project, and to maintain a compatible scale and design with the surrounding community.

F. Landscaping. Landscaping may be required along some or all exterior lot lines of a PRD to minimize the effect of the PRD on adjacent uses. The retention of existing mature landscaping may be required. In addition, landscaping may be required to reduce the potential for erosion or excessive stormwater runoff; reduce the site coverage by impervious surfaces; and screen parking from the view of adjacent residentially zoned lots and the street.

Plant species shall be compatible with surrounding flora.

G. Maintenance of Required Landscaping and Open Space. Maintenance of required landscaping and open space shall be the continuing responsibility of the owner.

(Ord. 116262 § 11, 1992; Ord. 112890 § 4, 1986: Ord. 112777 § 9, 1986; Ord. 110669 §§ 15(part), 32(part), 1982; Ord. 110381 § 1(part), 1982.)

23.44.035Communication utilities.

Communication utilities may be permitted in single-family zones subject to the provisions of Section 23.57.010.

(Ord. 116596 § 1, 1993: Ord. 113263 § 4, 1986.)

Part 3 Public Projects and City Facilities

23.44.036Council approval of public projects and City facilities.

A. Permitted Public Projects and City Facilities. The establishment or expansion of the following public uses in single-family zones may be permitted by the Council, according to the procedures for approving public projects and City facilities provided in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

1. Police precinct station;
2. Fire station;
3. Public boat moorage;
4. Utility services use;
5. Other similar use.

The proponent of any such use shall demonstrate the existence of a public necessity for location or expansion of the use in a single-family zone.

B. Sewage Treatment Plants. The expansion or reconfiguration (which term shall include reconstruction, redevelopment, relocation on the site, or intensification of treatment capacity) of existing sewage treatment plants in single-family zones may be permitted if there is no feasible alternative location in a zone where the use is permitted and the conditions imposed under subsections B3 and B4 are met.

1. Applicable Procedures. The decision on an application for the expansion or reconfiguration of a sewage treatment plant shall be a Type IV Council land use decision. If an application for an early determination of feasibility is required to be filed pursuant to subsection B2 of this section, the early determination of feasibility will also be a Council land use decision subject to Sections 23.76.038 through 23.76.056.

2. Need for Feasible Alternative Determination. The proponent shall demonstrate that there is no feasible alternative location in a zone where establishment of the use is permitted.

a. The Council's decision as to the feasibility of alternative location(s) shall be based upon the Single-Family Policies and a full consideration of the environmental, social and economic impacts on the community.

b. The determination of feasibility may be the subject of a separate application for a Council land use decision prior to submission of an application for a project-specific approval if the Director determines that the expansion or reconfiguration proposal is complex, involves the phasing of programmatic and project-specific decisions or affects more than one site in a single-family zone.

c. Application for an early determination of feasibility shall include:

(1) The scope and intent of the proposed project in the single-family zone and appropriate alternative(s) in zones where establishment of the use is permitted, identified by the applicant or the Director;

(2) The necessary environmental documentation as determined by the Director, including an assessment of the impacts of the proposed project and of the permitted-zone alternative(s), according to the state and local SEPA Guidelines;

(3) Information on the overall sewage treatment system which outlines the interrelationship of facilities in single-family zones and in zones where establishment of the use is permitted;

(4) Schematic plans outlining dimensions, elevations, locations on site and similar specifications for the proposed project and for the alternative(s).

d. If a proposal or any portion of a proposal is also subject to a feasible or reasonable alternative location determination under Section 23.60.066 of Title 23, the Plan Shoreline Permit application and the early determination application will be considered in one determination process.

3. Conditions for Approval of Proposal.

a. The project shall be located so that adverse impacts on residential areas shall be minimized;

b. A facility management and transportation plan shall be required. The level and kind of detail to be disclosed in the plan shall be based on the probable impacts and/or scale of the proposed facility, and shall at a minimum include discussion of sludge transportation, noise control, and hours of operation;

c. Measures to minimize potential odor emission and airborne pollutants including methane shall meet standards of and be consistent with best available technology as determined in consultation with the Puget Sound Air Pollution Control Agency (PSAPCA), and shall be incorporated into the design and operation of the facility;

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d. Methods of storing and transporting chlorine and other hazardous and potentially hazardous chemicals shall be determined in consultation with the Seattle Fire Department and incorporated into the design and operation of the facility;

e. Vehicular access suitable for trucks is available or provided from the plant to a designated arterial improved to City standards;

f. Landscaping and screening, separation from less intensive zones, noise, light and glare controls, and other measures to ensure the compatibility of the use with the surrounding area and to mitigate adverse impacts shall be incorporated into the design and operation of the facility.

