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use to the single-family dwelling, shall meet the standards listed for accessory dwelling units in Section 23.44.041 and shall not be considered a separate dwelling unit for any development standard purposes in multifamily zones.
(Ord. 118472 § 4, 1997; Ord. 117203 § 3, 1994; Ord. 117173 § 1, 1994; Ord. 110793 § 9, 1982; Ord. 110570 § 3(part), 1982.)

23.45.006General development standards for structures in multifamily zones.

A. Included within Sections 23.45.006 through 23.45.190 are the development standards for structures in each multifamily zone. These standards shall also apply to uses accessory to multifamily structures unless specifically modified by development standards for those accessory uses.

B. All structures or uses shall be built or established on a lot or lots. More than one (1) principal structure or use on a lot shall be permitted.

C. The development standards of each zone shall be applied in that zone, and may not be used in any other zone, unless otherwise specified.

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. Requirements for streets, alleys and easements are provided in Chapter 23.53. Standards for parking access and design are provided in Chapter 23.54. Standards for permitted signs are provided in Chapter 23.55.

F. In Lowrise 1 zones all multifamily structures shall be townhouses. Apartments shall be prohibited in Lowrise 1 zones, except that floor area in a structure existing as of the effective date of the ordinance codified in this section[1] may contain dwelling units which are not ground-related where density limits of the zone would not be exceeded and new floor area would not be added. The requirements of this subsection shall not be eligible for a variance according to the provisions of Section 23.40.020.

G. In Lowrise Duplex/Triplex zones new lots created for the construction of a single-family dwelling unit shall comply with the minimum lot area requirements for Single Family 5000 zones contained in Section 23.44.010, except for cottage housing developments. A cottage housing development permitted in Lowrise Duplex/Triplex and Lowrise 1 zones shall have a minimum site area of sixty-four hundred (6,400) square feet and a minimum lot area per cottage of sixteen hundred (1,600) square feet.

H. A structure occupied by a permitted use other than single-family or multifamily residential use may be partially or wholly converted to single-family or multifamily residential use even if the structure does not conform to the development standards for residential uses in the multifamily zones. One (1) unit may be added without a parking space according to provisions of Section 23.54.020. If the only use of the structure will be residential and if two (2) or more units are being created and there is no feasible way to provide the required parking, then the Director may authorize reduction or waiver of parking as a special exception according to the standards of Section 23.54.020 E. Expansions of nonconforming converted structures and conversions of structures occupied by nonconforming uses shall be regulated by Subchapter IV, Nonconforming Uses and Structures, of this chapter.

I. When a subdivision is proposed for a townhouse development, the development shall be subject to the provisions of Section 23.24.045, Townhouses.
(Ord. 118414 § 16, 1996; Ord. 117430 § 43, 1994; Ord. 117173 § 2, 1994; Ord. 115326 § 6, 1990; Ord. 115043 § 2, 1990; Ord. 114887 § 3, 1989: Ord. 113041 § 1, 1986; Ord. 111390 § 14, 1983; Ord. 110570 § 3(part), 1982.)

1.Editor's Note: Ordinance 114887, codified in this section, was passed by the City Council on December 18, 1989.

23.45.007Transportation concurrency level-of-service standards.

Proposed uses in lowrise, midrise, and highrise multifamily zones shall meet the transportation concurrency level-of-service standards prescribed in Chapter 23.52.
(Ord. 117383 § 4, 1994.)

Part 2 Lowrise Zones

23.45.008Density—Lowrise zones.

A. There shall be a minimum lot area per dwelling unit except as provided in subsections B and C of this section, as follows:

Lowrise Duplex/Triplex —One (1) dwelling unit per two thousand (2,000) square feet of lot area.
Lowrise 1 —One (1) dwelling unit per one thousand six hundred (1,600) square feet of lot area.
Lowrise 2 —One (1) dwelling unit per one thousand two hundred (1,200) square feet of lot area.
Lowrise 3 —One (1) dwelling unit per eight hundred (800) square feet of lot area.
Lowrise 4 —One (1) dwelling unit per six hundred (600) square feet of lot area.

B. 1. In Lowrise 3 and Lowrise 4 zones multifamily structures for low-income elderly or low-income disabled residents or a combination of the two operated by a public agency or a private nonprofit corporation shall have a maximum density as follows:

Lowrise 3 —One (1) dwelling unit per five hundred fifty (550) square feet of lot area.

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Lowrise 4 —One (1) dwelling unit per four hundred (400) square feet of lot area.

2. In order to qualify for the density provisions of this subsection, a majority of the dwelling units of the

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structure shall be designed for and dedicated to tenancies of at least three (3) months.

3. The dwelling units shall remain as low-income elderly or low-income disabled housing for the life of the structure.

C. In Lowrise Duplex/Triplex and Lowrise 1 zones, the minimum lot area per dwelling unit for cottage housing developments shall be one (1) dwelling unit per one thousand six hundred (1,600) square feet of lot area.

D. In Lowrise Duplex/Triplex zones no structure shall contain more than three (3) dwelling units.

E. In calculating the number of dwelling units permitted on a lot, the rounding up of fractions of a unit to a whole unit shall not be permitted. When dedication of right-of-way is required, permitted density shall be calculated before the dedication is made.

(Ord. 117173 § 3, 1994; Ord. 115326 § 7, 1990; Ord. 114888 § 2, 1989; Ord. 114887 § 4(part), 1989.)

23.45.009Structure height—Lowrise zones.

A. Maximum Height. The maximum height permitted for all structures, except for cottage housing developments, shall be as follows:

Lowrise Duplex/Triplex —Twenty-five feet (25′)
Lowrise 1 —Twenty-five feet (25′)
Lowrise 2 —Twenty-five feet (25′)
Lowrise 3 —Thirty feet (30′)
Lowrise 4 —Thirty-seven feet (37′)

B. Cottage Housing Height. The maximum height permitted for structures in cottage housing developments shall be eighteen feet (18′).

C. Pitched Roofs.

1. Except for cottage housing developments, in Lowrise Duplex/Triplex, Lowrise 1 and Lowrise 2 zones the ridge of pitched roofs on principal structures with a minimum slope of six to twelve (6:12) may extend up to thirty-five feet (35′). The ridge of pitched roofs on principal structures with a minimum slope of four to twelve (4:12) may extend up to thirty feet (30′). All parts of the roof above twenty-five feet (25′) shall be pitched. (See Exhibit 23.45.009 A.)

2. In cottage housing developments, 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.

3. In Lowrise 3 and Lowrise 4 zones the ridge of pitched roofs on principal structures may extend up to five feet (5′) above the maximum height limit. All parts of the roof above thirty feet (30′) in Lowrise 3 zones and thirty-seven feet (37′) in Lowrise 4 zones shall be pitched at a rate of not less than four to twelve (4:12). (See Exhibit 23.45.009 B.)

4. No portion of a shed roof shall be permitted to extend beyond the maximum height limit under this provision.

D. Rooftop Features.

1. Radio and television receive-only antennas, except for dish antennas, flagpoles, and spires for religious institutions are exempt from height controls, except as

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regulated in Chapter 23.64, Airport Height District, provided they are no closer than fifty percent (50%) of their height above existing grade or, if attached only to the roof, no closer than fifty percent (50%) of their height above the roof portion where attached, to any adjoining lot line.

2. Open railings, planters, skylights, clerestories, greenhouses, parapets and firewalls may extend four feet (4′) above the maximum height limit set in subsections A and C of this section. For cottage housing developments, these rooftop features may extend four feet (4′) above the eighteen foot (18′) height limit.

3. For cottage housing developments, chimneys may exceed the height limit by four feet (4′) or may extend four feet (4′) above the ridge of a pitched roof.

4. Except in cottage housing developments, the following rooftop features may extend ten feet (10′) above the maximum height limit established in subsection A so long as the combined total coverage of all features does not exceed fifteen percent (15%) of the roof area or twenty percent (20%) of the roof area if the total includes screened mechanical equipment:

a. Stair and elevator penthouses;

b. Mechanical equipment;

c. Play equipment and open-mesh fencing which encloses it, so long as the fencing is at least five feet (5′) from the roof edge;

d. Chimneys.

5. For height exceptions for solar collectors, see Section 23.45.146, Solar collectors.

6. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed in this subsection D6 at least ten feet (10′) from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such roof-top features would shade property to the north on January 21st at noon no more than would a structure built to maximum permitted bulk:

a. Solar collectors;

b. Planters;

c. Clerestories;

d. Greenhouses;

e. Dish antennas, permitted on rooftops by special exception according to the provisions of Chapter 23.57;

f. Non-firewall parapets;

g. Play equipment.

(Ord. 117173 § 4, 1194: Ord. 116295 § 4, 1992; Ord. 115043 § 3, 1990; Ord. 114909 § 1, 1990; Ord. 114888 § 3, 1989; Ord. 114887 § 4(part), 1989.)

23.45.010Lot coverage—Lowrise zones.

A. Except as provided in subsection C of this sec-

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Exhibit 23.45.009 A
Lowrise Duplex/Triplex, Lowrise 1
and Certain Lowrise 2 Zones,
Pitched Roof Exception

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Exhibit 23.45.009 B
Lowrise 2, Lowrise 3 and
Lowrise 4 Zones, Pitched Roof Exception

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tion, the maximum lot coverage permitted for principal and accessory structures shall not exceed the following limits:

1. For townhouses, the following lot coverage limits shall apply:

Lowrise Duplex/Triplex	— Forty-five (45) percent.
Lowrise 1	— Fifty (50) percent.
Lowrise 2	— Fifty (50) percent.
Lowrise 3	— Fifty (50) percent.
Lowrise 4	— Fifty (50) percent.

2. For all other structures, the following lot coverage limits shall apply:

Lowrise Duplex/Triplex	— Thirty-five (35) percent.
Lowrise 1	— Forty (40) percent.
Lowrise 2	— Forty (40) percent.
Lowrise 3	— Forty-five (45) percent.
Lowrise 4	— Fifty (50) percent.

3. When townhouses and other structures are located on the same lot, the lot coverage shall be calculated as follows:

a. Divide the number of townhouse units by the total number of units on the site, and multiply this figure by the percentage of lot coverage allowed for townhouses in that zone; and

b. Divide the number of units in all other (nontownhouse) structures on the site by the total number of units on site and multiply this figure by the percentage of lot coverage allowed for all other structures in that zone; and

c. Add subsections A3a and A3b above, which equals the maximum lot coverage.

B. For cottage housing developments, in addition to the limitations of subsection A above, the lot coverage for an individual principal structure shall not exceed six hundred fifty (650) square feet.

C. Lot Coverage Exceptions. The following structures or portions of structures shall be exempted from the measurement of lot coverage:

1. Pedestrian access bridges from alleys, streets or easements, and uncovered, unenclosed bridges of any height necessary for access and five (5) feet or less in width;

2. Ramps or other access for the disabled or elderly meeting Washington State Building Code, Chapter 11;

3. Fences, freestanding walls, bulkheads, signs and other similar structures;

4. An underground structure, or underground portion of a structure, on any part of the entire lot;

5. The first eighteen (18) inches of horizontal projection of eaves, cornices and gutters;

6. The first four (4) feet of horizontal projection from principal and accessory structures of unenclosed decks, balconies and porches;

7. Solar collectors meeting the provisions of Section 23.44.046 and swimming pools eighteen (18) inches or less above grade.

(Ord. 118414 § 17, 1996; Ord. 117430 § 44, 1994; Ord. 117173 § 5, 1994: Ord. 114888 § 4, 1989; Ord. 114887 § 4(part), 1989.)

23.45.011Structure width and depth—Lowrise zones.

A. The maximum width and depth of structures shall be as provided in Table 23.45.011 A. (See Table 23.45.011 A.)

B. The minimum width for structures in Lowrise Duplex/Triplex zones shall be twenty (20) feet.

(Ord. 114888 § 5, 1989; Ord. 114887 § 4(part), 1989.)

23.45.012Modulation requirements—Lowrise zones.

A. Front Facades.

1. Modulation shall be required if the front facade width exceeds thirty (30) feet with no principal entrance facing the street, or forty (40) feet with a principal entrance facing the street.

2. For terraced housing, only the portion of the front facade closest to the street is required to be modulated. (See Exhibit 23.45.012 A.)

B. Side Facades. On corner lots, side facades which face the street shall be modulated if greater than forty (40) feet in width for ground-related housing, and thirty (30) feet in width for apartments. Modulation shall not be required for the side facades of terraced housing.

C. Interior Facades. Within a cluster development all interior facades wider than forty (40) feet shall be modulated according to the standards of subsection D of Section 23.45.012, provided that the maximum modulation width shall be forty (40) feet. Perimeter facades shall follow standard development requirements.

D. Modulation Standards.

1. Lowrise Duplex/Triplex and Lowrise 1 Zones.

a. Minimum Depth of Modulation.

(1) The minimum depth of modulation shall be four (4) feet. (See Exhibit 23.45.012 B.)

(2) When balconies are part of the modulation and have a minimum dimension of at least six (6) feet and a minimum area of at least (6) sixty square feet, the minimum depth of modulation shall be two (2) feet. (See Exhibit 23.45.012 C.)

b. The minimum width of modulation shall be five (5) feet. (See Exhibit 23.45.012 B.)

c. Maximum Width of Modulation. The modulation width shall emphasize the identity of individual units, but shall not be greater than thirty (30) feet. For units located one (1) above the other, the individuality of the units shall be emphasized through the location of driveways, entrances, walkways and open spaces.

2. Lowrise 2, Lowrise 3 and Lowrise 4 Zones.

a. Minimum Depth of Modulation.

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Table 23.45.011 A
Structure Width and Depth in Lowrise Zones

Multifamily Zone	Maximum Building Width Without Modulation	Maximum Building Width With Modulation	Maximum Building Depth
Lowrise Duplex/Triplex	30 feet; or 40 feet with a principal entrance facing a street	45 feet	60% depth of lot, but not to exceed 65 feet
Lowrise 1	30 feet; or 40 feet with a principal entrance facing a street	60 feet	60% depth of lot
Lowrise 2	30 feet; or 40 feet with a principal entrance facing a street	Apartments and ground-related housing (except townhouses), 50 feet	Apartments and ground-related housing (except townhouses), 60% depth of lot
		Townhouses, 90 feet	Townhouses, 65% depth of lot
Lowrise 3	30 feet; or 40 feet with a principal entrance facing a street	Apartments and ground-related housing (except townhouses), 75 feet	Apartments and ground-related housing including townhouses, 65% depth of lot
		Townhouses, 120 feet	
Lowrise 4	30 feet; or 40 feet with a principal entrance facing a street	Apartments and ground-related housing (except townhouses), 90 feet	65% depth of lot
		Townhouses, 150 feet	

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Exhibit 23.45.012 A
Terraced Housing Modulation

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Exhibit 23.45.012 B
Lowrise Duplex/Triplex, Lowrise 1,
Lowrise 2 and Lowrise 3 Zones,
Required Width and Depth of Modulation

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Exhibit 23.45.012 C
Reduction in Modulation Depth for Balconies

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(1) The minimum depth of modulation shall be four (4) feet (see Exhibit 23.45.012 B) in Lowrise 2 and Lowrise 3 zones and for townhouses in Lowrise 4 zones, and eight (8) feet for apartments in Lowrise 4 zones.

(2) When balconies are part of the modulation and have a minimum dimension of at least six (6) feet and a minimum area of at least (6) sixty square feet, the minimum depth of modulation shall be two (2) feet. (See Exhibit 23.45.012 C.)

b. The minimum width of modulation shall be five (5) feet. (See Exhibit 23.45.012 B.)

c. Maximum Width of Modulation.

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(1) The maximum width of modulation shall be thirty feet (30′).

(2) Exceptions to Maximum Width of Modulation in Lowrise 2 and Lowrise 3 Zones.

i. When facades provide greater depth of modulation than required by subsection D1 of this section, then for every additional full foot of modulation depth, the width of modulation may be increased by two and one-half feet (2½′), to a maximum width of forty feet (40′) in Lowrise 2 zones and forty-five feet (45′) in Lowrise 3 zones. Subsection B of Section 23.86.002, measurements, shall not apply.

ii. The maximum width of modulation may be increased when facades are set back from the lot line further than the required setback, according to the following guideline: The width of modulation of such a facade shall be permitted to exceed thirty feet (30′) by one foot (1′) for every foot of facade setback beyond the required setback. This provision shall not be combined with the provisions of subsection B2c(2)i, nor shall it permit facades to exceed forty-five feet (45′) in width without modulation.

3. In Lowrise 1, Lowrise 2 and Lowrise 3 zones required modulation may start a maximum of ten feet (10′) above existing grade, and shall be continued up to the roof. In Lowrise Duplex/Triplex zones modulation shall extend from the ground to the roof except for weather protection coverings such as awnings.

(Ord. 114888 § 6, 1989; Ord. 114887 § 4(part), 1989.)

23.45.014Setback requirements—Lowrise zones.

A. Front Setback.

1. The required front setback shall be the average of the setbacks of the first principal structures on either side, except for cottage housing developments, subject to the following:

Lowrise Duplex/Triplex —In no case shall the setback be less than five feet (5′) and it shall not be required to exceed twenty feet (20′).

Lowrise 1, Lowrise 2 and Lowrise 3 —In no case shall the setback be less than five feet (5′) and it shall not be required to exceed fifteen feet (15′).

Lowrise 4 —In no case shall the setback be less than five feet (5′) and it shall not be required to exceed twenty feet (20′).

2. Cottage Housing Developments. The required front setback shall be a minimum of ten feet (10′).

3. Townhouses.

a. Portions of a structure may project into the required front setback, as long as the average distance from the front property line to the structure satisfies the minimum front setback requirement.

b. No portion of a structure shall be closer to the front property line than five feet (5′).

4. Through Lots. In the case of a through lot, each setback abutting a street, except a side setback, shall be a front setback. Rear setback requirements shall not apply to the lot.

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5. A greater setback 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 Setbacks. Rear setbacks shall be provided as follows:

Lowrise Duplex/ Triplex and Lowrise 1 —Twenty feet (20′) or twenty percent (20%) of lot depth, whichever is less, but in no case less than fifteen feet (15′), except for cottage housing developments, which shall provide a minimum ten foot (10′) rear setback.

Lowrise 2 —Twenty-five feet (25′) or twenty percent (20%) of lot depth, whichever is less, but in no case less than fifteen feet (15′).

Lowrise 3 and Lowrise 4 —Twenty-five feet (25′) or fifteen percent (15%) of lot depth, whichever is less, but in no case less than fifteen feet (15′).

C. Side Setbacks.

1. The required side setback for structures in Lowrise zones shall be determined by structure depth and height, according to the following Table 23.45.014 A:

Table 23.45.014 A
Side Setbacks — Lowrise Zones

Structure Depth in Feet	Height of Side Facade at Highest Point in Feet: 0 — 25′	26 — 30′	31 — 37′	Minimum Side Setback
	Average Side Setback in Feet			
65′ or less	5′	6′	7′	5′
66′ to 80′	6′	6′	8′	5′
81′ to 100′	8′	9′	11′	6′
101′ to 120′	11′	12′	14′	7′
121′ to 140′	14′	15′	17′	7′
141′ to 160′	17′	18′	20′	8′
161′ to 180′	19′	21′	23′	8′
Greater than 180′				1′ in addition to 8′ for every 50′ in depth

The pattern established in the table shall be continued for structures greater than one hundred eighty feet (180′) in depth.

2. When there is a principal entrance along a side facade, a ten-foot (10′) setback shall be required along that side for the length of the pedestrian route. This ten-foot (10′) setback shall apply only to a height of eight feet (8′) above the access route.

3. The side street setback of a reversed corner lot shall be ten feet (10′) or as provided in Table 23.45.014 A, whichever is greater.

D. Required Setbacks for Cluster Developments.

1. In Lowrise Duplex/Triplex zones where two (2) or more principal structures are located on a lot, the required setback between those portions of interior facades which face each other shall be ten feet (10′) when the length of facing portions of facades is forty feet (40′) or less and fifteen feet (15′) when the length of facing portions of facades exceeds forty feet (40′).

2. In Lowrise 1, Lowrise 2, Lowrise 3 and Lowrise 4 zones where two (2) or more principal structures are located on a lot, the required setback between those portions of interior facades which face each other shall be as follows:

Table 23.45.014 C
Required Setback Between Facing Facades
Lowrise Zones

Length of Facing Facades, in Feet	Average Setback Between Facing Facades	Minimum Setback
40′ or less	10′	10′
41′ to 60′	15′	10′
61′ to 80′	20′	10′
81′ to 100′	25′	10′
101′ to 150′	30′	10′
151′ or more	40′	10′

3. Setbacks shall apply only to portions of the facades that are directly across from each other. Where two (2) facades of unequal height face each other, the taller of the two (2) facades shall be used to determine the required setbacks.

4. In Lowrise 2, Lowrise 3 and Lowrise 4 zones structures in cluster developments may be connected by elevated walkways, provided that:

a. One (1) elevated walkway shall be permitted to connect any two (2) structures in the development;

b. Additional elevated walkways, in excess of one (1), between any two (2) structures may be permitted by the Director when it is determined that by their location or design a visual separation between structures is maintained.

c. All elevated walkways shall meet the following standards:

(1) The roof planes of elevated walkways shall be at different levels than the roofs or parapets of connected structures.

(2) Walkways shall be set back from street lot lines and the front facades of the structures they connect, and whenever possible shall be located or landscaped so that they are not visible from a street.

(3) The design of the walkways and the materials used shall seek to achieve a sense of openness and transparency.

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(4) Elevated walkways shall add to the effect of modulation rather than detract from it.

5. For structures connected by elevated walkways, the length of the facade shall be defined as the lengths of the facades connected by the elevated walkways and shall exclude the length of the elevated walkway.

E. Interior Separation for Cottage Housing Developments. In cottage housing developments, there shall be a minimum separation of six feet (6′) between principal structures, unless there is a principal entrance on an interior facade of either or both of the facing facades, in which case the minimum separation shall be ten feet (10′). Facades of principal structures facing facades of accessory structures shall be separated by a minimum of three feet (3′).

F. Projections into Required Setbacks.

1. Special Features of a Structure.

a. External architectural details with no living space including cornices, eaves, sunshades, gutters, and vertical architectural features which are less than eight feet (8′) in width, may project a maximum of eighteen inches (18″) into any required setback.

b. Bay windows may project no more than two feet (2′) into a front, rear, or street side setback. In no case shall bay windows be closer than five feet (5′) to any lot line.

c. Other projections which include interior space, such as garden windows, may extend no more than eighteen inches (18″) into any required yard, starting a minimum of thirty inches (30″) above finished floor, and with maximum dimensions of six feet (6′) tall and eight feet (8′) wide.

d. The combined area of features permitted in subsections E1b and c above may comprise no more than thirty percent (30%) of the area of the facade.

2. Unenclosed Decks and Balconies.

a. Unenclosed decks and balconies may project a maximum of four feet (4′) into the required front setback provided they are a minimum of ten feet (10′) from the front lot line in Lowrise Duplex/Triplex and Lowrise 1 zones and eight feet (8′) from the front lot line in Lowrise 2, Lowrise 3 and Lowrise 4 zones.

b. Except as provided in subsection G5 of Section 23.45.014, unenclosed decks and balconies shall be permitted in side setbacks, provided they are a minimum of five feet (5′) from a side lot line, and may project into the required rear setback a maximum of four feet (4′) provided they are a minimum of five feet (5′) from a rear lot line.

c. Unenclosed decks and balconies permitted in required setbacks shall be limited to a maximum width of twenty feet (20′) and shall be separated by a distance equal to at least one-half (1/2) the width of the projection.

3. All permitted projections into required front and rear setbacks shall begin a minimum of eight (8) feet above finished grade except that an unenclosed porch or steps may extend a maximum of six (6) feet into the required front setback at ground level, provided that it is set back the same distance from the front lot line as that required for unenclosed decks and balconies.

G. Structures in Required Setbacks.

1. Detached garages, carports, or other accessory structures are permitted in the required rear setback, provided that any accessory structure located between a

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principal structure and the side lot line shall provide the setback required for the principal structure. (See Exhibit 23.45.014 A.)

All such accessory structures, including garages, shall be no greater than twelve (12) feet in height. The height of garages shall be measured on the facade containing the entrance for the vehicles, with open rails permitted above twelve (12) feet.

2. Ramps or other devices necessary for access for the disabled and elderly, which meet Washington State Building Code, Chapter 11, are permitted in required front, side or rear setbacks.

3. Uncovered, unenclosed pedestrian bridges, necessary for access and less than five (5) feet in width, are permitted in required front, side and rear setbacks.

4. Fences, Freestanding Walls, Bulkheads, Signs and Other Similar Structures.

a. Fences, freestanding walls, signs and other similar structures six (6) feet or less in height above existing or finished grade whichever is lower, are permitted in required front, side, or rear setbacks. The six (6) foot height may be averaged above 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 G4a 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 each 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 (9½) 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 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.

5. Decks no more than eighteen (18) inches above existing or finished grade, whichever is lower, may project into required setbacks.

6. Underground structures are permitted in all setbacks.

7. Solar collectors are permitted in required setbacks, subject to the provisions of Section 23.45.146, Solar collectors.

8. Arbors. Arbors may be permitted in required setbacks under the following conditions:

a. In each required setback, 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 setback 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.

H. Front and rear setbacks 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 the provisions of subsection A of Section 25.09.280 of SMC Chapter 25.09, Regulations for Environmentally Critical Areas.

(Ord. 118414 § 18, 1996; Ord. 117430 § 45, 1994; Ord. 117263 § 17, 1994; Ord. 117173 § 6, 1994; Ord. 116262 § 11, 1992; Ord. 115326 § 8, 1990; Ord. 115043 § 4, 1990; Ord. 114888 § 7, 1989; Ord. 114887 § 4(part), 1989.)

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Exhibit 23.45.014 A
Accessory Structures in Required Setbacks

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23.45.015Screening and landscaping requirements—Lowrise zones.

A. Quantity.

1. A minimum landscaped area which is equivalent in square footage to three (3) feet times the total length of all property lines shall be provided, except as specified in subsection A5 of this section.

2. If screening and landscaping of parking from direct street view is provided according to subsection D of Section 23.45.018, that amount of landscaped area may be counted toward fulfilling the total amount of landscaped area required by this section.

3. Landscaped usable open space which is provided for apartments or terraced housing and located at ground level, may be counted toward fulfilling the total amount of landscaped area required by this section.

4. Street trees shall be provided in the planting strip according to Seattle Transportation Tree Planting Standards, unless it is not possible to meet the standards. Existing street trees may count toward meeting the street tree requirement.

5. Exceptions.

a. If full landscaping is not possible because of the location of existing structures and/or existing parking, the amount of required landscaped area may be reduced by up to fifty (50) percent. The Director may require landscaping which cannot be provided on the lot be provided in the planting strip.

b. If landscaping would obscure the visibility of retail uses or obstruct pedestrian access to retail uses, and there is no other location on the lot for the landscaping, the Director may reduce or waive the amount of landscaping required in those locations. No reduction or waiver shall apply to screening and landscaping of parking required by subsection D of Section 23.45.018 or open space required by Section 23.45.016.

B. Development Standards.

1. Except for the screening and landscaping of parking, which shall be provided according to subsection D of Section 23.45.018, landscaping may be provided on all sides of the lot, or may be concentrated in one (1) or more areas. However, a landscaped area at least three (3) feet deep shall be provided at the following locations, except as provided in subsection B2:

a. Along street property lines;

b. Along property lines which abut single-family zoned lots;

c. Along alleys across from single-family zoned lots.

2. Breaks in required screening and landscaping shall be permitted to provide pedestrian and vehicular access. Breaks in required screening and landscaping for vehicular access shall not exceed the width of permitted curbcuts and any required sight triangles. When an alley is used as an aisle, the Director may reduce or waive the required screening or landscaping along the alley.

3. Required landscaping shall meet standards promulgated by the Director.

(Ord. 118409 § 178, 1996: Ord. 116744 § 2, 1993; Ord. 114887 § 4(part), 1989.)

23.45.016Open space requirements—Lowrise zones.

A. Quantity of Open Space.

1. Lowrise Duplex/Triplex Zones.

a. Single-family Structures. A minimum of six hundred (600) square feet of landscaped area shall be provided, except for cottage housing developments.

b. Cottage Housing Developments. A minimum of four hundred (400) square feet per unit of landscaped area is required. This quantity shall be allotted as follows:

(1) A minimum of two hundred (200) square feet per unit shall be private usable open space; and

(2) A minimum of one hundred fifty (150) square feet per unit shall be provided as common open space.

c. Structures with Two (2) Dwelling Units. At least one (1) unit shall have direct access to a minimum of four hundred (400) square feet of private, usable open space. The second unit shall also have direct access to four hundred (400) square feet of private, usable open space; or six hundred (600) square feet of common open space shall be provided on the lot.

d. Structures with Three (3) Dwelling Units. At least two (2) units shall have direct access to a minimum of four hundred (400) square feet of private, usable open space per unit. The third unit shall have direct access to four hundred (400) square feet of private, usable open space; or six hundred (600) square feet of common open space shall be provided on the lot.

2. Lowrise 1 Zones.

a. A minimum of three hundred (300) square feet per unit of private, usable open space, at ground level and directly accessible to each unit, shall be required, except for cottage housing developments. When a new unit that is not a ground-related unit is added to an existing structure, a minimum of three hundred (300) square feet of common open space at ground level shall be provided for the unit, but it does not have to be directly accessible to the unit.

b. Cottage Housing Developments. A minimum of three hundred (300) square feet per unit of landscaped area is required. This quantity shall be allotted as follows:

(1) A minimum of one hundred fifty (150) square feet per unit shall be private, usable open space; and

(2) A minimum of one hundred fifty (150) square feet per unit shall be provided as common open space.

c. On lots with slopes of twenty (20) percent or more, decks of the same size as the required ground-level open space may be built over the sloping ground-level open space. In order to qualify for this provision, such decks shall not cover the open space of another unit, nor be above the living space of any unit. Decks may project into setbacks in accordance with subsection F of Section 23.45.014.

3. Lowrise 2, Lowrise 3 and Lowrise 4 Zones.

a. Ground-related Housing.

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(1) In Lowrise 2 and Lowrise 3 zones a minimum of three hundred (300) square feet per unit of private, usable open space, at ground level and directly accessible to each unit, shall be required.

(2) In Lowrise 4 zones a minimum of fifteen (15) percent of lot area, plus two hundred (200) square feet per unit of private usable open space, at ground level and directly accessible to each unit, shall be required.

(3) On lots with slopes of twenty (20) percent or more, decks of the same size as the required ground-level open space may be built over the sloping ground-level open space. In order to qualify for this provision, such decks shall not cover the open space of another unit, nor be above the living space of any unit. Decks may project into setbacks in accordance with subsection F of Section 23.45.014.

b. Apartments.

(1) Lowrise 2 Zones. A minimum of thirty (30) percent of the lot area shall be provided as usable open space at ground level.

(2) Lowrise 3 and Lowrise 4 Zones.

i. A minimum of twenty-five (25) percent of the lot area shall be provided as usable open space at ground level, except as provided in subsection A3b(2)ii.

ii. A maximum of one-third (1/3) of the required open space may be provided above ground in the form of balconies, decks, individual unit decks on roofs or common roof gardens if the total amount of required open space is increased to thirty (30) percent of lot area.

B. Development Standards.

1. Lowrise Duplex/Triplex Zones and Ground-related Housing in Lowrise 1, Lowrise 2, Lowrise 3 and Lowrise 4 Zones.

a. Lowrise Duplex/Triplex Zones—Private Usable Open Space.

(1) Private usable open space shall be provided at ground level in one (1) contiguous parcel with a minimum area of four hundred (400) square feet, except that in cottage housing developments, the quantity per unit shall be a minimum of two hundred (200) square feet. No horizontal dimension of the open space shall be less than ten (10) feet.

(2) Private usable open space shall be located a maximum of four (4) feet above or below a private entry to the unit it serves. The floor of the unit accessed by this entry shall have a minimum area of three hundred (300) square feet. This minimum area may include a private garage if habitable floor area of the same unit is located directly above.

b. Lowrise Duplex/Triplex Zones—Common Open Space. Required common open space shall be provided at ground level in one (1) contiguous parcel with a minimum area of six hundred (600) square feet, except that in cottage housing developments, the quantity per unit shall be a minimum of one hundred fifty (150) square feet. In cottage housing developments, each cottage shall abut the common open space. No horizontal dimension of the open space shall be less than ten (10) feet.

c. Lowrise 1, Lowrise 2, Lowrise 3 and Lowrise 4 Zones—Ground-related Housing.

(1) In Lowrise 1 zones the required open space shall be provided in one (1) contiguous parcel, except that in cottage housing developments, the open space shall be allotted as described in subsections A2b above and B1c(5) below. In Lowrise 2, Lowrise 3 and Lowrise 4 zones, the required open space for each ground-related dwelling unit is not required to be in one (1) contiguous area, but no open space area shall be less than one hundred twenty (120) square feet. No horizontal dimension of the open space shall be less than ten (10) feet.

(2) Required open space may be located a maximum of ten (10) feet above or below the unit it serves, except as permitted in subsection B1c(4), provided that the access to such open space does not go through or over common circulation areas, common or public open spaces, or the open space serving another unit.

(3) At least fifty (50) percent of the required open space for a unit shall be level, provided that:

i. The open space may be terraced; and

ii. Minor adjustments in level shall be permitted as long as the difference in elevation between the highest and lowest point does not exceed two (2) feet.

(4) For additional dwelling units proposed within a structure existing on August 11, 1982, the vertical distance between the unit and the private, landscaped open space may exceed ten (10) feet where the following criteria are met:

i. Where the structure was constructed with floor-to-floor heights in excess of ten (10) feet, the open space may be located a maximum of ten (10) feet plus the height between floors in excess of ten (10) feet, above or below the unit it serves; or

ii. Where the structure was constructed with the first floor in excess of two (2) feet above grade, the open space may be located a maximum of ten (10) feet plus the additional height of the first floor in excess of two (2) feet above grade, above or below the unit it serves.

(5) Lowrise 1 Zone—Cottage Housing Developments.

i. At least fifty (50) percent of the required total open space per unit shall be provided as private usable open space in one (1) contiguous parcel. No horizontal dimension of the open space shall be less than ten (10) feet.

ii. Common open space shall be provided at ground level in one (1) contiguous parcel with a minimum area per unit of one hundred fifty (150) square feet. No horizontal dimension shall be less than ten (10) feet. Each cottage shall abut the common open space a minimum of ten (10) feet.

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d. Required open space may be located in the front, sides or rear of the structure.

e. To ensure privacy of open space, openings such as windows and doors on the ground floor of walls of a dwelling unit or common area which directly face the open space of a different unit are prohibited, unless such openings are screened by view-obscuring fences, freestanding walls or wingwalls.

f. Parking areas, driveways and pedestrian access other than pedestrian access required by Washington State Building Code, Chapter 11, shall not be counted as open space.

g. Required private usable open space shall be landscaped according to standards promulgated by the Director for ground-related dwelling units.

