Title 26
ZONING

Chapters:

Chapter 26.02
TITLE, PURPOSE AND SCOPE*

Sections:

26.02.010 Citation of title. This title shall be known as the comprehensive zoning ordinance of the City of Seattle. (Ord. 86300 § 1; June 24 1957).

26.02.020 General purpose and scope. The general purpose of this title is to protect and promote public health, safety, morals, and general welfare through a well-considered comprehensive plan for the *use* of land. It classifies land within the city into various land *use zones,* each with appropriate *zone* designations, and within each *zone,* this title limits the *use* of land and limits the height, size, *use* and location of *buildings* and *structures* and requires space for off-street parking. The economic stability of land *use* areas and conservation of *building* values are promoted and protected thereby.

Its provisions are designed to provide adequate light, air and access, to secure safety from fire and other dangers, and to avoid excessive concentration of population, in order to lessen traffic congestion, and to facilitate adequate provisions for transportation, water, sewerage, schools, parks, and other public requirements.

In interpretation and application, the provisions of this title are minimum requirements. (Ord. 86300 § 2.1; June 24, 1957).

26.02.030 Purpose of residential zones—General. Eleven residential *zone* classifications permit a variety of housing and population densities without conflict. Protection is provided against hazards, objectionable influences, traffic, *building* congestion, and lack of light, air and privacy. Certain essential and compatible public service facilities and institutions are permitted in *R zones.* (Ord. 86300 § 2.21 as amended by Ord. 96202 and Ord. 98608 § 1 (part); Feb. 11, 1970).

26.02.040 Purpose of single family residence zones. Three single family residence *zone* classifications are provided to promote and protect

* Italicized words are defined in Chapter 26.06.

various densities and uniformity of development within each. A residence waterfront *zone* classification recognizes special waterfront needs.

The RS 9600 *zone* provides low density chiefly in outlying areas or where required by soil conditions or topography.

The RS 7200 *zone* provides medium density of development where indicated by desirability or feasibility.

The RS 5000 *zone* protects basic minimum density of development chiefly in mature areas.

The RW *zone* permits houseboats and group pleasure boat moorages when compatible with permitted residential *uses*. (Ord. 86300 § 2.22 as amended by Ord. 96202 and Ord. 98608 § 1 (part); Feb. 11, 1970).

26.02.050 Purpose of duplex residence zones. Two duplex *zone* classifications permit two-family dwellings and, under certain conditions, three-family *structures* protected from more concentrated residential *uses* and permitting a greater variety of institutional *uses*.

The RD 7200 *zone* permits the *use* and development of two or three-family dwellings on larger *lots* in outlying areas of the city.

The RD 5000 *zone* permits two and three-family dwellings in appropriate areas of the city where *lots* are smaller. (Ord. 86300 § 2.23 as amended by Ord. 96202 and Ord. 98608 § 1 (part); Feb. 11, 1970).

26.02.060 Purpose of multiple family residence zones. Five multiple-family residence *zone* classifications permit *apartment houses* and other group living, together with certain appropriate nonresidential *uses*. Transportation, major shopping and employment centers influence location of the multiple-family *zones*.

The RM 1600 *zone* provides for residential development of greater density than permitted in duplex zones but less than that allowed in the multiple residence low density zone.

The RM 800 *zone* provides for low density multiple family *dwellings*.

The RMH 350 *zone* provides for high density elevator *apartment houses* generally near the city center and at major subcenters near transportation facilities and for certain intensive institutional *uses* requiring residental environment.

The RMV 200 *zone* provides for high density tower *apartment houses* in areas where such buildings will result in a minimum of

interference with view, and certain compatible institutional *uses,* located with desirable relationship to the city center or subcenters and employment areas, having proximity to adequate transportation facilities and other amenity features.

The RMV 150 *zone* provides for the highest density tower *apartment houses* in areas where such *buildings* will result in a minimum of interference with view, and certain compatible institutional *uses,* located in close proximity to the city center or other major subcenters and employment areas, having proximity to adequate transportation facilities and other amenity features. (Ord. 86300 § 2.24, as amended by Ord 96202 and Ord. 98608 § 1 (part); Feb. 11, 1970).

26.02.070 Purpose of business zones. Four business *zone* classifications are provided to promote retail business development on the basis of function performed and to minimize conflicts within each *zone* and with *uses* in adjacent residential *zones*.

The *BN zone* provides small areas in local neighborhoods for neighborhood retail stores near the homes which they serve.

The *BI zone,* generally located on the boundaries of neighborhoods, provides for intermediate sized shopping areas to serve the abutting neighborhoods.

The *BC zone* provides for larger business centers serving the greater needs of several neighborhoods or the community district.

The *BM zone* protects the retail core of the central business district, fostering first floor retail frontages and providing maximum safety, convenience and amenity for the pedestrian shoppers. *Buildings* of maximum *bulk* are permitted with incentives for *plazas* and *arcades*. (Ord. 86300 § 2.3, as amended by Ord. 94036 and Ord. 96395; January 25, 1968).