4. Substantial Conformance. If the application for a project-specific proposal is submitted after an early determination that location of the sewage treatment plant is not feasible in a zone where establishment of the use is permitted, the proposed project must be in substantial conformance with the feasibility determination.

Substantial conformance shall include, but not be limited to, a determination that:

a. There is no net substantial increase in the environmental impacts of the project-specific proposal as compared to the impacts of the proposal as approved in the feasibility determination.

b. Conditions included in the feasibility determination are met.

C. Development Standards. Public projects and City facilities shall be developed according to the development standards applicable to institutions, Section 23.44.022, unless the Council determines that a particular standard must be waived or changed.

D. Uses Accessory to a Public Project or City Facility. Any use permitted elsewhere in this chapter as accessory to a principal use permitted outright or as an administrative conditional use is also permitted as an accessory use to a public project or City facility unless otherwise specified in this subtitle.

E. Prohibited Uses. The following public projects and City facilities are prohibited in single-family zones:

1. Jails;
2. Metro operating bases;
3. Park and ride lots;
4. Establishment of new sewage treatment plants;
5. Solid waste transfer stations;
6. Animal control shelters;
7. Post Office distribution centers;
8. Work-release centers;
9. Other similar uses.

F. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

(Ord. 117430 § 42, 1994; Ord. 114623 § 1, 1989; Ord. 113354 § 3, 1987: Ord. 112890 § 3, 1986; Ord. 112522 § 10, 1985: Ord. 110669 §§ 18, 32(part), 1982; Ord. 110381 § 1(part), 1982.)

Subchapter III Accessory Uses

23.44.040General provisions.

A. Accessory uses customarily incidental to principal uses permitted outright are permitted outright as provided below.

B. All accessory uses and structures must be located on the same lot as the principal use or structure unless specifically modified in this subchapter.

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C. Accessory conditional uses are subject to the development standards for accessory uses permitted outright unless otherwise specified in this section.

D. Any accessory structure located in a required yard shall be separated from its principal structure by a minimum of five (5) feet.

E. Any accessory structure located in a required yard shall not exceed twelve (12) feet in height nor one thousand (1,000) square feet in area.

F. On a reversed corner lot, no accessory structure shall be located in that portion of the required rear yard which abuts the required front yard of the adjoining key lot, nor shall the accessory structure be located closer than five (5) feet from the key lot's side lot line unless the provisions of Section 23.44.014 D or 23.44.016 C3b, terraced garage, apply.

(Ord. 117263 § 12, 1994; Ord. 113978 § 3, 1988: Ord. 110669 §§ 13(part), 32(part), 1982; Ord. 110381 § 1(part), 1982.)

23.44.041 Accessory dwelling units.

Accessory dwelling units may be permitted subject to the standards in subsection A of this section until two thousand five hundred (2,500) applications for new (not for legalization of existing) accessory dwelling units are filed. If, prior to the occurrence of the foregoing condition, applications are filed for accessory dwelling units which would cause the concentration of single-family structures with new accessory dwelling units to exceed twenty (20) percent of all single-family structures in single-family zones in any one (1) census tract or in an area formed by a circle with a radius of one thousand (1,000) feet from the point at which three (3) or more census tracts meet, no further applications may be accepted for accessory dwelling units in such census tract or area. The Master Use Permit process set forth in Chapter 23.76 shall be followed to authorize these uses.

A. The Director may authorize an accessory dwelling unit if the Director finds that the unit meets the following development and use standards:

1. A single-family dwelling may have no more than one (1) accessory dwelling unit, and only one (1) accessory dwelling unit shall be allowed per lot.

2. One (1) of the dwelling units in the structure shall be occupied by one (1) or more owners of the property as the owner's(s') permanent and principal residence; provided that the Director may waive this requirement for temporary absences of less than one (1) year, where the accessory unit has been a permitted use for at least two (2) years and the owner submits proof of absence from the Puget Sound region.

3. Any number of related persons may occupy each unit in a single-family residence with an accessory dwelling unit provided that if unrelated persons occupy either unit, the total number of persons occupying both units together may not exceed eight (8).

4. Accessory dwelling units may not be located in any structure detached from the single-family dwelling.

5. The floor area of the accessory dwelling unit shall not exceed one thousand (1,000) square feet if a permit was filed to construct the portion of the structure in which the accessory dwelling unit is located on or after May 31, 1996.