2. Lowrise 2, Lowrise 3 and Lowrise 4 Zones—Apartments.

a. No horizontal dimension for required ground-level open space shall be less than ten feet (10′).

b. Required open space is permitted in the front, sides or rear of the structure.

c. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Building Code, Chapter 11, shall not be counted as open space.

d. In order to qualify as above-ground level open space, balconies, decks, and in L3 and L4 zones, individual unit decks on roofs, shall all have a minimum horizontal dimension of six (6) feet, and a total area of at least sixty (60) square feet, while common roof gardens in L3 and L4 zones shall have a minimum area of two hundred fifty (250) square feet. Common roof garden open space shall be landscaped according to the rules promulgated by the Director.

e. For cluster development, at least twenty (20) percent of the required open space shall be provided in one (1) contiguous area.

f. Terraced Housing on a Slope of Twenty-five (25) Percent or More.

(1) No horizontal dimension for required ground-level open space shall be less than ten (10) feet.

(2) Required open space is permitted in the front, sides or rear of the structure.

(3) Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Building Code, Chapter 11, shall not be counted as open space.

(4) In order to qualify as above-ground-level open space, rooftop areas shall have a minimum horizontal dimension of at least ten (10) feet and a total area of at least one hundred twenty (120) square feet.

3. Open Space Exception. When all parking and access to parking is uncovered and is surfaced in permeable material, except gravel, the quantity of required ground-level open space shall be reduced by five (5) percent of the total lot area.

(Ord. 118414 § 19, 1996: Ord. 117173 § 7, 1994: Ord. 115043 § 5, 1990; Ord. 114888 § 8, 1989; Ord. 114887 § 4(part), 1989.)

23.45.017Light and glare standards—Lowrise zones.

A. Exterior lighting shall be shielded and directed away from adjacent properties.

B. Interior lighting in parking garages shall be shielded to minimize nighttime glare on adjacent properties.

C. To prevent vehicle lights from affecting adjacent properties, driveways and parking areas for more than two (2) vehicles shall be screened from adjacent properties by a fence or wall between five (5) feet and six (6) feet in height, or a solid evergreen hedge or landscaped berm at least five (5) feet in height. If the elevation of the lot line is different from the finished elevation of the driveway or parking surface, the difference in elevation may be measured as a portion of the required height of the screen so long as the screen itself is a minimum of three (3) feet in height. The Director may waive the requirement for the screening if it is not needed due to changes in topography, agreements to maintain an existing fence, or the nature and location of adjacent uses.

(Ord. 115043 § 6, 1990.)

23.45.018Parking and access—Lowrise zones.

A. Parking Quantity. Parking shall be required as provided in Chapter 23.54.

B. Access to Parking.

1. Alley Access Required. Except as provided in subsections B2 or B3, access to parking shall be from the alley when the site 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. Street access shall not be permitted.

2. Street Access Required. Access to parking shall be from the street when:

a. 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

b. The lot does not abut a platted alley; or

c. In Lowrise 3 zones, apartments are proposed across an alley from a Single Family or Lowrise Duplex/Triplex zones; or

d. In Lowrise 4 zones apartments are proposed across an alley from a Single Family, Lowrise Duplex/Triplex or Lowrise 1 zone.

3. Street or Alley Access Permitted. Access to parking may be from either the alley or the street when the conditions listed in subsection B2 do not apply, and one (1) or more of the following conditions are met:

a. Topography makes alley access infeasible;

b. In all zones except Lowrise Duplex/Triplex, ground-related housing is proposed across an alley from a Single Family zone;

c. The alley is not improved to the standards of subsection C of Section 23.53.030. If such an

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alley is used for access to parking, it shall be improved according to the standards of subsection C of Section 23.53.030;

d. Access to required barrier-free parking spaces which meet the Washington State Building Code, Chapter 11, may be from either the street or alley, or both.

4. In Lowrise Duplex/Triplex zones, no more than fifty (50) percent of the total area of the required front setback extended to side lot lines may be occupied by a driveway providing access to parking, except where the minimum required driveway standards will exceed fifty (50) percent of the front setback.

C. Location of Parking.

1. Parking shall be located on the same site as the principal use.

2. Parking may be located in or under the structure, provided that:

a. For ground-related housing, the parking is screened from direct street view by the street-facing facades of the structure (see Exhibit 23.45.018 A), by garage doors, or by a fence and landscaping as provided in subsection D of Section 23.45.018 (see Exhibit 23.45.018 B).

b. For apartments, the parking is screened from direct street view by the street-facing facades of the structure. For each permitted curbcut, the facades may contain one (1) garage door, not to exceed the maximum width allowed for curbcuts (see Exhibit 23.45.018 A).

3. Parking may be located outside a structure provided it maintains the following relationships to lot lines and structures. In all cases parking located outside of a structure shall be screened from direct street view as provided in subsection D of Section 23.45.018.

a. Parking may be located between any structures on the same lot, except that for cottage housing developments, parking is not permitted between cottages.

b. Rear Lot Lines. Parking may be located between any structure and the rear lot line of the lot. (See Exhibit 23.45.018 C.)

c. Side Lot Lines. Parking may be located between any structure and a side lot line which is not a street side lot line (see Exhibit 23.45.018 C). Where the location between the structure and a side lot line is also between a portion of the same structure and the front lot line, subsection C3d(3) shall apply. (See Exhibit 23.45.018 D.)

d. Front and Street Side Lot Lines. Parking may be located between any structure and the front and street side lot lines, provided that:

(1) On a through lot, parking may be located between the structure and one (1) of the front lot lines; provided, that on lots one hundred twenty-five (125) feet or more in depth, parking shall not be located in either front setback. The frontage in which the parking may be located shall be determined by the Director based on the prevailing character and setback patterns of the block.

(2) For ground-related housing on corner lots, parking may be located between the structure and a street lot line along one (1) street frontage only.

(3) Parking may be located between the front lot line and a portion of a structure, provided that:

i. The parking is also located between a side lot line, other than a street side lot line, and a portion of the same structure which is equal to at least thirty (30) percent of the total width of the structure. (See Exhibit 23.45.018 D.)

ii. In Lowrise 1 and Lowrise 2 zones the parking is not located in the front setback and in no case closer than twenty (20) feet to the front lot line.

iii. In Lowrise 3 and Lowrise 4 zones the parking is not located in the front setback and in no case closer than fifteen (15) feet to the front lot line.

4. Location of Parking in Special Circumstances.

a. For a cluster development, the location of parking shall be determined in relation to the structure or structures which have perimeter facades facing a street. (See Exhibit 23.45.018 E.)

b. In all Lowrise zones, the Director may permit variations from the development standards for parking location and design, and curbcut quantity and width, for lots meeting the following conditions:

(1) Lots proposed for ground-related housing with no feasible alley access and with:

i. Less than eighty (80) feet of street frontage, or

ii. Lot depth of less than one hundred (100) feet, or

iii. A rise or drop in elevation of at least twelve (12) feet in the first sixty (60) feet from the front lot line; and

(2) Lots proposed for apartments and terraced housing with no feasible alley access and a rise or drop in elevation of at least twelve (12) feet in the first sixty (60) feet from the front lot line;

(3) On lots meeting the standards listed in subsections C4b(1) and C4b(2), the following variations may be permitted:

i. Ground-related Housing. Parking may be located between the structure and the front lot line,

ii. Apartments. Parking may be located in or under the structure if screened from direct street view by garage doors or by fencing and landscaping;

(4) In order to permit such alternative parking solutions, the Director must determine that siting conditions, such as the topography of the rest of the lot, or soil and drainage conditions, warrant the ex-

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Exhibit 23.45.018 A
Parking Screened by Street Facing Facades

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Exhibit 23.45.018 B
Parking Screened by Fence and Landscaping
for Ground-Related Housing

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Exhibit 23.45.018 C
Parking Permitted Between the Structure
and Rear and Side Lot Lines

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Exhibit 23.45.018 D
Parking in Front of the Structure
When Beside a Portion of the Structure

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Exhibit 23.45.018 E
Parking in a Cluster Development

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ception, and that the proposed alternative solution meets the following objectives: Maintaining on-street parking capacity, an attractive environment at street levels, landscaped street setbacks, unobstructed traffic flow and, where applicable, the objectives of the Shoreline Master Program. In no case shall a curbcut be authorized to exceed thirty (30) feet in width.

D. Screening of Parking.

1. Parking shall be screened from direct street view by the front facade of a structure, by garage doors, and by a fence or wall between five (5) and six (6) feet in height. When the fence or wall runs along the street, there shall be a landscaped area a minimum of three (3) feet deep on the street side of the fence or wall. The screening shall be located outside any required sight triangle. (See Exhibit 23.45.018 F.)

2. The height of the visual barrier created by the screen required in subsection D1 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 23.45.018 F).

3. Screening may also be required to reduce glare from vehicle lights, according to Section 23.45.017, Light and glare standards.

(Ord. 118414 § 20, 1996; Ord. 117173 § 8, 1994; Ord. 115326 § 9, 1990; Ord. 114888 § 9, 1989: Ord. 114887 § 4(part), 1989.)

Part 3 (Reserved)

Part 4 (Reserved)

Part 5 Midrise

23.45.047Midrise/85 zones.

All use and development standards applicable in Midrise zones shall be applicable in Midrise/85 zones, except that the permitted height limit shall be eighty-five (85) feet. Subsections 23.45.050 B and C allowing additional height on sloping sites and for pitched roofs shall not apply.

(Ord. 116795 § 6.)

23.45.048Midrise—Structures thirty-seven feet or less in height.

A. Any structure thirty-seven (37) feet or less in height may be developed, at the applicant's option, according to the standards for multifamily structures in Lowrise 4 zones.

(Ord. 118414 § 21, 1996; Ord. 115043 § 7, 1990: Ord. 112972 § 1, 1986.)

23.45.050Midrise—Structure height.

A. Generally. The maximum height shall be sixty (60) feet.

B. Sloped Lots. On sloped lots, additional height shall be permitted along the lower elevation of the structure footprint, at the rate of one (1) foot for each six (6) percent of slope, to a maximum additional height of five (5) feet (Exhibit 23.45.050 A).

C. Pitched Roofs. The ridge of pitched roofs on principal structures may extend up to sixty-five (65) feet. All parts of the roof above sixty (60) feet must be pitched at a rate of not less than three to twelve (3:12) (Exhibit 23.45.050 B). No portion of a shed roof shall be permitted to extend beyond the sixty (60) foot height limit under this provision.

D. Rooftop Features.

1. Radio and television receive-only antennas, except dish antennas, flagpoles and spires for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height District, provided they are no closer than fifty (50) percent of their height above existing grade or, if attached only to the roof, no closer than fifty (50) percent of their height above the roof portion where attached, to any adjoining lot line.

2. Railings, planters, skylights, clerestories, greenhouses, parapets and firewalls may extend four (4) feet above the maximum height limit set in subsections A and B of this section.

3. The following rooftop features may extend ten (10) feet above the maximum height limit set in subsections A and B of this section, so long as the combined total coverage of all features does not exceed fifteen (15) percent of the roof area or twenty (20) percent of the roof area if the total includes screened mechanical equipment:

a. Stair and elevator penthouses;

b. Mechanical equipment;

c. Play equipment and open-mesh fencing which encloses it, so long as the fencing is at least five (5) feet from the roof edge;

d. Chimneys;

e. Sun and wind screens;

f. Penthouse pavilions for the common use of residents;

g. Greenhouses which meet minimum energy standards administered by the Director.

4. For height exceptions for solar collectors, see Section 23.45.146, Solar collectors.

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

a. Solar collectors;

b. Planters;

c. Clerestories;

d. Greenhouses;

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e. Dish antennas, according to the provisions of Chapter 23.57;

f. Nonfirewall parapets;

g. Play equipment;

Exhibit 23.45.018 F
Screening of Parking

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Exhibit 23.45.050 A
Midrise, Height Limit on Sloped Sites

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Exhibit 23.45.050 B
Midrise, Pitched Roof Exception

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h. Sun and wind screens;

i. Penthouse pavilions for the common use of residents.

(Ord. 116295 § 5, 1992; Ord. 110793 § 27, 1982; Ord. 110570 § 3(part), 1982.)

23.45.052Midrise—Structure width and depth.

A. Maximum Width.

1. The maximum width of a structure on a lot when the front facade is not modulated according to the standards of Section 23.45.054 C shall be forty (40) feet.

2. When the front facade is modulated according to the standards of Section 23.45.054 C, the maximum width of each structure on a lot shall be one hundred fifty (150) feet.

B. Maximum Depth.

1. The maximum depth of a structure shall be:

a. Ground-related housing: sixty-five (65) percent of the depth of the lot;

b. Terraced housing on slopes of twenty-five (25) percent or more: no maximum depth limit;

c. Apartments: sixty-five (65) percent of lot depth.

2. Exceptions to Maximum Depth Requirements. Structure depth is permitted to exceed sixty-five (65) percent of lot depth (Exhibit 23.45.052 A), subject to the following conditions:

a. The total lot coverage shall not be greater than that which would have been possible by meeting standard development requirements for maximum width, depth and setbacks.

b. When the lot area is larger than seven thousand (7,000) square feet, the required amount of usable open space shall be increased to thirty (30) percent of lot area. Not more than one-third (⅓) of the required open space may be provided above ground in the form of decks and balconies.

c. Structure depth shall in no case exceed one hundred fifty (150) feet.

d. Structures with depth greater than sixty-five (65) percent of lot depth shall be modulated along the side setbacks, according to the standards of Section 23.45.054 C.

(Ord. 113041 § 13, 1986; Ord. 110793 § 28, 1982; Ord. 110570 § 3(part), 1982.)

23.45.054Midrise—Modulation requirements.

Modulation of structure facades shall be required subject to the following criteria:

A. Front Facades.

1. Modulation shall be required if the front facade width exceeds forty (40) feet. Ground-related structures may follow either the modulation standards for Lowrise 3 Zones (Section 23.45.012 D2) or the standards in this section.

2. For terraced housing, only the portion of the front facade closest to the street is required to be modulated (Exhibit 23.45.054 A).

B. Side Facades.

1. On corner lots, side facades which face the street shall be modulated if greater than forty (40) feet in width. Modulation shall not be required for the side facades of terraced housing.

2. Apartments with a structure depth greater than sixty-five (65) percent of lot depth shall be modulated along all side facades, according to the standards of subsection D of this section.

C. Within a cluster development, all interior facades wider than fifty (50) feet shall be modulated according to the standards of Section 23.45.054 D, provided that maximum modulation width shall be fifty (50) feet. Perimeter facades shall follow standard development requirements.

D. Modulation Standards.

1. Minimum Depth of Modulation.

a. The minimum depth of modulation shall be eight (8) feet (Exhibit 23.45.054 B).

b. When balconies are part of the modulation and have a minimum depth of six (6) feet and a minimum area of at least (6) sixty square feet, the minimum depth of modulation shall be six (6) feet (Exhibit 23.45.054 C).

2. The minimum width of modulation shall be ten (10) feet (Exhibit 23.45.054 B).

3. Maximum Width of Modulation.

a. The maximum width of modulation shall be forty (40) feet.

b. Exceptions to Maximum Width of Modulation.

(1) When facades provide greater depth of modulation than required by subsection D1, then for every additional full foot of modulation depth, the width of modulation may be increased by two and one-half (2½) feet to a maximum of fifty (50) feet and Section 23.86.002 B, Measurements, shall not apply.

(2) The maximum width of modulation may be increased when facades are set back from the lot line further than the required setback, according to the following guideline: The width of modulation of such a facade shall be permitted to exceed forty (40) feet by one (1) foot for every foot of facade setback beyond the required setback. This provision shall not be combined with the provisions of D3b(1), nor shall it permit facades to exceed fifty (50) feet in width without modulation.

4. Required modulation may start a maximum of ten (10) feet above existing grade, and shall be continued up to the roof.

(Ord. 117263 § 18, 1994; Ord. 113041 § 14, 1986; Ord. 111390 § 27, 1983; Ord. 110793 § 29, 1982: Ord. 110570 § 3(part), 1982.)

23.45.056Midrise—Setback requirements.

Front, rear and side setbacks shall be provided for all lots, according to the following provisions:

A. Front Setback. The required front setback shall be the average of the setbacks of the first principal structures on either side, subject to the following provisions:

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Exhibit 23.45.052 A
Midrise, Structure Depth Exception

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Exhibit 23.45.054 A
Terraced Housing Modulation

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Exhibit 23.45.054 B
Midrise, Required Width and Depth of Modulation

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Exhibit 23.45.054 C
Midrise, Reduction in Modulation Depth
for Balcony

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1. The front setback shall in no case be required to be more than five (5) feet greater than the setback of the first principal structure on either side which is closer to the front lot line.

2. The front setback shall in no case be required to exceed fifteen (15) feet.

3. Portions of the Structure in Front Setbacks.

a. Portions of a structure may project into the required front setback, as long as the average distance from the front property line to the structure satisfies the minimum front setback requirement.

b. No portions of a structure between finished grade and eight (8) feet above finished grade shall be closer to the front lot line than five (5) feet.

c. Portions of the facade which begin eight (8) feet or more above finished grade may project up to four (4) feet beyond the lower portion of the facade, without being counted in setback averaging (Exhibit 23.45.056 A).

d. Portions of the facade which begin eight (8) feet or more above finished grade shall be no closer than three (3) feet to the front lot line (Exhibit 23.45.056 A).

4. A greater setback may be required in order to meet the provisions of Section 23.53.015, Improvement requirements for existing streets in residential and commercial zones.

5. Front Setback Exceptions.

a. Structures Along Heavily Traveled Arterials. In order to reduce noise and glare impacts, multi-family structures located on principal arterials designated on Exhibit 23.53.015 A shall be allowed a reduction in the required front setback. The required front setback along these arterials may be reduced to either fifty (50) percent of the front setback specified in the development standards, or the front setback of the principal structure on either side, whichever is less.

b. Through Lots. In the case of a through lot, each setback abutting a street except a side setback shall be a front setback. Rear setback requirements shall not apply to the lot.

c. Parking in Rear. For sites which are required to locate the parking in the rear and have no alley, the required front setback shall be reduced by five (5) feet, so long as this does not reduce the required front setback to less than ten (10) feet.

d. Sloped Lots. On sloped lots with no alley access, the required front setback shall be fifteen (15) feet minus one (1) foot for each two (2) percent of slope. Slope shall be measured from the midpoint of the front lot line to the rear lot line, or for a depth of sixty (60) feet, whichever is less.

B. Rear Setback. The minimum rear setback shall be either:

1. Ten (10) feet, with modulation required along the rear facade according to the standards of Section 23.45.054 C; or

2. An average of fifteen (15) feet; provided, that no part of the setback shall be less than ten (10) feet.

C. Side Setbacks.

1. The required side setback shall be determined by structure depth and height, according to Table 23.45.056 A. The side setback may be averaged, provided that the setback is not less than three (3) feet for decks, balconies, and architectural features such as chimneys and cornices, and the minimum setback set forth in the table is observed for all portions of the structure.

2. Side Setback Exceptions. The side street setback of a reversed corner lot shall be as follows:

a. When the required front setback of the key lot is less than eight (8) feet, the side street setback shall be equal to the key lot's front setback.

b. When the required front setback of the key lot is at least eight (8) feet but not more than sixteen (16) feet, the side street setback shall be eight (8) feet.

c. When the required front setback of the key lot is greater than sixteen (16) feet, the side street setback shall be one-half (1/2) the depth of the key lot's front setback. The setback may be averaged along the entire structure depth, but shall at no point be less than five (5) feet.

d. When the actual setback of the structure on the key lot is less than eight (8) feet, the side street setback shall be equal to the distance between the front lot line of the key lot and structure regardless of the front setback requirement.

D. General Setback Exceptions.

1. Required Setbacks for Cluster Developments.

a. Where two (2) or more principal structures are located on a lot, the required setback between those portions of interior facades which face each other shall be as follows:

Length of Facing Portions of Facades (in feet)	Average Setback (in feet)	Minimum Setback (in feet)
40 or less	15	15
41—60	20	15
61—80	25	15
81—100	30	15
101—150	40	15
151 or more	50	15

b. Structures in cluster developments may be connected by underground garages or elevated walkways; provided, that:

(1) One (1) elevated walkway shall be permitted to connect any two (2) structures in the development;

(2) Additional elevated walkways, in excess of one (1), between any two (2) structures may be permitted by the Director when it is determined that by their location or design a visual separation between structures is maintained;

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Exhibit 23.45.056 A
Front Projections

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TABLE 23.45.056 A

Total Structure Depth in Feet	Height of Facade at Highest Point in Feet					Minimum Side Setback in Feet
	0—20	21—30	31—40	41—50	51 or more	
	Average Side Setback in Feet					
65 or less	8	8	8	8	8	
66—75		8.5	8.5		10.0	
76—85	8.5	9.0	9.0	9.0	10.5	8
86—95		9.5	9.5		11.0	
96—105	9.0	11.5	12.5	9.5	14.5	
				10.		
	9.5			0		
	10.			13.		
	5			5		
106—115	12.	13.0	14.0	15.	16.0	
116—125	0	14.5	15.5	0	17.5	9
126—135	13.	15.0	17.0	16.	19.0	
	5			5		
	15.			18.		
	0			0		
136—145	16.	17.5	18.5	19.	20.5	
146—155	5	19.0	20.0	5	22.0	10
156—165	18.	20.5	21.5	21.	23.5	
	0			0		
	19.			22.		
	5			5		
166—175	21.	22.0	23.0	24.	25.0	1′ in addition to
176—185	0	23.5	24.5	0	26.5	10′ for every
186—195	22.	26.0	26.0	25.	28.0	30′ in depth
	5			5		
	24.			27.		
	0			0		

The pattern established in the table shall be continued for structures greater than one hundred ninety feet (190′) in depth.

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(3) All elevated walkways shall meet the following standards:

i. The roof planes of elevated walkways shall be at different levels than the roofs or parapets of connected structures.

ii. Walkways shall be set back from street lot lines and the front facades of the structures they connect, and whenever possible shall be located or landscaped so that they are not visible from a street.

iii. The design of the walkways and the materials used shall seek to achieve a sense of openness and transparency.

iv. Elevated walkways shall add to the effect of modulation rather than detract from it.

2. Structures in Required Setbacks.

a. Detached garages, carports or other accessory structures are permitted in the required rear or side setbacks, provided that any accessory structure located between a principal structure and the side lot line shall provide the setback required for the principal structure (Exhibit 23.45.056 D). All such accessory structures shall be no greater than twelve (12) feet in height, with open rails permitted above twelve (12) feet.

b. Ramps or other devices necessary for access for the disabled and elderly, which meet Washington State Building Code, Chapter 11—Accessibility, are permitted in required front, side or rear setbacks.

c. Uncovered, unenclosed pedestrian bridges, necessary for access and less than five (5) feet in width, are permitted in required front, side and rear setbacks.

d. Permitted fences, freestanding walls, bulkheads, signs and other similar structures, no greater than six (6) feet in height, are permitted in required front, side or rear setbacks.

e. Decks which average no more than eighteen (18) inches above existing grade may project into required setbacks. Such decks shall not be permitted within five (5) feet of any lot line, unless they abut a permitted fence or freestanding wall, and are at least three (3) feet below the top of the fence or wall. The fence or wall shall be no higher than six (6) feet.

f. Underground structures are permitted in all setbacks.

g. Solar collectors are permitted in required setbacks, subject to the provisions of Section 23.45.146, Solar collectors.

h. Fences, Freestanding Walls, Bulkheads, Signs and Other Similar Structures.

(1) 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 each required setback. 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 not 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 (30 feet on center.

(2) The Director may allow variation from the development standards listed in subsection D2h(1) 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.

(3) Bulkheads and retaining walls used to raise grade may be placed in each required setback 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 effective date of the ordinance codified in this section.[1] 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 (9½) feet.

(4) 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 the low sid 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.

i. Arbors. Arbors may be permitted in required setbacks under the following conditions:

(1) In each required setback, 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.

(2) In each required setback 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.

3. Front and rear setbacks 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 the provisions of subsection A

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Exhibit 23.45.056 D
Accessory Structures in Required Setbacks

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of Section 25.09.280 of SMC Chapter 25.09, Regulations for Environmentally Critical Areas.
(Ord. 118414 § 22, 1996; Ord. 116262 § 12, 1992; Ord. 115326 § 10, 1990; Ord. 113203 § 4, 1986; Ord. 113041 § 15, 1986; Ord. 112971 § 8, 1986; Ord. 111390 § 28, 1983; Ord. 110793 § 30, 1982; Ord. 110570 § 3(part), 1982.)

1.Editor's Note: Ordinance 118414 was signed by the Mayor on December 3, 1996 and became effective on January 3, 1997.

23.45.057Midrise—Screening and landscaping standards.

A. Quantity.

1. A minimum landscaped area which is equivalent in square footage to three (3) feet times the total length of all property lines shall be provided, except as specified in subsection A5.

2. If screening and landscaping of parking from direct street view is provided according to subsection 23.45.060 D, that amount of landscaped area may be counted towards fulfilling the total amount of landscaped area required by this section.

3. Landscaped usable open space which is provided for apartments or terraced housing according to Section 23.45.058 and located at ground level, may be counted towards fulfilling the total amount of landscaped area required by this section.

4. Street trees shall be provided in the planting strip according to Seattle Transportation Tree Planting Standards, unless it is not possible to meet the standards. Existing street trees may count toward meeting the street tree requirement.

5. Exceptions.

a. If full landscaping is not possible because of the location of existing structures and/or existing parking, the amount of required landscaped area may be reduced by up to fifty (50) percent. The Director may require landscaping which cannot be provided on the lot be provided in the planting strip.

b. If landscaping would obscure the visibility of retail uses or obstruct pedestrian access to retail uses, and there is no other location on the lot for the landscaping, the Director may reduce or waive the amount of landscaping required in those locations. No reduction or waiver shall apply to screening and landscaping of parking required by subsection 23.45.060 D or open space required by Section 23.45.058.

B. Development Standards.

1. Except for the screening and landscaping of parking, which shall be provided according to subsection 23.45.060 D, landscaping may be provided on all sides of the lot, or may be concentrated in one (1) or more areas. However, a landscaped area at least three (3) feet deep shall be provided at the following locations, except as provided in subsection B2:

a. Along street property lines;

b. Along property lines which abut single-family zoned lots;

c. Along alleys across from single-family zoned lots.

2. Breaks in required screening and landscaping shall be permitted to provide pedestrian and vehicular access. Breaks in required screening and landscaping for vehicular access shall not exceed the width of permitted curb cuts and any required sight triangles. When an alley is used as an aisle, the Director may reduce or waive the required screening or landscaping along the alley.

3. Required landscaping shall meet standards promulgated by the Director.
(Ord. 118409 § 179, 1996: Ord. 116744 § 3, 1993; Ord. 114046 § 10, 1988.)

23.45.058Midrise—Open space requirements.

Open space shall be provided for all lots, subject to the following provisions:

A. Quantity.

1. Ground-related Housing.

a. A minimum of three hundred (300) square feet per unit of private, usable open space, at ground level and directly accessible to each unit, shall be required. Decks may project into setbacks in accordance with 23.45.056 D.

b. On lots with slopes of twenty (20) percent or more, decks of the same size as the required ground-level open space may be built over the sloping ground-level open space. In order to qualify for this provision, such decks shall not cover the open space of another unit, nor be above the living space of any unit.

2. Apartments.

a. A minimum of twenty-five (25) percent of the lot area shall be provided as usable open space at ground level, except as provided in subsection A2b.

b. A maximum of one-third ($^1/_3$) of the required open space may be provided above ground in the form of balconies or decks if the total amount of required open space is increased to thirty (30) percent of lot area.

3. Terraced Housing on Slopes of Twenty-five (25) Percent or More.

a. A minimum of forty (40) percent of the lot area shall be provided as usable open space.

b. Ground-level open space may be reduced from forty (40) percent to ten (10) percent of lot area when an equivalent amount of open space is provided above ground in the form of balconies, decks and/or rooftop areas.

B. Development Standards.

1. Required open space shall be landscaped according to standards promulgated by the Director.

2. Ground-related Housing.

a. The required open space for each unit is not required to be in one (1) contiguous area, but no open space area shall be less than one hundred twenty (120) square feet, and no horizontal dimension shall be less than ten (10) feet.

b. Required open space may be located in the front, sides or rear of the structure.

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c. Required open space may be located a maximum of ten (10) feet above or below the unit it serves, provided that the access to such open space does not go through or over common circulation areas, common or public open space, or the open space serving another unit, except as permitted in subsection B2e.

d. At least fifty (50) percent of the required open space for a unit shall be level, provided that:

(1) The open space may be terraced; and

(2) Minor adjustments in level shall be permitted as long as the difference in elevation between the highest and lowest point does not exceed two (2) feet.

e. For additional dwelling units proposed within a structure existing on August 11, 1982, the vertical distance between the unit and the private, landscaped open space may exceed ten (10) feet where the following criteria are met:

(1) Where the structure was constructed with floor-to-floor heights in excess of ten (10) feet, the open space may be located a maximum of ten (10) feet plus the height between floors in excess of ten (10) feet, above or below the unit it serves; or

(2) Where the structure was constructed with the first floor in excess of two (2) feet above grade, the open space may be located a maximum of ten (10) feet plus the additional height of the first floor in excess of two (2) feet above grade, above or below the unit it serves.

f. To ensure privacy of open space, openings such as windows and doors on the ground floor of walls of a dwelling unit or common area which directly faces the open space of a different unit are prohibited unless such openings are screened by view-obscuring fences, freestanding walls, or wingwalls. Fences, freestanding walls, or wingwalls located in setbacks shall be no more than six (6) feet in height in accordance with Section 23.45.028 D.

g. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Building Code, Chapter 11—Accessibility, shall not be counted as open space.

3. Apartments.

a. No horizontal dimension for required ground level open space shall be less than ten (10) feet.

b. Required open space is permitted in the front, sides or rear of the structure.

c. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Building Code, Chapter 11—Accessibility, shall not be counted as open space.

d. In order to qualify as above-ground open space, balconies and decks shall have a minimum horizontal dimension of at least six (6) feet, and minimum area shall be sixty (60) square feet.

e. For cluster development, at least twenty (20) percent of the required open space shall be provided in one (1) contiguous area.

4. Terraced Housing on a Slope of Twenty-five (25) Percent or More.

a. No horizontal dimension for required ground-level open space shall be less than ten (10) feet.

b. Required open space is permitted in the front, sides or rear of the structure.

c. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Building Code, Chapter 11—Accessibility, shall not be counted as open space.

d. In order to qualify as above-ground open space, rooftop areas, balconies or decks shall have a minimum horizontal dimension of at least ten (10) feet, and a total area of at least one hundred twenty (120) square feet.

C. Open Space Exception. When all parking and access to parking is uncovered and is surfaced in permeable material, except gravel, the quantity of required ground-level open space shall be reduced by five (5) percent of the total lot area.

(Ord. 118414 § 23, 1996: Ord. 113041 § 16, 1986: Ord. 111390 § 29, 1983; Ord. 110793 § 31, 1982: Ord. 110570 § 3(part), 1982.)

23.45.059Midrise—Light and glare standards.

A. Exterior lighting shall be shielded and directed away from adjacent properties.

B. Interior lighting in parking garages shall be shielded to minimize nighttime glare on adjacent properties.

C. To prevent vehicle lights from affecting adjacent properties, driveways and parking areas for more than two (2) vehicles shall be screened from adjacent properties by a fence or wall between five (5) feet and six (6) feet in height, or a solid evergreen hedge or landscaped berm at least five (5) feet in height. If the elevation of the lot line is different from the finished elevation of the driveway or parking surface, the difference in elevation may be measured as a portion of the required height of the screen so long as the screen itself is a minimum of three (3) feet in height. The Director may waive the requirement for the screening if it is not needed due to changes in topography, agreements to maintain an existing fence, or the nature and location of adjacent uses.

(Ord. 114046 § 11, 1988.)

23.45.060Midrise—Parking and access.

A. Parking Quantity. Parking shall be required as provided in Chapter 23.54.

B. Access to Parking.

1. Alley Access Required. Except when one (1) of the conditions listed in subsections B2 or B3 applies, access to parking shall be from the alley when the site abuts an alley improved to the standards of Section 23.53.030 C. Street access shall not be permitted.

2. Street Access Required. Access to parking shall be from the street when:

a. Due to the relationship of the alley to the street system, use of the alley for parking access would create a significant safety hazard;

b. The lot does not abut a platted alley;

c. Apartments or terraced housing are proposed across an alley from a Single Family, Lowrise Duplex/Triplex, Lowrise 1 or Lowrise 2 Zone.

3. Street or Alley Access Permitted. Access to parking may be from either the alley or the street when the

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conditions listed in subsection B2 do not apply, and one (1) or more of the following conditions are met:

a. Ground-related housing is proposed across the alley from a Single Family, Lowrise Duplex/Triplex, Lowrise 1 or Lowrise 2 Zone;

b. Topography or designation of any portion of the site as environmentally critical makes alley access infeasible;

c. The alley is not improved to the standards of Section 23.53.030 C. If such an alley is used for access, it shall be improved according to the standards of Section 23.53.030 C;

d. Access to required barrier-free parking spaces which meet the Washington State Building Code, Chapter 11 may be from either the street or alley, or both.

C. Location of Parking.

1. Parking shall be located on the same site as the principal use.

2. Parking may be located in or under the structure provided that:

a. For ground-related housing, the parking is screened from direct street view by the street-facing facades of the structure (Exhibit 23.45.060 B), by garage doors, or by a fence and landscaping as provided in Section 23.45.060 D (Exhibit 23.45.060 A);

b. For apartments and terrace housing the parking is screened from direct street view by the street-facing facades of the structure. For each permitted curb cut, the facades may contain one (1) garage door, not to exceed the maximum width allowed for curb cuts (Exhibit 23.45.060 B).

3. Parking may be located outside a structure provided it maintains the following relationships to lot lines and structures. In all cases parking located outside of a structure shall be screened from direct street view as provided in Section 23.45.060 D.

a. Parking may be located between any structures on the same lot.

b. Rear Lot Lines. Parking may be located between any structure and the rear lot line of the lot (Exhibit 23.45.060 C).

c. Side Lot Lines. Parking may be located between any structure and a side lot line which is not a street side lot line (Exhibit 23.45.060 C). Where the location between the structure and a side lot line is also between a portion of the same structure and the front lot line, subsection C3d(3) shall apply (Exhibit 23.45.060 D).

d. Front and Street Side Lot Lines. Parking may be located between any structure and the front and street side lot lines provided that:

(1) On a through lot, parking may be located between the structure and one (1) of the front lot lines provided that on lots one hundred twenty-five (125) feet or more in depth, parking shall not be located in either front setback. The frontage in which the parking may be located shall be determined by the Director based on the prevailing character and setback patterns of the block.

(2) For ground-related housing on corner lots, parking may be located between the structure and a street lot line along one (1) street frontage only.

(3) Parking may be located between the front lot line and a portion of a structure provided that:

— The parking is also located between a side lot line, other than a street side lot line, and a portion of the same structure which is equal to at least thirty (30) percent of the total width of the structure (Exhibit 23.45.060 D);

— The parking is not located in the front setback and in no case is closer than fifteen (15) feet to the front lot line.