26.02.080 Purpose of commercial zones. Three commercial *zone* classifications permit, in appropriate locations, nonretail services and other business activities protected from industrial *uses*.

The CM *zone* permits a wide variety of nonretail commercial and business *uses* functionally related to and near the retail core of the business district in *buildings* of similar *bulk* to those in the BM zone.

The CMT *zone* permits a variety of commercial and business *uses* and is conceived as a temporary or interim classification. Permitted *building bulks* are similar to those permitted in the CM *zone* but are not eligible for bonus provisions to permit increased *building bulk*.

The CG *zone* located in each major section of the city, permits nonretail commercial and business activity near major business districts and under conditions which minimize conflicts with nearby residential areas. (Ord. 86300 § 2.4, as amended by Ord. 94036; July 14, 1965).

26.02.090 Purpose of manufacturing zones. Three manufacturing *zone* classifications provide protection for all kinds of industry under conditions that minimize conflicts of land *use* within and between *zones*. Mutual protection is provided by prohibiting new residential developments in manufacturing and industrial *zones*.

The M *zone* provides for light manufacturing *uses* under specific conditions intended to minimize conflicts with nearby residential *uses*.

The IG *zone* provides for a greater range of general industrial activities with provision for protecting adjacent residential *zones*.

The IH *zone* provides for and protects the heaviest industrial activities prohibiting residential *uses* and in locations to achieve maximum isolation. (Ord. 86300 § 2.5; June 24, 1957).

Chapter 26.04

ADMINISTRATION AND ENFORCEMENT*

Sections:

26.04.010 Enforcement—Duty of superintendent of buildings. (a) It shall be the duty of the *superintendent* to enforce this title. The *superintendent* may call upon the police and fire and health and other appropriate city departments to assist in the enforcement of this title.

(b) It is unlawful to construct or locate any *building* in such manner as will result in a violation of this title, and if the *superintendent* shall find any *building* being so constructed or so located, he may order the work stopped by notice in writing to persons engaged in the doing or causing such work to be done, posted on the premises and all shall forthwith stop such work until authorized by the *superintendent* to proceed. (Ord. 86300 § 25.1, as amended by Ord. 91138; May 3, 1962).

26.04.020 Use permits. (a) It shall be unlawful for an owner to permit the *use* of any *structures* or *buildings* or premises, or any part thereof, hereafter created, enlarged, constructed, altered, moved, or converted, wholly or partly, until a *use* permit shall have been issued by the *superintendent*.

(b) The *superintendent* shall issue a *use* permit only if he is satisfied that the plans filed in accordance with Section 26.04.020 (c) conform to the requirements of this title and other pertinent laws and ordinances.

(c) Every application for a *use* permit to use a *structure* or *building* or premises shall be made to the *superintendent* and shall be accompanied by plans in duplicate showing the actual shape and dimensions of the *lot* to be used, based on a recorded plat or survey by a licensed surveyor, and the exact location, size, and height of the *buildings* or *structures* to be used, the existing and intended *use* of each *structure* or *building* or part, the number of *dwelling units* and other information necessary to enforce this title. All *lot* corners shall be established on the ground by survey stakes prior to submission of plans. One copy of such

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plans shall be returned to the owner when such plans have been approved, and one copy of such application and plan shall be kept in the office of the *superintendent*. (Ord. 86300 § 25.2; June 24, 1957).

26.04.030 Issuance of building permits on basis of prior repealed ordinances. For a period of one year after the effective date of this title, a building permit may be issued for a *use* consistent with the provisions of repealed Ordinances 45382 (zoning code) and 36032 (mortuary ordinance) under the following conditions:

(a) Written notice shall be served on the *superintendent* by the applicant, or his designated representative, prior to the effective date of this title, together with a showing satisfactory to the *superintendent*, that construction plans are in the process of preparation.

(b) Valid application for a building permit accompanied by final plans, as required by the *superintendent*, are submitted to the *superintendent* during said one year period. (Ord. 86300 § 25.3; June 24, 1957).

26.04.040 Severability. If any section, paragraph, subdivision, clause, phrase or provision of this title shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this title as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional. (Ord. 86300 § 29; June 24, 1957).

26.04.050 Penalty for violations. Anyone violating or failing to comply with any of the provisions of this title shall upon conviction thereof be fined in a sum of not exceeding three hundred dollars or imprisoned in the city jail for a term not exceeding ninety days, or may be both so fined and imprisoned and each day that any one shall continue to violate or fail to comply with any of the provisions of this title shall be considered a separate offense. (Ord. 86300 § 30; June 24, 1957).

Chapter 26.06

DEFINITIONS*

Sections:

* Italicized words are defined in this chapter.

26.06.010 Definitions—Introductory. For the purpose of this title, certain terms and words are hereby defined. When not inconsistent with the context, words used in the present tense shall include the future; the singular number shall include the plural, and the plural the singular, and the word "shall" is mandatory and not merely permissive. (Ord. 86300 § 3.01; June 24, 1957).

26.06.020 "Accessory building" to "automobile wrecking yard."