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

7. A minimum of two (2) off-street parking spaces shall be provided, which spaces may be in tandem. The Director may waive the requirement for one (1) or both of the spaces if the accessory dwelling unit is not located in the University District Parking Overlay Area or Alki Area, pursuant to Maps A and B, Section 23.54.015, and if topography or location of existing principal or accessory structures makes provision of one (1) or both of the parking spaces unduly burdensome and if adequate parking capacity exists. On-street parking shall be considered at capacity when the utilization rate is seventy-five (75) percent or greater within a four hundred (400) foot walking distance of the subject property. The Council shall reconsider the definition of on-street parking capacity within one (1) year of the effective date of the ordinance codified in this section.[1] The parking waiver process cannot be used to eliminate existing parking spaces in order to create an accessory dwelling unit.

8. If the portion of the single-family dwelling in which the accessory dwelling unit is located was in existence prior to October 17, 1979, the minimum ceiling height shall be six (6) feet eight (8) inches measured per Sections 310.6.1 and 3403 of the Seattle Building Code. The minimum ceiling height shall be six (6) feet four (4) inches if a hard-wired smoke detector is located in the dwelling unit. If the portion of the single-family dwelling in which the accessory dwelling unit is located was constructed on or subsequent to October 17, 1979, the minimum ceiling height shall be seven (7) feet six (6) inches measured per Sections 310.6.1 and 3403 of the Seattle Building Code.

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

1. An application for a Master Use Permit meeting the requirements of SMC Chapter 23.76 is filed on or before May 31, 1996;

2. The accessory dwelling unit shall be determined to meet the Housing and Building Maintenance Code (Chapters 22.200 through 22.208) standards. In addition, if the portion of the single-family dwelling in which the accessory dwelling unit is located was in existence prior to October 17, 1979, the minimum ceiling height shall be six (6) feet eight (8) inches measured per Sections 310.6.1 and 3403 of the Seattle Building Code. The minimum ceiling height shall be six (6) feet four (4) inches if a hard-wired smoke detector is located in the dwelling unit. If the portion of the single-family dwelling in which the accessory dwelling unit is located was constructed on or subsequent to October 17, 1979, the minimum ceiling height shall be seven (7) feet six (6)

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inches measured per Sections 310.6.1 and 3403 of the Seattle Building Code;

3. Development and use standards in subsection A, above, are met or applications for permits for modifications required for compliance are filed. If final inspection approval for those modifications is not obtained within two (2) years from the date of application for the Master Use Permit, the Master Use Permit and Building Permit shall be canceled and the unit removed or application made to establish the unit as a new accessory dwelling unit. The Director may require final approval of permits in less than two (2) years in high hazard situations.

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

D. Notice of Application for an Accessory Housing Unit. The Director shall provide notice of the application of a permit for an accessory housing unit by General Mailed Release and by posting four (4) placards near the site or when possible by door to door delivery to properties within two hundred (200) feet of the site. The notice shall state the criteria the proposed unit must meet in order for a permit to be granted and that the DCLU decision is nonappealable, and shall explain how to obtain general information and how to report noncompliance with the criteria before and after the permit is issued.

E. Single-family Status Unaffected. A single-family dwelling with an accessory dwelling unit shall be considered a single-family residence for purposes of rezone criteria (Section 23.34.011).

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

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

If applications are filed for permits for accessory dwelling units which would cause the concentration of new structures with accessory dwelling units to exceed twenty (20) percent of the number of single-family residences in single-family zones in any one (1) census tract or in an area bounded by a circle with a radius of one thousand (1,000) feet from a point where three (3) or more census tracts meet, the Department of Construction and Land Use shall notify the City Council. Within three (3) months, that department shall submit a report to the City Council containing an analysis of the number, location and character of the single-family structures with accessory dwelling units in the tract or area exceeding the twenty (20) percent threshold. The City Council shall request that the neighborhood planning organization for the affected neighborhood submit a recommendation within three (3) months of that request regarding action to be taken. Within six (6) months of receiving the neighborhood planning organization's recommendation, the City Council shall review the report and consider recommendations proposed. The City Council shall determine whether to authorize further permits or otherwise revise the provisions. Any revisions that would involve amendments to the City's Comprehensive Plan shall be considered as part of the annual process for amending that Plan.

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Every two (2) years, DCLU shall prepare a report for the City Council stating the number and location of permits issued for new accessory housing units.
(Ord. 118472 § 3, 1997: Ord. 117203 § 2, 1994.)

1.Editor's Note: Ordinance 118472 was signed by the Mayor on February 4, 1997 and became effective March 4, 1997.

23.44.042Parking and private garages.

A. Private garages shall be permitted as accessory uses in single-family zones and shall be subject to the development standards of Section 23.44.016 when located in a required yard or to the development standards for principal structures when not located in a required yard.