4. Location of Parking in Special Circumstances.

a. For a cluster development, the location of parking shall be determined in relation to the structure or structures which have perimeter facades facing a street (Exhibit 23.45.060 E).

b. The Director may permit variations from the development standards for parking location and design, and curb cut quantity and width, for lots meeting the following conditions:

(1) Lots proposed for ground-related housing with no feasible alley access and with:

(A) Less than eighty (80) feet of street frontage, or

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Exhibit 23.45.060 A
Parking Screened by Fence and Landscaping
for Ground Related Housing

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Exhibit 23.45.060 B
Parking Screened by Street-facing Facades
or Garage Doors

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Exhibit 23.45.060 C
Parking Permitted Between the Structure
and
Rear and Side Lot Lines

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Exhibit 23.45.060 D
Parking in Front of the Structure When Beside
a Portion of the Structure
("a" must be at least 30% of "b")

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Exhibit 23.45.060 E
Parking in a Cluster Development
(parking permitted in shaded areas)

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(B) Lot depth of less than one hundred (100) feet, or

(C) A rise or drop in elevation of at least twelve (12) feet in the first sixty (60) feet from the front lot line; and

(2) Lots proposed for apartments and terraced housing with no feasible alley access and a rise or drop in elevation of at least twelve (12) feet in the first sixty (60) feet from the front lot line;

(3) Lots proposed for either ground-related, apartment or terraced housing which are waterfront lots and are developed in accordance with Section 24.60.395, Shoreline Master Program;

(4) On lots meeting the standards listed in subsections C4b(i) through (3), the following variations may be permitted:

(A) Ground-related housing: parking may be located between the structure and the front lot line,

(B) Apartments or terraced housing: parking may be located in or under the structure if screened from direct street view by garage doors or by fencing and landscaping;

(5) In order to permit such alternative parking solutions, the Director must determine that siting conditions, such as the topography of the rest of the lot, or soil and drainage conditions, warrant the exception, and that the proposed alternative solution meets the following objectives: maintaining on-street parking capacity, an attractive environment at street level, landscaped street setbacks, unobstructed traffic flow and, where applicable, the objectives of the Shoreline Master Program. In no case shall a curb cut be authorized to exceed thirty (30) feet in width.

D. Screening of Parking.

1. Parking shall be screened from direct street view by the front facade of a structure, by garage doors, or 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 area a minimum of three (3) feet deep on the street side of the fence or wall. The screening shall be located outside any required sight triangle.

2. The height of the visual barrier created by the screen required in 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 (Exhibit 23.45.060 F).

3. Screening may also be required to reduce glare from vehicle lights, according to Section 23.45.059, light and glare standards.

(Ord. 118414 § 24, 1996; Ord. 117263 § 19, 1994; Ord. 115326 § 11, 1990; Ord. 114196 § 9, 1988; Ord. 114046 § 12, 1988; Ord. 112777 § 14, 1986; Ord. 111390 § 30, 1983; Ord. 110793 § 32, 1982; Ord. 110570 § 3(part), 1982.)

Part 6 Highrise

23.45.064Highrise—General provisions.

In Highrise Zones, structures may be built either to the development standards described below, or to the development standards of the Midrise Zone. Structures built to Midrise standards shall have no limit to width or depth when modulated according to the standards of Section 23.45.054 C, midrise modulation requirements. (Ord. 110570 § 3(part), 1982.)

23.45.066Highrise—Structure height.

A. Maximum Height.

1. The maximum height shall be one hundred sixty (160) feet.

B. Additional Height Permitted. The Director may authorize additional height up to a maximum height of two hundred forty (240) feet, as a special exception pursuant to Chapter 23.76, Master Use Permit. In order to qualify, the applicant shall comply with the following provisions:

1. The applicant shall provide for adequate spacing between existing and proposed towers in order to minimize blockage of views from public places, and to minimize casting of shadows on public places. The applicant shall provide shadow diagrams for December 21st, March 21st and June 21st, as well as elevations showing the degree, if any, of view blockage that would occur. The Director may limit or condition the amount of extra height and bulk granted in order to minimize blocking of views from public places and to casting of shadows on public places.

2. If the provisions of subsection B1 of this section have been met, additional height above one hundred sixty (160) feet may be allowed in return for the provision of one (1) of the public benefits listed below, or any combination of these benefits. The amount of additional height shall be determined based on the following criteria, and on the design of the proposed project and the public benefits that are provided.

a. When a proposed highrise development provides new low- and/or moderate-income housing, or preserves existing low- and/or moderate-income housing, additional height may be allowed according to the following provisions:

(1) The housing provided in order to qualify for additional height shall be in addition to any housing provided to replace demolished units.

(2) Housing provided to replace demolished units must be provided on the same site as the proposed highrise. Additional housing preserved or provided to qualify for additional height may be either within the proposed project, or within its immediate vicinity.

(3) For every one (1) percent of the total gross floor area in the proposed structure that is reserved as low-income housing, an additional eight (8) feet in height may be allowed; and for every one (1) percent of the total gross floor area in the proposed struc-

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Exhibit 23.45.060 F
Screening of Parking

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ture that is reserved as moderate income housing, an additional five feet (5′) in height may be allowed.

(4) The units provided to gain additional height shall be reserved as low- or moderate-income housing by ownership and restrictive covenants for a minimum of twenty (20) years from the date a certificate of occupancy is issued.

(5) Two (2) years after the adoption of this provision, or at a time when an adequate number of projects are available for analysis, the Director shall review this provision and recommend any revisions that are necessary consistent with the City's land use and housing objectives.

b. Landscaped Public Open Space. When proposed highrise developments provide landscaped, usable public open space in addition to the open space required for the exclusive use of residents of the development, additional height up to a maximum of forty feet (40′) may be allowed according to the following provisions:

(1) Open space for public use shall either be dedicated, or upon written agreement with The City of Seattle be available to the public during reasonable and predictable hours each day of the week.

(2) The open space may be provided on-site or in the immediate vicinity of the project.

(3) The location of the open space shall enhance street-level activity by providing:

(A) A focal point in a highly dense or active area; and/or

(B) A unique amenity suited to the area and of public benefit; and

(C) Better pedestrian access and siting of an existing public facility or historic landmark.

(4) The space shall be of a sufficient size to be functional, and shall be contiguous to pedestrian pathways that make it readily accessible to users.

(5) The design of the open space shall enhance unique site characteristics such as views, topography, trail systems and significant trees or landscaping.

(6) Public open space and equipment located there shall be designed to provide safety and security for user groups.

(7) The open space shall be designed so that its solar exposure encourages its use.

(8) Outdoor common areas and pedestrian access shall be separated from the paths of moving vehicles.

(9) The outdoor common areas shall function as more than pedestrian walkways or passageways between areas. Active areas and/or passive areas shall be provided depending on the needs of the adjacent neighborhood.

c. Structures of Architectural and Historical Significance. Additional heights may be allowed when new multi-family developments preserve structures of architectural or historical significance, according to the following provisions:

(1) Preservation of designated City landmarks, with proceedings and controls adopted pursuant to Seattle Municipal Code, Chapter 25.12, Landmarks Preservation Ordinance, may qualify for eighty feet (80′) of additional height.

(2) The significant structure to be preserved may be located either on the project site or within the immediate vicinity.

C. Height Exceptions.

1. Radio and television receive-only antennas, except dish antennas, flagpoles and spires for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height District, provided they are no closer than fifty percent (50%) of their height above existing grade or, if attached only to the roof, no closer than fifty percent (50%) of their height above the roof portion where attached, to any adjoining lot line.

2. Railings, planters, skylights, clerestories, greenhouses, parapets, and firewalls may extend four feet (4′) above the maximum height limit set in subsections A and B of this section.

3. The following rooftop features may extend up to ten feet (10′) above the maximum height limit, so long as the combined total coverage of all features does not exceed fifteen percent (15%) of the roof area, or twenty percent (20%) of the roof area if the total includes screened mechanical equipment:

a. Stair and elevator penthouses;

b. Mechanical equipment;

c. Play equipment and open-mesh fencing which encloses it, so long as the fencing is at least five feet (5′) from the roof edge;

d. Chimneys;

e. Sun and wind screens;

f. Penthouse pavilions for the common use of residents.

4. For height exceptions for solar collectors, see Section 23.45.146, Solar collectors.

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

a. Solar collectors;

b. Planters;

c. Clerestories;

d. Greenhouses;

e. Dish antennas, according to the provisions of Chapter 23.57;

f. Nonfirewall parapets;

g. Play equipment;

h. Sun and wind screens;

i. Penthouse pavilions for the common use of residents.

(Ord. 116295 § 6, 1992; Ord. 114450 § 1, 1989; Ord. 110793 § 33, 1982; Ord. 110570 § 3(part), 1982.)

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23.45.068Highrise structure width and depth.

A. Maximum Width.

1. For facades or portions of facades along the street which are thirty-seven feet (37′) in height or less, and which are not modulated according to the standards of Section 23.45.070 B, maximum width shall be thirty feet (30′).

2. For facades or portions of facades along the street which are thirty-seven feet (37′) in height or less, and which are modulated according to the standards of Section 23.45.070 B, there shall be no maximum width limit.

3. Facades or portions of facades which begin thirty-seven feet (37′) or more above existing grade shall have a maximum width limit of one hundred feet (100′), whether they are modulated or not (Exhibit 23.45.068 A).

B. Maximum Depth.

1. For facades or portions of facades thirty-seven feet (37′) or less in height, which are not along a street, there shall be no maximum depth limit.

2. Facades or portions of facades above thirty-seven feet (37′) in height shall not exceed one hundred feet (100′) in depth (Exhibit 23.45.068 B).

(Ord. 110570 § 3(part), 1982.)

23.45.070Highrise—Modulation requirements.

A. Modulation shall be required along street fronts for facades thirty-seven feet (37′) or less in height, when the width of the facade exceeds thirty feet (30′).

B. Modulation Standards.

1. The minimum depth of modulation shall be four feet (4′) (Exhibit 23.45.070 A).

2. When balconies are part of the modulation and have a minimum dimension of at least six feet (6′) and a minimum area of sixty (60) square feet, the minimum depth of modulation shall be reduced by two feet (2′) (Exhibit 23.45.070 B).

3. The minimum width of modulation shall be five feet (5′) (Exhibit 23.45.070 A).

4. Maximum Width of Modulation.

a. The maximum width of modulation shall be thirty feet (30′).

b. Exceptions to Maximum Width of Modulation.

(1) When facades provide greater depth of modulation than required by subsections B1 and B2, then for every additional full foot of modulation depth, the width of modulation may be increased by two and one-half feet (2-½′), to a maximum width of fifty feet (50′), and Section 23.86.002 B, Measurements, shall not apply.

(2) The maximum width of modulation may be increased when facades are set back from the lot line further than the required setback, according to the following guide: The width of modulation of such a facade shall be permitted to exceed thirty feet (30′) by one foot (1′) for every foot of facade setback beyond the required setback. This provision shall not be combined with the provisions of subsection B4bi above nor shall it permit facades to exceed fifty feet (50′) in width without modulation.

5. Required modulation may start a maximum of ten feet (10′) above existing grade, and shall be continued up to a height of at least thirty-seven feet (37′).

(Ord. 111390 § 31, 1983: Ord. 110793 § 34, 1982; Ord. 110570 § 3(part), 1982.)

23.45.072Highrise—Setback requirements.

Front, rear and side setbacks shall be provided for all lots according to the following provisions:

A. Front Setbacks.

1. Facades or Portions of Facades Thirty-seven Feet (37′) in Height or Less. The minimum front setback for facades or portions of facades thirty-seven feet (37′) in height or less shall be the average of the setbacks of the first principal structures on either side, subject to the following provisions:

a. The front setback shall in no case be required to be more than five feet (5′) greater than the setback of the first principal structure on either side which is closer to the front lot line.

b. The front setback shall in no case be required to exceed ten feet (10′) except that a greater setback may be required in order to meet the provisions of Section 23.53.015, Improvement requirements for existing streets in residential and commercial zones.

c. Portions of the Structure in Front Setbacks.

(1) Portions of a structure may project into the required front setback, as long as the average distance from the front property line to the structure satisfies the minimum front setback requirements.

(2) Any projection of the facade which begins at finished lot grade shall be no closer to the front lot line than the finished grade facade projection nearest the front lot line of a structure on either side, or five feet (5′), whichever is less.

2. Facades or Portions of Facades Above Thirty-seven Feet (37′). Facades or portions of facades which begin thirty-seven feet (37′) or more above finished grade shall have a front setback of twenty feet (20′). This setback may be averaged.

3. Front Setback Exceptions.

a. In the case of a through lot, each setback abutting a street except a side setback shall be a front setback. Rear setback requirements shall not apply to the lot.

b. If the street facade is in retail use, no front setback is required.

c. Sloped Lots. On sloped lots with no alley access, the required front setback shall be fifteen feet (15′) minus one foot (1′) for each two percent (2%) of slope. Slope shall be measured from the midpoint of the front lot line, to the rear lot line or for a depth of sixty feet (60′), whichever is less.

B. Rear Setback.

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Exhibit 23.45.068 A
Highrise, Structure Width Limits

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Exhibit 23.45.068 B
Highrise, Structure Depth Limit

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Exhibit 23.45.070 A
Highrise, Required Width and Depth of
Modulation

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Exhibit 23.45.070 B
Highrise, Reduction in Modulation Depth
for Balconies

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1. The minimum rear setback for structures or portions of structures sixty (60) feet or less in height shall be ten (10) feet.

2. The minimum rear setback for portions of structures greater than sixty (60) feet in height shall be twenty (20) feet.

C. Side Setback.

1. The minimum side setback (Exhibit 23.45.072 A) shall be as follows:

Elevation of Facade or Portion of Facade from Existing Grade (in feet)	Combined Total of Both Side Setbacks Must Be At Least (in feet)	Neither Side Setback May Be Less Than (in feet)
37 or less	10	5
38—60	16	8
61—90	25	10
91—120	30	14
121 or higher	40	16

2. When properties abutting the site are developed to the side property line, the base structure of a proposed development may be joined to the abutting structure.

D. General Setback Exceptions.

1. Required Setbacks for Cluster Developments. Where two (2) or more principal structures are located on one (1) lot, or where two (2) or more portions of the same structure exceed sixty (60) feet in height above existing grade, setbacks between structures or portions of structures shall be provided as follows:

a. Interior facades shall be separated as follows:

Elevation of Facade or Portion of Facade From Existing Grade (in feet)	Minimum Separation (in feet)
60 or less	16
61—90	20
91—120	28
121 or higher	32

b. Within a cluster development, interior facades need not be modulated. Perimeter facades shall follow standard development requirements.

c. Structures or portions of structures over sixty (60) feet in height may be connected by underground garages or portions of structures thirty-seven (37) feet or less in height.

2. Structures in Required Setbacks.

a. Detached garages, carports or other accessory structures are permitted in the required rear or side setbacks, provided that any accessory structure located between a principal structure and the side lot line shall provide the setback required for the principal structure (Exhibit 23.45.072 B). All such accessory structures shall be no greater than twelve (12) feet in height above existing grade, with open rails permitted above twelve (12) feet.

b. Ramps or other devices necessary for access for the disabled and elderly, which meet Washington State Building Code, Chapter 11—Accessibility, are permitted in required front, side or rear setbacks.

c. Uncovered, unenclosed pedestrian bridges, necessary for access and less than five (5) feet in width, are permitted in required front, side and rear setbacks.

d. Permitted fences, freestanding walls, bulkheads, signs and other similar structures, no greater than six (6) feet in height, are permitted in required front, side or rear setbacks.

e. Decks which average no more than eighteen (18) inches above existing or finished grade, whichever is lower, may project into required setbacks. Such decks shall not be permitted within five (5) feet of any lot line, unless they abut a permitted fence or freestanding wall, and are at least three (3) feet below the top of the fence or wall. The fence or wall shall be no higher than six (6) feet.

f. Underground structures are permitted in all setbacks.

g. Solar collectors are permitted in required setbacks, subject to the provisions of Section 23.45.146, Solar collectors.

h. Fences, Freestanding Walls, Bulkheads, Signs and Other Similar Structures.

(1) 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 each required setback. 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.

(2) The Director may allow variation from the development standards listed in subsection D2h(1) 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.

(3) Bulkheads and retaining walls used to raise grade may be placed in each required setback 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

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Exhibit 23.45.072 A
Highrise, Required Side Setbacks

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wall existing as of the effective date of the ordinance codified in this section.[1] 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 (9½) feet.

(4) 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 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.

i. Arbors. Arbors may be permitted in required setbacks under the following conditions:

(1) In each required setback, 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.

(2) In each required setback 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.

3. Front and rear setbacks 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 the provisions of subsection A of Section 25.09.280 of SMC Chapter 25.09, Regulations for Environmentally Critical Areas.

(Ord. 118414 § 25, 1996; Ord. 116262 § 13, 1992; Ord. 115326 § 12, 1990; Ord. 112971 § 9, 1986; Ord. 110793 § 35, 1982; Ord. 110570 § 3(part), 1982.)

1.Editor's Note: Ordinance 118414 was signed by the Mayor on December 3, 1996 and became effective January 3, 1997.

23.45.073Highrise—Screening and landscaping standards.

A. Quantity.

1. A minimum landscaped area which is equivalent in square footage to three (3) feet times the total length of all property lines shall be provided, except as specified in subsection A5.

2. If screening and landscaping of parking from direct street view is provided according to subsection 23.45.076 D, that amount of landscaped area may be counted towards fulfilling the total amount of landscaped area required by this section.

3. Landscaped usable open space which is provided for apartments or terraced housing according to Section 23.45.074 and located at ground level may be counted towards fulfilling the total amount of landscaped area required by this section.

4. Street trees shall be provided in the planting strip according to Seattle Transportation Tree Planting Standards, unless it is not possible to meet the standards. Existing street trees may count toward meeting the street tree requirement.

5. Exceptions.

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Exhibit 23.45.072 B
Accessory Structures in Required Setbacks

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a. If full landscaping is not possible because of the location of existing structures and/or existing parking, the amount of required landscaped area may be reduced by up to fifty percent (50%). The Director may require landscaping which cannot be provided on the lot be provided in the planting strip.

b. If landscaping would obscure the visibility of retail uses or obstruct pedestrian access to retail uses, and there is no other location on the lot for the landscaping, the Director may reduce or waive the amount of landscaping required in those locations. No reduction or waiver shall apply to screening and landscaping of parking required by subsection 23.45.076 D or open space required by Section 23.45.072.

B. Development Standards.

1. Except for the screening and landscaping of parking, which shall be provided according to subsection 23.45.076 D, landscaping may be provided on all sides of the lot, or may be concentrated in one (1) or more areas. However, a landscaped area at least three feet (3′) deep shall be provided at the following locations, except as provided in subsection B2:

a. Along property lines which abut single-family zoned lots;

b. Along alleys across from single-family zoned lots.

2. Breaks in required screening and landscaping shall be permitted to provide pedestrian and vehicular access. Breaks in required screening and landscaping for vehicular access shall not exceed the width of permitted curb cuts and any required sight triangles. When an alley is used as an aisle, the Director may reduce or waive the required screening or landscaping along the alley.

3. Required landscaping shall meet standards promulgated by the Director.

(Ord. 118409 § 180, 1996: Ord. 116744 § 4, 1993; Ord. 114046 § 13, 1988.)

23.45.074Highrise—Open space requirements.

Open space shall be provided for all lots, subject to the following provisions:

A. Quantity.

1. A minimum of fifty percent (50%) of the lot area shall be provided as landscaped open space at ground level.

2. Quantity Exception for Apartments. Ground-level open space may be reduced from fifty percent (50%) to a minimum of twenty-five percent (25%) of lot area according to the following scale: for every square foot of difference between fifty percent (50%) of lot area and the actual ground-level open space provided, one and two-tenths ($1^{2}/_{10}$) square feet shall be provided above ground in the form of decks and balconies or on the roof of the base structure.

B. Development Standards.

1. No horizontal dimension for required open space at ground level or on the roof of the base structure shall be less than fifteen feet (15′), nor shall any open space area be less than two hundred twenty-five (225) square feet.

2. In order to qualify as above-ground-level open space, balconies, decks, or open space on the roof of a base structure shall be thirty-seven feet (37′) or less above existing grade.

3. Required open space is permitted in the front, side or rear of the structure.

4. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Rules and Regulations for Barrier-Free Design, shall not be counted as open space.

5. In order to qualify as above-ground open space, no horizontal dimension for balconies and decks shall be less than six feet (6′), and the minimum area for balconies and decks shall be sixty feet (60′).

(Ord. 110570 § 3(part), 1982.)

23.45.075Highrise—Light and glare standards.

A. Exterior lighting shall be shielded and directed away from adjacent properties.

B. Interior lighting in parking garages shall be shielded to minimize nighttime glare on adjacent properties.

C. To prevent vehicle lights from affecting adjacent properties, driveways and parking areas for more than two (2) vehicles shall be screened from adjacent properties by a fence or wall between five feet (5′) and six feet (6′) in height, or a solid evergreen hedge or landscaped berm at least five feet (5′) in height. If the elevation of the lot line is different from the finished elevation of the driveway or parking surface, the difference in elevation may be measured as a portion of the required height of the screen so long as the screen itself is a minimum of three feet (3′) in height. The Director may waive the requirement for the screening if it is not needed due to changes in topography, agreements to maintain an existing fence, or the nature and location of adjacent uses.

(Ord. 114046 § 14, 1988.)

23.45.076Highrise—Parking and access.

A. Parking Quantity. Parking shall be required as provided in Chapter 23.54.

B. Access to Parking.

1. Alley Access Required. Except when one (1) of the conditions of subsections B2 or B3 applies, access to parking shall be from the alley when the site abuts an alley improved to the standards of Section 23.53.030 C. Access from the street shall not be permitted.

2. Street Access Required. Access to parking shall be from the street when:

a. The alley borders on a Single Family, Lowrise Duplex/Triplex, Lowrise 1 or Lowrise 2 Zone;

b. The lot does not abut an alley;

c. Due to the relationship of the alley to the street system, use of the alley for parking access would create a significant safety hazard.

3. Street or Alley Access Permitted. Access to parking may be from either the alley or the street when

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the conditions listed in subsection B2 do not apply, and one (1) or more of the following conditions are met:

a. Topography or designation of any portion of the site as environmentally critical makes alley access infeasible;

b. The alley is not improved to the standards of Section 23.53.030 C. If such an alley is used for access, it shall be improved according to the standards of Section 23.53.030 C;

c. Access to required barrier-free parking spaces which meet the Washington State Building Code, Chapter 11 may be from either the street or alley, or both.

C. Location of Parking.

1. Parking shall be located on the same site as the principal use, except accessory off-site parking permitted according to Section 23.45.166.

2. Parking may be located in or under the structure, provided that the parking is screened from street view by the front facade of the structure (Exhibit 23.45.076 A). Parking is permitted on all levels of a base structure, with the limitation that a maximum of fifty (50) percent of the area of the floor closest to the grade of the street may be used for parking. If the street-level facade is in retail use, sixty (60) percent of the street-level floor area may be used for parking. For each permitted curb cut, the facades may contain one (1) garage door, not to exceed the maximum width allowed for curb cuts.

3. Parking may be located outside a structure provided it maintains the following relationships to lot lines and structures. In all cases parking located outside of a structure shall be screened from direct street view as provided in Section 23.45.076 D:

a. Parking may be located between any structures on the same lot.

b. Parking may be located between any structure and the rear lot line of the lot (Exhibit 23.45.076 B).

c. Parking may be located between any structure and the side lot lines of the lot (Exhibit 23.45.076 B).

d. Parking shall not be located between any structure and the front lot line of a lot.

4. Location of Parking in Special Circumstances. For a cluster development, the location of parking shall be determined in relation to the structure or structures which have perimeter facades facing a street (Exhibit 23.45.076 C).

D. Screening of Parking.

1. Parking shall be screened from direct street view by the facade of a structure, by garage doors, or 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 area a minimum of three (3) feet deep on the street side of the fence or wall. Such screening shall be located outside any required sight triangle.

2. The height of the visual barrier created by the screen required in 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 (Exhibit 23.45.076 D).

3. Screening may also be required to reduce glare from vehicle lights, according to Section 23.45.075, light and glare standards.

(Ord. 118414 § 26, 1996; Ord. 117263 § 20, 1994; Ord. 115326 § 13, 1990; Ord. 114196 § 10, 1988; Ord. 114046 § 15, 1988; Ord. 112777 § 15, 1986; Ord. 111390 § 32, 1983; Ord. 110793 § 36, 1982: Ord. 110570 § 3(part), 1982.)

Part 7 Other Principal Uses Permitted Outright

23.45.080 Congregate residences.

A. Bulk and Siting. Congregate residences shall be subject to the development standards of the multifamily zone in which they are located.

B. Parking Quantity. Parking shall be required as provided in Chapter 23.54.

(Ord. 117202 § 4, 1994; Ord. 112777 § 16, 1986: Ord. 110570 § 3(part), 1982.)

23.45.088 Nursing homes meeting development standards.

A. General Provisions. The establishment of new nursing homes which meet the development standards of this section shall be permitted outright in all multifamily zones. If the expansion of an existing nursing home meets all development standards, it shall be permitted outright.

B. Development Standards. Nursing homes shall be subject to the following standards:

1. A nursing home is subject to the development standards of the multifamily zone in which it is located.

2. Parking Quantity. Parking shall be provided as required in Chapter 23.54, unless the applicant can demonstrate that less parking is needed due to unique features of the program. In such a case, the applicant shall enter into an agreement with the Director, specifying the parking required and linking the parking reduction to the features of the program which allow such reduction. Such parking reductions shall be valid only under the conditions specified, and if the conditions change, the standard requirements must be met.

(Ord. 117202 § 5, 1994: Ord. 112777 § 18, 1986; Ord. 110570 § 3(part), 1982.)

23.45.090 Institutions—General provisions.

A. The establishment of new institutions, such as religious facilities, community centers, private schools and child care centers, which meet the development standards of Sections 23.45.092 through 23.45.102, shall be permitted outright in all multifamily zones. Institutions not meeting all the development standards of these sections may be permitted as administrative conditional uses subject to the requirements of Section 23.45.122.

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Exhibit 23.45.076 A
Parking Screened by Street-facing Facades
or Garage Doors

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Exhibit 23.45.076 B
Parking Permitted Between the Structure
and
Rear and Side Lot Lines

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Exhibit 23.45.076 C
Parking in a Cluster Development
(parking permitted in shaded areas)

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Exhibit 23.45.076 D
Screening of Parking

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B. Public schools shall be permitted as regulated in Section 23.45.112.

C. If the expansion of an existing institution meets all development standards of Sections 23.45.092 through 23.45.102, it shall be permitted outright. Expansions not meeting development standards may be permitted as administrative conditional uses subject to the requirements of Section 23.45.122. Structural work which does not increase usable floor area or seating capacity and does not exceed the height limit shall not be considered expansion. Such work includes but is not limited to roof repair or replacement, and construction of uncovered decks and porches, bay windows, dormers, and eaves. The establishment of a child care center in a legally established institution devoted to the care or instruction of children which does not require expansion of the existing structure or violate any condition of approval of the existing institutional use shall not be considered an expansion of the use. Institutions in Lowrise Duplex/Triplex zones shall meet the development standards for institutions in Lowrise 1 zones.

D. The provisions of this section shall apply to Major Institution uses as provided in Chapter 23.69, Major Institution Overlay District. All major institutions shall be so designated and their boundaries approved by the Council.

(Ord. 115043 § 8, 1990: Ord. 115002 § 6, 1990; Ord. 114910 § 1, 1990: Ord. 114875 § 4, 1989: Ord. 114196 § 11, 1988; Ord. 112539 § 5, 1985: Ord. 110793 § 38, 1982; Ord. 110570 § 3(part), 1982.)

23.45.092Institutions—Structure height.

A. Maximum height limits for institutions shall be as provided for multifamily structures in the same multifamily zone.

B. In the Lowrise zones, for gymnasiums and auditoriums that are necessary to an institution the maximum permitted height shall be thirty-five (35) feet if all portions of the structure above the height limit of the zone are set back at least twenty (20) feet from all property lines. Pitched roofs on the auditorium or gymnasium with 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 auditorium shall be permitted to extend beyond thirty-five (35) feet.

(Ord. 118414 § 27, 1996: Ord. 114910 § 2, 1990: Ord. 113400 § 1, 1987: Ord. 110570 § 3(part), 1982.)

23.45.094Institutions—Structure width and depth.

A. Maximum Width.

1. The maximum width for institutions shall be as follows:

Zone	Maximum Width Without Modulation or Landscaping Option (feet)	Maximum Width With Modulation or Landscaping Option (feet)
Lowrise 1	45	75
Lowrise 2	45	90
Lowrise 3	60	150
Midrise	60	150
Highrise		
— Facades or portions of facades below 37′ in height	90	No maximum width
— Facades or portions of facades above 37′ in height	100	100

2. In order to reach the maximum width permitted in each zone, institutional structures shall be required to reduce the appearance of bulk through one (1) of the following options:

a. Modulation Option. Front facades, and side and rear facades facing street lot lines, shall be modulated (Exhibit 23.45.094 A) according to the following provisions:

(1) The minimum depth of modulation shall be four (4) feet in Lowrise 1, Lowrise 2 and Lowrise 3 Zones, and six (6) feet in Midrise and Highrise Zones.

(2) The minimum height of modulation shall be five (5) feet.

(3) The minimum width of modulation shall be twenty (20) percent of the total structure width or ten (10) feet, whichever is greater.

(4) Any unmodulated portion of the facade shall not comprise more than fifty (50) percent of the total facade area.

(5) In Highrise Zones, modulation shall only be required for the first sixty (60) feet in height of an institution's facade; or if the facade above thirty-seven (37) feet is set back twenty (20) feet or more from the lot lines, modulation shall only be required for the first thirty-seven (37) feet in height of the structure. The maximum width of any unmodulated portion of the facade in Highrise Zones shall be ninety (90) feet.

b. Landscape Option. Front setbacks and landscaping shall be provided as follows:

(1) The required front setback shall be five (5) feet more than the required minimum setback for the lot.

(2) One (1) tree and three (3) shrubs are required for each three hundred (300) square feet of required front setback and street-facing side and rear setbacks. When new trees are planted, at least half must be deciduous.

(3) 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-tree-to-one-tree or one-shrub-to-one-shrub basis if the minimum standards in Section 23.86.022 (Measurements) are met. In order to give credit for large existing trees, a tree may count as one (1) required tree for every three hundred (300) feet of its canopy spread.

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Exhibit 23.45.094 A
Institutions, Modulation Requirements

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(4) 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 standards.

(5) Each setback required to be landscaped shall be planted with shrubs, grass and/or evergreen ground cover.

(6) Landscape features such as decorative paving, sculptures or fountains are permitted to a maximum of twenty-five (25) percent of each required landscaped area.

(7) A plan shall be filed showing the layout of the required landscaping.

(8) The property owner shall maintain all landscape material and replace any dead or dying plants.

(9) Authorization of the use shall be subject to the posting by the applicant of a cash deposit or the pledge of an interest-bearing account with the City Finance Director in the amount equal to sixty (60) percent of the estimated cost of the landscaping, guaranteeing compliance. The deposit shall be refunded or the pledge released by the City Finance Director five (5) years from the date of issuance of the covering use permit at the request of the permittee upon presentation of a certificate of compliance from the Director of Construction and Land Use. The deposit or pledge account shall be forfeited to the City if the landscaping requirements have not been complied with by the end of the five (5) year period, and the proceeds shall be used by the Director to effect compliance; provided, that such forfeiture shall not relieve the permittee from compliance with the landscaping requirements.

B. Maximum Depth. The maximum depth of institutional structures shall be sixty-five (65) percent of lot depth.

(Ord. 116368 § 303, 1992; Ord. 110570 § 3(part), 1982.)

23.45.096Institutions—Setback requirements.

A. Front Setback. The minimum depth of the required front setback shall be determined by the average of the setbacks of structures on adjoining lots, but is not required to exceed twenty (20) feet. In Lowrise 1, Lowrise 2 and Lowrise 3 Zones, the setback shall not be reduced below an average of ten (10) feet, and no portion of the structure shall be closer than five (5) feet to the front lot line.

In Highrise Zones, where the street front is devoted to retail and service use, no front yard setback shall be required.

B. Rear Setback. The minimum rear setback shall be ten (10) feet in Lowrise 1, 2 and 3 and Midrise Zones. The minimum rear setback in Highrise Zones shall be twenty (20) feet.

C. Side Setback.

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

In Highrise Zones, structures which are between ninety-one (91) and one hundred twenty (120) feet in height shall have a minimum side setback of fourteen (14) feet; structures which are taller than one hundred twenty (120) feet shall have a minimum side setback of sixteen (16) feet (Exhibit 23.45.096 A).

2. When the depth of a structure exceeds sixty-five (65) feet, an additional setback shall be required for that portion in excess of sixty-five (65) feet. This additional setback may be averaged along the entire length of the wall. The side setback requirement for portions of walls subject to this provision shall be provided as shown in the following chart.

Side Setback Requirements for Structures Greater than Sixty-Five Feet in Depth

H	0-10	11-21	21-30	31-40	41-50	51-60	61-70	71-80	81-90	91-160
D										
66—70	11	12	13	14	15	16	17	18		
71—80	12	13	14	15	16	17	18	19	20	21
81—90	13	14	15	16	17	18	19	20	21	22
91—100	14	15	16	17	18	19	20	21	22	23
101—110	15	16	17	18	19	20	21	22	23	24

D. Setbacks for Specific Items.

1. In Lowrise 1, Lowrise 2 and Lowrise 3 Zones, the following items shall be located at least twenty (20) feet from any abutting residentially zoned lot:

a. Emergency entrances;

b. Main entrance door of the institutional structure;

c. Outdoor play equipment and game courts;

d. Openable window of gymnasium, assembly hall or sanctuary;

e. Garbage and trash disposal mechanism;

f. Kitchen ventilation;

g. Air-conditioning or heating mechanism;

h. Similar items causing noise and/or odors as determined by the Director.

2. Freestanding signs six (6) feet in height or less may be permitted in required setbacks according to the provisions of Section 23.45.158, Signs.

E. Landscaping and Screening of Required Setbacks.

1. Institutions shall provide landscaping for setbacks which abut a street. Such setbacks shall be planted with trees, shrubs, grass and/or evergreen ground cover. The planting of street trees shall also be considered as part of the landscaping. Landscape features such as decorative paving, sculptures or fountains are permitted to a maximum of twenty-five (25) percent of each required landscaped area. If the landscaping option of Section 23.45.094 A2b is used, that shall fulfill all the requirements of this section.

a. A plan shall be filed showing the layout of the required landscaping. This landscaping plan shall meet the standards established by the Director.

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Exhibit 23.45.096 A
Institutions, Side Setback Requirements
in Highrise Zones

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b. The property owner shall maintain all landscape material and replace any dead or dying plants.

c. Authorization of the use shall be subject to the posting by the applicant of a cash deposit or the pledge of an interest-bearing account with the City Finance Director in the amount of sixty (60) percent of the estimated cost of the landscaping, guaranteeing compliance. The deposit shall be refunded or the pledge released by the City Finance Director five (5) years from the date of issuance of the covering master use permit at the request of the permittee upon presentation of a certificate of compliance from the Director. The deposit or pledge account shall be forfeited to the City if the landscaping requirements have not been complied with by the end of the five (5) year period, and the proceeds shall be used by the Director to effect compliance; provided, that such forfeiture shall not relieve the permittee from compliance with the landscaping requirements. This requirement shall not apply to child care facilities locating in existing structures.