ACCESSORY BUILDING—(See USE OR STRUCTURE, ACCESSORY).

ACCESSORY USE—(See USE OR STRUCTURE, ACCESSORY).

ALLEY.

A public or private way not less than ten feet in width permanently reserved and so recorded in the county records as secondary means of access to abutting property.

APARTMENT HOTEL.

A *building* providing accommodations for transient guests in which at least fifty percent of the gross habitable *floor area* is devoted to *dwelling units*.

APARTMENT HOUSE—(See DWELLING, MULTIPLE).

ARCADE.

A continuous covered area, open to the public at all times, having direct access from all the *streets* or *plazas* which it adjoins or connects, and unobstructed to a height of not less than twelve feet except for supporting columns and beams and either:

(a) Is adjacent to a *street* or *plaza* and not less than ten feet in depth and five hundred square feet in area and extending along the *street* or adjoining *plaza* for at least fifty feet or for the full *street* frontage; or,

(b) Extends from a *street* or *plaza* through to another *street* or *plaza* and is not less than fifteen feet in width and five hundred square feet in area.

AREA—(See FLOOR AREA, GROSS).

AUTOMOBILE LAUNDRY.

A *structure* designed and primarily used for washing cars by mechanical means and by movement through washing and drying stages.

AUTOMOBILE REPAIR, MAJOR.

Rebuilding or reconditioning of motor vehicles or trailers including trucks over one and one-half tons capacity; collision service including body, frame or fender straightening or repair; overall painting or paint shop; automobile wrecking when within an *enclosed building*.

AUTOMOBILE REPAIR, MINOR.

General motor repair, replacement of new or reconditioned parts to passenger automobiles and trucks not exceeding one and one-half tons capacity, but not including any operation specified under *automobile repair, major*.

AUTOMOBILE OR HOUSE TRAILER, SALES OR RENTAL AREA.

An open area used for the display, sale or rental of new or used passenger motor vehicle or *house trailers* in operable condition, and where no repair work is done except minor incidental repair of vehicles to be displayed, sold, or rented on the premises.

AUTOMOBILE WRECKING YARD.

An area outside of an *enclosed building* where motor vehicles are disassembled, dismantled or junked or where vehicles not in operable condition or used parts of motor vehicles are stored. (Ord. 86300 § 3.02, as amended by Ord. 94036; July 14, 1965).

26.06.030 "Basement" to "bulletin board."

BASEMENT.

That portion of a *building* between floor and ceiling which is partly below and partly above the *grade* but so located that the vertical distance from the *grade* to the floor below is less than the vertical distance from *grade* to ceiling. A *basement* shall be counted as a *story*.

BASE STRUCTURE.

The above ground portion or base of a building, generally used for parking or other nonresidential purposes.

BILLBOARD—(See SIGN, ADVERTISING).

BLOCK FRONT.

The frontage of private property within a single *zone* and along one side of a *street* between intersecting or intercepting platted *streets* or between a platted *street* and a railroad right-of-way or a waterway provided such distance does not extend more than four hundred feet on either side of a *lot*.

BOARD.

The board of adjustment o fthe city of Seattle.

BOARDING, LODGING, OR ROOMING HOUSE.

A *building,* other than a *hotel,* where meals and/or room or lodging are provided for compensation for seven or more nontransient persons.

BUILDING.

Any *structure* built for the support, shelter or enclosure of persons, animals, mechanical devices or chattels, or property of any kind. When a *structure* is separated by party walls located upon *lot lines,* then each portion of such *structure* shall be deemed a separate *building*. The term *building* shall include signs and fences over six feet high.

BUILDING, ACCESSORY—(See USE OR STRUCTURE, ACCESSORY).

BUILDING, COMPLETELY ENCLOSED.

A roofed *building* or portion thereof having no openings other than fixed windows and such exits as are required by law, and equipped with self-closing doors.

BUILDING, DETACHED.

A *building* having no wall in common with another *building*.

BUILDING, ENCLOSED.

A *building* enclosed on all sides with wall and roof and having no openings other than closeable, glazed windows and doors and vents.

BUILDING OR STRUCTURE, NONCONFORMING.

A *building* or *structure* specifically designed or occupied for any use which is a *nonconforming use* and lawfully existing prior to the effective date of this title or the effective date of any amendment changing the *zone* classification of the land upon which such *building* or *structure* is located.

BUILDING OR STRUCTURE, NONCONFORMING AS TO BULK.

A lawfully established *building* or *structure* which on the effective date of this title was not in conformance with the *bulk* regulations of this title for the *zone* in which located.

BUILDING, PRINCIPAL—(See USE OR BUILDING, PRINCIPAL).

BUILDING OR PART, RESIDENTIAL.

A *building* or building part containing solely one or more *dwelling units* or a *building* or building part occupied or intended to be occupied in whole for sleeping or living purposes, including *hospitals, sanitariums* and similar uses, but not including *motels* or *hotels*.

BUILDING SITE—(See LOT).

BULK.