B. Parking accessory to a single-family structure existing on June 11, 1982 may be established on another lot if all the following conditions are met:

1. There is no vehicular access to permissible parking areas on the lot;

2. Any garage constructed is for no more than two (2) two (2) axled or two (2) up-to-four (4) wheeled vehicles;

3. The garage is located and screened or landscaped as required by the Director, who shall consider development patterns of the block or nearby blocks;

4. The garage lot is within the same block or across the alley from the principal use lot;

5. The garage shall meet the standards of Section 23.44.016 E;

6. The accessory parking shall be tied to the lot of the principal use by a covenant or other document recorded with the King County Department of Records and Elections.

C. Parking accessory to a floating home may be located on another lot if within six hundred (600) feet of the lot on which the floating home is located and if screened in accordance with Section 23.44.016 E.
(Ord. 117263 § 13, 1994; Ord. 111390 § 10, 1983: Ord. 110669 §§ 13(part), 32(part), 1982: Ord. 110381 § 1(part), 1982.)

23.44.044Swimming pools.

Private, permanent swimming pools, hot tubs and other similar uses are permitted as accessory uses to a single-family structure subject to the following specific development standards:

A. Private, permanent swimming pools, hot tubs and other similar uses over eighteen (18) inches above existing grade are subject to the development standards for accessory uses.

B. Private, permanent swimming pools, hot tubs and other similar uses projecting not more than eighteen (18) inches above existing grade shall not be counted in lot coverage.

C. Private, permanent swimming pools, hot tubs and other similar uses may be placed in a required front or rear yard, provided that:

1. No part of the structure shall project more than eighteen (18) inches above existing lot grade in a required front yard; and

2. No part of the structure shall be placed closer than five (5) feet to any front or side lot line.

D. All swimming pools shall be enclosed with a fence, or located within a yard enclosed by a fence, not less than four (4) feet high and designed to resist the entrance of children.
(Ord. 118414 § 13, 1996; Ord. 117263 § 14, 1994; Ord. 110669 § 32(part), 1982; Ord. 110381 § 1(part), 1982.)

23.44.046Solar collectors.

A. Solar collectors are permitted outright as an accessory use to any principal use permitted outright or to a permitted conditional use subject to the following development standards:

1. Solar collectors, including solar greenhouses which meet minimum standards and maximum size limits as determined by the Director, shall not be counted in lot coverage.

2. Solar collectors except solar greenhouses attached to principal use structures may exceed the height limits of single-family zones by four (4) feet or extend four (4) feet above the ridge of a pitched roof. However, the total height from existing grade to the top of the solar collector may not extend more than nine (9) feet above the height limit established for the zone (see Exhibit 23.44.046 A). A solar collector which exceeds the height limit for single-family zones shall be placed so as not to shade an existing solar collector or property to the north on January 21st, at noon, any more than would a structure built to the maximum permitted height and bulk.

3. Solar collectors and solar greenhouses meeting minimum written energy conservation standards administered by the Director may be located in required yards according to the following conditions:

a. In a side yard, no closer than three (3) feet from the side property line; or

b. In a rear yard, no closer than fifteen (15) feet from the rear property line unless there is a dedicated alley, in which case the solar collector shall be no closer than fifteen (15) feet from the centerline of the alley; or

c. In a front yard, solar greenhouses which are integrated with the principal structure and have a maximum height of twelve (12) feet may extend up to six (6) feet into the front yard. In no case shall the greenhouse be located closer than five (5) feet from the front property line.

B. Nonconforming Solar Collectors. The Director may permit the installation of solar collectors which cause an existing structure to become nonconforming, or which increase an existing nonconformity, as a special exception pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. Such installation may be permitted even if it exceeds the height limit established in Section 23.44.046 A2, so long as total structure height including solar collectors does not exceed thirty-nine (39) feet above existing grade and the following conditions are met:

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

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

3. Such collector(s) meet minimum written energy conservation standards administered by the Director; and

4. The collector(s) add no more than seven (7) feet of height to the existing structure. To minimize view blockage or shadow impacts, the Director shall have the authority to limit a nonconforming solar collector to less than seven (7) additional feet of height.

(Ord. 113401 § 3, 1987: Ord. 111590 § 1, 1984: Ord. 110793 § 6, 1982; Ord. 110669 §§ 13(part), 32(part), 1982: Ord. 110381 § 1(part), 1982.)

23.44.048Keeping of animals.

The keeping of small animals, farm animals, domestic fowl and bees is permitted outright as an accessory use to any principal use permitted outright or to a permitted conditional use subject to the following standards:

A. Small Animals. Up to three (3) small animals per single-family residential structure may be kept in single-family zones; however, no more than one (1) may be a miniature potbelly pig (see subsection B of this section).

Four (4) small animals are permitted on lots of at least twenty thousand (20,000) square feet. One (1) additional small animal is permitted for each five thousand (5,000) square feet of lot area in excess of twenty thousand (20,000) square feet.