(Ord. 116368 § 304, 1992; Ord. 114875 § 5, 1989; Ord. 110793 § 39, 1982; Ord. 110570 § 3(part), 1982.)

23.45.098Institutions—Parking, access and transportation plan requirements.

A. Parking Quantity. Parking and loading shall be required as provided in Section 23.54.015.

B. Location of Parking. Parking areas and facilities may not be located in the required front setback or side street side setback. Otherwise, parking may be located in or under the structure, or in the front, side or rear of the structure.

C. Screening of Parking. Access or parking areas and facilities for more than five (5) vehicles shall be screened in accordance with the following requirements.

1. Screening shall be provided on each side of the parking area which abuts on or faces across a street, alley or access easement any lot in a residential zone.

2. Screening shall consist of a fence, solid evergreen hedge or wall between four (4) and six (6) feet in height. Sight triangles shall be provided.

3. The height of the visual barrier created by the screen required in paragraph 2 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 (Exhibit 23.45.098 A).

D. Landscaping of Parking. Accessory parking areas for more than twenty (20) vehicles shall be landscaped according to the following requirements:

1. One (1) tree per every five (5) parking spaces shall be required.

2. Each required tree shall be planted in a landscaped area and shall be three (3) feet away from any curb of a landscaped area or edge of the parking area. Permanent curbs or structural barriers shall enclose each landscaped area.

3. Hardy evergreen ground cover shall be planted to cover each landscaped area.

4. The trees and landscaped areas shall be located within the parking area in such a manner that large expanses of pavement and cars are visually broken and softened.

(Ord. 114875 § 6, 1989; Ord. 112777 § 19, 1986; Ord. 110793 § 40, 1982; Ord. 110570 § 3(part), 1982.)

23.45.100Institutions—Noise, odors, light and glare, and signs.

A. Noise.

1. Institutions shall be designed to meet the terms of Chapter 25.08 of the Seattle Municipal Code (Noise Control).

2. Institutions which are the origin or destination of emergency vehicles which emit noise specifically exempted by Chapter 25.08 shall be located only on an arterial street as designated in Chapter 11.18 of the Seattle Municipal Code (Traffic Code). Access to emergency entrances for such institutions shall also be located on the arterial.

B. Odors. Ventilation devices and other sources of odors shall be directed away from residential property.

C. Light and Glare.

1. Exterior lighting for institutions shall be shielded or directed away from principal structures on adjacent residential lots.

2. Poles for freestanding exterior lighting shall be permitted up to a maximum height of thirty (30) feet.

(Ord. 112830 § 4, 1986; Ord. 110570 § 3(part), 1982.)

23.45.102Institutions—Dispersion criterion.

A. The lot line of any 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:

1. 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.

2. 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.

(Ord. 114875 § 7, 1989: Ord. 112539 § 6, 1985; Ord. 110793 § 41, 1982; Ord. 110570 § 3(part), 1982.)

1.Editor's Note: Ordinance 112539 was adopted on November 12, 1985.

23.45.106Public projects and City facilities.

A. The location or expansion of the following public

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Exhibit 23.45.098 A
Screening of Parking

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projects and City facilities shall be permitted outright in all multifamily zones, if all of the development standards for institutions (Sections 23.45.092 through 23.45.102) are met:

1. Police precinct stations;
2. Fire stations;
3. Public boat moorages;
4. Utility service uses;
5. Other similar uses.

B. If the proposed public project or City facility does not meet the development standards for institutions, it may be permitted by the Council, according to the procedures for public projects and City facilities provided in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. The Council may waive or change development standards.

C. The following public projects or City facilities shall be prohibited in all multifamily zones:

1. Jails;
2. Work-release centers;
3. METRO operating bases;
4. Park and Ride lots;
5. Sewage treatment plants;
6. Solid waste transfer stations;
7. Animal control shelters;
8. Post office distribution centers;
9. Other similar uses.

D. Specific Development Standards for Public Facilities.

1. Sale and consumption of beer during daylight hours on public park premises shall be permitted in a building or within fifty (50) feet of the building on an adjoining terrace; provided, that such use shall be in a completely enclosed building or enclosed portion of building when within one hundred (100) feet of any lot in a residential zone.

2. Sale and consumption of alcoholic beverages under a Class H liquor license on municipal golf course premises during the established hours of operation of the golf course shall be permitted in a building or within fifty (50) feet of the building on an adjoining terrace, provided, that such use shall be in a completely enclosed building or enclosed portion of building when within one hundred (100) feet of any lot in a residential zone.

E. 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 chapter.

F. The location or expansion of a public convention center may be permitted in the Highrise Zone with Council approval. The following shall be considered in evaluating and approving, conditioning or denying public convention center proposals:

1. In making its decision, the Council shall determine whether the facility serves the public interest. This determination shall be based on an evaluation of the public benefits and the adverse impacts of the facility. The Council shall approve the facility only if it finds that public benefits outweigh the adverse impacts of the facility which cannot otherwise be mitigated.

2. In evaluating the public benefits and adverse impacts of a proposed convention center, the Council shall consider, but is not limited to, the following factors:

a. Economic impacts including, but not limited to, the net fiscal impacts on The State of Washington and City of Seattle, increased employment opportunities, demand for new development and increased tourism in the City and state;

b. Public amenities incorporated in the project including, but not limited to, open spaces accessible to the public and improved pedestrian circulation systems;

c. The relationship of the project to its surroundings with respect to height, bulk, scale, massing, landscaping, aesthetics, view enhancement or blockage, shadows and glare;

d. Impacts of the facility on traffic, parking, street systems, transit and pedestrian circulation;

e. Impacts of the facility on existing residential development in the vicinity of the project, including but not limited to direct and indirect housing loss;

f. Impacts of the facility on local governmental services and operations, including, but not limited to police and fire protection, and water, sewer and electric utilities;

g. Impacts of the facility relative to noise and air quality;

h. Cumulative impacts of the project on governmental services and facilities, natural systems, or the surrounding area, considering the project's impacts in aggregate with the impacts of prior development and the impacts of future development which may be induced by the project;

i. Additional information as the Council deems necessary to fully evaluate the proposal.

3. If the Council approves a convention center, it may attach conditions to its approval as necessary to protect the public interest or to mitigate adverse impacts. Conditions required by the Council may include, but are not limited to, landscaping, screening or other design amenities; parking facilities adequate to accommodate potential parking demands; a traffic management plan; measures to mitigate housing loss; and measures to reduce energy consumption.

G. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

(Ord. 117430 § 46, 1994; Ord. 114623 § 2, 1989; Ord. 112522 § 11, 1985; Ord. 111702 § 1, 1984; Ord. 110793 § 42, 1982; Ord. 110570 § 3(part), 1982.)

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23.45.108Public or private parks and playgrounds.

The establishment of new or expansion of existing public or private parks and playgrounds, including customary structures and activities, shall be permitted outright in all multifamily zones. 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 screened from view from such lot.
(Ord. 110793 § 43, 1982.)

23.45.110Ground-floor business and commercial use in Midrise and Highrise zones.

Certain commercial uses shall be permitted outright on the ground floor of multifamily structures in Midrise and Highrise zones under the following conditions. These provisions shall not apply to Midrise and Highrise zones which have been designated Residential-Commercial on the Official Land Use Map.

A. Location.

1. In Midrise Zones, the use may be located only within a one (1) block radius of a commercial zone.

2. In Highrise Zones, the use may be located anywhere in the zone.

3. The commercial use may be located only on the ground floor of a multifamily structure. On sloping sites, the commercial use may be located at more than one (1) level within the structure as long as the commercial area does not exceed the area of the structure's footprint (Exhibit 23.45.110 A).

B. Permitted Commercial Uses. The following uses shall be permitted as ground-floor commercial uses in Midrise and Highrise zones:

1. Personal and household retail sales and services;

2. Medical services;

3. Restaurants without cocktail lounges;

4. Business support services;

5. Offices; and

6. Food processing and craft work.

C. Ground-floor commercial uses shall meet the following standards:

1. All business, service, repair, processing, storage or merchandise display shall be conducted wholly within an enclosed structure, except for off-street vehicle parking and off-street loading. All goods produced shall be sold at retail on the premises where produced.

2. The maximum gross floor area of any one (1) business enterprise shall be no greater than four thousand (4,000) square feet, except that the maximum gross floor area of a multi-purpose convenience store shall be ten thousand (10,000) square feet.

3. Processes and equipment employed and goods processed or sold shall be limited to those which do not produce noticeable odors, dust, smoke, cinders, gas, noise, vibration, refuse matter or water-carried waste.

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

5. No loading berths shall be required for ground-floor commercial uses. If provided, loading berths shall be located so that access to residential parking is not blocked.

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

(Ord. 113662 § 1, 1987: Ord. 112777 § 20, 1986; Ord. 112830 § 5, 1986: Ord. 110570 § 3(part), 1982.)[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.

23.45.112Public schools.

Public Schools Meeting Development Standards. New public schools or additions to existing public schools and accessory uses including child care centers which meet the following development standards shall be permitted in all multifamily zones. Public schools in single-family attached zones shall meet the development standards for public schools in Lowrise 1 zones. Departures from development standards of this section may be permitted or required pursuant to procedures and criteria established in Chapter 23.79, Development Standard Departure for Public Schools.

A. Height.

1. For new public school construction on new public school sites, the maximum permitted height shall be the maximum height permitted in the zone for multifamily structures. For gymnasiums and auditoriums in the lowrise zones which 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 the height limit of the zone 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 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 the maximum height permitted in the zone for multifamily structures or thirty-five (35) feet plus fifteen (15) feet for a pitched roof, whichever is greater. If the thirty-five (35) foot height limit applies, 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

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shall be the maximum height permitted in the zone for multifamily structures, 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, 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

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Exhibit 23.45.110 A
Business and Commercial Use on the
Ground Floors of Sloping Sites

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permitted to extend beyond the thirty-five (35) foot height 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 a 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.

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5. The provisions regarding height for sloped lots, pitched roofs, and rooftop features for the zone in which the public school is located shall apply.

B. 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 B2 through B5 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 entire structure facade with absolute minimums for areas abutting lots in residential zones as provided in subsections B2b, B3b and B4b.

c. Trash disposals, openable windows in a gymnasium, main entrances, play equipment, kitchen ventilators or other similar items shall be located at least thirty feet (30′) from any single-family zoned lot and twenty feet (20′) from any multifamily zoned lot.

d. The general setback exceptions regulations of the zone in which the public school is located 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	25′	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′	20′ (10′)	15′ (10′)	10′ (5′)	0′ (0′)
21′ to 35′	25′ (10′)	20′ (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.

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′
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. (See Exhibit 23.44.017 A in Chapter 23.44.)

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		

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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 feet (10′) and the minimum setback to five feet (5′) 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 feet (15′) and the minimum setback to five feet (5′) for structures or portions of structures abutting lots in residential zones.

c. The limits in paragraphs a and b of this subdivision 5 may be waived by the Director when waiver would contribute to reduced demolition of residential structures.

C. 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-five feet (65′) unless either the modulation option in subsection C1a or the landscape option in subsection C1b of this section is met.

a. Modulation Option. Front facades and side and rear facades facing street lot lines shall be modulated according to the following provisions:

(1) The minimum depth of modulation shall be four feet (4′).

(2) The minimum width of modulation shall be twenty percent (20%) of the total structure width or ten feet (10′), whichever is greater.

b. Landscape Option. Setbacks and landscaping shall be provided as follows:

(1) One (1) tree and three (3) shrubs are requied for each three hundred (300) square feet of required setback. 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 feet (10′) 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 in Chapter 23.86, Measurements, are met, except that shrub height need not exceed two feet (2′) 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 Transportation Department 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 percent (25%) of each required landscaped area.

(6) A plan shall be filed showing the layout of the required landscaping.

(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. Modulation and landscaping standards may be waived by the Director when waiver would contribute to reduced demolition of residential structures.

D. Parking Quantity. Parking shall be as required as provided in Chapter 23.54.

E. Parking Location. Parking may be located:

1. Within the principal structure; or

2. On any portion of the site except the front setback when separated from streets and from abutting lots in residential zones by a five-foot (5′) 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 site 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

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would contribute to reduced demolition of residential structures.

F. 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 setback. The bus loading and unloading area may be permitted in a landscaped area provided under subsection C1b 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 loading berth shall be required for new public school construction.

3. Development standard departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 from the requirements and standards for bus and truck loading and unloading areas and berths only when departure would contribute to reduced demolition of residential structures.

G. 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 set forth in Chapter 23.79 only when departure would contribute to reduced demolition of residential structures.

(Ord. 118414 § 28, 1996; Ord. 118409 § 181, 1996: Ord. 116744 § 5, 1993; Ord. 114875 § 8, 1989; Ord. 114196 § 12, 1988; Ord. 112777 § 21, 1986; Ord. 112830 § 6, 1986; Ord. 112539 § 7, 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 Administrative Conditional Uses

23.45.116Administrative conditional uses—General provisions.

A. Only those uses identified in this subchapter as conditional uses may be authorized as conditional uses in multifamily zones. The master use permit process shall be used to authorize these uses.

B. Unless otherwise specified in this subchapter, conditional uses shall meet the development standards for uses permitted outright in Subchapter I.

C. The Director may approve, condition or deny a conditional use. The Director's decision shall be based on a determination 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 may mitigate adverse negative impacts by imposing requirements and conditions deemed necessary for the protection of other properties in the zone or vicinity and the public interest.

E. The Director shall issue written findings of fact and conclusions to support the Director's decision.

F. 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 multifamily 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 § 2, 1986; Ord. 110570 § 3(part), 1982.)

23.45.122Institutions other than public schools not meeting development standards.

Institutions other than public schools which do not meet development standards established in Section 23.45.090 may be permitted in multifamily zones as administrative conditional uses. The provisions of this section shall apply to Major Institution uses as provided in Chapter 23.69, Major Institution Overlay District.

The following criteria shall be used to evaluate and/or condition the proposals:

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

B. Dispersion Criteria. An institution which does not meet the dispersion criteria of Section 23.45.102 may be permitted by the Director upon determination that it would not substantially aggravate parking shortages, traffic safety hazards, and noise in the surrounding residential area.

C. Noise. The Director may condition the permit in order to mitigate potential noise problems. Measures to be used by the Director for this purpose include, but are not limited to the following: landscaping, sound barriers or fences, mounding or berming, adjustments to yards or the location of refuse storage areas, or parking development standards, design modification and fixing of hours for use of areas.

D. Transportation Plan.

1. A transportation plan shall be required for proposed new institutions and for those institutions proposing expansions which are larger than four thousand

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(4,000) square feet of structure area and/or required to provide twenty (20) or more parking spaces.

2. 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. Consideration of the following elements and other similar factors may be required:

a. Traffic. Number of staff during normal working hours; users, guests and others regularly associated with the institution; level of vehicular traffic generated; traffic peaking characteristics of the institution and the immediate area; likely vehicle use patterns; extent of congestion; types and number of vehicles associated with the use; and mitigating measures to be taken by the applicant;

b. Parking Area. Number of spaces; extent of screening from public or abutting lots; direction of vehicle light glare; direction of lighting; sources of possible vibration; prevailing direction of exhaust fumes; location of driveway and curb cuts; accessibility and convenience of the parking area; and mitigating measures to be taken by the applicant, such as parking space preferences for carpool or vanpool vehicles and provisions for bicycle racks;

c. Parking Overflow. Number of vehicles expected to park in the street; percentage of on-street parking supply to be used by the proposed use; opportunities available to share existing parking areas; trends in local area development and mitigating measures to be taken by the applicant;

d. Safety. Number of driveways which cross pedestrian walkways; location of passenger loading areas;

e. Availability of Mass Transportation. Bus route location and frequency of service; private transportation programs, including carpools and vanpools, to be provided by the applicant.

3. The Director may condition a permit to mitigate potential traffic and parking problems. Measures which may be used by the Director for this purpose include, but are not limited to, the following:

a. Implementing the institution's transportation plan to encourage use of public or private mass transit;

b. Increasing on-site parking or loading space requirements to reduce overflow of vehicles into the on-street parking supply;

c. Changing access and location of parking;

d. Decreasing on-site parking or loading space requirements, if the applicant can demonstrate that less than the required amount of parking is necessary due to the specific features of the institution or the activities and programs it offers. In such cases, the applicant shall enter into an agreement with the Director, specifying the amount of parking required and linking the parking reduction to the features of the institution which justify the reduction. Such parking reductions shall be valid only under the conditions specified, and if those conditions change, the standard requirement shall be satisfied.

(Ord. 115002 § 7, 1990; Ord. 114875 § 9, 1989; Ord. 112539 § 8, 1985; Ord. 110793 § 45, 1982; Ord. 110570 § 3(part), 1982.)

23.45.124Landmark structures.

A. The Director may authorize a use not otherwise permitted in a multifamily 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 by 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 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 § 2, 1986; Ord. 111390 § 33, 1983: Ord. 110570 § 3(part), 1982.)

23.45.126Park and pool lot.

The Director may authorize a park and pool lot under the management of a public agency responsible for commuter pooling efforts if the Director shall determine that:

A. It is to be located on an existing parking lot;

B. The 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

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. 110570 § 3(part), 1983.)

Subchapter III Accessory Uses

23.45.140General provisions.

A. The accessory uses listed in this subchapter are permitted in all multifamily zones unless otherwise specified. In addition, other accessory uses customarily incidental to principal uses may be permitted, subject to the provisions of Chapter 23.42, General Use Provisions.

B. Accessory structures shall be counted in structure width and depth if less than three (3) feet from the principal structure at any point. Such detached accessory structures shall have a height limit of twelve feet (12′).

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(Ord. 113978 § 4, 1988: Ord. 110793 § 46, 1982; Ord. 110570 § 3(part), 1982.)

23.45.142Private garages and private carports.

Private garages and private carports shall be permitted as accessory uses in multi-family zones and shall be subject to the standards of the zone in which they are located.

(Ord. 110570 § 3(part), 1982.)

23.45.144Swimming pools.

Private, permanent swimming pools, hot tubs and other similar uses are permitted as accessory uses subject to the following standards:

A. Swimming pools may be located in any required setbacks, provided that:

1. No part of any swimming pool shall project more than eighteen inches (18″) above existing grade in a required front setback; and

2. No swimming pool shall be placed closer than five feet (5′) to any front or side lot line.

B. All pools shall be enclosed with a fence, or located within a yard enclosed by a fence, not less than four feet (4′) in height and designed to resist the entrance of children.

C. Swimming pools may be included in the measurement of required open space.

(Ord. 110570 § 3(part), 1982.)

23.45.146Solar collectors.

A. Solar Greenhouses in Required Setbacks. Solar greenhouses attached and integrated with the principal structure and no more than twelve feet (12′) in height are permitted as accessory uses. Such solar greenhouses may extend a maximum of six feet (6′) into required front and side setbacks. Attached solar greenhouses in required setbacks shall be no closer than:

1. Three feet (3′) from side lot lines; and

2. Eight feet (8′) from front lot lines.

3. Solar greenhouses may be built to a rear lot line which abuts an alley, provided that the greenhouse is no taller than ten feet (10′) along the rear property line, and of no greater average height than twelve feet (12′) for a depth of fifteen feet (15′) from the rear property line, and the greenhouse is no wider that fifty percent (50%) of lot width for a depth of fifteen feet (15′) from the rear property line. Otherwise solar greenhouses shall be no closer than five feet (5′) from the rear lot line.

B. Solar Collectors in Required Setbacks. Solar collectors which meet minimum written energy conservation standards administered by the Director are permitted in required setbacks according to the following provisions:

1. Detached solar collectors shall be permitted in required rear setbacks. Such collectors shall be no closer than five feet (5′) to any other principal or accessory structure.

2. Detached solar collectors shall be permitted in required side setbacks. Such collectors shall be no closer than five feet (5′) to any other principal or accessory structure, and no closer than three feet (3′) to the side lot line.

3. The area covered or enclosed by solar collectors may be counted as required open space.

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

C. Solar Collectors on Rooftops.

1. Lowrise Zones. Solar collectors which are located on rooftops and which meet minimum written energy conservation standards administered by the Director shall be permitted to project up to four feet (4′) above the maximum height limit. The four feet (4′) permitted for rooftop solar collectors shall not be added to extra height allowed for pitched roofs.

2. Midrise and Highrise Zones.

a. Solar greenhouses which meet minimum energy conservation standards administered by the Director shall be permitted to project up to ten feet (10′) above the maximum height limit, including the additional height allowed for sloped lots. The combined total coverage of all rooftop features shall not exceed fifteen percent (15%) if the total includes screened mechanical equipment.

b. Rooftop solar collectors other than solar greenhouses shall be permitted to project up to seven feet (7′) above the maximum height limit, including the additional height allowed for sloped lots.

c. Extra height permitted for rooftop solar collectors shall not be added to extra height allowed for pitched roofs.

D. 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, Master Use Permit. Such an installation may be permitted even if it exceeds the height limits established in Section 23.45.146 C if the following conditions are met:

1. There is no feasible alternative solution 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; and

3. Such collector(s) meet minimum energy standards administered by the Director.

(Ord. 115043 § 9, 1990; Ord. 113401 § 4, 1987; Ord. 112971 § 11, 1986; Ord. 111591 § 1, 1984; Ord. 110793 § 47, 1982; Ord. 110570 § 3(part), 1982.)

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23.45.148Keeping of animals.

A. Small Animals.

1. Up to three (3) small domestic animals per dwelling unit may be kept in multi-family zones; however, only one (1) may be a miniature potbelly pig (see subsection B of this section).

2. Accessory structures, including kennels, for four (4) or more animals shall be at least ten feet (10′) from any other residentially zoned lot.

B. Miniature Potbelly Pigs. That type of swine commonly known as the Vietanese, 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 five thousand (5,000) square feet, one (1) additional domestic fowl may be kept.

D. Farm Animals. Cows, horses and other similar farm animals are permitted only on lots at least twenty thousand (20,000) square feet in size. The keeping of swine is prohibited except for miniature potbelly pigs allowed under subsection B of this section.

1. Only one (1) farm animal for every ten thousand (10,000) square feet of lot area is permitted.

2. Farm animals and structures housing them shall be at least fifty feet (50′) from any other residentially zoned lot.

(Ord. 116694 § 2, 1993: Ord. 110570 § 3(part), 1982.)

23.45.150Beekeeping.

Beekeeping is permitted as an accessory use, when registered with the State Department of Agriculture, and provided that:

A. 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.

B. Hives shall not be located within twenty-five feet (25′) of any property line except when located eight feet (8′) or more above the grade immediately adjacent to the subject lot or when situated less than eight feet (8′) above the adjacent existing grade and behind a solid fence or hedge six feet (6′) high, parallel to any property line within twenty-five feet (25′) of a hive and extending at least twenty-five feet (25′) beyond the hive in both directions.

(Ord. 110570 § 3(part), 1982.)

23.45.152Home occupations.

Home occupations of a person residing in a dwelling unit are permitted in that dwelling unit as accessory uses, subject to the following development standards:

A. The occupation shall be clearly incidental and accessory to the use of the property as a dwelling.

B. The address of the home occupation shall not be given in any advertisement, including but not limited to commercial telephone directories, newspapers, magazines, off-premises signs, flyers, radio, television and any other media. Addresses may be listed on business cards, but a statement must be included to the effect that business is by appointment only.

C. The occupation shall be conducted only within the principal structure and not in an accessory structure, except that parking of vehicles associated with a home occupation shall be permitted anywhere that parking is permitted on the lot.

D. To preserve the residential appearance of the structure, there shall be no evidence of the home occupation from the exterior of the structure; provided, that one (1) sign, and outdoor play areas for daycare programs and outdoor activities normally associated with residential use shall be permitted. No outdoor storage shall be permitted in connection with a home occupation.

E. 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.

F. Except for child care programs, not more than one (1) person 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.

G. Commercial pickup and deliveries shall be limited to one (1) per day on weekdays and shall be prohibited on weekends.

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 23.55.022.

L. Child care programs in the home of the operator shall be limited to twelve (12) children including the children of the operator.

(Ord. 117263 § 21, 1994; Ord. 114875 § 10, 1989; Ord. 113387 § 2, 1987: Ord. 110570 § 3(part), 1982.)

23.45.154Open wet moorage for private pleasure craft.

Open wet moorage facilities for residential structures are permitted as an accessory use as regulated in Chapter 23.70 or Chapter 24.60, Shoreline Master Program, provided that only one (1) slip per residential unit is provided.

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(Ord. 110793 § 48, 1982: Ord. 110570 § 3(part), 1982.)

23.45.160Bed and breakfasts.

Bed and breakfasts may be operated in a dwelling unit existing as of the effective date of this Land Use Code by a resident person under the following conditions:

A. The operation of a bed and breakfast may be conducted only within a single dwelling unit.

B. The bed and breakfast shall be operated within the principal structure and not in an accessory structure. It shall not require structural alterations. There shall be no evidence of such occupation from the exterior of the structure other than a permitted sign, so as to preserve the residential appearance of the structure.

C. No more than two (2) people who are not residents of the dwelling may be employed in the operation of a bed and breakfast, whether or not compensated.

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

(Ord. 112777 § 23, 1986; Ord. 110570 § 3(part), 1982.)

23.45.162Recycling collection station.

Recycling collection stations maintained in good condition shall be permitted in all multi-family zones.

(Ord. 110570 § 3(part), 1982.)

23.45.164Heat recovery incinerators.

Heat recovery incinerators, located on the same lot as the principal use, shall be permitted as accessory conditional uses, subject to the following conditions:

A. The incinerator shall be located no closer than one hundred feet (100′) to any property line unless completely enclosed within a building.

B. If not within a building, the incinerator shall be enclosed by a view-obscuring fence of sufficient strength and design to resist entrance by children.

C. Adequate control measures for insects, rodents and odors shall be maintained continuously.

(Ord. 110570 § 3(part), 1982.)

23.45.166Off-site parking facilities in Highrise Zones.

Off-site parking facilities accessory to existing residential structures may be permitted in Highrise Zones as a conditional use, under the following conditions:

A. The off-site parking facilities must be accessory to a multi-family structure existing before the effective date of this Land Use Code, which provides less than one (1) parking space per unit, although it may include parking for a new residential development when developed jointly.

B. One (1) off-site parking facility per multi-family structure shall be permitted.

C. Joint use parking by two (2) or more structures is encouraged.

D. The off-site parking facility shall be located in the Highrise Zone.

E. All parking areas shall be covered, except when located on the roof of a garage which is at least ten feet (10′) above existing grade. Where parking is visible from the street, it shall have screening between five (5) and six feet (6′) in height. Such screening must be set back a minimum of three feet (3′) from the street, with landscaping in the setback area. When parking is in an enclosed building, there shall be landscaping in the setback area between the structure and the street.

F. The garage shall have a maximum height of thirty-seven feet (37′). Setbacks shall equal the average of setbacks of abutting structures, but shall not be required to exceed ten feet (10′). Where the street front is used for retail, no setback shall be required.

G. Any lighting used to illuminate a parking area shall be arranged so as to reflect the light away from residences or adjoining premises in any residential zone.

H. Signs shall be permitted according to the standards of Section 23.45.158, Signs.

(Ord. 110793 § 49, 1982; Ord. 110570 § 3(part), 1982.)

23.45.168Roomers, 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 § 6, 1994: Ord. 111390 § 34, 1983.)

Subchapter IV Nonconforming Uses and Structures

23.45.180Continuation of nonconforming uses.

A. Any nonconforming use may be continued subject to the provisions of this subchapter.

B. Any nonconforming use, except in a ground-related structure or apartment in a Lowrise Duplex/Triplex zone or apartment in a Lowrise 1 zone, which has been discontinued for more than twelve (12) consecutive months, shall not be reestablished or recommenced. A use shall be considered discontinued when:

1. A permit to change the use of the property or structure was issued and acted upon; or

2. The structure, or portion of a structure, is not being used for the use allowed by the most recent permit; or

3. 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.

(Ord. 114887 § 13(part), 1989; Ord. 114196 § 13, 1988: Ord. 111390 § 35, 1983: Ord. 110793 § 50, 1982: Ord. 110570 § 3(part), 1982.)

23.45.182Extensions, expansions and structural alterations of nonconforming uses.

A nonconforming use shall not be expanded or extended. A structure occupied by a nonconforming use may be maintained, repaired, renovated or structurally altered but shall not be expanded or extended except as follows:

A. Expansions and extensions shall be permitted which are otherwise required by law, as necessary to improve access for the elderly and disabled or as specifi-

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cally permitted for nonconforming uses and nonconforming structures elsewhere in this Code.

B. A nonconforming ground-related multi-family structure or apartment located in a Lowrise Duplex/Triplex zone may be expanded or extended provided the expansion or extension shall conform to the development standards of the Lowrise Duplex/Triplex zone and shall not cause an already nonconforming structure to become more nonconforming to development standards.

C. A structure containing a nonconforming apartment use in Lowrise 1 Zones may be expanded or extended provided that the expansion or extension shall conform to the development standards of the Lowrise 1 Zone and shall not cause an already nonconforming structure to become more nonconforming to development standards. Open space shall not be reduced to less than three hundred (300) square feet per unit and no horizontal dimension of open space shall be less than ten feet (10′). Existing ground-related units shall be maintained as ground-related.

D. Additional residential units may be added to a structure occupied by a nonconforming ground-related multi-family structure or apartment located in a Lowrise Duplex/Triplex zone, provided the addition shall conform to the development standards of the Lowrise Duplex/Triplex zone and shall not cause an already nonconforming structure to become more nonconforming to development standards.

E. Additional ground-related dwelling units may be added to a structure occupied by a nonconforming apartment use in Lowrise 1 Zones; provided, that the addition shall conform to the development standards of the Lowrise 1 Zone and shall not cause an already nonconforming structure to become more nonconforming to development standards. Open space for additional dwelling units shall be provided in addition to that required by subsection C.

F. Except in Lowrise Duplex/Triplex zones and Lowrise 1 zones, dwelling units may be added to a structure containing one (1) or more nonconforming uses, even if in a nonconforming structure. The structure may be expanded or extended; provided, that the expansion or extension shall be for residential use, shall conform to the development standards of the zone and shall not cause an already nonconforming structure to become more nonconforming to development standards.

G. A structure wholly or partially occupied by nonconforming office uses established as of August 10, 1982, which was developed in former RMH 350, RMV 200 or RMV 150 Zones formerly regulated by Title 24 and which met the development standards of the respective zones, or was developed pursuant to variances, may not be expanded or extended except to add dwelling units as provided in subsections D, E and F. Office uses may be expanded or extended within the structure but not beyond the floor area permitted in the former zone nor into any floor area established after August 10, 1982. Type of offices shall be limited to those permitted in the former zone.

H. 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. (Ord. 117570 § 14, 1995; Ord. 117263 § 22, 1994; Ord. 114887 § 13(part), 1989; Ord. 114196 § 14, 1988: Ord. 111484 § 1, 1983; Ord. 111390 § 36, 1983: Ord. 110793 § 51, 1982: Ord. 110570 § 3(part), 1982.)

23.45.184Changes to and from nonconforming uses.

A. A structure occupied by a nonconforming use may be converted to residential use even if in a nonconforming structure, provided that in Lowrise Duplex/Triplex zones the total number of dwelling units is limited to three (3), and the standards of the zone are met. 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.

B. A nonconforming ground-related multi-family structure or an apartment located in a Lowrise Duplex/Triplex zone may not be converted to any nonresidential use which is not otherwise permitted in the Lowrise Duplex/Triplex zone. Conversion to a permitted use shall conform to the development standards for the new use, except for open space and ground-level access.

C. A nonconforming apartment use in a Lowrise 1 zone may not be converted to any nonresidential use which is not otherwise permitted in the Lowrise 1 zone. Conversion to a permitted use shall conform to the development standards for the new use.

D. Except as provided in subsections B and C, a nonconforming use may be converted by an administrative conditional use authorization to a use not otherwise permitted in the zone, subject to the following conditions:

1. The Director must find that the new use is no more detrimental to property 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.

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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 subchapter shall be those listed in Section 23.54.015 listing parking requirements by use or, if not listed, as determined under Section 23.54.015 B authorizing the Director's determination of the requirement. If the number of spaces required for the new use is greater than the number of spaces specified for the existing use at Section 23.54.015 or, if not specified, as determined under Section 23.54.015 B, then the number of spaces provided shall be the difference of the two (2) requirements, except as provided in subsection D4.

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.

E. 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 23.45.116 through 23.45.126.

(Ord. 117263 § 23, 1994; Ord. 114887 § 13(part), 1989; Ord. 114196 § 15, 1988: Ord. 113263 § 6, 1986; Ord. 111390 § 37, 1983: Ord. 110793 § 52, 1982; Ord. 110570 § 3(part), 1982.)

23.45.190Nonconforming structures.

A. A nonconforming structure may be maintained, repaired, renovated 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 follows:

Expansions or extensions shall be permitted which are 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 to a flat roof nor shall the slope of the roof be lowered below a four in twelve (4:12) pitch.

C. 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.

D. A nonconforming accessory structure or a nonconforming deck, porch or balcony of a principal structure may be rebuilt or replaced but shall not be expanded or extended beyond its former dimensions except as permitted by subsection A.

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 23.45.146 D.

G. When townhouses become nonconforming due to subdivision, they shall meet the provisions of this section. In addition, 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 an accessory structure may be constructed or expanded, if they conform to the development standards of the zone.

H. 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 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. 117263 § 24, 1994; Ord. 115687 § 2, 1991; Ord. 114887 § 13(part), 1989; Ord. 114196 § 16, 1988: Ord. 113041 § 17, 1986; Ord. 111591 § 2, 1984; Ord. 111390 § 38, 1983: Ord. 110793 § 53, 1982; Ord. 110570 § 3(part), 1982.)

Chapter 23.46
RESIDENTIAL-COMMERCIAL

Sections:

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Savings: The amendment or repeal by the ordinance codified in this chapter of any section of the Land Use Code shall not affect any right or duty accrued or any proceeding commenced under the provisions of such amended or repealed sections prior to the effective date of the ordinance codified in this chapter.
(Ord. 112993 § 1 (part), 1986: Ord. 112777 § 59A (part), 1986.)

23.46.002Scope of provisions.

A. This chapter details those authorized commercial uses which are or may be permitted in Residential-Commercial (RC) zones.

B. All RC zones are assigned a residential zone classification on the Official Land Use Map. The development standards of the designated residential zone shall apply to all uses in the RC zone except commercial uses. The development standards of the designated residential zone shall apply to all structures in the RC zone, except that parking quantity shall be required as provided in Chapter 23.54.

C. The development standards of the RC zone shall apply to all commercial uses.

D. Methods for measurements are provided in Chapter 23.86. Standards for parking quantity access and design are provided in Chapter 23.54. Sign standards are provided in Chapter 23.55.