The size and location of *buildings* and *structures* in relation to the *lot*. Bulk regulations include maximum *height of building*, minimum *lot area*, minimum front, side and *rear yards* and maximum *lot coverage*.

BULK STATION.

Any installation for the storage, handling and selling of flammable liquids or oils, from which such liquids or oils are sold at wholesale or distributed to retail stations or private storage by tank trucks.

BULLETIN BOARD, ILLUMINATED—(See SIGN, ILLUMINATED).

BULLETIN BOARD, SELF-ILLUMINATED—(See SIGN, SELF-ILLUMINATED). (Ord. 86300 § 3.03, as amended by Ord. 87225 and Ord. 96202; October 31, 1967).

26.06.040 "Carport" to "custom manufacture."

CARPORT.

A *private garage* which is open to the weather on at least forty percent of the total area of its sides.

CELLAR.

That portion of a *building* between floor and ceiling which is wholly below *grade* or partly below and partly above *grade* but so located that the vertical distance from the *grade* to the floor below is more than the vertical distance from the *grade* to ceiling. A cellar shall not be counted as a *story*.

CHILDREN'S RESIDENT HOME.

A *dwelling unit* occupied by a family which provides full-time supervision for from seven to twelve children unrelated to the resident family.

CHILDREN'S INSTITUTION.

An establishment consisting of one or more *buildings* organized and maintained for the group care and supervision of thirteen or more children, but not including *hospitals*.

CHURCH.

A *building* or portion thereof used for religious worship.

CLINIC.

A *building* or portion of a *building* containing offices for providing medical, dental, psychiatric or chiropractic services for out-patients only, but not including the sale of drugs or medical supplies.

COLLECTION STATION.

A container or containers for the collection of secondhand goods and recyclable materials.

COMMISSION.

The city planning commission of the city of Seattle.

COMMUNITY CLUB.

A *building* and related grounds used for social, civic or recreational purposes and owned and operated by a private nonprofit institution or organization serving the neighborhood in which it is located and open to the general public on equal basis and where no activities are carried on for gain.

CONDITIONAL USE—(See USE OR STRUCTURAL, CONDITIONAL).

CONVALESCENT HOME—(See NURSING HOME).

COUNCIL.

The city council of the city of Seattle.

CURB ELEVATION.

The elevation of the curb, as established by the city engineer, at the intersection of the projected center line of the *building* and the front lot line. Where no curb elevation has been established, the city engineer shall indicate such for the purpose of this title.

CUSTOM MANUFACTURE.

Production of products to order, usually involving individual or special design, considerable handiwork, and a high ratio of value to bulk, such as jewelry, apparel and handicraft art work. (Ord. 86300 § 3.04, as amended by Ord. 94036 and Ord. 100890 § 1; April 14, 1972).

26.06.050 "Day care center" to "dwelling, townhouse." DAY CARE CENTER. A facility operated by any person, firm, association, partnership or corporation which regularly provides care in other than a *family* setting to a group of children for less than twenty-four hours a day, whether for compensation or not.

DIRECTOR. The director of the department of community development of the city of Seattle.

DORMITORY TOWER COMPLEX. A *boarding lodging,* or *rooming house* utilizing a *tower structure,* being a *building* designed for occupancy by students, faculty or staff employees of an accredited institution of higher learning and by members of the operating staff of said *building,* and having not more than twenty percent of the *gross floor area* of the *tower structure* devoted to *dwelling units.*

DRIVE-IN BUSINESS. A business where a customer is permitted or encouraged, either by the design of physical facilities or by service and/or packaging procedures, to carry on business, in the offstreet parking area accessory to the business, while seated in a motor vehicle.

DWELLING, DUPLEX. A *detached building* containing two *dwelling units.*

DWELLING, MULTIPLE. A *building* or portion thereof containing three or more *dwelling units.*

DWELLING, MULTIPLE FOR LOW INCOME ELDERLY. A *multiple dwelling* in which at least ninety percent of the *dwelling units* are occupied by one or more persons sixty-two or more years of age who have maximum annual incomes of four thousand dollars per person, or five thousand dollars per couple.

DWELLING, SINGLE FAMILY. A *detached building* containing one *dwelling unit.*

DWELLING UNIT. A room or suite of two or more rooms that is designed for and not occupied by more than one family doing its own cooking therein and having only one kitchen facility located within a *building.*

DWELLING TOWNHOUSE. A *dwelling unit* attached to one or more other *dwelling units,* each *dwelling unit* occupying space from the ground to the roof and being attached to other *dwelling units* at the side or rear by common walls located on *lot lines.* (Ord. 86300 § 3.05 amended by Ord. 88518, Ord. 96278, Ord. 96539, Ord. 98426, Ord. 98608, Ord. 99872, Ord. 101285 and Ord. 102290 § 1; June 21, 1973).

26.06.060 "Existing use or building."

EXISTING USE OR BUILDING.

A *use* or *building* established under ordinance. (Ord. 86300 § 3.06; June 24, 1957).

26.06.070 "Family" to "fraternity."

FAMILY.