Accessory structures, including kennels, for four (4) or more animals must be at least ten (10) feet from any other residentially zoned lot.

B. Miniature Potbelly Pigs. That type of swine commonly known as the Vietnamese, Chinese, or Asian Potbelly Pig (Sus scrofa bittatus) may be kept as domestic pets as a small animal, provided that no swine may be kept in the City which is greater than twenty-two (22) inches in height at the shoulder or more than one hundred fifty (150) pounds in weight.

C. Domestic Fowl. Up to three (3) domestic fowl may be kept on any lot in addition to the small animals permitted in the preceding subsection. For each one thousand (1,000) square feet of lot area in excess of the minimum lot area required for the zone, one (1) additional domestic fowl may be kept.

D. Farm Animals. Cows, horses, sheep and other similar farm animals are permitted only on lots of at least twenty thousand (20,000) square feet. The keeping of swine is prohibited, except for miniature potbelly pigs allowed under subsection B of this section.

1. One (1) farm animal for every ten thousand (10,000) square feet of lot area is permitted.

2. Farm animals and structures housing them must be kept at least fifty (50) feet from any residentially zoned lot.

E. Beekeeping. Beekeeping is permitted outright as an accessory use, when registered with the State Department of Agriculture, provided that:

1. No more than four (4) hives, each with only one (1) swarm, shall be kept on lots of less than ten thousand (10,000) square feet.

2. Hives shall not be located within twenty-five (25) feet of any property line except when situated eight (8) feet or more above the grade immediately adjacent to the grade of the lot on which the hives are located or when situated less than eight (8) feet above the adjacent existing lot grade and behind a solid fence or hedge six (6) feet high parallel to any property line within twenty-five (25) feet of a hive and extending at least twenty (20) feet beyond the hive in both directions.

(Ord. 116694 § 1, 1993; Ord. 110669 §§ 13(part), 32(part), 1982; Ord. 110381 § 1(part), 1982.)

23.44.050Home occupations.

A home occupation of a person residing in a dwelling unit is permitted in that dwelling unit subject to the following development standards:

A. The occupation shall be clearly incidental to the use of the property as a dwelling.

B. Commercial deliveries and pickups shall be limited to one (1) per day Monday through Friday. No commercial deliveries or pickups shall be permitted on Saturday, Sunday or federal holidays.

C. To discourage drop-in traffic, the address of the home occupation shall not be given in any advertisement, including but not limited to commercial telephone directories, newspapers, magazines, signs, flyers, radio, television or other media. Addresses may be listed on business cards, but a statement must be included to the effect that business is by appointment only.

D. The occupation shall be conducted only within the principal structure and not in an accessory structure, except that parking of vehicles associated with the home occupation shall be permitted anywhere that parking is permitted on the lot.

E. To preserve the residential appearance of the structure, there shall be no evidence of the occupation from the exterior of the structure; provided, that outdoor play areas for child care programs and outdoor activities normally associated with residential use shall be permitted. No outdoor storage shall be permitted in connection with a home occupation.

F. To preserve the residential character and use of the structure, only internal alterations customary to residential use shall be permitted, and no external alterations shall be permitted to accommodate a home occupation, except as required by licensing or construction codes for child care programs.

G. Except for child care programs, not more than one (1) person, whether full-time or part-time who is not a resident of the dwelling unit may work in the dwelling unit of the home occupation whether or not compensated. This includes persons working off-site who come to the site for business purposes at any time as well as persons working on site.

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H. The home occupation shall not cause or add to on-street parking congestion or cause a substantial increase in traffic through residential areas.

I. A maximum of two (2) passenger vehicles, vans and similar vehicles each not exceeding a gross vehicle weight of ten thousand (10,000) pounds shall be permitted to operate in connection with the home occupation.

J. The home occupation shall be conducted so that odor, dust, light and glare, and electrical interference and other similar impacts are not detectable by sensory perception at or beyond the property line of the lot where the home occupation is located.

K. Signs shall be regulated by Section 23.55.020.

L. Child care programs in the home of the operator shall be limited to twelve (12) children per day including the children of the operator.

(Ord. 117263 § 15, 1994; Ord. 114875 § 3, 1989; Ord. 113387 § 1, 1987: Ord. 110669 § 32(part), 1982; Ord. 110381 § 1(part), 1982.)

23.44.051Bed and breakfasts.