E. In addition to the provisions of this chapter, certain residential-commercial areas may be regulated by Overlay Districts, Chapter 23.59.
(Ord. 118414 § 29, 1996; Ord. 116795 § 7, 1993: Ord. 112777 § 24(part), 1986.)

Part 1 Use Provisions

23.46.004Uses.

A. All uses, except commercial uses, which are permitted outright or by conditional use in the applicable residential zone shall be regulated by the residential zone provisions, including provisions relating to accessory uses.

B. The following commercial uses shall be permitted outright:

1. Personal and household retail sales and services;
2. Medical services;
3. Restaurants without cocktail lounges;
4. Business support services;
5. Offices; and
6. Food processing and craft work.

C. Permitted commercial uses shall be allowed as either a principal use or as an accessory use.

D. Permitted commercial uses shall be allowed only in structures containing at least one (1) dwelling unit according to the development standards of Section 23.46.012, Location of commercial uses.

E. Drive-in businesses shall be prohibited, either as principal or accessory uses.

F. Outdoor sales, outdoor display of rental equipment, and outdoor storage shall be prohibited, except for accessory recycling collection stations, and the accessory outdoor sales of fruits, vegetables and plants.
(Ord. 112777 § 24(part), 1986.)

23.46.006Conditional uses.

A. Conditional use provisions of the applicable residential zone shall apply to all noncommercial conditional uses.

B. All conditional uses not regulated by subsection A shall meet the following criteria:

1. The use shall be determined not to be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

2. In authorizing a conditional use, adverse impacts may be mitigated by imposing requirements or conditions deemed necessary for the protection of other properties in the zone or vicinity, and the public interest. The Director shall deny the conditional use if it is determined that adverse impacts cannot be satisfactorily mitigated.

C. Parking at or below grade accessory to nonresidential uses in adjacent commercial zones may be permitted as a conditional use.

1. The Director may authorize such parking if:

a. The proposed parking is necessary to meet parking requirements, or the proposed parking will be used as a shared parking facility;

b. The proposed parking is necessary to avoid increased parking congestion in the adjacent commercial area;

c. The proposed parking is necessary to avoid creation or worsening of excessive spillover parking in adjacent residential areas;

d. Other parking options such as shared parking have been considered and found to be unavailable in the adjacent commercial zone; and

e. The proposed parking does not encourage substantial traffic to pass through adjacent residential areas.

2. If the Director authorizes a surface parking area, the following standards shall be met:

a. A minimum of fifteen (15) percent of the surface parking area shall be landscaped. Specific landscaped areas required in this subsection shall count toward the fifteen (15) percent.

b. A landscaped setback of at least ten (10) feet shall be provided along the front property line. A landscaped setback of at least five (5) feet in depth shall be provided along all other street property lines.

c. When abutting a property in a residential zone (including RC zones), six (6) foot high screening and a five (5) foot deep landscaped area inside the screening shall be provided.

d. When across the street from a residential zone (including RC zones), three (3) foot high screening shall be provided between the parking area and the landscaped setback along all street property lines.

e. Whenever possible, access to parking shall be from the commercial area.
(Ord. 112777 § 24(part), 1986.)

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Part 2 Development Standards for Commercial Uses

23.46.012Location of commercial uses.

A. Commercial uses shall be permitted only on or below the ground floor of a structure which contains at least one (1) dwelling unit, except as provided in the Northgate Overlay District, Chapter 23.71.

B. On sloping lots the commercial use may be located at more than one (1) level within the structure where the total commercial area does not exceed the area of the structure's footprint (Exhibit 23.46.012 A).

(Ord. 116795 § 8, 1993; Ord. 112777 § 24(part), 1986.)

23.46.014Maximum size of commercial uses.

A. The maximum size limit for individual business establishments shall be four thousand (4,000) square feet, except that in MR/RC and HR/RC zones, multi-purpose convenience stores shall be permitted up to a maximum size of ten thousand (10,000) square feet.

B. Maximum size shall be calculated by taking the gross floor area of a structure(s) or portion of a structure(s) occupied by a single business establishment.

C. Any area used for permitted outdoor sales shall be limited to one thousand (1,000) square feet, and shall be included in determining the maximum size of a business establishment.

D. Maximum Size of Combined Uses Within a Business Establishment. Business establishments which include more than one (1) type of use shall be permitted, provided each use is permitted, and:

1. The size of each use shall not exceed the size limit for the individual use; and

2. The total size of the business establishment does not exceed the maximum size allowed for the type of use with the largest size limit.

E. Split Zoned Lots.

1. The total size of a business establishment occupying portions of a lot in more than one (1) zone shall not exceed the maximum size allowed in the zone with the larger size limit.

2. The total size of that portion of a business establishment in each zone shall not exceed the maximum size allowed for that business establishment in that zone.

F. Accessory exterior recycling collection stations maintained in good condition shall be permitted in surface parking areas up to a maximum size of five hundred (500) square feet or five percent (5%) of the parking area, whichever is less.

(Ord. 112777 § 24(part), 1986.)

23.46.016Noise standards.

A. All fabricating uses, repairing, and refuse compacting activities shall be conducted wholly within an enclosed structure.

B. Major Noise Generators.

1. Exterior heat exchangers and other similar devices shall be considered major noise generators.

2. When a major noise generator is proposed, a report from an acoustical consultant shall be required to describe the measures to be taken by the applicant in order to meet noise standards for the area. Such measures may include, for example, the provision of buffers, reduction in hours of operation, relocation of mechanical equipment, increased setbacks, and use of specified construction techniques or building materials.

Measures to be used shall be specified on the plans. After a permit has been issued, any measures which were required by the permit to limit noise shall be maintained.

(Ord. 112777 § 24(part), 1986.)

23.46.018Odor standards.

A. The venting of odors, fumes, vapors, smoke, cinders, dust and gas shall be at least ten feet (10′) above finished sidewalk grade and directed away as much as possible from residential uses within fifty feet (50′) of the vent.

B. Major Odor Sources. Uses which employ the following odor-emitting processes or activities shall be considered major odor sources except when the entire activity is provided on a retail or on-site customer-service basis:

1. Cooking of grains;
2. Smoking of food or food products;
3. Fish or fish meal processing;
4. Coffee or nut roasting;
5. Deep fat frying;
6. Dry cleaning; and
7. Other similar processes or activities.

C. When an application is made for a use which is determined to be a major odor source, the Director, in consultation with the Puget Sound Air Pollution Control Agency (PSAPCA), shall determine the appropriate measures to be taken by the applicant in order to significantly reduce potential odor emissions and airborne pollutants. The measures to be taken shall be indicated on plans submitted to the Director, and may be required as conditions for the issuance of any permit. After a permit has been issued, any measures which were required by the permit shall be maintained.

(Ord. 112777 § 24(part), 1986.)

23.46.020Light and glare standards.

A. Exterior lighting shall be shielded and directed away from adjacent uses.

B. Interior lighting in parking garages shall be shielded, to minimize nighttime glare affecting nearby uses.

C. Exterior lighting on poles shall be permitted up to a maximum height of thirty feet (30′) from finished grade. In MR/RC and HR/RC zones, exterior lighting on poles shall be permitted up to a height of forty feet (40′) from finished grade, provided that ratio of watts to area is at least twenty percent (20%) below the maximum exterior lighting level permitted by the Energy Code.[1]

(Ord. 112777 § 24(part), 1986.)

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Exhibit 23.46.012 A
Commercial Uses on the Ground Floor on Sloping Lots

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1.Editor's Note: The Energy Code is codified at Subtitle VII of Title 22 of this Code.

23.46.022Parking requirements.

A. Parking Quantity. Each permitted commercial use shall provide a minimum number of off-street parking spaces according to the requirements of Section 23.54.015, Required parking.

B. Location of Parking. Parking for commercial uses may be located:

1. On the same lot, according to the locational requirements of the designated residential zone; or

2. Within eight hundred (800) feet of the lot on which the commercial use is located, when either:

a. The parking is located in a commercial zone; or

b. The parking is part of the joint use of existing parking in an RC zone.

3. When parking is provided on a lot other than the lot of the use to which it is accessory, the provisions of Section 23.54.025, Parking covenants, shall apply.

(Ord. 112777 § 24(part), 1986.)

23.46.024Transportation concurrency level-of-service standards.

Proposed uses in residential-commercial zones shall meet the transportation concurrency level-of-service standards prescribed in Chapter 23.52.

(Ord. 117383 § 5, 1994.)

Chapter 23.47
COMMERCIAL

Sections:

23.47.002Scope of provisions.

Subchapter I Uses in All Commercial Zones
23.47.004Permitted and prohibited uses.
23.47.006Conditional uses.

Subchapter II Development Standards Applicable in All Commercial Zones
23.47.007Major Phased Developments.
23.47.008Mixed use development.
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23.47.010Maximum size of nonresidential use.
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23.47.014Setback requirements.
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23.47.022Light and glare standards.
23.47.023Standards for single-purpose residential structures.
23.47.024Open space standards.
23.47.025Home occupations.
23.47.026Standards for the keeping of animals.
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23.47.028Standards for drive-in businesses.
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Subchapter III Standards for Nonconforming Uses and Structures
23.47.036Standards for nonconforming uses.
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Subchapter IV Pedestrian-Designated Zones
23.47.040General provisions for pedestrian-designated zones.
23.47.042Uses in pedestrian-designated zones.
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23.47.046Parking location in pedestrian-designated zones.
23.47.048Parking access and curbcuts in P1 and P2 designated zones.
23.47.050Blank facades in pedestrian-designated zones.

Savings: The amendment or repeal by the ordinance codified in this chapter of any section of the Land Use Code shall not affect any right or duty accrued or any proceeding commenced under the provisions of such amended or repealed sections prior to the effective date of the ordinance codified in this chapter.

(Ord. 112993 § 1(part), 1986: Ord. 112777 § 59A(part), 1986.)

23.47.002Scope of provisions.

A. This chapter describes the authorized uses and development standards for the five (5) commercial zones: Neighborhood Commercial 1 (NC1), Neighborhood Commercial 2 (NC2), Neighborhood Commercial 3 (NC3), Commercial 1 (C1) and Commercial 2 (C2).

B. Commercial zones which have a pedestrian designation (P1 or P2) or a residential designation (R) on the Official Land Use Map shall be subject to the use and development standards of Subchapters I, II and III of this chapter. These subchapters may be modified by applicable overlay provisions.

C. Areas referred to as urban village commercial areas are those commercially zoned properties designated on the Comprehensive Plan Future Land Use Map as commercial/mixed use areas within urban centers/villages. These commercial areas are indicated by a “V” on the Official Land Use Map.

D. In addition to the regulations of this chapter, certain commercial areas may be regulated by Subtitle IV, Division 3, Overlay Districts.

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E. Requirements for streets, alleys and easements are provided in Chapter 23.53. Standards for parking quantity, access and design are provided in Chapter 23.54. Signs shall be regulated by Chapter 23.55. Methods for measurements are provided in Chapter 23.86. Requirements for communication utilities and accessory communication devices are contained in Chapter 23.57.

F. Departure from the development standards of this chapter may be permitted or required for public schools pursuant to procedures and criteria established in Chapter 23.79, Development Standard Departure for Public Schools.

(Ord. 117430 § 47, 1994: Ord. 117350 § 2, 1994; Ord. 116795 § 9, 1993; Ord. 116295 § 7, 1992; Ord. 115326 § 14, 1990; Ord. 114382 § 1, 1989; Ord. 112777 § 25(part), 1986.)

Subchapter I Uses in All Commercial Zones

23.47.004Permitted and prohibited uses.

A. All uses shall either be permitted outright, prohibited or permitted as a conditional use according to Chart A, except to the extent that Chart A may be superseded by Chapter 23.67, Southeast Seattle Reinvestment Area, or by Chapter 23.73, Pike/Pine Overlay District.

B. All permitted uses shall be allowed as either a principal use or as an accessory use, unless otherwise indicated in Chart A.

C. In pedestrian-designated zones, certain street-level uses shall be required according to the provisions of Section 23.47.042.

D. The Director may authorize a use not otherwise permitted in the zone in a landmark structure, subject to the following criteria:

1. The use shall not require significant alteration of the structure; and

2. The design of the structure makes uses permitted in the zone impractical in the structure, or the permitted uses do not provide sufficient financial return to make use of the structure feasible; and

3. The physical impacts of the use shall not be detrimental to other properties in the zone or vicinity or to the public interest.

E. Public Facilities.

1. Public facilities which are similar to those provided by the private sector, such as offices, athletic facilities or medical service uses, shall be permitted or prohibited in all commercial zones according to the use regulations for the particular type of use. These public facilities shall meet the development standards for the use to which they are similar. If the development standards cannot be met, the City Council may waive or change the standards for reasons of public necessity, according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

2. Public facilities which are not similar to those provided by the private sector, such as police and fire stations, shall be permitted unless specifically prohibited in Chart A. These public facilities shall meet the development standards of the zone in which they are located. If the development standards cannot be met, the City Council may waive or change the standards for reasons of public necessity, according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

3. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

F. Home occupations and the keeping of animals shall be permitted as accessory uses in commercial zones, according to the standards of Section 23.47.025, Home occupations, and Section 23.47.026, Standards for the keeping of animals.

(Ord. 118472 § 5, 1997; Ord. 118362 § 7, 1996; Ord. 117514 § 2, 1995; Ord. 117430 §§ 48, 49, 1994; Ord. 117411 § 3, 1994; Ord. 117203 § 4, 1994; Ord. 117202 § 7, 1994; Ord. 116295 § 8, 1992; Ord. 116145 § 2, 1992; Ord. 115043 § 10, 1990; Ord. 115002 § 8, 1990; Ord. 114875 § 11, 1989; Ord. 114623 § 3, 1989; Ord. 113892 § 1, 1988; Ord. 113658 § 3, 1987; Ord. 113387 § 3, 1987; Ord. 113263 § 7, 1986; Ord. 112777 § 25(part), 1986.)

23.47.006Conditional uses.

A. All conditional uses shall be subject to the procedures described in Chapter 23.76, and shall meet the following criteria:

1. The use shall not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

2. In authorizing a conditional use, adverse impacts may be mitigated by imposing any conditions needed to protect other properties in the zone or vicinity and to protect the public interest. The Director shall deny or recommend denial of a conditional use if it is determined that adverse impacts cannot be mitigated satisfactorily.

B. The following uses identified as administrative conditional uses on Chart A of Section 23.47.004, may be permitted by the Director when the provisions of this subsection and subsection A are met:

1. Fast-food restaurants which have a gross floor area greater than seven hundred fifty (750) square feet are identified as heavy traffic generators and may be permitted as a conditional use according to the following criteria:

a. The design of the structure, including architectural treatment, signage, landscaping and lighting, is compatible with other structures in the vicinity; and

b. Appropriate litter-control measures are provided; and

c. The applicant, if required by the Director, prepares an analysis of traffic, circulation and parking impacts, and demonstrates that the use does not:

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COMMERCIAL USES: CHART A
For Section 23.47.004

	ZONES				
	NC1	**NC2**	**NC3**	**C1**	**C2**
I. COMMERCIAL USE					
A. Retail Sales and Services.					
1. Personal and Household Retail Sales and Services					
— Multipurpose convenience stores	P	P	P	P	P
— General retail sales and service	P	P	P	P	P
— Major durables sales, service and rental	P	P	P	P	P
— Specialty food stores	P	P	P	P	P
2. Medical Services	P	P/CU[1]	P/CU[1]	P/CU[1]	P/CU[1]
3. Animal Services[2]					
— Animal health services	P	P	P	P	P
— Kennels	X	X	X	X	P
— Animal shelters	X	X	X	X	X
4. Automotive Retail Sales and Services					
— Gas stations	P	P	P	P	P
— Sales and rental of motorized vehicles	X	P	P	P	P
— Vehicle repair, minor	P	P	P	P	P
— Vehicle repair, major	X	P	P	P	P
— Car wash	X	P	P	P	P
— Towing services	X	X	X	P	P
— Automotive parts or accessory sales	P	P	P	P	P
5. Marine Retail Sales and Services					
— Sales and rental of large boats	X	P	P	P	P
— Vessel repair, minor	P	P	P	P	P
— Vessel repair, major	X	X	X	S	S
— Marine service station	P	P	P	P	P
— Dry storage of boats	X	P	P	P	P
— Recreational marinas	S	S	S	S	S
— Commercial moorage	S	S	S	S	S
— Sale of boat parts or accessories	P	P	P	P	P
6. Eating and Drinking Establishments					
— Restaurants without cocktail lounges	P	P	P	P	P
— Restaurants with cocktail lounges	X	P	P	P	P
— Fast-food restaurant (750 square feet and under)	P	P	P	P	P
— Fast-food restaurant (over 750 square feet)	CU	CU	CU	CU	CU
— Tavern	CU	CU	P	P	P
— Brewpub	CU	CU	P	P	P
7. Lodging					
— Hotel	X	X	P	P	P
— Motel	X	X	P	P	P
— Bed and breakfast	P[3]	P[3]	P	P	P

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COMMERCIAL USES: CHART A
for Section 23.47.004 (Continued)

		ZONES				
		NC1	**NC2**	**NC3**	**C1**	**C2**
	8. Mortuary Services	X	P	P	P	P
	9. Existing Cemeteries	P	P	P	P	P
B.	Principal Use Parking	X	P	P	P	P
C.	Non-Household Sales and Service					
	1. Business support services	P	P	P	P	P
	2. Business incubator	P	P	P	P	P
	3. Sales, service and rental of office equipment	X	P	P	P	P
	4. Sales, service and rental of commercial equipment and construction materials	X	X	P	P	P
	5. Sale of heating fuel	X	X	P	P	P
	6. Heavy commercial services	X	X	X	P	P
	— Construction services	X	X	X	P	P
	— Commercial laundries	X	X	X	P	P
D.	Offices					
	1. Customer service office	P	P	P	P	P
	2. Administrative office	P	P	P	P	P
E.	Entertainment					
	1. Places of Public Assembly					
	— Performing arts theater	X	P	P	P	P
	— Spectator sports facility	X	P	P	P	P
	— Lecture and meeting halls	X	P	P	P	P
	— Motion picture theater	X	P	P	P	P
	— Adult motion picture theater	X	X	X	X	X
	— Adult panorams	X	X	X	X	X
	2. Participant Sports and Recreation					
	— Indoor	P	P	P	P	P
	— Outdoor	X	X	X[4]	P	P
F.	Wholesale Showroom	X	X	P	P	P
G.	Mini-warehouse	X	X	P	P	P
H.	Warehouse	X	X	P	P	P
I.	Outdoor Storage	X	X	X[5]	P	P

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COMMERCIAL USES: CHART A
For Section 23.47.004 (Continued)

		ZONES				
		NC1	**NC2**	**NC3**	**C1**	**C2**
J.	Transportation Facilities					
1.	Personal transportation services	X	X	P	P	P
2.	Passenger terminals	X	X	P	P	P
3.	Cargo terminals	X	X	X	S	P
4.	Transit vehicle base	X	X	X	CCU[6]	CCU[6]
5.	Helistops	X	X	CCU[7]	CCU[7]	CCU[7]
6.	Heliports	X	X	X	X	X
7.	Airport, land-based	X	X	X	X	X
8.	Airport, water-based	X	X	X	X	S
9.	Railroad switchyard	X	X	X	X	X
10.	Railroad switchyard with mechanized hump	X	X	X	X	X
K.	Food Processing and Craft Work					
1.	Food processing for human consumption	P	P	P	P	P
2.	Custom and craft work	P	P	P	P	P
L.	Research and Development Laboratories	P	P	P	P	P
II.	SALVAGE AND RECYCLING					
A.	Recycling Collection Station	P	P	P	P	P
B.	Recycling Center	X	X	X	P	P
C.	Salvage Yard	X	X	X	X	X
III.	UTILITIES					
A.	Utility Service Uses	P	P	P	P	P
B.	Major Communication Utility[8]	X	X	X	CCU	CCU
C.	Minor Communication Utility[8]	P	P	P	P	P
D.	Solid Waste Transfer Station	X	X	X	X	X
E.	Power Plants	X	X	X	X	X
F.	Sewage Treatment Plants	X	X	X	X	X
G.	Solid Waste Incineration Facility	X	X	X	X	X
H.	Solid Waste Landfill	X	X	X	X	X
IV.	MANUFACTURING					
A.	Light Manufacturing	X	P	P	P	P
B.	General Manufacturing	X	X	X	P	P
C.	Heavy Manufacturing	X	X	X	X	X

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COMMERCIAL USES: CHART A
For Section 23.47.004 (Continued)

	ZONES				
	NC1	**NC2**	**NC3**	**C1**	**C2**
V. HIGH-IMPACT USES	X	X	X	X	X
VI. INSTITUTIONS					
A. Institute for Advanced Study	P	P	P	P	P
B. Private Club	P	P	P	P	P
C. Child Care Center	P	P	P	P	P
D. Museum	P	P	P	P	P
E. School, Elementary or Secondary	P	P	P	P	P
F. College	P	P	P	P	P
G. Community Center	P	P	P	P	P
H. Community Club	P	P	P	P	P
I. Vocational or Fine Arts School	P	P	P	P	P
J. Hospital	P	P	P	P	P
K. Religious Facility	P	P	P	P	P
L. University	P	P	P	P	P
M. Major Institutions within a Major Institution Overlay District subject to Chapter 23.69	P	P	P	P	P
VII. PUBLIC FACILITIES					
A. Jails	X	X	X	X	X
B. Work-Release Centers[9]	CCU	CCU	CCU	CCU	CCU
VIII. PARK AND POOL/RIDE LOT					
A. Park and Pool Lots	P[10]	P	P	P	P
B. Park and Ride Lots	X	X	CU	CU	CU
IX. RESIDENTIAL[11]					
A. Single-Family Dwelling Units	P/CU[12]	P/CU[12]	P/CU[12]	P/CU[12]	CU[12]
B. Multi-Family Structures	P/CU	P/CU	P/CU	P/CU	CU
C. Congregate Residences	P/CU	P/CU	P/CU	P/CU	CU
D. Floating Homes	S	S	S	S	S
E. Mobile Home Park	X	X	X	P	CU
F. Artist Studio/Dwelling	P/CU	P/CU	P/CU	P/CU	CU
G. Caretaker's Quarters	P/CU	P/CU	P/CU	P/CU	P
H. Adult Family Homes	P/CU	P/CU	P/CU	P/CU	P
I. Home Occupations	P[13]	P[13]	P[13]	P[13]	P[13]
J. Nursing Homes	P	P	P	P	P
X. OPEN SPACE					
A. Parks	P	P	P	P	P
B. Playgrounds	P	P	P	P	P

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COMMERCIAL USES: CHART A
For Section 23.47.004 (Continued)

	ZONES				
	NC1	**NC2**	**NC3**	**C1**	**C2**
XI. AGRICULTURAL USES					
A. Animal Husbandry	X[13]	X[13]	X[13]	X[13]	P
B. Horticultural Uses	P	P	P	P	P
C. Aquaculture	P	P	P	P	P

P - Permitted
X - Prohibited
CU - Administrative Conditional Use
CCU - Council Conditional Use
S-Permitted only in the Shoreline District, when permitted by the Seattle Shoreline Master Program

1Medical service uses over 10,000 square feet, within 2,500 feet of a medical Major Institution Overlay District boundary, shall require administrative conditional use approval, unless included in an adopted Major Institution Master Plan or located in a downtown zone. See Section 23.47.006.

2The keeping of animals for other than business purposes shall be regulated by Section 23.47.026.

3In existing structures only.

4Outdoor participant sports and recreation uses are permitted at the Seattle Center.

5Outdoor storage is permitted at the Seattle Center, subject to the provisions of Section 23.47.011.

6New transit vehicle bases accommodating 150 or fewer buses or existing transit vehicle bases seeking to expand.

7Permitted only as an accessory use according to Section 23.47.006.

8See Chapter 23.57 for regulation of communication utilities.

9Subject to dispersion criteria in Section 23.47.006.

10Permitted only on parking lots existing at least five years prior to the proposed establishment of the park and pool lot.

11Residential uses in mixed-use development are permitted outright in NC1, NC2, NC3 and C1 zones. Single-purpose residential structures, other than nursing homes, are permitted in NC1, NC2, NC2/R, NC3, NC3/R and C1 zones as an administrative conditional use according to the provisions of Section 23.47.023, except where the height limit is 85 feet or higher. All residential uses, other than nursing homes, in C2 zones are subject to an administrative conditional use approval. Nursing homes are permitted outright in all commercial zones, whether in a mixed use structure or as a single-purpose residential use, except in Pedestrian-Designated Zones (see Section 23.47.040).

12An accessory dwelling unit added to a single-family residence shall be allowed outright and shall not require a separate conditional use permit. The unit shall be considered accessory to the single-family residence, shall meet the standards listed for accessory dwelling units in Section 23.44.041 and shall not be considered a separate dwelling unit for any development standard purposes in commercial zones.

13Permitted only as an accessory use.

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(1) Cause significant additional traffic to circulate through adjacent residential neighborhoods; or

(2) Disrupt the pedestrian character of an area by significantly increasing the potential for pedestrian-vehicle conflicts; or

(3) Create traffic or access problems which will require the expenditure of City funds to mitigate; or

(4) Interfere with peak-hour transit operations, by causing auto traffic to cross a designated high-occupancy vehicle lane adjacent to the lot; or

(5) Cause cars waiting to use the facility to queue across the sidewalk or onto the street; or

(6) Interrupt established retail or service frontage designed to serve pedestrians.

d. In addition to the criteria in subsections B1a, B1b and B1c, in pedestrian-designated zones, the use shall not:

(1) Include a drive-in facility; or

(2) Provide any accessory parking; or

(3) Attract a significant number of customers who drive to the pedestrian district for the primary purpose of patronizing the business.

This shall be determined by a transportation analysis of travel modes and patterns of customers of similar businesses in the same or similar commercial areas, which shall be prepared by a traffic consultant retained by the applicant.

e. Fast-food restaurants which are drive-in businesses shall also comply with the provisions of Section 23.47.028, Standards for drive-in businesses.

2. Taverns and brewpubs in NC1 and NC2 zones may be permitted as conditional uses. A tavern or brewpub in an NC1 or NC2 zone shall be evaluated according to the following criteria:

a. The size of the tavern or brewpub, design of the structure, signing and illumination shall be compatible with the character of the commercial area and other structures in the vicinity, particularly in areas where a distinct and definite pattern or style has been established.

b. The location, access and design of parking shall be compatible with adjacent residential zones.

c. Special consideration shall be given to the location and design of the doors and windows of taverns and brewpubs to ensure that noise standards will not be exceeded. The Director may require additional setbacks and/or restrict openings on lots which abut residential zones.

d. Taverns and brewpubs shall not generate traffic which creates traffic congestion or further aggravates spillover parking on residential streets.

3. Park-and-ride lots in NC3, C1 and C2 zones may be permitted as conditional uses.

a. Conditional Use Criteria.

(1) The park-and-ride lot shall have direct vehicular access to a designated arterial improved to City standards.

(2) If the proposed park-and-ride lot is located on a lot containing accessory parking for other uses, there shall be no substantial conflict in the principal operating hours of the park-and-ride lot and the other uses.

b. Mitigating Measures. Landscaping and screening in addition to that required for surface parking areas, noise mitigation, vehicular access controls, signage restrictions, and other measures may be required to provide comfort and safety for pedestrians and bicyclists and to insure the compatibility of the park-and-ride lot with the surrounding area.

4. Single-purpose Residential Structures in NC1, NC2, NC2/R, NC3, and NC3/R. In order to conserve the limited amount of commercially zoned land for commercial uses, single-purpose residential structures shall generally not be allowed in commercial zones. However, additions to, or on-site accessory structures for, existing single-family structures are permitted outright. Single-purpose residential structures may be permitted in NC1, NC2, NC2/R, NC3, NC3/R and C1 zones as an administrative conditional use only when the following circumstances exist:

a. Due to location or parcel size, the proposed site is not suited for commercial development; or

b. There is substantial excess supply of land available for commercial use near the proposed site, evidenced by such conditions as a lack of commercial activity in existing commercial structures for a sustained period, commercial structures in disrepair, and vacant or underused commercially zoned land; provided that single-purpose residential development shall not interrupt an established commercial street front. As used in this subsection, an "established commercial street front" may be intersected by streets or alleys, and some lots with no current commercial use.

5. Residential Uses in C2 Zones.

a. Residential uses in single-purpose or mixed-use structures may be permitted in C2 zones as administrative conditional uses according to the following criteria:

(1) Availability of Suitable Land for C2 Activities. Residential uses shall generally be discouraged in areas which have limited vacant land and where, due to terrain and large parcel size, land is particularly suitable for commercial rather than residential development.

(2) Relationship to Transportation Systems. Residential uses shall generally be discouraged in areas with direct access to major transportation systems such as freeways, state routes and freight rail lines.

(3) Compatibility With Surrounding Areas. Residential uses shall not be allowed in close proximity to industrial areas and/or in areas where nonresidential uses may create a nuisance or adversely affect the desirability of the area for living purposes.

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b. Residential uses required to obtain a shoreline conditional use shall not be required to obtain an administrative conditional use.

6. Residential Use in International Special Review District. Single-purpose residential structures shall be permitted outright in those parts of the International Special Review District east of the Interstate 5 Freeway as provided in Section 23.66.330.

7. Low-income Housing Projects. Single-purpose residential structures for low-income housing projects shall be permitted outright in all commercial zones if:

a. Applications for a reservation of tax credits for 1988 and 1989 under the low-income tax credit program administered by the Washington State Housing Finance Commission have been filed on or before March 15, 1988; or

b. A nonprofit corporation has purchased sites, signed options or entered into real estate purchase agreements prior to March 15, 1988.

8. Development of a medical service use over ten thousand (10,000) square feet, outside but within two thousand five hundred feet (2,500′) of a medical Major Institution overlay district boundary, shall be subject to administrative conditional use approval, unless included in an adopted master plan. In making a determination whether to approve or deny a medical service use, the Director shall determine whether an adequate supply of commercially zoned land for businesses serving neighborhood residents will continue to exist. The following factors shall be used in making this determination:

a. Whether the amount of medical service use development existing and proposed in the vicinity would reduce the current viability or significantly impact the longer-term potential of the neighborhood-serving character of the commercial area; and

b. Whether medical service use development would displace existing neighborhood-serving commercial uses at street level or disrupt a continuous commercial street front, particularly of retail and personal services uses, or significantly detract from an area's overall neighborhood-serving commercial character.

9. Change of One (1) Nonconforming Use to Another.

a. A nonconforming use may be converted by an administrative conditional use authorization to a use not otherwise permitted in the zone based on the following factors:

(1) New uses shall be limited to those first permitted in the next more intensive zone;

(2) The relative impacts of size, parking, traffic, light, glare, noise, odor and similar impacts of the two (2) uses, and how these impacts could be mitigated.

b. The Director must find that the new nonconforming use is no more detrimental to property in the zone and vicinity than the existing nonconforming use.

C. The following uses, identified as Council Conditional Uses on Chart A of Section 23.47.004, may be permitted by the Council when the provisions of this subsection and subsection A are met.

1. New bus bases for one hundred and fifty (150) or fewer buses, or existing bus bases which are proposed to be expanded to accommodate additional buses, in C1 or C2 zones.

a. Conditional Use Criteria.

(1) The bus base has vehicular access suitable for use by buses to a designated arterial improved to City standards; and

(2) The lot is of sufficient size so that the bus base includes adequate buffer space from the surrounding area.

b. Mitigating measures may include, but are not limited to:

(1) Noise mitigation measures, such as keeping maintenance building doors closed except when buses are entering or exiting; acoustic barriers; and noise-reducing operating procedures, shall be required when necessary.

(2) An employee ridesharing program established and promoted to reduce the impact of employee vehicles on streets in the vicinity of the bus base.

(3) Landscaping and screening, noise and odor mitigation, vehicular access controls, and other measures may be required to insure the compatibility of the bus base with the surrounding area and to mitigate any adverse impacts.

2. Helistops in NC3, C1 and C2 zones as accessory uses, according to the following standards and criteria:

a. The helistop is to be used for the takeoff and landing of helicopters serving public safety, news gathering or emergency medical care functions; is part of a City and regional transportation plan approved by the City Council and is a public facility; or is part of a City and regional transportation plan approved by the City Council and is not within two thousand feet (2,000′) of a residential zone.

b. The helistop is located so as to minimize impacts on surrounding areas.

c. The lot is of sufficient size that the operations of the helistop are buffered from the surrounding area.

d. Open areas and landing pads are hard-surfaced.

e. The helistop meets all federal requirements, including those for safety, glide angles and approach lanes.

3. In all commercial zones, permitted public projects not meeting development standards may be permitted by the Council if the following criteria are satisfied:

a. The project provides unique services which are not provided to the community by the private sector, such as police and fire stations; and

b. The proposed location is required to meet specific public service delivery needs; and

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c. The waiver or modification to the development standards is necessary to meet specific public service delivery needs; and

d. The relationship of the project to the surrounding area has been considered in the design, siting, landscaping and screening of the facility.

4. Work-Release Centers in all Commercial Zones — Conditional Use Criteria.

a. Maximum Number of Residents. No work-release center shall house more than fifty (50) persons, excluding resident staff.

b. If the work-release center is in a single-purpose residential structure, the requirements of Section 23.47.023 shall be followed. If the work-release center is in a mixed-use structure, the requirements for mixed-use structures in Chapter 23.47 shall be followed.

c. Dispersion Criteria.

(1) The lot line of any new or expanding work-release center shall be located six hundred feet (600′) or more from any residential zone, any lot line of any special residence, and any lot line of any school.

(2) The lot line of any new or expanding work-release center shall be located one mile or more from any lot line of any other work-release center.

(3) The Director shall determine whether a proposed facility meets the dispersion criteria from maps which shall note the location of current work-release centers and special residences. Any person who disputes the accuracy of the maps may furnish the Director with the new information and, if determined by the Director to be accurate, this information shall be used in processing the application.

d. The Council's decision shall be based on the Commercial Areas Policies and the following criteria:

(1) The extent to which the applicant can demonstrate the need for the new or expanding facility in the City, including a statement describing the public interest in establishing or expanding the facility;

(2) The extent to which the applicant has demonstrated that the facility can be made secure. The applicant shall submit a proposed security plan to the Director, and the Director, in consultation with the Seattle Police Department, shall consider and evaluate the plan. The security plan shall address, but is not limited to, the following:

i. Plans to monitor and control the activities of residents, including methods to verify the presence of residents at jobs or training programs, policies on sign-outs for time periods consistent with the stated purpose of the absence for unescorted trips by residents away from the center, methods of checking the records of persons sponsoring outings for work-release residents, and policies on penalties for drug or alcohol use by residents, and

ii. Staff numbers, level of responsibilities, and scheduling, and

iii. Compliance with the security standards of the American Corrections Association;

(3) The extent to which proposed lighting is located so as to minimize spillover light on surrounding properties while maintaining appropriate intensity and hours of use to ensure that security is maintained;

(4) The extent to which the facility's landscape plan meets the requirements of the zone while allowing visual supervision of the residents of the facility;

(5) The extent to which appropriate measures are taken to minimize noise impacts on surrounding properties. Measures to be used for this purpose may include: landscaping, sound barriers or fences, berms, location of refuse storage areas, and limiting the hours of use of certain areas;

(6) The extent to which the impacts of traffic and parking are mitigated by increasing on-site parking or loading spaces to reduce overflow vehicles or changing the access to and location of off-street parking;

(7) The extent to which the facility is well-served by public transportation or to which the facility is committed to a program of encouraging the use of public or private mass transportation;

(8) Verification from the Department of Corrections (DOC), which shall be reviewed by the Police Department, that the proposed work-release center meets DOC standards for such facilities and that the facility will meet state laws and requirements.