Any number of related persons, or not to exceed eight nonrelated persons, or not to exceed a total of eight related and nonrelated, nontransient persons living as a single, nonprofit housekeeping unit as distinguished from a group occupying a club; *boarding, lodging,* or *rooming house; fraternity, sorority,* or *group student house.*

FAMILY DAY CARE HOME.

A family dwelling in which a child or children are regularly received for care and supervision for periods of less than twenty-four hours per day in lieu of care in their own homes, whether or not compensation is given or received for such care and supervision.

FLOOR AREA, GROSS.

The number of square feet of total floor area bounded by the exterior faces of the *building.*

FRATERNITY, SORORITY OR GROUP STUDENT HOUSE.

A *building* occupied by and maintained exclusively for students affiliated with an academic or professional college or university or other recognized institution of higher learning, and when regulated by such institution. (Ord. 86300 § 3.07 as amended by Ord. 87225 and Ord. 101285 § 2; August 10, 1972).

26.06.080 "Garage" to "group student house."

GARAGE, PARKING

A *structure,* or part thereof, used only for the storage of automobiles by the public and including the sale of automobile fuels, lubricants, radiator fluids, and accessories; and the performance of incidental services including tire changing, tube repairing, lubrication and washing.

GARAGE, PRIVATE.

An *accessory building* or an accessory portion of the *principal building,* designed or used for the shelter or storage of vehicles owned or operated by the occupants of the *principal building.*

GARAGE, REPAIR—(See AUTOMOBILE, REPAIR).

GRADE, LOT

For the purpose of determining the height of a *building,* lot grade shall be the average of the finished ground elevations at all exterior walls of the perimeter of a *building,* except that walls nearer than five feet to an adjoining *lot line* shall be disregarded. In case walls are parallel to and within five feet of a public sidewalk, *alley* or other public way, the ground level of such walls shall be measured at the sidewalk, *alley* or public way.

GROUP STUDENT HOUSE—(See FRATERNITY). (Ord. 86300 § 3.08, as amended by Ord. 96031 and Ord. 96202; October 31, 1967).

26.06.090 "Halfway house" to "house trailer."

HALFWAY HOUSE

An establishment operated with full-time supervisions for housing resident persons who, by reason of their condition and circumstances, require a period of time for rehabilitation and social readjustment. Services provided shall be limited to counseling, vocational guidance, training, group therapy and similar activities. No medical treatment other than that for minor illness or injury shall be provided. A drug or alcohol detoxification center, mental or penal institution shall not be construed to be included in this definition.

HEIGHT OF BUILDING

The vertical distance from the *lot grade* to the highest point of the roof surface of a flat or mansard roofed *building* or to the average height of the highest gable of a pitch or hipped roofed *building.*

HELIPORT

An area used by helicopters or by other steep gradient aircraft which area includes passenger and cargo facilities, maintenance and overhaul, fueling service, storage space, tie-down space, hangars and other accessory buildings and open spaces.

HELISTOP

An area on a roof or on the ground used by helicopters or steep gradient aircraft for the purpose of picking up or discharging passengers or cargo, but not including fueling service, maintenance or overhaul.

HOME FOR THE RETIRED

An establishment operated for the purpose of providing domiciliary care for a group of persons who by reason of age are unable to provide such care for themselves and who are not in need of medical or nursing treatment except in the case of temporary illness.

HOSPITAL OR SANITARIUM

An establishment which provides accommodations, facilities and services over a continuous period of twenty-four hours or more, for observation, diagnosis and care, of two or more individuals, not related by blood or marriage to the operator, who are suffering from illness, injury, deformity or abnormality, or from any condition requiring obstetrical, medical or surgical services.

HOTEL.

A *building* in which at least fifty percent of the gross habitable *floor area* is used for sleeping.

HOTEL, APARTMENT—(See APARTMENT HOTEL).

HOUSE TRAILER.

Any unit used or designed to be used for living or sleeping purposes and which is equipped with wheels for the purpose of transporting such unit from place to place, whether or not such unit is self-propelled. A *house trailer* is not a *dwelling unit*. (Ord. 86300 § 3.09, as amended by Ord. 89796, Ord. 96031 and Ord. 100100 § 1; July 14,1971).

26.06.100 Reserved.

26.06.110 "Junkyard."

JUNKYARD.

A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including *Automobile Wrecking Yards,* house wrecking yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment. A junk yard shall not be construed to include such uses when conducted entirely within an *Enclosed Building,* nor pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, used or salvaged machinery in operable condition or the processing of used, discarded or salvaged materials as a minor part of manufacturing operations. (Ord. 86300 § 3.11; June 24, 1957).

26.06.120 "Kennel."

KENNEL, *Commercial.*

Any *Lot* or *Building* in which four (4) or more dogs and/or cats at

least four (4) months of age are kept commercially for board or propagation or treatment.

KENNEL, *Pet.*

Any establishment or premises where four (4) or more dogs and/or cats at least four (4) months of age are kept for any purpose other than a commercial kennel, retail pet shop, or animal hospital. (Ord. 86300 § 3.12 "K," as amended by Ord. 88920; January 12, 1960).