A. Bed and breakfasts shall be permitted provided they meet the following standards:

1. A business license for the bed and breakfast was secured from the Executive Services Department on or before April 1, 1987;

2. The bed and breakfast is operated by the fee owner of the dwelling in which the bed and breakfast is located;

3. The fee owner resides in the structure in which the bed and breakfast is located;

4. No more than two (2) people who reside outside the dwelling are employed, with or without compensation, in the operation of the bed and breakfast;

5. The bed and breakfast is operated within the principal structure which does not require structural alterations;

6. There is no evidence of the bed and breakfast from the exterior of the structure.

(Ord. 118414 § 14, 1996: Ord. 117169 § 138, 1994: Ord. 113800 § 2, 1988.)

23.44.052Open wet moorage.

Piers and floats for open wet moorage of private pleasure craft are permitted as regulated by the Shorelines District, Chapter 23.60.

(Ord. 110669 § 32(part), 1982; Ord. 110381 § 1(part), 1982.)

23.44.058Columbariums, garden wall crypts and mausoleums.

Columbariums, garden wall crypts and mausoleums are permitted only as accessory to existing cemeteries and subject to the following development standards in addition to the general development standards for accessory uses:

A. No interment openings shall abut or be directly across the street from property other than cemetery property.

B. Any border between structures and the property line shall be landscaped and maintained by the owner in good condition.

(Ord. 110669 § 32(part), 1982; Ord. 110381 § 1(part), 1982.)

23.44.060Uses accessory to parks and playgrounds.

A. The following accessory uses shall be permitted in any park when within a structure or on a terrace abutting the structure:

1. The sale and consumption of beer during daylight hours;

2. The sale and consumption of alcoholic beverages under a Class H liquor license at municipal golf courses during established hours of operation.

When the use is within one hundred (100) feet from any lot in a residential zone the use shall be completely enclosed.

B. The sale and consumption of beer and wine with meals served in a restaurant facility within the boundaries of Woodland Park shall be permitted. The use shall be permitted in only one (1) facility located no closer than one hundred (100) feet from any lot in a residential

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zone and separated from other public activity areas and zoo buildings by at least fifty feet(50′).

C. Storage structures and areas and other structures and activities customarily associated with parks and playgrounds are subject to the following development standards in addition to the general development standards for accessory uses:

1. Any active play area shall be located thirty feet (30′) or more from any lot in a single-family zone.

2. Garages and service or storage areas shall be screened from view from abutting lots in residential zones.

(Ord. 110669 § 32(part), 1982; Ord. 110381 § 1(part), 1982.)

23.44.068Heat recovery incinerator.

The Director may permit a heat recovery incinerator as an accessory use to institutions, public facilities and parks and playgrounds, subject to the following conditions:

A. The incinerator shall be located on the same lot as the institution or public facility.

B. An incinerator in a park or playground shall be permitted only when a permanent structure other than that which houses the incinerator exists and the incinerator abuts the structure.

C. The use shall be located no closer than one hundred feet (100′) to any property line unless completely enclosed within a structure.

D. If not within a structure, the use shall be enclosed by a view-obscuring fence of sufficient strength and design to resist entrance by children.

E. Adequate control measures for insects, rodents and odors shall be maintained continuously.

(Ord. 110669 §§ 17, 32(part), 1982; Ord. 110381 § 1(part), 1982.)

23.44.070Recycling collection stations.

The Director may permit recycling collection stations as accessory uses to institutions and public facilities. These recycling collection stations shall be maintained in good condition by the respective institution or public facility.

(Ord. 110669 § 32(part), 1982; Ord. 110381 § 1(part), 1982.)

23.44.072Roomers, boarders, lodgers.

The renting of rooms, with or without meals, by a household for lodging purposes only, for the accommodation of not more than two (2) roomers, boarders or lodgers, is permitted outright as an accessory use within a dwelling unit as long as the total number of residents does not exceed eight (8).

(Ord. 117202 § 2, 1994: Ord. 111390 § 11, 1983.)

Subchapter IV Nonconforming Uses and Structures

23.44.080Nonconforming uses.

A. 1. Any nonconforming use may be continued subject to the provisions of this section.

2. Any nonconforming use which has been discontinued for more than twelve (12) consecutive months shall not be reestablished or recommenced. A use shall be considered discontinued when:

a. A permit to change the use of the property or structure was issued and acted upon; or

b. The structure, or a portion of a structure, is not being used for the use allowed by the most recent permit; or

c. The structure is vacant, or the portion of the structure formerly occupied by the nonconforming use is vacant. The use of the structure shall be considered discontinued even if materials from the former use remain or are stored on the property. A multi-family structure with one (1) or more vacant dwelling units shall not be considered unused unless the total structure is unoccupied.

B. A nonresidential nonconforming use shall not be expanded or extended. A structure occupied by a nonresidential nonconforming use may be maintained, repaired, renovated or structurally altered but shall not be expanded or extended except as otherwise required by law, as necessary to improve access for the elderly and disabled or as specifically permitted for nonconforming uses and nonconforming structures elsewhere in this Code.