D. Any authorized conditional use which has been discontinued shall not be re-established 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. 117432 § 32, 1994; Ord. 117430 § 50, 1994; Ord. 117263 § 25, 1994; Ord. 116907 § 1, 1993; Ord. 116744 § 6, 1993; Ord. 116616 § 1, 1993; Ord. 116295 § 9, 1992; Ord. 115002 § 9, 1990; Ord. 114623 § 4, 1989; Ord. 113892 § 2, 1988; Ord. 113263 § 8, 1986; Ord. 113262 § 3, 1986; Ord. 112777 § 25(part), 1986.)

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Subchapter II Development Standards Applicable in All Commercial Zones

23.47.007Major Phased Developments.

A. An applicant may seek approval of a Major Phased Development, as defined in Section 23.84.025. A Major Phased Development proposal is subject to the provisions of the zone in which it is located and shall meet the following thresholds:

1. A minimum site size of five (5) acres, where the site is composed of contiguous parcels or contains a right-of-way within.

2. The project, which at time of application shall be a single, functionally interrelated campus, contains more than one building, with a minimum total gross floor area of two hundred thousand (200,000) square feet.

3. The first phase of the development consists of at least one hundred thousand (100,000) square feet in gross building floor area.

4. At the time of application, the project supports the land use policies for the zone in which it is proposed.

B. A Major Phased Development application shall be submitted, evaluated, and approved according to the following:

1. The application shall contain a level of detail which is sufficient to reasonably assess anticipated impacts, including those associated with a maximum buildout, within the timeframe requested for Master Use Permit extension.

2. A Major Phased Development component shall not be approved unless the Director concludes that anticipated environmental impacts, such as traffic, open space, shadows, construction impacts and air quality, are not significant or can be effectively monitored and conditions imposed to mitigate impacts over the extended life of the permit.

3. Expiration or renewal of a permit for the first phase of a Major Phased Development is subject to the provisions of Chapter 23.76, Master Use Permits and Council Land Use Decisions. The Director shall determine the expiration date of a permit for subsequent phases of the Major Phased Development through the analysis provided for above; such expiration shall be no later than fifteen (15) years from the date of issuance.

C. Changes to the approved Major Phased Development. When an amendment to an approved project is requested, the Director shall determine whether or not the amendment is minor.

1. A minor amendment meets the following criteria:

a. Substantial compliance with the approved site plan and conditions imposed in the existing Master Use Permit with the Major Phased Development component with no substantial change in the mix of uses and no major departure from the bulk and scale of structures originally proposed; and

b. Compliance with the requirements of the zone in effect at the time of the original Master Use Permit approval; and

c. No significantly greater impact would occur.

2. If the amendment is determined by the Director to be minor, the site plan may be revised and approved as a Type I Master Use Permit. The Master Use Permit expiration date of the original approval shall be retained, and shall not be extended through a minor revision.

3. If the Director determines that the amendment is not minor, the applicant may either continue under the existing MPD approval or may submit a revised MPD application. The revised application shall be a Type II decision. Only the portion of the site affected by the revision shall be subject to regulations in effect on the date of the revised MPD application. The decision may retain or extend the existing expiration date on the portion of the site affected by the revision.

(Ord. 117598 § 1, 1995.)

23.47.008Mixed use development.

A. A mixed use development consists of residential and nonresidential use in the same structure or in separate structures on the same lot and meeting the standards specified in this section, except as provided in the Northgate Overlay District, Chapter 23.71. When an application for a mixed use development with residential and nonresidential uses in separate structures is submitted, a temporary certificate of occupancy shall not be issued for the residential structure(s) until a schedule for completion of the nonresidential building is presented to and approved by the Director, and substantial construction of the nonresidential structure is completed. Substantial construction means that the framing of the exterior walls has been inspected and approved.

B. A minimum of eighty (80) percent of a structure's street front facade at street level shall be occupied by nonresidential uses. Except in zones designated NC2/R and NC3/R, the required nonresidential use shall extend at least thirty (30) feet in depth at street level from the street front facade of the structure, provided that the minimum required depth may be averaged, with no depth less than fifteen (15) feet. In no instance shall more than fifty (50) percent of the structure's footprint be required to be in nonresidential uses. If the street front facade and depth requirements result in a space greater than fifty (50) percent of the structure's footprint, the Director may modify the street front facade and depth requirements to reduce the space to fifty (50) percent of the structure's footprint. In all NC and C zones, the nonresidential use portion of the development shall also be subject to the following:

1. For purposes of calculating the eighty (80) percent of a structure's street front facade at street level, twenty-two (22) feet for the width of a driveway accessing parking may be subtracted from the length of the street front facade if the access cannot be provided from a side street or alley.

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2. If the nonresidential and residential uses are located in separate structures, the eighty (80) percent requirement shall apply to the lot's lineal street frontage at street level.

3. Areas required to be in nonresidential use under this section shall be uses other than principal use or accessory parking, mini-warehouses, warehouses, lodging uses or utility uses.

4. Where the lot fronts on two (2) or more streets and abuts a lot which is not zoned commercial, the street front facade requirement shall apply to the structure's facade along the street with the greatest continuous lineal feet of commercially zoned frontage.

5. Where a lot fronts on two (2) or more streets and only abuts lots which are zoned commercial, the street front facade requirement shall be calculated by totaling the combined street front facades of the structure containing the required nonresidential use. On a through lot, the Director may waive the requirement for one (1) or more, but not all of the street fronts if the streets are not major commercial streets. The Director may require screening of garbage cans, parking and utility meters where the street front facade requirement is waived.

6. A minimum of fifty-one (51) percent of the portion of a structure's street front facade which contains required nonresidential use shall be at or above sidewalk grade.

7. The entrance to required nonresidential uses at street level shall be no more than three (3) feet above or below sidewalk grade. If the entranced to required nonresidential use at street level in C1 and C2 zones is provided from a surface parking lot located between the street and the structure, the entrance shall be no more than three (3) feet above or below the surface parking lot grade.

8. For the purposes of this section, a structure's street front facade shall be measured by drawing the least rectangle that encloses the structure and measuring the length of the side of that rectangle most closely parallel to the front of streetside lot line(s) (Exhibit 23.47.008 A).

C. Height for Mixed Use Development.

1. Mixed use development shall be subject to the height provisions of Section 23.47.012 A.

2. Except in zones designated NC2/R and NC3/R, for mixed use development, all nonresidential use at street level shall have a minimum floor to floor height of thirteen (13) feet.

3. In zones with a thirty (30) foot or forty (40) foot height limit, the Director shall permit the height of the structure to exceed the height limit of the zone by up to four (4) feet, only if the residential and nonresidential uses are located in the same structure and subject to the following:

a. The additional height is necessary to meet code minimums for ceiling height (thirteen (13) feet floor to floor for nonresidential use at street level and seven (7) feet six (6) inches floor to ceiling for residential space); and

b. The additional height will not permit an additional story to be built beyond what could be built under the applicable height limit if a thirteen (13) foot ceiling height were not required at street level.

4. In zones with a thirty (30) foot or forty (40) foot height limit, the Director may permit the height of the structure to exceed the height limit of the zone by up to four (4) feet, only if the residential and nonresidential uses are located in the same structure and subject to the following:

a. The additional height will result in floor to floor heights of thirteen (13) feet or more for the nonresidential use at street level and at least nine (9) feet for each of the other levels of the structure; and

b. The additional height of the structure will not permit an additional story to be built beyond what could be built under the applicable height limit if a thirteen (13) foot ceiling height were not required at street level; and

c. If the additional height of the structure (up to four (4) feet) significantly blocks views from neighboring residential structures of the following: Mount Rainier, the Olympic and Cascade Mountains, the downtown skyline, Greenlake, Puget Sound, Lake Washington, Lake Union and the Ship Canal, the Director shall not permit the additional height except as necessary to meet Code minimums for ceiling height.

D. Above thirteen (13) feet from finished grade, the residential portion of a structure containing residential and nonresidential uses shall be limited to a maximum lot coverage of sixty-four (64) percent. Portions of structures exempted from structure width as provided in Section 23.86.014 C shall also be exempt from lot coverage calculations. If the nonresidential and residential uses are located in separate structures, this provision shall apply only to the portion of the residential structure more than thirteen (13) feet above finished grade. This provision shall not apply when an area in an existing building, in nonresidential use as of April 3, 1995, is converted to residential use, provided that the structure is not modified in any way that increases the coverage to greater than sixty-four (64) percent of the portion of the structure in residential use and over thirteen (13) feet above finished grade.

E. Any new detached structure which contains residential uses and does not meet the requirements for mixed use development as provided in this section shall be considered a single-purpose residential structure, and is subject to the standards of Section 23.47.023.

F. Any detached structure existing as of July 25, 1996, that contains residential and nonresidential uses and does not meet the requirements for mixed use development as provided in subsection B of this section may add additional residential units, provided that:

1. An area equal to at least ten (10) percent of the gross floor area of the structure or fifty (50) percent of the structure's footprint, whichever is greater, is already in nonresidential use qualifying under subsection B3 of this section above and occupies at least sixty (60)

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Exhibit 23.47.008 A
Measurement Of Street Front Facade

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percent of the structure's street front facade at street level; or

2. No decrease is proposed in the percentage of the street front facade at street level that is in qualifying nonresidential use unless at least eighty (80) percent of the street front facade at street level will remain in qualifying nonresidential use; and no decrease is proposed in the area in nonresidential use, or the depth of nonresidential space extending from the street front facade shall be at least thirty (30) feet.

G. Any detached structure existing as of July 25, 1996, which contains residential and nonresidential uses and exceeds the density limits for single-purpose residential structures may decrease the amount of space devoted to nonresidential uses or decrease the amount of the structure's street front facade at street level that is occupied by nonresidential use provided that:

1. The amount of the structure's street front facade at street level that is occupied by nonresidential uses does not decrease to less than eighty (80) percent of the structure's street front facade; and

2. The amount of space devoted to nonresidential uses at street level does not decrease to less than a depth of thirty (30) feet, provided that the depth may be averaged, with no depth less than fifteen (15) feet.

(Ord. 118414 § 30, 1996: Ord. 117430 § 51, 1994: Ord. 117350 § 3, 1994; Ord. 116795 § 10, 1993; Ord. 113892 § 3, 1988.)

23.47.009Density limits for residential uses.

A. Density limits shall not apply to residential uses in mixed use development, except under the following circumstances:

1. As established in the Northgate Overlay District as provided in Chapter 23.71.

2. For lots rezoned from SF to NC1 30'/L1, NC2 30'/L1 or NC3 30'/L1 per Section 23.34.010 B, the density limit shall be one (1) unit per one thousand six hundred (1,600) square feet of lot area.

B. Density limits shall not apply for single-purpose residential structures along selected streets in the Pike/Pine Overlay District, pursuant to Chapter 23.73.

C. Density limits shall apply for single-purpose residential structures subject to the following, except as provided in subsection D below:

1. In the Northgate Overlay District, as provided in Chapter 23.71.

2. In NC1 zones the density limit shall be one (1) unit per one thousand six hundred (1,600) square feet of lot area.

3. In NC2, NC3, C1 and C2 zones with either thirty (30) feet or forty (40) feet height limits, the density limit shall be one (1) unit per one thousand two hundred (1,200) square feet of lot area.

4. In NC2, NC3, C1 and C2 zones with sixty-five (65) foot height limits, the density limit shall be one (1) unit per eight hundred (800) square feet of lot area.

5. For lots rezoned from SF to NC1 30'/L1, NC2 30'/L1 or NC3 30'/L1 per Section 23.34.010 B, the density limit shall be one (1) unit per one thousand six hundred (1,600) square feet of lot area.

6. There shall be no residential density limit for single-purpose residential structures in the NC2/R or NC3/R zone.

D. The following density limits for single-purpose residential structures shall apply in commercial areas where there has been a review and approval by the City Council subsequent to January 1, 1995 to determine whether single-purpose residential structures shall continue to be conditional uses, permitted outright or prohibited, and if the area is to be included within an urban village or urban center, an urban village boundary has been established:

1. Inside urban village commercial areas as shown on the Official Land Use Map.

a. In NC zones with thirty (30) foot height limits, the density limit shall be one (1) unit per seven (70) hundred square feet of lot area.

b. In NC zones with forty (40) foot height limits, the density limit shall be one (1) unit per five (50) hundred square feet of lot area.

c. In NC zones with sixty-five (65) foot height limits, the density limit shall be one (1) unit per four hundred (400) square feet of lot area.

d. In C1 and C2 zones with thirty (30) foot, forty (40) foot or sixty-five (65) foot height limits, the density limit shall be one (1) unit per one thousand (1,000) square feet of lot area except as provided in subsection D1e below.

e. Density limits in a C1 or C2 zone may be increased to the density limit for single-purpose residential structures in the NC zone with the corresponding height designation if the structure is developed according to the standards for NC zones as listed below:

(1) Outdoor storage areas, per Section 23.47.011 E1;

(2) Screening for gas stations, per Section 23.47.016 D3c;

(3) Blank facades, per Section 23.47.016 E;

(4) Drive-in lanes, per Section 23.47.028 A3; and

(5) Location of parking, per Section 23.47.032 B.

f. There shall be no residential density limit for single-purpose residential structures in the NC2/R or NC3/R zone.

2. Outside urban village commercial areas as shown on the Official Land Use Map.

a. In NC zones with thirty (30) foot height limits, the density limit shall be one (1) unit per eight hundred (800) square feet of lot area.

b. In NC zones with forty (40) foot and sixty-five (65) foot height limits, the density limit shall be one (1) unit per six hundred (600) square feet of lot area.

c. In C1 and C2 zones with thirty (30) foot, forty (40) foot or sixty-five (65) foot height limits, the density limit shall be one (1) unit per one thousand (1,000) square feet of lot area.

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(Ord. 118414 § 31, 1996: Ord. 117430 § 52, 1994: Ord. 116795 § 11, 1993.)

23.47.010 Maximum size of nonresidential use.

A. Maximum Size of Nonresidential Use Per Individual Business Establishment and Per Lot.

1. Maximum size regulations shall apply to individual business establishments according to Chart B.

2. Maximum size for all nonresidential uses in NC2/R and NC3/R shall apply per lot as follows:

a. Nonresidential uses shall be limited to the size of the lot area or twenty thousand (20,000) square feet, whichever is greater.

b. Nonresidential uses in zones designated NC2/R and NC3/R with a height limit of thirty (30) or forty (40) feet may be increased in size up to one and one-half (1.5) times the lot area if the nonresidential use is in a mixed use structure according to the provisions of Section 23.47.008, and if a minimum of thirty-five (35) percent of the gross floor area of the mixed use structure is in residential use, not including parking.

c. Nonresidential uses in zones designated NC2/R and NC3/R with a height limit of sixty-five (65) feet may be increased in size up to two (2) times the lot area if the nonresidential use is in a mixed use structure according to the provisions of Section 23.47.008, and if a minimum of thirty-five (35) percent of the gross floor area of the mixed use structure is in residential use, not including parking.

3. For each lot, office uses in C1 and C2 zones shall be limited to the size of the lot area or thirty-five thousand (35,000) square feet, whichever is greater. Office uses in C1 and C2 zones are exempt from this limit if the structure meets the following standards for NC zones:

a. Outdoor storage areas, per Section 23.47.011 E1;

b. Screening for gas stations, per Section 23.47.016 D3c;

c. Blank facades, per Section 23.47.016 E;

d. Drive-in lanes, per Section 23.47.028 A; and

e. Location of parking, per Section 23.47-.032 B.

B. The size limits for specific outdoor activities shall be as provided in Section 23.47.011, Outdoor activities.

C. Maximum size shall be calculated by taking the gross floor area of a structure(s) or portion of a structure(s) occupied by a single use or business establishment, except that any gross floor area used for accessory parking shall be exempted from maximum size calculation.

D. In NC1 and NC2 zones, any area used for outdoor sales shall also be included in determining the maximum size of a business establishment. In NC1, NC2 and NC3 zones, any area used for the outdoor display of rental equipment shall also be included in determining the maximum size of a business establishment.

E. Maximum Size of Combined Uses Within a Business Establishment. Business establishments which include more than one (1) type of use shall be permitted, provided each use is permitted, and:

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CHART B
For Section 23.47.010

Nonresidential Uses Subject to Maximum Size Limit	ZONE NC1*	NC2*1	NC3*1	C1	C2
Nonresidential uses including institutions and public facilities unless otherwise specified	4,000 sq. ft.	15,000 sq. ft.	N.M.S.L.	N.M.S.L.	N.M.S.L.
Medical services	10,000 sq. ft.	15,000 sq. ft.	N.M.S.L.	N.M.S.L.	N.M.S.L.
Multi-purpose convenience store	10,000 sq. ft.	50,000 sq. ft.	N.M.S.L.	N.M.S.L.	N.M.S.L.
Food processing and craft work	4,000 sq. ft.	5,000 sq. ft.	10,000 sq. ft.	N.M.S.L.	N.M.S.L.
Light manufacturing	X	5,000 sq. ft.	10,000 sq. ft.	N.M.S.L.	N.M.S.L.
Fast-food restaurant[2]	750 sq. ft. 4,000 sq. ft.	750 sq. ft. 8,000 sq. ft.	750 sq. ft. N.M.S.L.	750 sq. ft. N.M.S.L.	750 sq. ft. N.M.S.L.
Fuel sales					
Sales, service and rental of commercial equipment and construction materials	X	X	25,000 sq. ft.	N.M.S.L.	N.M.S.L.
Passenger terminals					
Indoor participant sports and recreation	4,000 sq. ft.	15,000 sq. ft.	25,000 sq. ft.[3]	N.M.S.L.	N.M.S.L.
General manufacturing	X	X	X	15,000 sq. ft.	N.M.S.L.
Wholesale showroom warehouse	X	X	15,000 sq. ft.	25,000 sq. ft.	N.M.S.L.
Mini-warehouses	X	X	15,000 sq. ft.	40,000 sq. ft.	N.M.S.L.
Public schools	N.M.S.L.	N.M.S.L.	N.M.S.L.	N.M.S.L.	N.M.S.L.

N.M.S.L. — No Maximum Size Limitations

* —Increases in maximum size limits may be allowed for operating business establishments according to provisions of subsection G.

X — Does not apply, use not permitted in zone.

1 —Maximum size for all nonresidential uses in NC2/R and NC3/R is described in Section 23.47.010 A2.

2 — Fast-food restaurants larger than 750 square feet are conditional uses.

3 — At the Seattle Center, maximum size limit does not apply.

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1. The size of each use within a business establishment does not exceed the size limit for that individual use;

2. The total size of the business establishment does not exceed the maximum size allowed for the type of use with the largest size limit. When one (1) of the uses has no maximum size limit, the business establishment shall have no maximum size limit.

F. Split Zoned Lots.

1. The total size of a business establishment and the total size of each use within a business establishment occupying portions of a lot in more than one (1) zone shall not exceed the maximum size allowed in the zone with the larger size limit.

2. The total size of that portion of a business establishment or of a use within a business establishment in each zone shall not exceed the maximum size allowed for that business establishment or use in that zone.

G. Increases in Maximum Size Limits.

1. Increases in maximum size limits for operating business establishments or uses may be permitted as Special Exceptions according to the procedures set forth in Chapter 23.76, Master Use Permits and Council Land Use Decisions, subject to the following:

a. Operating business establishments or uses in NC1 zones may be expanded up to a maximum of ten thousand (10,000) square feet.

b. Operating business establishments or uses in NC2 zones which are limited to a maximum size of five thousand (5,000) square feet may be expanded to a maximum size of ten thousand (10,000) square feet, and operating business establishments or uses which are limited to a maximum size of fifteen thousand (15,000) square feet may be expanded to a maximum size of twenty-five thousand (25,000) square feet.

c. Operating business establishments or uses in NC3 zones which are limited to a maximum of ten thousand (10,000) or fifteen thousand (15,000) square feet may be expanded to a maximum size of twenty thousand (20,000) square feet.

2. The decision to permit, condition or deny an increase in size shall be based upon an assessment of the following factors:

a. The impacts of the operating business establishment and the anticipated impacts if an increase in size were permitted;

b. The availability of commercial space in the zone for uses which contribute to the function and desired characteristics of the zone, as described in Chapter 23.34;

c. The number of business establishments present in the zone that are similar to the business establishment for which expansion is proposed;

d. The compatibility of the operating business establishment with the character and scale of the business district and the surrounding neighborhood; and

e. The length of time the business establishment has been operating.

(Ord. 117919 § 1, 1995; Ord. 117430 § 53, 1994; Ord. 117411 § 3, 1994; Ord. 114382 § 2, 1989; Ord. 113263 § 9, 1986: Ord. 112777 § 25(part), 1986.)

23.47.011Outdoor activities.

A. Outdoor activities associated with permitted commercial uses shall be permitted in commercial zones subject to the standards of the zone.

B. In certain zones outdoor sales areas and outdoor display areas for rental equipment shall be included in determining the maximum size of business establishments or uses as provided in subsection D of Section 23.47.010, Maximum size of nonresidential use.

C. Outdoor sales areas in NC1 and NC2 zones shall be limited as follows:

1. NC1 Zones. Forty percent (40%) of lot area or one thousand five hundred (1,500) square feet, whichever is less;

2. NC2 Zones. Forty percent (40%) of lot area or ten thousand (10,000) square feet, whichever is less;

3. There shall be no limitation on the size of an outdoor sales area in NC3, C1 or C2 zones.

D. Outdoor display areas for rental equipment shall be limited as follows:

1. NC1 Zones. Ten percent (10%) of lot area or five hundred (500) square feet, whichever is less;

2. NC2 and NC3 Zones. Fifteen percent (15%) of lot area or one thousand (1,000) square feet, whichever is less;

3. There shall be no limitation on the size of outdoor display of rental equipment in C1 or C2 zones.

E. Outdoor Storage Area.

1. Outdoor storage areas shall be prohibited in NC1, NC2 and NC3 zones, except at the Seattle Center, where outdoor storage may not exceed one thousand (1,000) square feet at any one (1) location nor ten thousand (10,000) square feet in total for the entire site.

2. Outdoor storage areas shall be permitted with no size limitation in C1 and C2 zones.

F. Outdoor Recycling Collection Stations. Outdoor recycling collection stations shall be limited to the following:

1. NC1 Zones. Ten percent (10%) of lot area or five hundred (500) square feet, whichever is less;

2. NC2 and NC3 Zones. Ten percent (10%) of lot area or one thousand (1,000) square feet, whichever is less;

3. C1 and C2 Zones. Ten percent (10%) of lot area or one thousand (1,000) square feet, whichever is less, provided that larger outdoor recycling collection stations may be allowed if they comply with the screening and landscaping standards for outdoor storage.

G. The following outdoor activities shall be located at least fifty feet (50′) from a residentially zoned lot, except when the elevation of the commercial property line is at least fifteen feet (15′) above the residential property at the lot line:

1. Outdoor sales and/or service of food or beverages;

2. Outdoor recycling collection stations;

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3. Outdoor storage;
4. Outdoor sports and recreation;
5. Outdoor loading berths.

H. Outdoor activities shall be screened and landscaped according to the provisions of Section 23.47.016. (Ord. 117411 § 4, 1994; Ord. 117263 § 26, 1994; Ord. 113263 § 10, 1986; Ord. 112777 § 25(part), 1986.)

23.47.012Structure height and floor area ratio.

A. Maximum Height. The maximum structure height for commercial zones shall be thirty feet (30′), forty feet (40′), sixty-five feet (65′), eighty-five feet (85′), one hundred twenty-five feet (125′), or one hundred sixty feet (160′), as designated on the Official Land Use Map, Chapter 23.32. In addition, mixed use structures located in commercial zones with a thirty foot (30′) or forty foot (40′) height limit may exceed the height limit of the zone by up to four feet (4′), according to the provisions of Section 23.47.008.

B. Floor Area Ratios. Floor area ratios (FARs) are hereby established for structures in zones with eighty-five foot (85′), one hundred twenty-five foot (125′) and one hundred sixty foot (160′) maximum height limits according to Chart C. Structures sixty-five feet (65′) in height or less in these zones shall not be subject to floor area ratio provisions. For the provisions of this section, a "mixed-use structure" is a building containing a residential use, excluding caretaker's quarters, and at least one (1) other type of use.

CHART C
PERMITTED FLOOR AREA RATIO (FAR)

Structures Higher than 65 Feet	**Height Limit Zones** 85′	125′	160′
Mixed-use structure total	6	6	7
Any single use within a mixed-use structure	4.5	5	5
Single-purpose structure	4.5	5	5

C. Exemptions From FAR Calculations. The following areas shall be exempted from FAR calculations:

1. All gross floor area below grade;
2. All gross floor area used for accessory parking.

D. Split Zoned Lots. When a lot is subject to more than one (1) height and FAR limit, the height and FAR limits for each zone shall apply to the portion of the lot located in that zone.

E. Sloped Lots. On sloped lots, additional height shall be permitted along the lower elevation of the structure footprint, at the rate of one foot (1′) for each six percent (6%) of slope, to a maximum additional height of five feet (5′) (Exhibit 23.47.012 A).

F. Pitched Roofs. The ridge of pitched roofs may extend up to five feet (5′) above the maximum height limit in zones with height limits of thirty (30′) or forty feet (40′). All parts of the roof above the height limit shall be pitched at a rate of not less than three to twelve (3:12) (Exhibit 23.47.012 B). No portion of a shed roof shall be permitted to extend beyond the height limit under this provision.

G. Rooftop Features.

1. Radio and television receiving antennas excluding dish antennas; ham radio towers; smokestacks, chimneys; flagpoles; and spires for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height District, provided they are a minimum of ten feet (10′) from any side or rear lot line.

2. Open railings, planters, skylights, clerestories, greenhouses, parapets and firewalls may extend up to four feet (4′) above the maximum height limit with unlimited rooftop coverage.

3. Solar Collectors.

a. In zones with height limits of thirty (30′) or forty feet (40′), solar collectors may extend up to four feet (4′) above the maximum height limit, with unlimited rooftop coverage.

b. In zones with height limits of sixty-five feet (65′) or more, solar collectors may extend up to seven feet (7′) above the maximum height limit, with unlimited rooftop coverage.

4. The following rooftop features may extend up to fifteen feet (15′) above the maximum height limit, so long as the combined total coverage of all features listed in this subsection does not exceed twenty percent (20%) of the roof area or twenty-five percent (25%) of the roof area if the total includes stair or elevator penthouses or screened mechanical equipment:

a. Solar collectors;
b. Stair and elevator penthouses;
c. Mechanical equipment;
d. Play equipment and open-mesh fencing which encloses it, so long as the fencing is at least fifteen feet (15′) from the roof edge; and
e. Dish antennas, according to the provisions of Chapter 23.57.

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

a. Solar collectors;
b. Planters;
c. Clerestories;
d. Greenhouses;
e. Dish antennas, according to the provisions of Chapter 23.57;
f. Non-firewall parapets;
g. Play equipment.

H. Solar Retrofits. The Director may permit the retrofitting of solar collectors on conforming or nonconforming structures existing on June 9, 1986 as a special

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Exhibit 23.47.012 A
Height Limits on Sloped Sites

Exhibit 23.47.012 B
Pitched Roof Height Exception

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exception pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. Such a retrofit may be permitted even if it exceeds established height limits, if the following conditions are met:

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

2. The positioning of such collector(s) minimizes view blockage and shading of property to the north, while still providing adequate solar access for the collectors; and

3. Such collector(s) meet minimum energy standards administered by the Director.

I. Television Receiving Antennas. The maximum height of television receiving antennas, except for dish antennas, shall be no more than fifty feet (50′) in zones where the maximum height limit does not exceed fifty feet (50′). In zones with a maximum height limit which exceeds fifty feet (50′) the maximum height of the antenna shall not exceed the maximum height allowed for all structures.

J. Height Exceptions for Public Schools.

1. For new public school construction on new public school sites, the maximum permitted height shall be the maximum height permitted in the zone.

2. For new public school construction on existing public school sites, the maximum permitted height shall be the maximum height permitted in the zone or thirty-five feet (35′) plus fifteen feet (15′) for a pitched roof, whichever is greater.

3. For additions to existing public schools on existing public school sites, the maximum height permitted shall be the maximum height permitted in the zone, the height of the existing school, or thirty-five feet (35′) plus fifteen feet (15′) for a pitched roof, whichever is greater.

4. Development standard departure for structure height 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 a development standard departure in zones with height limits of thirty (30′) or forty feet (40′) shall be thirty-five feet (35′) plus fifteen feet (15′) for a pitched roof for elementary schools and sixty feet (60′) plus fifteen feet (15′) for a pitched roof for secondary schools. All height maximums may be waived by the Director when waiver would contribute to reduced demolition of residential structures.

5. To qualify for the pitched roof exception, 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 extend above the height limit under this provision.

(Ord. 117430 § 54, 1994; Ord. 11350 § 4, 1994; Ord. 116295 § 10, 1992; Ord. 114382 § 3, 1989; Ord. 113892 § 4, 1988; Ord. 113263 § 11, 1986: Ord. 112777 § 25(part), 1986.)

23.47.014Setback requirements.

A. For the purposes of this section, portions of structures shall include those features listed in Section 23.47.012 G, Rooftop Features.

B. Setbacks for Mixed Use Development, Single-purpose Residential Structures and Structures Containing No Residential Uses.

1. A setback shall be required on lots which abut the intersection of a side and front lot line of a residentially zoned lot. The required setback shall be a triangular area. Two (2) sides of the triangle shall extend fifteen feet (15′) from the intersection of the street property line and the property line abutting the residentially zoned lot. The third side shall connect these two (2) sides with a diagonal line across the lot (Exhibits 23.47.014 A and 23.47.014 B).

2. A setback shall be required along any side lot line which abuts a side lot line of a residentially zoned lot as follows:

a. Zero feet (0′) for portions of structures thirteen feet (13′) in height or lower; and

b. Ten feet (10′) for portions of structures above thirteen feet (13′) in height to a maximum of sixty-five feet (65′); and

c. For portions of structures above sixty-five feet (65′) in height, an additional one foot (1′) of setback shall be required for every ten feet (10′) in excess of sixty-five feet (65′) (Exhibit 23.47.014 C).

3. For structures containing no residential uses, a setback shall be required along any rear lot line which abuts a lot line of a residentially zoned lot or which is across an alley from a residentially zoned lot, as follows:

a. Zero feet (0′) for portions of structures thirteen feet (13′) in height or lower; and

b. Ten feet (10′) for portions of structures above thirteen feet (13′) in height to a maximum of sixty-five feet (65′); and

c. For portions of structures above sixty-five feet (65′) in height, an additional one foot (1′) of setback shall be required for every ten feet (10′) in excess of sixty-five feet (65′) (Exhibit 23.47.014 C).

4. For mixed use developments and single-purpose residential structures, a setback shall be required along any rear lot line which abuts a lot line of a residentially zoned lot or which is across an alley from a residentially zoned lot, as follows:

a. Zero feet (0′) for portions of structures thirteen feet (13′) in height or lower; and

b. Fifteen feet (15′) for portions of structures above thirteen feet (13′) in height to a maximum of forty feet (40′); and

c. For portions of structures above forty feet (40′) in height, an additional two feet (2′) of setback shall be required for every ten feet (10′) in excess of forty feet (40′) (Exhibit 23.47.014 D).

5. One-half (½) alley width may be counted as part of the required setback.

6. No entrance, window, or other opening shall be permitted closer than five feet (5′) to a residentially zoned lot.

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Exhibits 23.47.014 A and 23.47.014 B
Setback Abutting a Side or Rear Lot Line of a
Residentially Zoned Lot

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Exhibit 23.47.014 C
Setback Abutting a Side or Rear Lot Line of a
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Exhibit 23.47.014 D
Setback For Mixed Use Development and
Single-purpose Residential Structures Along
Rear Lot Line Abutting Residentially Zoned Lot

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C. A five (5) foot setback shall be required from all street property lines where street trees are required and it is not feasible to plant them in accordance with City standards. The setback shall be landscaped according to Section 23.47.016, Screening and landscaping standards.

D. A five (5) foot setback shall be provided along all street lot lines of a mobile home park. The setback shall be landscaped according to the provisions of Section 23.47.016 D6.

E. Structures in Required Setbacks.

1. Decks and balconies with open railings may extend into the required setback, but shall not be permitted within five (5) feet of a residentially zoned lot, except as provided in subsection E6.

2. Eaves, cornices and gutters projecting no more than eighteen (18) inches from the structure facade shall be permitted in required setbacks.

3. Ramps or other devices necessary for access for the disabled and elderly, which meet Washington State Building Code, Chapter 11, are permitted in required setbacks.

4. Uncovered, unenclosed pedestrian bridges, necessary for access and less than five (5) feet in width, are permitted in required setbacks.

5. Fences, freestanding walls and other similar structures.

a. Fences, freestanding walls and other similar structures six (6) feet or less in height above existing or finished grade, whichever is lower, are permitted in required setbacks. 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.

b. Bulkheads and retaining walls used to raise grade may be placed in any required setback 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 effective 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 fence is limited to nine and one-half (9½) feet.

c. 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 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.

6. Decks which are accessory to residential uses and are no more than eighteen (18) inches above existing or finished grade, whichever is lower, may project into required setbacks.

7. Underground structures are permitted in all setbacks.

8. Detached solar collectors shall be permitted in required setbacks. Such collectors shall be no closer than five (5) feet to any other principal or accessory structure, and no closer than three (3) feet to any lot line which abuts a residentially zoned lot.

9. Dumpster and other trash receptacles, except for trash compactors, located outside of structures shall not be permitted within ten (10) feet of any lot line which abuts a residentially zoned lot and shall be screened from the residential lot with a minimum six (6) foot high screen fence.

F. Setback Requirements for Specific Uses or Structures.

1. Farm animals and structures housing them shall be located at least fifty (50) feet from any residentially zoned lot.

2. Beehives shall not be located within twenty-five (25) feet of any property line except when located eight (8) feet or more above the grade immediately adjacent to the subject lot or when situated less than eight (8) feet above the adjacent existing 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-five (25) feet beyond the hive in both directions.

3. Parking occupying the street-level frontage of a structure shall be set back at least five (5) feet from all street lot lines and from all residentially zoned lots, and landscaped according to the requirements of Section 23.47.016, Screening and landscaping standards.

4. Where access to a loading berth is from the alley, and truck loading is parallel to the alley, a setback of twelve (12) feet shall be required for the loading berth, measured from the centerline of the alley (Exhibit 23.47.014 E). This setback shall be maintained up to a height of sixteen (16) feet.

G. A setback may be required in order to meet the provisions of Section 23.53.015, Improvement requirements for existing streets in residential and commercial zones, and Section 23.53.030, Alley improvements in all zones.