26.06.130 "Landscaped" to "lot width." LANDSCAPED. Planted with vegetation in the form of hardy trees, shrubs, or grass or evergreen ground cover maintained in good condition, or occupied by sculptures or water features. The area landscaped is determined by the coverage of the plantings or other features, and the coverage of a tree shall be the drip line at the time of planting.

LODGING HOUSE—(See BOARDING HOUSE).

LOT.

A platted or unplatted parcel of land unoccupied, occupied or to be occupied by a *Principal Use* or *Building and Accessory Buildings,* together with such *yards* and *open spaces* as are required by this Title and abutting by not less than twenty feet upon a *street* sufficiently improved for automotive travel or having an exclusive, unobstructed permanent access easement serving not more than two *principal uses* and jointly owned by the two property owners served and at least twenty feet wide and not exceeding one hundred fifty feet in length to such *street.* Provided; that *lots* for *townhouse dwellings* may abut upon a *street* or unobstructed permanent access easement by not less than twelve feet and said easement may be not less than fifteen feet in width and may serve up to ten *townhouse dwellings.*

LOT AREA.

The total horizontal area within the *Lot Lines* of a *Lot.*

LOT, CORNER.

A *Lot* situated at the intersection of two *Streets,* or bounded on two or more adjacent sides by *Street Lot Lines,* provided that the angle of intersection of such *Street Lot Lines* does not exceed one hundred thirty-five (135) degrees. For the purposes of the provisions of this Title applying to *corner lots,* no *corner lot* shall be considered wider than seventy-five (75) feet and the remainder of such *Lot* shall be considered as an interior *Lot.*

LOT COVERAGE.

That portion of a *Lot* occupied by the *Principal Building* and its *Accessory Buildings,* expressed as a percentage of the total *Lot Area.*

LOT DEPTH.

The mean horizontal distance between the *Front and Rear Lot Lines.*

LOT, INTERIOR.

A *Lot* other than a *Corner Lot.*

LOT, KEY.

The first *Lot* to the rear of a *Reversed Corner Lot* whether or not separated by an *Alley.*

LOT LINES.

The property lines bounding a *Lot.*

LOT LINE, FRONT.

In the case of an *Interior Lot* the *Lot Line* separating the *Lot* from the *Street,* and in the case of a *Corner Lot,* either *Street Lot Line* provided the other is considered to be a *Side Street Lot Line.*

LOT LINE, REAR.

A *Lot Line* which is opposite and most distant from the *Front Lot Line* and, in the case of an irregular, triangular, or gore-shaped *Lot,* a *Line* ten (10) feet in length within the *Lot,* parallel to and at the maximum distance from the *Front Lot Line.*

LOT LINE, SIDE.

Any *Lot Line* not a *Front Lot Line* or a *Rear Lot Line.*

LOT LINE, SIDE STREET.

A *Lot Line* abutting upon a *Street* other than a *Front Lot Line.*

LOT LINE, STREET.

A *Lot Line* abutting upon a *Street.*

LOT, REVERSED CORNER.

A *Corner Lot,* the *Side Street Lot Line* of which is substantially a continuation of the *Front Lot Line* of the *Lot* to its rear.

LOT, THROUGH.

A *lot* having frontage on two parallel or approximately parallel *streets.*

LOT, WATERFRONT

A *lot* any portion of which is offshore of or abuts upon the line of higher regulated lake level of Lake Washington, Lake Union and connecting fresh waters, or the line of ordinary high tide, or the line of ordinary high water of nonnavigable lakes.

LOT WIDTH.

The mean horizontal distance between *side lot lines* measured at right angles to the *lot depth.* (Ord. 86300 § 3.13 as amended by Ord. 87225, Ord. 96252, Ord. 97998, Ord. 98608 and Ord. 100542 § 3; December 23, 1971).

26.06.140 "Motel."

MOTEL.

A *building* or group of *building*s on a *lot,* consisting of individual

sleeping quarters, detached or connected, not more than fifty percent of which have kitchen facilities, for rental to transients. (Ord. 86300 § 3.14, amended by Ord. 90110; March 28, 1961).

26.06.150 "Nonconforming building" to "nursing or convalescent home."

NONCONFORMING BUILDING — (See BUILDING, NONCONFORMING).

NONCONFORMING BUILDING AS TO BULK — (See BUILDING, NONCONFORMING AS TO BULK).

NONCONFORMING USE—(See USE, NONCONFORMING).

NURSING OR CONVALESCENT HOME.

An establishment which provides full time convalescent or chronic care or both for three or more individuals who are not related by blood or marriage to the operator and who, by reason of chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill, or surgical or obstetrical services, shall be provided in such a home; a *hospital* or *sanitarium* shall not be construed to be included in this definition. (Ord. 86300 § 3.15 as amended by Ord. 101285 § 3; August 10, 1972).

26.06.160 "Open space" to "open space, private usable."

OPEN SPACE.

Any part of *lot* unobstructed from the ground upward except as specified in Sections 26.44.060 through 26.44.135.

OPEN SPACE, USABLE.