C. A nonconforming use which is destroyed by fire or other act of nature may be resumed provided that any structure occupied by the nonconforming use may be rebuilt to the same or smaller configuration existing immediately prior to the time the structure was destroyed.

D. A nonconforming multi-family residential use shall not be expanded or extended nor shall the number of dwelling units be increased. A structure occupied by a nonconforming multi-family residential use may be maintained, repaired, renovated or structurally altered but shall not be expanded or extended except as otherwise required by law, as necessary to improve access for the elderly and disabled, or as specifically permitted for nonconforming uses and nonconforming structures elsewhere in this Code. Structural features including, but not limited to, exterior decks and balconies, bay windows, dormers, eaves and solar collectors may be added to a principal structure, or a new or expanded accessory structure may be constructed, provided that the addition or new structure conforms to the development standards of the zone.

E. A structure occupied by a nonconforming use may be converted to single-family residential use even if the structure does not conform to development standards of the zone. A converted structure may be expanded or extended provided that the expansion or extension shall conform to the development standards of the zone and shall not cause an already nonconforming structure to become more nonconforming to development standards.

F. A nonconforming multi-family residential use may not be converted to any nonresidential use which is not

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otherwise permitted in the zone. Conversion to a permitted use shall conform to the standards for the new use.

G. A nonconforming use which was permitted outright under prior regulations but which is permitted under this chapter only as a conditional use shall be governed by the provisions of Sections 23.44.018 through 23.44.032.

H. Except as provided in subsection F of this section, a nonconforming use may be converted by an administrative conditional use authorization to another use not otherwise permitted in the single-family zones, subject to the following conditions:

1. The Director must find that the new use is no more detrimental to properties in the zone and vicinity than the existing use. This determination shall be based on the following factors:

a. The zones in which both the existing use and the new use are allowed;

b. The number of employees and clients associated with the proposed use;

c. The relative parking, traffic, light, glare, noise, odor and similar impacts of the two (2) uses.

2. A single residential unit accessory to the nonconforming use, such as a caretaker's or proprietor's unit, may be converted along with the rest of the nonconforming use provided that it is the only residential use in the structure and comprises less than half of the total floor area of the structure.

3. Parking requirements for the use permitted under this section shall be determined by the Director.

4. If the new use is permitted, the Director may require additional mitigating measures including but not limited to landscaping, sound barriers or fences, mounding or berming, adjustments to yards or parking standards, design modification or setting hours of operation.

I. Structures containing nonconforming uses may be expanded or extended for the purpose of installing solar collectors, subject to the following conditions:

1. Solar collectors including solar greenhouses may be located in required yards, provided that such collectors shall not be located within three feet (3′) of a side property line, within fifteen feet (15′) of the rear property line or centerline of a dedicated alley, or within twelve feet (12′) of the front property line unless front yard averaging permits a lesser front yard. (For measurement of yards, see Section 23.86.010.)

2. Solar collectors not including solar greenhouses may be placed on rooftops, provided that such collectors shall not exceed thirty-four feet (34′) in height above existing grade or, if placed on a pitched roof, shall not exceed four feet (4′) above the ridge of the roof, but in no case more than thirty-nine feet (39′) above existing grade.

3. Solar collectors including solar greenhouses which meet minimum standards and maximum size limits, as determined by the Director, shall not be counted in lot coverage.

4. All such solar collectors shall meet minimum energy standards administered by the Director.

(Ord. 111590 § 2, 1984; Ord. 111390 § 12, 1983: Ord. 110793 § 7, 1982; Ord. 110669 §§ 19, 32(part), 1982: Ord. 110381 § 1(part), 1982.)

23.44.082Nonconforming structures.

A. A nonconforming structure may be maintained, renovated, repaired or structurally altered but shall be prohibited from expanding or extending in any manner which increases the extent of nonconformity, or creates additional nonconformity, except as otherwise required by law, as necessary to improve access for the elderly and disabled or as specifically permitted for nonconforming uses and nonconforming structures elsewhere in this Code.

B. A nonconforming structure which is above the height limit may be expanded or extended to add eaves, dormers and/or clerestories to an existing pitched roof provided the additions are constructed below the highest point of the roof. An existing pitched roof which is above the height limit shall not be converted into a flat roof nor shall the slope of the roof be lowered below a three in twelve (3:12) pitch.

C. A nonconforming accessory structure or nonconforming part of a principal structure located in a yard which is required by the development standards of the zone may be rebuilt or replaced but may not be expanded or extended beyond its former dimensions except as permitted by Section 23.44.014 D3.