(Ord. 118414 § 32, 1996; Ord. 117430 § 55, 1994; Ord. 117263 § 27, 1994; Ord. 116596 § 2, 1993; Ord. 116295 § 11, 1992; Ord. 115326 § 15, 1990; Ord. 113892 § 6, 1988; Ord. 113263 § 12, 1986: Ord. 112971 § 10, 1986; Ord. 112777 § 25(part), 1986.)[1]

1.Editor's Note: Ordinance No. 113892 contained two (2) sections numbered "6." The other is codified in Section 23.47.023.

23.47.015View corridors.

A. On lots which are partially within the Shoreline District, a view corridor shall be required for the entire lot if the portion of the lot in the Shoreline District is required to provide a view corridor under the Seattle Shoreline Master Program.

B. Measurement and modification of the view corridor requirement shall be according to the Shoreline District measurement regulations.

(Ord. 113263 § 13, 1986.)

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Exhibit 23.47.014 E
Structure Setback for Truck Loading

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23.47.016Screening and landscaping standards.

A. The following types of screening and landscaping may be required for specific uses according to the provisions of this chapter.

1. Three (3) Foot High Screening on Street Property Lines. Three (3) foot high screening may be either:

a. A fence or wall at least three (3) feet in height; or

b. A hedge or landscaped berm at least three (3) feet in height.

2. Six (6) Foot High Screening on Property Lines. Six (6) foot high screening may be either:

a. A fence or wall six (6) feet in height; or

b. A landscaped berm at least five (5) feet in height or a hedge planted in conformance with landscaping rules promulgated by the Director.

3. Landscaped Areas and Berms. Each area or berm required to be landscaped shall be planted with trees, shrubs, and grass or evergreen groundcover. Features such as pedestrian access meeting the Washington State Building Code, Chapter 11—Accessibility, decorative pavers, sculptures or fountains may cover a maximum of thirty (30) percent of each required landscaped area or berm. Landscaping shall be provided according to standards promulgated by the Director.

4. Landscaping of Surface Parking Areas. When landscaping of a surface parking area is required, the following standards shall be met:

a.

Total Number of Parking Spaces	Required Landscape Area
20 to 50	18 square feet/ parking space
51 to 99	25 square feet/ parking space
100 or more	35 square feet/ parking space

b. The minimum size of a required landscaped area shall be one hundred (100) square feet. Berms and other landscaped areas provided to meet screening standards may be counted as part of a landscaped area. No part of a landscaped area shall be less than four (4) feet in dimension except those parts created by turning radii or angles of parking spaces.

c. No stall shall be more than sixty (60) feet from a required landscaped area.

d. One (1) tree shall be required for every ten (10) parking spaces.

e. Each tree shall be three (3) feet away from any curb of a landscaped area or edge of the parking area. Permanent curbs or structural barriers shall enclose each landscaped area.

f. Hardy evergreen groundcover shall be planted in accordance with rules promulgated by the Director. Trees in parking areas shall be selected in consultation with the City Arborist.

5. Combinations of Screening and Landscaping Requirements. When there is more than one (1) type of use which requires screening or landscaping, the requirement which results in the greater amount of screening and landscaping shall be followed. Street trees required by subsection C shall be provided in addition to landscaping required for specific uses in subsection D.

B. Landscaping for New Construction.

1. An amount of landscaping equal to five (5) percent of lot area shall be required for new construction on any vacant lot. This five (5) percent landscaping requirement may include landscaping otherwise required by this chapter. The landscaping shall be in a location which is visible to pedestrians or customers and which has adequate sunlight and space necessary to insure plant survival.

2. The Director shall have the discretion to waive or reduce the requirement of subsection B1 based on the following factors:

a. No useable space for landscaping exists between the proposed new structure and existing structures on adjoining lots because of inadequate sunlight or inadequate width;

b. No setback is provided in front of the new structure;

c. Landscaping in the rear would not be visible to pedestrians or customers;

d. Planter boxes in the right-of-way are not feasible due to narrow sidewalks or other potential for pedestrian conflict.

C. Street Trees.

1. Street trees shall be provided in the planting strip. Existing street trees may count toward meeting the street tree requirement.

2. Exceptions to Street Tree Requirements.

a. If a lot borders a platted but unopened street, the Director may reduce or waive the street tree requirement on that frontage if after consultation with the Director of Transportation it is determined that the street is unlikely to be developed.

b. Street tree requirements shall not apply to single-family dwelling units in commercial zones.

c. Street trees shall not be required when a change of use is the only permit requested.

d. Street trees shall not be required for temporary use permits.

e. Street trees shall not be required when expanding an existing structure unless an expansion equal to or greater than one thousand (1,000) square feet of expansion is proposed. Two (2) street trees shall be required for each additional one thousand (1,000) square feet of expansion. Rounding, per Section 23.86.002 B, shall not be permitted. The maximum number of street trees shall be controlled by the Department of Transportation standard.

f. Street trees shall not be required when an existing surface parking area is expanded by less than ten (10) percent in area or in number of spaces.

g. If street trees would obscure the visibility of retail uses or obstruct pedestrian access to retail uses, and there is no other location on the lot for the landscaping, the Director may reduce or waive the street tree requirement after consultation with the City Arborist.

3. If it is not feasible to plant street trees according to City standards, either a five (5) foot deep landscaped setback shall be required along the street

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property line or landscaping other than trees may be located in the planting strip according to Department of Transportation rules. The street trees shall be planted in the landscaped area at least two (2) feet from the street lot line if they cannot be placed in the planting strip. Where retail sales and service uses have customer entrances located along the street frontage, street trees shall not be required. The Director may reduce or waive this setback and tree requirement where physically infeasible.

D. Screening and Landscaping Requirements for Specific Uses.

1. Surface Parking Areas.

a. When a surface parking area abuts a lot in a residential zone, six (6) foot high screening along the abutting lot line(s) shall be required. A five (5) foot deep landscaped area shall be required inside the screening (Exhibit 23.47.016 A).

b. When a surface parking area is across an alley from a lot in a residential zone, six (6) foot high screening along the alley shall be required. A five (5) foot deep landscaped area shall be required inside the screening. The Director may reduce or waive the screening and landscaping requirement for part or all of the lot abutting the alley, or may waive only the landscaping requirement, when required parking can only be provided at the rear lot line and the alley is necessary to provide aisle space. In making the determination to waive or reduce the landscaping and screening requirements, the Director shall consider the following criteria:

(1) Whether the lot width and depth permit a workable plan for the building and parking which would preserve the screening and landscaping; and

(2) Whether the character of use across the alley, such as multifamily parking structures, makes the screening and landscaping less necessary; and

(3) Whether the property is located in a pedestrian-designated zone and therefore access to parking from the street is not feasible or is undesirable; and

(4) Whether a topographic break between the alley and the residential zone makes screening less necessary.

c. Surface parking areas for nineteen (19) or fewer cars shall be screened by three (3) foot high screening along the street lot line.

d. Surface parking areas for more than nineteen (19) cars shall provide three (3) foot high view-obscuring landscaping along street lot lines, and landscaping according to subsection A4 of this section. The Director may reduce or waive this requirement for reasons of safety, to assure adequate maneuvering room for service vehicles, or to prevent the number of parking spaces from being reduced to less than the required amount.

2. Parking Within or Under Structures.

a. When parking occupies any portion of the street-level frontage of a structure between a height of five (5) feet and eight (8) feet above sidewalk grade, the portion of the structure containing the parking shall be required to have a (5) five-foot deep landscaped area along street lot lines. In addition, the parking shall be screened by:

(1) The facade of the structure; or

(2) Six (6) foot high screening between the structure and the landscaped area (Exhibit 23.47.016 B).

b. A five (5) foot setback shall be required along all property lines abutting a residential zone for any portion of the ground level of a structure which contains parking. The portion of the structure containing the parking shall be screened by the facade of the structure or the setback(s) shall be landscaped according to Section 23.47.016 C3 and six (6) foot high screening along the abutting property line(s) shall be provided.

c. When access is through a street-facing facade, the facade shall contain one garage door, not to exceed the maximum width allowed for the curbcut.

d. The perimeter of each floor of parking which is eight (8) feet or more above sidewalk grade shall have an opaque screen at least three and one-half (3½) feet high.

3. Drive-in Business.

a. Drive-in businesses, including gas stations, abutting or across an alley from a residentially zoned lot, shall provide six (6) foot high screening along the abutting or alley lot lines. A five (5) foot deep landscaped area inside the screening shall be required when the drive-in portion of the business or its queuing lanes abut a lot in a residential zone.

b. Drive-in businesses other than gas stations in which the drive-in portion of the business or its queuing lanes is across the street from a residentially zoned lot shall provide three (3) foot high screening for the drive-in portion.

c. Gas stations shall provide three (3) foot high screening along street lot lines in all NC1, NC2 and NC3 zones. In C1 and C2 zones, three (3) foot high screening shall only be required when a gas station is across the street from a residentially zoned lot.

4. Outdoor Sales and Outdoor Display of Rental Equipment.

a. When an outdoor sales area or outdoor display of rental equipment area is abutting or across an alley from a residentially zoned lot, six (6) foot high screening shall be provided along the abutting or alley lot lines.

b. When an outdoor sales area or outdoor display of rental equipment is across the street from a residentially zoned lot, three (3) foot high screening along the street lot line shall be provided.

5. Outdoor Storage.

a. C1 Zones. Outdoor storage shall be screened by a structure's facade or by six (6) foot high screening between the storage area and all property lines. A five (5) foot deep landscaped area shall be provided

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Exhibit 23.47.016 A
Screening of Surface Parking Areas Abutting a
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Exhibit 23.47.016 B
Screening of Parking Within or Under a Structure

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between all street lot lines and the six (6) foot high screening (Exhibit 23.47.016 C).

b. C2 Zones.

(1) When an outdoor storage area is across the street from a residentially zoned lot it shall be screened from the street by the facade of a structure, or by six (6) foot high screening along the street lot lines.

(2) When a lot containing outdoor storage abuts a residentially zoned lot, the outdoor storage area shall set back fifty (50) feet from abutting residentially zoned lot lines and be screened by a structure's facade or by six (6) foot high screening between the outdoor storage and all abutting property lines (Exhibit 23.47.016 D).

c. Outdoor Dry Storage of Boats. Screening shall be required for the outdoor dry storage of boats in the Shoreline District according to the provisions for outdoor storage in C1 zones, subsection C5a, unless the dry storage of boats is located in a C2 zone, in which case screening shall be required according to the provisions for outdoor storage in C2 zones, subsection C5b.

6. Mobile Home Parks. Mobile home parks shall be screened by six (6) foot high screening along all nonstreet lot lines. A five (5) foot deep landscaped area shall be provided along all street lot lines of a mobile home park. A five (5) foot planting strip with street trees may be provided instead of the five (5) foot deep landscaped area.

7. Lots Within the Shoreline District. On lots within the Shoreline District where view corridors are required, the height of screening may be reduced and the location and type of required landscaping may be modified so that view corridors are not obstructed.

8. When one (1) of the specific uses listed in this subsection is proposed for expansion, the applicable landscaping requirement shall be met. The Director may reduce or waive the landscaping requirements where physically infeasible due to the location of existing structures or required parking.

E. Blank Facades.

1. One (1) of the following shall be required along blank facades greater than thirty (30) feet in width in all NC1, NC2, NC2/R, NC3, and NC3/R zones or in C1 and C2 zones when across a street from a residentially zoned lot:

a. Ivy or similar vegetation shall be planted in front of or on the street-facing side of the blank facade; or

b. A five (5) foot setback shall be provided in front of the blank facade, and the setback shall be planted with trees and shrubs according to rules promulgated by the Director; or

c. Artwork on the blank facade which has been approved by the Seattle Art Commission.

2. Blank facade requirements shall apply to the area of the facade between two (2) feet and eight (8) feet above the sidewalk.

3. Any portion of a facade which is not transparent shall be considered to be a blank facade. Clear or lightly tinted glass in windows, doors and display windows shall be considered transparent. Transparent areas shall allow views into the structure or into display windows from the outside.

4. Portions of a facade of a structure which are separated by transparent areas of at least four (4) feet in width and between two (2) feet and eight (8) feet above the sidewalk shall be considered separate facade segments for the purposes of this subsection.

F. Access Through Required Screening and Landscaping. Breaks in required screening shall be permitted to provide pedestrian and vehicular access. Breaks in required screening for vehicular access shall not exceed the width of permitted curbcuts.

(Ord. 118414 § 33, 1996; Ord. 118409 § 182, 1996: Ord. 117430 § 56, 1994; Ord. 117263 § 28, 1994; Ord. 116744 § 7, 1993; Ord. 115164 § 1, 1990; Ord. 114046 § 16, 1988: Ord. 113263 § 14, 1986; Ord. 112777 § 25(part), 1986.)

23.47.018Noise standards.

A. All permitted manufacturing, fabricating, repairing, refuse compacting and recycling activities shall be conducted wholly within an enclosed structure in an NC1, NC2 or NC3 zone. In a C1 or C2 zone, location within an enclosed structure shall be required only when the lot is located within fifty (50) feet of a residential zone, except when required as a condition for permitting a major noise generator according to subsection B.

B. Major Noise Generators.

1. The following uses or devices shall be considered major noise generators:

a. Light and general manufacturing;

b. Major vessel repair;

c. Aircraft repair shops;

d. Major vehicle repair;

e. Exterior heat exchangers, and other similar devices (e.g., ventilation, air-conditioning, refrigeration);

f. Cargo terminals;

g. Recycling centers;

h. Other similar uses.

2. When a major noise generator is proposed, and when an existing major noise generator is proposed to be expanded, a report from an acoustical consultant shall be required to describe the measures to be taken by the applicant in order to meet noise standards for the area. Such measures may include, for example, the provision of buffers, reduction in hours of operation, relocation of mechanical equipment, increased setbacks and use of specified construction techniques or building materials. Measures to be used shall be specified on the plans. After a permit has been issued, any measures which were required by the permit to limit noise shall be maintained.

(Ord. 113263 § 15, 1986: Ord. 112777 § 25(part), 1986.)

23.47.020Odor standards.

A. The venting of odors, vapors, smoke, cinders, dust, gas and fumes shall be at least ten (10) feet above finished sidewalk grade, and directed away as much as possible from residential uses within fifty (50) feet of the vent.

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Exhibit 23.47.016 C
Screening of Open Storage Areas in C1 Zones

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Exhibit 23.47.016 D
Screening of Open Storage Areas in C2 Zones

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B. Major Odor Sources.

1. Uses which employ the following odor-emitting processes or activities shall be considered major odor sources:

a. Lithographic, rotogravure or flexographic printing;

b. Film burning;

c. Fiberglassing;

d. Selling of gasoline and/or storage of gasoline in tanks larger than two hundred sixty (260) gallons;

e. Handling of heated tars and asphalts;

f. Incinerating (commercial);

g. Tire buffing;

h. Metal plating;

i. Vapor degreasing;

j. Wire reclamation;

k. Use of boilers (greater than 10^6 British Thermal Units per hour, ten thousand (10,000) pounds steam per hour, or thirty (30) boiler horsepower);

l. Animal food processing;

m. Other similar processes or activities.

2. Uses which employ the following processes shall be considered major odor sources, except when the entire activity is conducted as part of a retail sales and service use:

a. Cooking of grains;

b. Smoking of food or food products;

c. Fish or fishmeal processing;

d. Coffee or nut roasting;

e. Deep fat frying;

f. Dry cleaning;

g. Other similar processes or activities.

C. When an application is made for a use which is determined to be a major odor source, the Director, in consultation with the Puget Sound Air Pollution Control Agency (PSAPCA), shall determine the appropriate measures to be taken by the applicant in order to significantly reduce potential odor emissions and airborne pollutants. The measures to be taken shall be indicated on plans submitted to the Director and may be required as conditions for the issuance of any permit. After a permit has been issued, any measures which were required by the permit shall be maintained.

(Ord. 112777 § 25(part), 1986.)

23.47.022Light and glare standards.

A. Exterior lighting shall be shielded and directed away from adjacent uses.

B. Interior lighting in parking garages shall be shielded, to minimize nighttime glare affecting nearby uses.

C. To prevent vehicle lights from affecting adjacent properties, driveways and parking areas for more than two (2) vehicles shall be screened from adjacent properties by a fence or wall between five (5) feet and six (6) feet in height, or solid evergreen hedge or landscaped berm at least five (5) feet in height. If the elevation of the lot line is different from the finished elevation of the driveways or parking surface, the difference in elevation may be measured as a portion of the required height of the screen so long as the screen itself is a minimum of three (3) feet in height. The Director may waive the requirement for the screening if it is not needed due to changes in topography, agreements to maintain an existing fence, or the nature and location of adjacent uses.

D. Exterior lighting on poles shall be permitted up to a maximum height of thirty (30) feet from finished grade. In zones with a forty (40) foot or greater height limit, exterior lighting on poles shall be permitted up to a height of forty (40) feet from finished grade, provided that the ratio of watts to area is at least twenty (20) percent below the maximum exterior lighting level permitted by the Energy Code.[1]

E. Glare diagrams which clearly identify potential adverse glare impacts on residential zones and on arterials shall be required when:

1. Any structure proposed to have facades of reflective coated glass or other highly reflective material, and/or new structures or expansion of existing structures greater than sixty-five (65) feet in height which have more than thirty (30) percent of the facades comprised of clear or tinted glass; and

2. The facade(s) surfaced or comprised of such materials either:

a. Are oriented toward and are less than two hundred (200) feet from any residential zone, and/or

b. Are oriented toward and are less than four hundred (400) feet from a major arterial with more than fifteen thousand (15,000) vehicle trips per day, according to Engineering Department data.

3. When glare diagrams are required, the Director may require modification of the plans to mitigate adverse impacts, using methods including but not limited to the following:

a. Minimizing the percentage of exterior facade that is composed of glass;

b. Using exterior glass of low reflectance;

c. Tilting glass areas to prevent glare which could affect arterials, pedestrians or surrounding structures;

d. Alternating glass and nonglass materials on the exterior facade; and

e. Changing the orientation of the structure.

(Ord. 114046 § 17, 1988; Ord. 113263 § 16, 1986; Ord. 112777 § 25(part), 1986.)

1.Editor's Note: The Energy Code is codified at Subchapter VII of Title 22 of this Code.

23.47.023Standards for single-purpose residential structures.

A. In all commercial zones, single-purpose residential structures shall be subject to the density standards provided for in Section 23.47.009, except as provided for in the Northgate Overlay District, Chapter 23.71, and in the Pike/Pine Overlay District, Chapter 23.73.

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B. In all commercial zones with a height limit of eighty-five (85) feet or greater, except those designated NC/R, single-purpose residential structures are prohibited.

C. Single-purpose residential structures shall meet all other development standards applicable to mixed use development, except that the street level uses may be occupied by residential use other than parking.

(Ord. 118414 § 34, 1996; Ord. 117430 § 57, 1994: Ord. 117263 § 29, 1994; Ord. 116795 § 12, 1993; Ord. 113892 § 6, 1988.)[1]

1.Editor's Note: Ordinance No. 113892 contained two (2) sections numbered "6." The other is codified in Section 23.47.014.

23.47.024Open space standards.

Usable open space is intended for use by the residents of the development or structure, and shall be required for all residential uses in mixed use development and single-purpose residential structures according to the following:

A. Open Space Quantity. Usable open space shall be required for all residential uses in an amount equal to twenty (20) percent of the structure's gross floor area in residential use. Calculation of a structure's gross floor area, for the purposes of this subsection, shall exclude area used for mechanical equipment, accessory parking and unenclosed decks, balconies or porches.

B. Open Space Development Standards.

1. When permitted, required usable open space may be provided at ground level or may be provided above ground in the form of balconies, decks, solaria, greenhouses, or roof gardens or decks.

2. Balconies and decks provided above ground as open space shall have a minimum area of sixty (60) square feet and no horizontal dimension shall be less than six (6) feet.

3. Usable open space at ground level, and roof gardens, solaria, and greenhouses provided above ground as open space shall have a minimum area of two hundred fifty (250) square feet. No horizontal dimension shall be less than ten (10) feet.

4. Required usable open space is permitted at the front, sides, or rear of the structure.

5. Parking areas, driveways and pedestrian access to the nonresidential or residential entrances, except for pedestrian access meeting the Washington State Building Code, Chapter 11—Accessibility, shall not be counted as open space.

6. Required open space shall be landscaped according to standards promulgated by the Director.

(Ord. 118414 § 35, 1996: Ord. 117430 § 58, 1994; Ord. 113892 § 7, 1988: Ord. 113263 § 17, 1986: Ord. 112777 § 25(part), 1986.)

23.47.025Home occupations.

Home occupations of a person residing in a dwelling unit are permitted in that dwelling unit as accessory uses, subject to the following development standards:

A. The occupation shall be clearly incidental and accessory to the use of the property as a dwelling.

B. The address of the home occupation shall not be given in any advertisement including but not limited to commercial telephone directories, newspapers, magazines, off-premises signs, flyers, radio, television or any other media.

C. The occupation shall be conducted only within the principal structure and not in an accessory structure, except that parking of vehicles associated with a home occupation shall be permitted anywhere that parking is permitted on the lot.

D. To preserve the residential appearance of the structure, there shall be no evidence of the occupation from the exterior of the structure; provided, that one (1) sign and outdoor play areas for daycare programs and outdoor activities normally associated with residential use shall be permitted. No outdoor storage shall be permitted in connection with a home occupation.

E. 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.

F. Except for daycare programs, not more than one (1) person 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.

G. Commercial pickup and deliveries shall be limited to one (1) per day on weekdays and shall be prohibited on weekends.

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) private 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 Sections 23.55.028 and 23.55.030.

(Ord. 113387 § 4, 1987.)

23.47.026Standards for the keeping of animals.

Animals which are not being kept in connection with animal husbandry or animal service uses may be kept as an accessory use on any lot in a commercial zone according to the following standards:

A. Domestic Fowl. Up to three (3) domestic fowl may be kept on any lot. For each one thousand (1,000) square feet of lot area in excess of five thousand (5,000) square feet, one (1) additional domestic fowl may be kept.

B. Farm Animals. Cows, horses, and other similar farm animals are permitted only on lots at least twenty thousand (20,000) square feet in size. One (1) farm animal

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for every ten thousand (10,000) square feet of lot area is permitted.

C. Beekeeping. Beekeeping is permitted when it is registered with the State Department of Agriculture. No more than four (4) hives shall be kept on lots of ten thousand (10,000) square feet or less. For each two thousand five hundred (2,500) square feet of lot area in excess of ten thousand (10,000) square feet, one (1) additional hive may be kept. Each hive shall have only one (1) swarm.

D. Small Animals. Up to three (3) small animals per business establishment or dwelling unit may be kept in commercial zones. That type of swine commonly known as the Vietnamese, Chinese, or Asian Potbelly Pig (Sus scrofa bittatus) shall be permitted as a small animal provided such swine is no greater than twenty-two (22) inches in height at the shoulder and no more than one hundred fifty (150) pounds in weight. No more than one (1) such swine may be kept per business establishment or dwelling unit.

(Ord. 116694 § 3, 1993: Ord. 112777 § 25(part), 1986.)

23.47.027Landmark Districts and designated landmark structures.

A. The Director may waive or modify standards for open space, setbacks, width and depth limits and screening and landscaping for designated landmark structures or within a Landmark District pursuant to Seattle Municipal Code, Chapter 25.12 or within a Special Review District pursuant to Seattle Municipal Code, Chapter 23.66.

B. The Director's decision to waive or modify development standards shall be consistent with adopted District design and development guidelines and shall be consistent with the recommendations of the Landmarks Preservation Board or the Director of Neighborhoods except when potential environmental impacts clearly require lesser waivers or modifications.

(Ord. 116744 § 8, 1993; Ord. 113892 § 8, 1988.)

23.47.028Standards for drive-in businesses.

A. Number of Drive-in Lanes Permitted.

1. Zones Designated NC2/R and NC3/R. Drive-in businesses are prohibited in zones designated NC2/R and NC3/R.

2. NC1 Zones. Gas stations shall be limited to a maximum of four (4) drive-in lanes. Other drive-in businesses are prohibited.

3. NC2 Zones. All drive-in businesses in NC2 zones shall be limited to a maximum of two (2) drive-in lanes, except gas stations which shall be allowed a maximum of four (4) drive-in lanes.

4. NC3 Zones. All drive-in businesses in NC3 zones shall be limited to a maximum of four (4) drive-in lanes, except gas stations which shall have no restrictions on the number of drive-in lanes.

5. C1 and C2 Zones. There shall be no restriction on the number of drive-in lanes in C1 and C2 zones.

B. Drive-in businesses shall provide queuing spaces according to the following:

1. Banks with drive-in facilities shall provide a minimum of five (5) queuing spaces per lane when the number of lanes does not exceed two (2).

2. Banks with three (3) or more drive-in lanes shall provide a minimum of three (3) queuing spaces per lane.

3. Car washes shall provide a minimum of ten (10) queuing spaces.

C. If the drive-in bank or car wash is located along either a principal arterial, a minor arterial, or along a street with only one (1) lane for moving traffic in each direction, the Director shall determine, after consulting with the Seattle Engineering Department whether additional queuing spaces are necessary or whether access should be restricted. The Director may for the purpose of environmental mitigation restrict access to the facility from that arterial or street, or may require additional queuing space up to a maximum of:

1. Banks with one (1) or two (2) drive-in lanes, eight (8) spaces per lane;

2. Banks with three (3) or more drive-in lanes, six (6) spaces per lane;

3. Car washes, twenty (20) spaces per lane.

D. The Director shall establish the minimum number of queuing spaces needed for similar uses which are not listed above, using the quantities of subsection B as a guide.

E. Drive-in businesses shall provide screening and landscaping according to the requirements of Section 23.47.016, Screening and landscaping standards.

(Ord. 117432 § 33, 1994; Ord. 117430 § 59, 1994; Ord. 113263 § 18, 1986; Ord. 112777 § 25(part), 1986.)

23.47.030Required parking.

A. Each use shall provide a minimum number of off-street parking spaces according to the requirements of Section 23.54.015, Required parking.

B. In pedestrian-designated zones, parking shall also be provided according to the requirements of Section 23.47.044, Required parking in pedestrian-designated zones.

C. Loading Berth Requirements. Loading berths shall be required for certain commercial uses according to the requirements of Section 23.54.030.

(Ord. 113263 § 19, 1986; Ord. 112777 § 25(part), 1986.)

23.47.032Parking location and access.

A. Parking shall be located on the lot or built into or under the structure or within eight hundred (800) feet of the lot on which the use is located, except that parking for residential uses shall be located on the same lot. When parking is provided on a lot other than the lot of the use to which it is accessory, the provisions of Section 23.54.025, Parking covenants, shall apply.

B. Location of Parking in NC1, NC2 and NC3 Zones. Parking which is located outside a structure shall maintain the following relationships to lot lines and structures:

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1. Side and Rear Lot Lines. Parking may be located between a structure and a side or rear lot line (Exhibit 23.47.032 B).

2. Front Lot Lines.

a. When a lot fronts on two or more streets, parking may be located between the structure and the lot line on the street with the fewest lineal feet of commercially zoned frontage.

b. When a lot fronts on two or more streets on which the lineal feet of commercially zoned frontage are equal, the Director shall determine the front lot line for the purposes of location of parking. In making a determination, the Director shall consider the following criteria:

(1) The extent to which parking along a street would disrupt an established commercial street's pedestrian-oriented character or commercial continuity;

(2) The potential for pedestrian and automobile conflicts;

(3) The relative traffic capacity of a street as an indicator of a street's role as a principal commercial street along which parking would be prohibited.

c. Parking may be located between the front lot line and a portion of a structure where the parking is also located between a side lot line, other than a street side lot line, and a portion of the same structure which is equal to at least thirty percent (30%) of the total width of the structure (Exhibit 23.47.032 A).

d. On waterfront lots in the Shoreline District, parking may be located between the structure and the front lot line, if necessary, to prevent blockage of view corridors or to keep parking away from the edge of the water as required by the Shoreline Master Program.

e. The Director may permit parking in front of structures in NC2 zones as a special exception if the Director finds that while most of the characteristics of an NC2 area are present, the development of a pedestrian-oriented shopping area is very unlikely and the placement of parking on the side or in back of commercial structures is infeasible or undesirable. Such a conclusion would be appropriate only where all or most of the following circumstances are present:

(1) There are extensive curbcuts, a lack of sidewalks, intense auto traffic and/or a pattern of parking in front of businesses which creates an unfriendly environment for pedestrians, increasing the likelihood that customers will drive from one (1) business establishment to another;

(2) The lots are narrow and alley access is infeasible, so that a disproportionate amount of the lot would have to be devoted to a driveway if parking is not located in front;

(3) The zone in which the lot is located lacks strong edges to buffer adjacent low-density residential areas from parking areas.

3. Parking may be located between any structures on the same lot.

4. In all cases parking shall be screened as provided in Section 23.47.016 B.

C. Location of Parking in C1 and C2 Zones.

1. There shall be no restrictions on the location of parking on lots in C1 and C2 zones.

D. Access to Off-street Parking in All Commercial Zones.

1. Access to off-street parking may be from a street or from an alley when the lot abuts a platted alley improved to the standards of Section 23.53.030 C.

2. Access to off-street parking shall be from a street when, due to the relationship of an alley to the street system, use of the alley for parking access would create a significant safety hazard as determined by the Director.

3. Direct access to a loading berth from a street shall be permitted only when no alley improved to the standards of Section 23.53.030 C is available for access.

4. Access to off-street parking in pedestrian-designated zones shall be provided according to Section 23.47.048, Parking, access and curbcuts in pedestrian-designated zones.

(Ord. 115326 § 16, 1990; Ord. 113263 § 20, 1986; Ord. 112777 § 25(part), 1986.)

23.47.033Transportation concurrency level-of-service standards.

Proposed uses in commercial zones shall meet the transportation concurrency level-of-service standards prescribed in Chapter 23.52.

(Ord. 117383 § 6, 1994.)

23.47.034Sidewalk requirements.

When new development is proposed, the Director may require that sidewalks be provided if no sidewalks exist. The sidewalk shall be developed in accordance with rules promulgated by the Director.

(Ord. 112777 § 25(part), 1986.)

Subchapter III Standards for Nonconforming Uses and Structures

23.47.036Standards for nonconforming uses.

A. Continuation of Nonconforming Uses.

1. Any nonconforming use existing on June 9, 1986 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, recommenced, or changed to another use not otherwise permitted in the zone pursuant to subsection B6 of Section 23.47.006. A use shall be considered discontinued when:

a. A permit to change the use of the property or structure has been issued and acted upon; or

b. The structure, or that portion of the structure formerly occupied by the nonconforming use, is no longer used for the use authorized by the most recent permit; or

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Exhibit 23.47.032 A
Parking in Front of the Structure When Beside a Portion of the Structure

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Exhibit 23.47.032 B
Parking Permitted Between the Structure and Rear and Side Lot Lines

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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. If a complete application for a permit which would allow the nonconforming use to continue, or which would authorize a use not otherwise permitted in the zone pursuant to Section 23.47.006 B6, has been submitted before the structure has been vacant for twelve (12) consecutive months, the nonconforming use shall not be considered discontinued unless the permit lapses, or the permit is denied, in which case the nonconforming use may be reestablished during the six (6) months following the denial.

B. Extensions, Expansions, and Structural Alterations of Nonconforming Uses.

1. A nonconforming use shall not be expanded or extended, nor shall a structure or portion of a structure containing a nonconforming use be expanded or extended except as otherwise required by law or as necessary to improve access for the elderly and disabled, or as provided in subsection B4, or as otherwise permitted in the Seattle Cascade Mixed (SCM) zone.

2. A nonconforming use which is destroyed by fire, act of nature, or other causes beyond the control of the owners may be resumed. The structure containing the nonconforming use may be rebuilt to the same or smaller configuration existing immediately prior to the time the structure was destroyed.

3. A structure containing a nonconforming use may be structurally altered.

4. A business establishment in an NC1, NC2 or NC3 zone with nonconforming outdoor storage area may be extended, structurally altered or expanded if the outdoor storage area is not expanded and if it is screened and landscaped according to the standards of subsection D5a of Section 23.47.016 or of Section 23.48.024 if the business is within the SCM zone.

5. A nonconforming use with a nonconforming outdoor storage area may be structurally altered if the outdoor storage area is not expanded and is screened and landscaped according to the standards of subsection C5a of Section 23.47.016 or of Section 23.48.024 if the nonconforming use with a nonconforming outdoor storage area is within the SCM zone.

6. Surface parking areas which are nonconforming uses may be restriped according to the standards of Section 23.54.030, Parking space standards. Surface parking areas which are nonconforming due to lack of required landscaping and are proposed to be expanded by ten percent (10%) or more in number of parking spaces or in area are required to be screened and landscaped according to the standards of Section 23.47.016, or Section 23.48.024 if within the SCM Zone, to the extent feasible as determined by the Director.

C. Changes To and From Nonconforming Uses.

1. A structure occupied by a nonconforming use may be converted to a conforming use even if in a nonconforming structure.

2. A nonconforming use may be converted by an administrative conditional use authorization to a use not otherwise permitted in the zone, according to the provisions of Section 23.47.006, Conditional uses.

D. 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 Section 23.47.006, unless the nonconforming use is located in the Seattle Cascade Mixed (SCM) zone, in which case Section 23.48.008 shall apply.

(Ord. 118302 § 7, 1996; Ord. 117263 § 30, 1994; Ord. 115164 § 2, 1990; Ord. 113263 § 21, 1986; Ord. 112777 § 25(part), 1986.)

23.47.038Nonconforming 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 destroyed by fire, 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. 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 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.

C. When nonconforming exterior lighting is replaced, new lighting shall conform to the requirements of Section 23.47.022, Light and glare standards.

D. Structures originally constructed in Manufacturing zones, under Title 24 of this Code, which exceed the permitted height in zones with height limits of thirty feet (30′), forty feet (40′) or sixty-five feet (65′) shall be limited to an FAR of two and one-half ($2^1/_2$). Structures which exceed the permitted height in zones allowing heights greater than sixty-five feet (65′) shall be limited to the FAR permitted in the respective zone.

E. Outdoor storage areas which do not conform to the development standards shall be required to be screened and landscaped according to the provisions of Section 23.47.016, unless the storage area is located in the Seattle Cascade Mixed (SCM) zone, in which case the landscaping and screening standards of Section 23.48.024 shall apply, at the time of any structural alteration or expansion of the outdoor storage and/or the structure with which it is associated.

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F. Nonconforming parking areas and nonconforming parking within structures may be restriped according to the standards of Section 23.54.030, Parking space standards. (Ord. 118302 § 8, 1996; Ord. 115687 § 3, 1991; Ord. 113263 § 22, 1986; Ord. 112777 § 25(part), 1986.)

Subchapter IV Pedestrian-Designated Zones

23.47.040 General provisions for pedestrian-designated zones.

A. There shall be two (2) pedestrian-designated

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zones: Pedestrian 1 (P1) and Pedestrian 2 (P2), as designated on the Official Land Use Map, Chapter 23.32.

B. The development standards of the underlying commercial zone shall apply to all uses within pedestrian-designated zones unless otherwise provided by this subchapter.