An outdoor area of such location, size and shape as to provide space for outdoor recreational activity, landscape features, or pedestrian access.

OPEN SPACE, PRIVATE USABLE.

Usable *open space* which is screened from public view by fences, walls or foliage so as to restrict view from without and intended to be utilized by the occupants of a related *dwelling unit.* (Ord. 86300 § 3.16 as amended by Ord 90722 and Ord. 98608 § 4; Feb. 11, 1970).

26.06.170 "Part, residential" to "principal use."

PART, RESIDENTIAL—(See BUILDING OR PART, RESIDENTIAL).

PLACE.

An open unoccupied named space, other than a *street* or *alley,* at least twenty feet in width, permanently reserved and so recorded in the county records as the principal means of access to abutting or adjacent property.

PLAZA.

A continuous uncovered area which is accessible to the public at all times and which, if a floor area bonus is claimed in connection with the provisions of this title, is either:

(a) At least ten feet in depth extending along a *street lot line,* with a minimum area of five hundred square feet and a minimum length of fifty feet or the full width of the *lot,* whichever is less; or

(b) At least thirty feet in width, extending from *street* to *street;* or

(c) On a *corner lot,* an open area with a minimum area of five hundred square feet, and a minimum dimension of ten feet, which is bounded on two sides by the intersecting *street* lines; or

(d) At least five thousand square feet in area, with a minimum dimension of sixty feet, and is connected to the *street* by means of another plaza, an *arcade,* or a public way at least thirty feet wide.

Such a *plaza* shall not at any point be more than ten feet above or below the elevation of a connecting *street* at point of access thereto.

PLAZA, LANDSCAPED.

A *plaza* having thirty percent or more of its area *landscaped.*

PRINCIPAL USE—(See Use, Principal)

(Ord. 86300 § 3.17, as amended by Ord. 94036, Ord. 96031, Ord. 96252, Ord. 96372 and Ord. 100452 § 4; December 23, 1971).

26.06.180 Reserved.

26.06.190 "Recycling center" to "rules." RECYCLING CENTER. An establishment for the collection, storage and processing only of recyclable materials, including crushing, breaking, sorting and packaging operations, but not a *junkyard.*

RIDING ACADEMY. A stable other than a *private stable* for the housing of horses for hire.

ROOF OR DECK GARDEN. An open area on the top of a *building* or *building part* having forty percent or more of its qualifying area *landscaped.*

ROOMING HOUSE—(See BOARDING HOUSE)

RULES. The *rules* governing land *use* and zoning proceedings promulgated and adopted pursuant to Section 26.50.060. (Ord. 86300 § 3.19 amended by Ord. 100542, Ord. 100890 and Ord. 102290 § 2; June 21, 1973).

26.06.200 "Screening" to "superintendent."

SCREENING.

A continuous fence supplemented with landscape planting or a continuous wall, evergreen hedge or combination thereof, that would effectively screen the property which it encloses, is at least four feet high and not more than six feet high and is broken only for access drives and walks.

SIGN, ADVERTISING.

A *structure* or portion thereof that is intended for advertising purposes or on which letters, figures, or pictorial matter are, or are intended to be, displayed for advertising purposes other than the name, occupation and/or nature of the enterprise conducted on the premises. This definition shall not be held to include a real estate sign advertising for sale or rent the property upon which it stands.

SIGN, BUSINESS.

Any sign, *structure,* or device identifying the premises on which located, or the occupant of said premises, or signs relating to goods or services manufactured, produced, or available on said premises.

SIGN, ILLUMINATED.

Any sign, nameplate or *bulletin board* which is illuminated exclusively by nonflashing reflected light.

SIGN, SELF-ILLUMINATED.

Any sign, nameplate or *bulletin board* in which the letters, figures, or pictorial matter are outlined by neon, fluorescent, incandescent or other lighting device in which the artificial light is maintained stationary and constant in intensity and color at all times when lighted.

SORORITY—(See FRATERNITY)

SPECIAL EXCEPTION.

Any of the modifications to the regulations of this title specified in Section 26.50.050.

STABLE, PRIVATE.

An *accessory building* for the keeping of horses, cows or other similar domestic animals owned by the occupants of the premises and not kept for remuneration, hire or sale.

STABLE, PUBLIC—(See RIDING ACADEMY).

STORY.

That portion of a *building,* except a mezzanine, included between the surface of any floor and the surface of the floor next above, except that the highest story is that portion of the building included between the highest floor surface and the ceiling or roof above. The *basement* shall be counted as a story.

STREET.

A public way thirty feet or more in width permanently open to public *use,* including an avenue, place, drive, boulevard, parkway, highway, and any similar way, except an *alley.*

STREET LEVEL FLOOR SPACE.

That portion of a floor of a *building* located within forty feet of the exterior *building* face, and whose elevation is no more than half of a *story* above or below the elevation of the nearest adjacent *street* sidewalk.

STRUCTURAL ALTERATIONS.

Any change in the supporting members of a *building,* such as foundations, bearing walls or partitions, columns, beams or girders, or any structural change in the roof.