D. A nonconforming structure which is destroyed by fire or other act of nature may be rebuilt to the same or smaller configuration existing immediately prior to the time the structure was destroyed.

E. A structure located on a lot to which access is provided by a nonconforming easement may be replaced, provided that the number of dwelling units to which access is provided by the easement shall not be increased and the new structure conforms to all other development standards of the zone.

F. The installation of solar collectors on nonconforming structures is permitted according to the provisions of Section 23.44.046 B.

G. Where replacement of a nonconforming structure or portion of a structure is permitted under this section, action toward that replacement must be commenced within twelve (12) months after the demolition or destruction of the structure. Action toward replacement shall include an application for a building permit, commencement of construction, or other significant activity directed toward the replacement of the structure. If this action is not commenced within this time limit, any replacement must conform to the existing development standards.

(Ord. 115687 § 1, 1991; Ord. 111590 § 3, 1984; Ord. 111390 § 13, 1983: Ord. 110669 §§ 20, 32(part), 1982: Ord. 110381 § 1(part), 1982.)

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Chapter 23.45
RESIDENTIAL, MULTI-FAMILY

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23.45.002Scope of provisions.

A. This chapter details those authorized uses and their development standards which are or may be permitted in the seven (7) multifamily residential zones: Lowrise Duplex/Triplex (LDT), Lowrise 1 (L1), Lowrise 2 (L2), Lowrise 3 (L3), Lowrise 4 (L4), Midrise (MR), Midrise/85 (MR/85) and Highrise (HR).

B. Communication utilities and accessory communication devices are regulated by Chapter 23.57.

C. In addition to the provisions of this chapter, certain multifamily areas may be regulated by Overlay Districts, Chapter 23.59.

(Ord. 118414 § 15, 1996; Ord. 116795 § 5, 1993; Ord. 116295 § 3, 1992: Ord. 114196 § 3, 1988: Ord. 110570 § 3(part), 1982.)

Subchapter I Principal Uses Permitted Outright

Part 1 Generally

23.45.004Principal uses permitted outright.

A. The following principal uses shall be permitted outright in all multifamily zones:

1. Single-family dwelling units;
2. Multifamily structures;
3. Congregate residences;
4. Adult family homes;
5. Nursing homes;
6. Institutions meeting all development standards;
7. Major Institution and Major Institution uses within Major Institution Overlay Districts subject to Chapter 23.69;
8. Public facilities meeting all development standards;
9. Existing cemeteries; and
10. Public or private parks and playgrounds including customary buildings and activities.

B. In Midrise and Highrise zones certain ground-floor business and commercial uses shall be permitted outright according to the provisions of Section 23.45.110.

C. 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 shall be permitted in existing or former public schools.

2. Other nonschool uses shall be permitted in existing or former public schools pursuant to procedures established in Chapter 23.78, The Establishment of Criteria for Joint Use or Reuse of Schools.

(Ord. 118362 § 6, 1996; Ord. 117263 § 16, 1994; Ord. 117202 § 3, 1994; Ord. 115002 § 5, 1990: Ord. 114887 § 2, 1989: Ord. 114196 § 4, 1988: Ord. 110793 § 8, 1982; Ord. 110570 § 3(part), 1982.)

23.45.005Development standards for single-family structures.

A. Except for cottage housing developments, single-family structures shall be subject to the development standards for ground-related housing.

B. Certain additions may extend into a required setback when an existing single-family structure is already nonconforming with respect to that setback where the presently nonconforming section is at least sixty (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 23.45.005 A). New additions to a nonconforming wall or walls shall comply with the following requirements:

1. When it is a side wall, it is at least three (3) feet from the side property line;
2. When it is a rear wall, it is at least ten (10) feet from the rear property line or centerline of an alley abutting the rear property line;
3. When it is a front wall, it is at least ten (10) feet from the front property line.

C. Cottage housing developments shall be permitted outright in Lowrise Duplex/Triplex and Lowrise 1 zones when conforming to the requirements contained in Sections 23.45.006 through 23.45.018 and the following:

1. Cottage housing developments shall contain a minimum of four (4) cottages arranged on at least two (2) sides of a common open space, with a maximum of twelve (12) cottages per development; and

2. The total floor area of each cottage shall not exceed either 1.5 times the area of the main level or nine hundred seventy-five (975) square feet, whichever is less. Enclosed space in a cottage located either above the main level and more than twelve (12) feet above finished grade, or below the main level, shall be limited to no more than fifty (50) percent of the enclosed space of the main level, or three hundred seventy-five (375) square feet, whichever is less. This restriction applies regardless of whether a floor is proposed in the enclosed space, but shall not apply to attic or crawl spaces.

D. An accessory dwelling unit in an established single-family dwelling shall be considered an accessory

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