C. For purposes of this subchapter, the following streets are principal pedestrian streets when located within a pedestrian-designated zone:

Lake City Way Northeast;
Roosevelt Way Northeast;
Greenwood Avenue North;
North 85th Street;
East Greenlake Drive North;
Woodlawn Avenue Northeast;
University Way Northeast;
Northeast Forty-fifth Street;
Northwest Market Street;
Fremont Avenue North;
Fremont Place North;
Queen Anne Avenue North;
Mercer Street;
Roy Street;
First Avenue North;
15th Avenue East;
Broadway Avenue East;
East Olive Way;
East Madison Street;
Madison Street;
California Avenue Southwest;
Southwest Alaska Street.

(Ord. 118414 § 36, 1996; Ord. 112777 § 25(part), 1986.)

23.47.042Uses in pedestrian-designated zones.

A. Uses shall be regulated by the underlying zone except as provided in this section.

B. Fast-food restaurants up to twenty-five hundred (2,500) square feet in size which provide indoor dining areas and do not provide off-street parking shall be permitted outright. All other heavy traffic generators may be permitted as a conditional use, subject to the provisions of Section 23.47.006.

C. Drive-in businesses, including gas stations, are prohibited in pedestrian-designated zones.

D. Street-level Uses Required.

1. Street-level uses shall be required along the principal pedestrian street front, except as provided in subsection D4, and shall be limited to the following retail sales and service and office uses if permitted in the underlying commercial zone:

a. Personal and household retail sales and service uses;

b. Eating and drinking establishments;

c. Customer service offices;

d. Entertainment uses.

2. A minimum of eighty (80) percent of each street frontage to which street-level use requirements apply shall be occupied by uses listed in subsection D1. The remaining twenty (20) percent of the street frontage may contain other permitted uses and/or pedestrian entrances (Exhibit 23.47.042 A).

3. Required street-level uses shall be set back no more than ten (10) feet from the street property line and shall occupy at least the first ten (10) feet above sidewalk grade.

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4. Street level use requirements shall not apply to public school development along principal pedestrian streets.

(Ord. 114382 § 4, 1989; Ord. 113263 § 23, 1986; Ord. 112777 § 25(part), 1986.)

23.47.044 Required parking in pedestrian-designated zones.

A. Minimum parking requirements shall be according to the provisions of Section 23.54.015, Required parking, except as modified by this section.

B. Reductions to Required Parking.

1. Reductions to required parking shall be permitted in pedestrian-designated zones according to the provisions of Section 23.54.020, Parking quantity exceptions, except as modified by this section and Chart E.

2. Once the amount of required parking has been calculated according to the provisions of Section 23.54.020, further reductions may be permitted for the types of uses listed in Chart E.

3. The parking waivers permitted by Chart E shall apply to each business establishment in a structure.

C. Additional parking waivers may be permitted by the Director as a special exception according to the following provisions:

1. In P1 designated zones, additional parking waivers may be permitted up to the maximum size of use permitted outright or permitted by special exception for the following uses:

a. Personal and household retail sales and service uses;

b. Eating and drinking establishments;

c. Customer service offices;

d. Entertainment uses.

2. In P2 designated zones, additional parking waivers may be permitted as special exception for the following uses:

a. Eating and drinking establishments, up to a maximum waiver of five thousand (5,000) square feet;

b. Motion picture theaters, up to a maximum waiver of three hundred (300) seats.

3. The following factors shall be considered by the Director in determining whether to permit additional parking waivers:

a. Anticipated parking demand for the proposed use;

b. The extent to which an additional parking waiver is likely to create or add significantly to spillover parking in adjacent residential areas;

c. The availability of shared parking opportunities within eight hundred (800) feet of the business;

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Exhibit 23.47.042 A
Pedestrian Access at Street Level

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Chart E for Section 23.47.044
REDUCTION TO REQUIRED PARKING IN
P1 AND P2 DESIGNATED ZONES

		P1[1]
Retail sales and service uses, except eating and drinking establishments; customer service offices; and entertainment uses, except motion picture theaters.	NC1 — Parking waived for first 4,000 square feet	NC1 — Park 4,000 square
	NC2 — Parking waived for first 15,000 square feet	NC2 — Park 5,000 square
	NC3 — Parking waived for first 25,000 square feet	NC3 — Park 5,000 square
Motion picture theaters	Parking waived for first 150 seats	Parking waiv
Eating and drinking establishments	NC1, NC2 and NC3 — Parking waived for first 2,500 square feet	NC1, NC2 ar waived for fi

[1] Additional parking waiver for business establishments may be permitted as a special exception according to criteria of subsecti

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d. Whether land is available for parking without demolishing an existing commercial structure, displacing a commercial use, or rezoning property to commercial.

4. Transportation Study.

a. In order to determine whether to permit, condition, or deny additional parking waivers, the Director may require that a transportation study be submitted for review.

b. The Director shall determine the level of detail to be disclosed in the transportation study based on the following factors:

(1) The size and type of the proposed use; and

(2) The size of the requested parking waiver; and

(3) Any anticipated impacts of an additional parking waiver.

D. The transit reduction permitted in Section 23.54.020 F2 shall not apply to uses in pedestrian-designated zones.

(Ord. 117432 § 34, 1994; Ord. 117263 § 31, 1994; Ord. 113263 § 24, 1986; Ord. 112777 § 25(part), 1986.)

23.47.046Parking location in pedestrian-designated zones.

A. In P1 and P2 designated zones parking may be located at the rear of a structure, or may be built into or under a structure, or be located within eight hundred feet (800′) of the lot to which it is accessory, according to the provisions of Section 23.54.025, Parking covenants.

B. In P1-designated zones, parking shall not be allowed on the lot along the principal pedestrian street front.

C. In P2-designated zones, parking may be located to the side of a structure if parking to the rear or within eight hundred feet (800′) is unavailable without the demolition of commercial structures. Parking to the side of a structure shall not exceed a maximum of sixty feet (60′) along the principal pedestrian street front (Exhibit 23.47.046 A).

(Ord. 112777 § 25(part), 1986.)

23.47.048Parking access and curbcuts in P1 and P2 designated zones.

A. Access to parking shall be from the alley when the lot abuts an alley improved to the standards of Section 23.53.030 C; provided, that when the lot fronts on more than one (1) street access may be from the street which is not the principal pedestrian street.

B. When the lot does not abut an alley, and the lot fronts on more than one (1) street, access to parking shall be from the street which is not the principal pedestrian street.

C. If the lot does not abut an improved alley, and only abuts a principal street or streets, access may be permitted from a principal pedestrian street, and such access shall be limited to one (1) two (2) way curbcut.

(Ord. 115326 § 17, 1990; Ord. 112777 § 25(part), 1986.)

23.47.050Blank facades in pedestrian-designated zones.

A. Blank facades shall not exceed thirty feet (30′) in width in pedestrian-designated zones.

B. Blank facade requirements shall apply to the area of the facade between two feet (2′) and eight feet (8′) above the sidewalk.

C. Any portion of a facade which is not transparent shall be considered to be a blank facade. Clear or lightly tinted glass in windows, doors and display windows shall be considered transparent. Transparent areas shall allow views into the structure or into display windows from the outside.

D. Portions of a facade of a structure which are separated by transparent areas of at least two feet (2′) in width shall be considered separate facade segments for the purposes of this subsection.

E. The total of all blank facade segments shall not exceed forty percent (40%) of the facade of the structure along the principal pedestrian street.

(Ord. 113263 § 25, 1986: Ord. 112777 § 25(part), 1986.)

Chapter 23.48
SEATTLE CASCADE MIXED

Sections:

23.48.002Scope of provisions.
23.48.004Permitted uses.
23.48.006Prohibited uses.
23.48.008Conditional uses.
23.48.010General structure height.
23.48.012Upper-level setback requirements.
23.48.014General facade requirements.
23.48.016Standards applicable to specific areas.
23.48.018Transparency and blank facade requirements.
23.48.020Common open space or recreation area.
23.48.022Sidewalk requirements.
23.48.024Screening and landscaping standards.
23.48.026Noise standards.
23.48.028Odor standards.
23.48.030Light and glare.
23.48.032Required parking and loading.
23.48.034Parking and loading location, access and curbcuts.
23.48.036Nonconforming uses.
23.48.038Nonconforming structures.

23.48.002Scope of provisions.

A. This chapter identifies uses that are or may be permitted in the Seattle Cascade Mixed (SCM) zone. The SCM zone boundaries are shown on the Official Land Use Map. The SCM zone is divided into the following subareas: Seattle Cascade Mixed/Residential (SCM/R), and Seattle Cascade Mixed/one hundred twenty-five foot (125′) height limit (SCM/125′).

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B. Other regulations, such as requirements for streets, alleys and easements (Chapter 23.53); standards for parking quantity, access and design (Chapter 23.54); signs (Chapter 23.55); and methods for measurements (Chapter 23.86) may pertain to development proposals.
(Ord. 118302 § 9 (part), 1996.)

Subchapter I Use Provisions

23.48.004Permitted uses.
All uses are permitted outright, either as principal or accessory uses, except those specifically prohibited by Section 23.48.006 and those permitted only as conditional uses by Section 23.48.008.
(Ord. 118302 § 9 (part), 1996.)

23.48.006Prohibited uses.
The following uses shall be prohibited as both principal and accessory uses, except as otherwise noted:
A. All high-impact uses;
B. All heavy manufacturing uses;
C. General manufacturing uses greater than twenty-five thousand (25,000) square feet of gross floor area for an individual business establishment;
D. Drive-in businesses, except gas stations;
E. Jails;
F. Adult motion picture theaters and adult panorams;
G. Outdoor storage, except for outdoor storage associated with florists and horticultural uses;
H. Principal use surface parking;
I. Kennels;
J. Animal shelters;
K. Animal husbandry;
L. Park and pool lots;
M. Park and ride lots;
N. Work release centers;
O. All salvage and recycling uses, except recycling collection stations; and
P. Mobile home parks.
(Ord. 118302 § 9 (part), 1996.)

23.48.008Conditional uses.
A. All conditional uses shall be subject to the procedures described in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, and shall meet the following criteria:
1. The use shall not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.
2. In authorizing a conditional use, adverse impacts may be avoided or mitigated by imposing requirements or conditions. The Director shall deny or recommend denial of a conditional use if it is determined that the negative impacts cannot be mitigated satisfactorily.
B. The following uses may be permitted by the Director as administrative conditional uses when the provisions of this subsection and subsection A are met:
1. Mini-warehouses and Warehouses. The Director may authorize mini-warehouses or warehouses if:
a. The mini-warehouse or warehouse, at the street level, fronts only on an east/west oriented Class II Pedestrian Street, as depicted on Map B, or an alley; and
b. Vehicular entrances, including those for loading operations, will not disrupt traffic or transit routes; and
c. The traffic generated will not disrupt the pedestrian character of an area by significantly increasing the potential for pedestrian-vehicle conflicts on Class I Pedestrian Streets or north/south oriented Class II Pedestrian Streets.
2. Fast-food Restaurants which Have a Gross Floor Area Greater than Seven Hundred fifty (750) Square Feet. The Director may authorize such fast-food restaurants if:
a. The use does not include a drive-in facility; and
b. Appropriate litter-control measures are provided; and
c. The applicant, if required by the Director, prepares an analysis of traffic, circulation and parking impacts, and demonstrates that the use does not:
(1) Create pedestrian-vehicle conflicts on Class I Pedestrian Streets or north/south oriented Class II Pedestrian Streets, or
(2) Create traffic or parking impacts, particularly impacts which will require the expenditure of City funds to mitigate, or
(3) Vehicular entrances, including those for loading operations, will not disrupt traffic or transit routes.
C. Any authorized conditional use which has been discontinued shall not be reestablished or recommended 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.
(Ord. 118302 § 9 (part), 1996.)

Subchapter II Development Standards

23.48.010General structure height.
A. Maximum Height. Maximum structure height shall be fifty-five feet (55′), seventy-five feet (75′) or one hundred twenty-five feet (125′) as designated on the Official Land Use Map, Chapter 23.32.
B. Pitched Roofs. The ridge of pitched roofs with a minimum slope of six to twelve (6:12) may extend ten feet (10′) above the height limit. The ridge of pitched roofs with a minimum slope of four to twelve (4:12) may extend five feet (5′) above the height limit (Exhibit 23.48.010 A). No portion of a shed roof shall be permitted to extend beyond the height limit under this provision.

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Exhibit 23.48.010 A

Pitched Roofs

C. Rooftop Features.

1. Radio and television receiving antennas excluding dish antennas; ham radio towers; smokestacks, chimneys; flagpoles; and spires for religious institutions are exempt from height controls, except as regulated in Chapter 23.64. Airport Height Overlay District, provided they are a minimum of ten feet (10′) from any side or rear lot line.

2. Open railings, planters, skylights, clerestories, greenhouses, parapets and firewalls may extend up to four feet (4′) above the maximum height limit with unlimited rooftop coverage.

3. Solar collectors may extend up to seven feet (7′) above the maximum height limit, with unlimited rooftop coverage.

4. The following rooftop features may extend up to fifteen feet (15′) above the maximum height limit, so long as the combined total coverage of all features listed in this subsection D4 does not exceed twenty percent (20%) of the roof area, or twenty-five percent (25%) of the roof area if the total includes stair or elevator penthouses or screened mechanical equipment:

a. Solar collectors;

b. Stair and elevator penthouses;

c. Mechanical equipment;

d. Atriums, greenhouses, and solariums;

e. Play equipment and open mesh fencing which encloses it, as long as the fencing is at least fifteen feet (15′) from the roof edge; and

f. Dish antennas, according to the provisions of Chapter 23.57.

5. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed in this subsection D5 at least ten feet (10′) from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21st at noon no more than would a structure built to maximum permitted bulk:

a. Solar collectors;

b. Planters;

c. Clerestories;

d. Atriums, greenhouses and solariums;

e. Dish antennas, according to the provisions of Chapter 23.57;

f. Nonfirewall parapets;

g. play equipment.

6. Screening. Rooftop mechanical equipment and elevator penthouses shall be screened with fencing, wall enclosures, or other structures.

(Ord. 118302 § 9 (part), 1996.)

23.48.012Upper-level setback requirements.

A. Upper-level Setbacks.

1. Structures on lots abutting designated Green Streets and neighborhood parks (for the purposes of this section, a "neighborhood park" is a publicly accessible park within the SCM zone which is more than one quarter (1/4) of an acre in area), as depicted on Map C, shall provide an upper-level setback for the facade facing these streets or the neighborhood park, for any portion of the structure greater than forty-five feet (45′) in height.

2. Structures on lots abutting an alley in the SCM/R designated area shall provide an upper-level setback for the facade facing the alley, for any portion of the structure greater than twenty-five feet (25′) in height.

3. Structures on lots abutting east/west oriented Class I Pedestrian Streets, that are not designated Green Streets, as depicted on Map C, within the SCM/125′ area, as depicted on the Official Land Use Map, shall provide an upper level setback, for the facade facing the east/west oriented Class I Pedestrian Street, for any portion of the structure greater than seventy-five feet (75′) in height.

B. Upper-level setbacks shall be provided as follows: Any portion of the structure shall be set back at least one foot (1′) for every two feet (2′) of height above twenty-five feet (25′), forty-five feet (45′), or seventy-five feet (75′) whichever is applicable pursuant to subsection A of this section, up to a maximum required setback of fifteen feet (15′) (Exhibit 23.48.012 A).

Exhibit 23.48.012 A

Upper-level Setback at either 25′ or 45′ in Height

(Note: Exhibit 23.48.012 A portrays the upper-level setback required at 45′ in height; where applicable, the setback required at 25′ in height would be configured in the same way.)

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Upper-level Setback at 75′ in Height

C. Structures in Required Upper-level Setbacks. The first four feet (4′) of horizontal projection of decks, balconies with open railings, eaves, cornices, and gutters shall be permitted in required setbacks (Exhibit 23.48.012 B).

Exhibit 23.48.012 B

Horizontal Projection into Upper-level Setbacks

Projecting Deck or Balcony

(Ord. 118302 § 9 (part), 1996.)

23.48.014General facade requirements.

A. A primary building entrance shall be required from the street or street-oriented courtyards and shall be no more than three feet (3′) above or below the sidewalk grade.

B. Minimum Facade Height. Minimum facade heights shall not apply when all portions of the structure are lower than the elevation of the required minimum facade height listed below.

1. On Class I Pedestrian Streets, as depicted on Map B, all facades shall have a minimum height of forty-five feet (45′).

2. On north/south oriented Class II Pedestrian Streets all facades shall have a minimum height of twenty-five feet (25′).

3. On east/west oriented Class II Pedestrian Streets all facades shall have a minimum height of fifteen feet (15′).

C. All facades on Class I Pedestrian Streets shall be built to the street property line along a minimum of seventy percent (70%) of the facade length (Exhibit 23.48.014 A).

Exhibit 23.48.014 A

Percentage of Facade at Property Line

D. Street-level Setback. On Class II Pedestrian Streets, designated Green Streets and alleys, structures may be set back up to twelve feet (12′) from the property line subject to the following (Exhibit 23.48.014 B):

1. The setback area shall be landscaped according to the provisions of Section 23.48.026.

2. Additional setbacks shall be permitted for up to thirty percent (30%) of the set-back street wall, provided that the additional setback is located a distance of twenty feet (20′) or greater from any street corner.

Exhibit 23.48.014 B

Street-level Setback

(Ord. 118302 § 9 (part), 1996.)

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23.48.016Standards applicable to specific areas.

A. Seattle Cascade Mixed/Residential (SCM/R).

1. Height Limit.

a. New single purpose nonresidential structures shall have a height limit of fifty-five feet (55′).

b. Single purpose residential structures and mixed-use structures with sixty percent (60%) or more of the structure's gross floor area in residential use are permitted to a height of seventy-five feet (75′).

2. Scale of Development

a. Single purpose, nonresidential development, except hotels with one hundred (100) rooms/suites or fewer, is limited to a lot area of twenty-one thousand six hundred (21,600) square feet or less.

b. Development on lots with areas greater than twenty-one thousand six hundred (21,600) square feet must include residential use in an amount of gross floor area equal to sixty percent (60%) or more of the gross floor area in nonresidential use, except schools, elementary and secondary, and hotels with one hundred (100) rooms/suites or fewer.

c. Two (2) lots of up to twenty-one thousand six hundred (21,600) square feet each, separated by an alley and connected above grade by a skybridge or other similar means shall be considered two (2) separate lots for the purposes of this subsection A2. Such a connection above grade, across the alley may be allowed pursuant to the Council's approval of an aerial alley vacation or temporary use permit process.

d. Single purpose nonresidential structures on adjacent lots not separated by an alley, subject to this subsection, may not be internally connected.

3. Nonresidential uses existing prior to the effective date of the ordinance codified in this chapter* and which do not meet the requirements of this section shall be allowed to expand by an amount of gross floor area not to exceed twenty percent (20%) of the existing gross floor area without meeting the requirements of this section. This provision may only be used once for an individual use.

4. Single purpose nonresidential exception. A single purpose, nonresidential structure may be permitted where a single purpose residential or mixed use structure would otherwise be required subject to the following:

a. The proposal is comprised of two (2) or more lots within the same SCM/R designated area; and

b. The amount of gross floor area in residential use in the structures on both lots is equal to at least sixty percent (60%) of the total gross floor area of the total combined development on the lots included in the proposal; and

c. The nonresidential structure shall be subject to design review to ensure compatibility with the residential character of the surrounding area; and

d. The proposal meets one or more of the following:

(1) The project includes the rehabilitation of a landmark structure or incorporates structures or elements of structures of architectural or historical significance as identified in an adopted neighborhood plan or design guidelines, or

(2) The project includes personal household retail sales and service uses, eating and drinking establishments, customer service offices, entertainment uses, or human service uses or child care centers at the street level in an amount equal to fifty percent (50%) of the structure's footprint, or

(3) The lot accommodating the required residential use will contribute: a minimum of ten percent (10%) of all new housing units in the proposal to the supply of low and low-moderate income housing for a period of at least twenty (20) years, or a minimum of ten percent (10%) of all new housing units in the proposal to be provided as townhouses.

B. Seattle Cascade Mixed/125 Foot Height Limit (SCM/125′). In areas zoned SCM/125′ on the Official Land Use Map a floor area ratio (FAR) shall apply as follows:

1. A FAR of five (5.0) shall determined the maximum gross floor area permitted for all nonresidential uses in any structure over seventy-five feet (75′) in height.

2. Exemptions from FAR Calculations. The following areas shall be exempt from FAR calculations:

a. All gross floor area below grade;

b. All gross floor area used for accessory parking located above grade.

3. Up to three and one-half percent (3 1/2%) of the gross floor area of a structure shall not be counted in gross floor area calculations as an allowance for mechanical equipment. The allowance shall be calculated on the gross floor area after all exempt space permitted under subsections B1 and B2 has been deducted.

(Ord. 118302 § 9 (part), 1996.)

***Editor's Note:** Ordinance 118302 was signed by the Mayor on October 7, 1996 and became effective November 7, 1996.

23.48.018Transparency and blank facade requirements.

Facade transparency and blank facade requirements shall apply to the area of the facade between two feet (2′) and eight feet (8′) above the sidewalk (Exhibit 23.48.018 A).

Exhibit 23.48.018 A

Area where Transparency and
Blank Facade Requirements Apply to a Structure

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A. Facade Transparency Requirements. Transparency requirements apply to all required street level uses and to all street level facades fronting on designated Green Streets, Class I Pedestrian Streets, and Class II Pedestrian Streets, depicted on Map B, except that transparency requirements shall not apply to portions of structures in residential use.

1. Transparency shall be required as follows:

a. Designated Green Streets, Class I Pedestrian Streets, and north/south oriented Class II Pedestrian Streets: A minimum of sixty percent (60%) of the width of the street level facade shall be transparent.

b. East/west oriented Class II Pedestrian Streets: A minimum of thirty percent (30%) of the width of the street-level facade shall be transparent.

c. When the slope of the street frontage of the facade exceeds seven and one-half percent (7 1/2%), the required amount of transparency shall be reduced to forty-five percent (45%) of the width of the street-level facade on designated Green Streets, Class I Pedestrian Streets, and north/south oriented Class II Pedestrian Streets and twenty-two percent (22%) of the width of the street-level facade on east/west oriented Class II Pedestrian Streets.

2. Only clear or lightly tinted glass in windows, doors, and display windows shall be considered transparent. Transparent areas shall allow views into the structure or into display windows from the outside.

B. Blank Facade Limits.

1. Any portion of the facade which is not transparent shall be considered to be a blank facade.

2. Blank Facade Limits for Designated Green Streets, Class I Pedestrian Streets and North/South Oriented Class II Pedestrian Streets.

a. Blank facades shall be limited to segments fifteen feet (15′) wide, except for garage doors which may be wider than fifteen feet (15′). Blank facade width may be increased to thirty feet (30′) if the Director determines that the facade is enhanced by architectural detailing, artwork, landscaping, or other similar features that have visual interest. The width of garage doors shall be limited to the width of the driveway plus five feet (5′).

b. Any blank segments of the facade shall be separated by transparent areas at least two feet (2′) wide.

c. The total of all blank facade segments, including garage doors, shall not exceed forty percent (40%) of the street facade of the structure on each street frontage; or fifty-five percent (55%) if the slope of the street frontage of the facade exceeds seven and one-half percent (7 1/2%).

3. Blank Facade Limits for East/West Oriented Class II Pedestrian Streets.

a. Blank facades shall be limited to segments thirty feet (30′) wide, except for garage doors which may be wider than thirty feet (30′). Blank facade width may be increased to sixty feet (60′) if the Director determines that the facade is enhanced by architectural detailing, artwork, landscaping, or other similar features that have visual interest. The width of garage doors shall be limited to the width of the driveway plus five feet (5′).

b. Any blank segments of the facade shall be separated by transparent areas at lest two feet (2′) wide.

c. The total of all blank facade segments, including garage doors, shall not exceed seventy percent (70%) of the street facade of the structure on each street frontage; or seventy-eight percent (78%) if the slope of the street frontage of the facade exceeds seven and one-half percent (7 1/2%).

4. Blank facade limits shall not apply to portions of structures in residential use.

(Ord. 118302 § 9 (part), 1996.)

23.48.020Common open space or recreation area.

A. Quantity of Common Open Space or Recreation Area. All new structures containing more than twenty (20) dwelling units shall provide common open space or recreation area in an amount equivalent to five percent (5%) of the total gross floor area in residential use, or two hundred twenty-five (225) square feet, whichever is greater.

B. Standards for Common Open Space or Recreation Area.

1. Residential common open space or recreation area shall be provided on-site.

2. The common open space or recreation area shall be available to all residents and may be provided at or above ground level.

3. A maximum of fifty percent (50%) of the common open space or recreation area may be enclosed. Examples of enclosed common open space or recreation area include atriums, greenhouses and solariums.

4. The minimum horizontal dimension for required common open space or recreation area shall be fifteen feet (15′), and no required common open space or recreation area shall be less than two hundred twenty-five (225) square feet.

5. The exterior portion of required common open space or recreation area shall be landscaped and shall provide solar access and seating according to standards promulgated by the Director.

6. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Rules and Regulations for Barrier Free Design, shall not be counted as common open space or recreation area.

(Ord. 118302 § 9 (part), 1996.)

23.48.022Sidewalk requirements.

When any new development is proposed, the Director shall require that sidewalks be provided if no sidewalks exist. The sidewalk shall be developed in accordance with Chapter 23.53, Requirements for Streets, Alleys, and Easements, and rules promulgated by the Director.

(Ord. 118302 § 9 (part), 1996.)

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23.48.024Screening and landscaping standards.

A. The following types of screening and landscaping apply where screening or landscaping is required.

1. Three-foot (3′) High Screening on Street Property Lines. Three foot (3′) high screening may be either:

a. A fence or wall at least three feet (3′) in height; or

b. A hedge or landscaped berm at least three feet (3′) in height.

2. Landscaping for Setback Areas and Berms. Each setback area or berm required shall be planted with trees, shrubs, and grass or evergreen groundcover. Features such as pedestrian access meeting the Washington State Rules and Regulations for Barrier-Free Design, decorative pavers, sculptures or fountains may cover a maximum of thirty percent (30%) of each required landscaped area or berm. Landscaping shall be provided according to standards promulgated by the Director.

B. Screening for Specific Uses.

1. Gas stations shall provide three-foot (3′) high screening along lot lines abutting all streets, except within required sight triangles.

2. Surface Parking Areas.

a. Surface Parking Areas Abutting Streets. Surface parking areas shall provide three-foot (3′) high screening along the lot lines abutting all streets, except within required sight triangles.

b. Surface Parking Areas Abutting Alleys. Surface parking areas shall provide three-foot (3′) high screening along the lot lines abutting an alley. The Director may reduce or waive the screening requirement for part or all of the lot line abutting the alley when required parking is provided at the rear lot line and the alley is necessary to provide aisle space.

3. Parking in Structures. Parking located at or above street-level in a garage shall be screened according to the following requirements.

a. On designated Green Streets, Class I Pedestrian Streets and north/south oriented Class II Pedestrian Streets, parking shall not be permitted at street level unless separated from the street by other uses, provided that garage doors need not be separated. The facade of the separating uses shall be subject to the transparency and blank facade standards in Section 23.48.018.

b. On east/west oriented Class II Pedestrian Streets parking shall be permitted at street level when at least thirty percent (30%) of the street frontage of the parking area, excluding that portion of the frontage occupied by garage doors, is separated from the street by other uses. The facade of the separating uses shall be subject to the transparency and blank wall standards in Section 23.48.018. The remaining parking shall be screened from view at street level and the street facade shall be enhanced by architectural detailing, artwork, landscaping, or similar visual interest features (Exhibit 23.48.024 A).

Exhibit 23.48.024 A

Screening for Parking at Street Level
(on Class II Pedestrian Streets)

c. The perimeter of each floor of parking garages above street level shall have an opaque screen at least three and one-half feet (3 1/2′) high.

C. Street Trees.

1. Street trees shall be provided in all planting strips. Existing street trees may count toward meeting the street tree requirement.

2. Exceptions to Street Tree Requirements.

a. Street trees shall not be required when a change of use is the only permit requested.

b. Street trees shall not be required for temporary use permits.

c. Street trees shall not be required when expanding an existing structure by less than one thousand (1,000) square feet. Generally, two (2) street trees shall be required for each additional one thousand (1,000) square feet of expansion. Rounding of fractions, per Section 23.86.002 B, shall not be permitted. The number of street trees shall be controlled by the Department of Engineering standard.

3. If it is not feasible to plant street trees according to City standards, either a five-foot (5′) deep landscaped setback shall be required along the street property line or landscaping other than trees may be located in the planting strip according to Department of Engineering standards. The street trees shall be planted in the landscaped area at least two feet (2′) from the street lot line if they cannot be placed in the planting strip.

(Ord. 118302 § 9 (part), 1996.)

23.48.026Noise standards.

All permitted uses shall be subject to the noise standards of Section 23.47.018.

(Ord. 118302 § 9 (part), 1996.)

23.48.028Odor standards.

All permitted uses shall be subject to the odor standards of Section 23.47.020.

(Ord. 118302 § 9 (part), 1996.)

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23.48.030Light and glare.

All permitted uses shall be subject to the light and glare standards of Section 23.47.022.
(Ord. 118302 § 9 (part), 1996.)

23.48.032Required parking and loading.

A. Each use shall provide a minimum number of off-street parking spaces according to the requirements of Section 23.54.015, Required parking, except as modified by this section.

B. No parking shall be required for residential uses.

C. Loading berth requirements shall be provided pursuant to Section 23.54.035, Loading berth requirements and space standards.

D. Where access to a loading berth is from the alley, and truck loading is parallel to the alley, a setback of twelve feet (12′) shall be required for the loading berth, measured from the centerline of the alley (Exhibit 23.47.014 E — in Chapter 23.47). This setback shall be maintained up to a height of sixteen feet (16′).

E. Reduction in the Amount of Parking Required. Reductions to required parking shall be permitted according to the provisions of Section 23.54.020, Parking quantity exceptions. Further reductions or exceptions are permitted for street-level uses in structures on Class I Pedestrian Streets as follows:

1. In a new structure where a minimum of seven thousand five hundred (7,500) square feet of customer service office use, personal and household retail sales and service use or entertainment use, except motion picture theaters, is provided, parking may be waived for the first seven thousand five hundred (7,500) square feet of the structure in such use.

2. No parking shall be required for the first one hundred fifty (150) seats in a motion picture theater.

3. No parking shall be required for any gross floor area in human service or child care use.

4. No additional parking shall be required when an existing structure is expanded by up to two thousand five hundred (2,500) square feet, provided that this exemption may be applied only once to any individual structure.

F. Payment in Lieu. In lieu of providing all or a portion of the required parking, a development may make a payment to the Cascade Parking Fund if the Director determines that the payment will contribute to the purchase and/or development of an identified public parking garage that is consistent with City policy and priorities, that the parking will mitigate the impacts of the project; and that construction of the public parking garage (if applicable) is assured. The payment and use thereof shall be consistent with RCW 82.02.020.

1. An in-lieu-of payment shall equal the assessed value of the land at the project site which would otherwise have been required to provide parking plus the estimated cost to develop such parking on the project site.

2. Funds received in-lieu-of providing parking shall be applied to acquisition or development of a new public parking garage(s) in the SCM, within eight hundred feet (800′) of the contributing site(s), except that when a contributor(s) agrees with the City that a new parking garage, available to the public, within the SCM zone more than eight hundred feet (800′) from the project site(s) would be an appropriate mitigation to the project's impacts, the in-lieu-of payment(s) from those projects may be used for that garage.

3. Limitations. Parking stalls within a shared parking garage(s), satisfying the requirements of this section for any project, shall not be used to satisfy the parking requirement for any other project.
(Ord. 118302 § 9 (part), 1996.)

23.48.034Parking and loading location, access and curbcuts.

A. Parking accessory to nonresidential uses may be provided on-site and/or within eight hundred feet (800′) of the lot to which it is accessory, according to the provisions of Section 23.54.025, Parking covenants.

B. Accessory surface parking shall be permitted under the following conditions:

1. All accessory surface parking shall be located at the rear or to the side of the principal structure.

2. The amount of lot area allocated to accessory surface parking shall be limited to thirty percent (30%) of the total lot area.

C. Parking and Loading Access. When a lot abuts more than one (1) right-of-way, the location of access for parking and loading shall be determined by the Director, depending on the classification of rights-of-way, as depicted on Map B, according to the following:

1. Access to parking and loading shall be from the alley when the lot abuts an alley improved to the standards of Section 23.53.030 C and use of the alley for parking and loading access would not create a significant safety hazard as determined by the Director.

2. If the lot fronts on an alley and an east/west oriented Class II Pedestrian Street, parking and loading access may be from the east/west oriented Class II Pedestrian Street.

3. If the lot does not abut an improved alley, and only abuts a Class I Pedestrian Street or a north/south oriented Class II Pedestrian Street, parking and loading access may be permitted from the Class I Pedestrian Street or north/south oriented Class II Pedestrian Street, and such access shall be limited to one (1) two (2) way curbcut. In the event the site is too small to permit one (1) two (2) way curbcut, two (2) one (1) way curbcuts shall be permitted.

4. Curbcut controls on designated Green Streets, as depicted on Map B, shall be evaluated on a case-by-case basis, but generally parking and loading access from these streets shall not be allowed by the Director.

5. The Director shall also determine whether the location of the parking and loading access will expedite the movement of vehicles, facilitate a smooth flow of traffic, avoid the on-street queuing of vehicles, enhance vehicular safety and pedestrian comfort, and will not create a hazard.

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6. Curbcut width and number of curbcuts shall satisfy the provisions of Section 23.54.030, Parking space standards, except as modified in this section.
(Ord. 118302 § 9 (part), 1996.)

Subchapter III Nonconforming Uses and Structures

23.48.036Nonconforming uses.

The standards for nonconforming uses in Section 23.47.036 shall apply, except as follows: General manufacturing uses exceeding twenty-five thousand (25,000) square feet of gross floor area and heavy manufacturing uses may be expanded or extended by an amount of gross floor area not to exceed twenty percent (20%) of the existing gross floor area of the use, provided that this exception may be applied only once to any individual business establishment.
(Ord. 118302 § 9 (part), 1996.)

23.48.038Nonconforming structures.

The standards for nonconforming structures in Section 23.47.038 shall apply, except as follows: When an historic landmark structure is relocated, any nonconformities with respect to development standards shall transfer with the relocated structure.
(Ord. 118302 § 9 (part), 1996.)

Chapter 23.49
DOWNTOWN ZONING

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Subchapter I General Standards

23.49.006Scope of general standards.
23.49.008Structure height.
23.49.009Open Space.
23.49.010Lighting and glare.
23.49.011Maximum annual development of office space.
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23.49.016Parking quantity requirements.
23.49.018Standards for location of access to parking.
23.49.020Screening and landscaping of surface parking areas.
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23.49.024View corridor requirements.
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23.49.032Additions to gross floor area.
23.49.033Priority landmark theater TDR from landmark performing arts theaters in certain downtown zones.

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Exhibit 23.47.046 A
Parking to the Side of a Structure in P2
Designated Zones

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