STRUCTURE.

Anything constructed or erected, the *use* of which requires location on the ground or attachment to something having location on the ground, but not including fences and walls less than six feet in height.

STRUCTURE, TOWNHOUSE.

A *structure* containing two or more *townhouse dwellings.*

SUPERINTENDENT.

The superintendent of buildings of the city of Seattle. (Ord. 86300 § 3.20 as amended by Ord. 94036, Ord. 96252 and Ord. 98608 § 5; Feb. 11, 1970).

26.06.210 "Tower structure" to "truck and truck trailer sales lot."

TOWER STRUCTURE

A *building* or *building part,* more than sixty feet in height and normally residential in design, which may or may not be built on top of a *base structure.*

TRADE OR BUSINESS SCHOOL.

An establishment conducted as a commercial enterprise for teaching trades, business or secretarial courses, instrumental or vocal music, art, dancing, barbering or hairdressing or for teaching similar skills.

TRAILER HOUSE—(See HOUSE TRAILER).

TRAILER PARK.

Any *lot* or any portion of any *lot* used or offered for *use* for the accommodation of inhabitated *house trailers* for compensation.

TRUCK AND TRUCK TRAILER SALES LOT.

An outdoor area used for the display, sale or rental of new or used trucks or truck trailers, where no repair work is done except minor incidental repair to vehicles to be displayed, sold or rented on the premises. (Ord. 86300 § 3.21 as amended by Ord. 96202 and Ord. 98426 § 2; Dec. 3, 1969).

26.06.220 "Use" to "use or building, principal."

USE.

The purpose for which land or a *building* is designed, arranged or intended, or for which it is occupied or maintained, let or leased.

USEABLE OPEN SPACE

An outdoor area of such location, size and shape as to provide space for outdoor recreational activity, landscape features, or pedestrian access.

USE OR STRUCTURE, ACCESSORY.

A *use or structure* incidental to a permitted *principal use,* provided that such *use* or *structure* shall be located on the same *lot* as the *principal use* or *structure,* except when permitted elsewhere as specifically set forth in this title.

USE OR STRUCTURE, CONDITIONAL.

Uses permitted in this title as *principal* or *accessory uses* when authorized by the *board* or in some cases the council and subject to specified conditions.

USE, NONCONFORMING.

A lawful *use* of land or *structure* in existence on the effective date of this title or at the time of any amendments thereto and which does not conform to the *use* regulations of the *zone* in which such *use* is located.

USE OR BUILDING, PRINCIPAL.

The *principal use* conducted on the *lot* or the *building* housing the *principal use,* as distinguished from any separate *buildings* housing *accessory uses.* (Ord. 86300 § 3.22, as amended by Ord. 91700 and Ord. 96202; October 31, 1967).

26.06.230 "Variance" to "voluntary building setback, landscaped."

VARIANCE.

A modification of the regulations of this title when authorized by the *board* or *council* after a finding that the literal application of the provisions of this title would cause undue and unnecessary hardship in view of specific facts and conditions applying to a *lot.*

VOLUNTARY BUILDING SETBACK AREA

An area on a *lot,* at a maximum height of twenty-five feet above *curb elevation* or the roof of a *building,* whichever is the lower, which is open and uncovered to the sky and which, if a floor area bonus is claimed in connection with its provision, is within twenty feet of the *street lot line* on *streets* less than seventy feet wide or within fifteen feet of the *street lot line* on *streets* at least seventy feet wide.

VOLUNTARY BUILDING SETBACK AREA, LANDSCAPED. A *voluntary building setback area* having seventy-five percent or more of its qualifying area *landscaped.* (Ord. 86300 § 3.23 as amended by Ord. 94036, Ord. 94970 and Ord. 100542 § 6; December 23, 1971).

26.06.240 "Wholesale office" to "wholesale store."

WHOLESALE OFFICE.

An establishment for the sale of goods and merchandise in wholesale lots, not including any wholesale storage.

WHOLESALE STORE.

An establishment for the sale of goods and merchandise in wholesale lots, including wholesale storage. (Ord. 86300 § 3.24; June 24, 1957).

26.06.250 Reserved.

26.06.260 "Yard" to "yard, side."

YARD.

Any front, rear or side yard.

YARD, FRONT.

An *open space* between the *side lot lines* of a *lot,* extending from the *front lot line* to a line on the *lot* parallel to the *front lot line,* to a depth measured horizontally, as specified in this title.

YARD, REAR.

An open space between the *side lot lines* of a *lot,* extending from the *rear lot line* to a line on the *lot* parallel to the *rear lot line,* to a depth measured horizontally, as specified in this title.

YARD, SIDE.

One of two *open spaces* between the *front yard,* or *front lot line* if no *front yard* is required, of a *lot,* and the *rear yard,* or *rear lot line* if no *rear yard* is required, of such *lot;* and extending from a *side lot line* to a line on the *lot,* parallel to the *side lot line,* to a width, measured horizontally, as specified in this title. (Ord. 86300 § 3.26, as amended by Ord. 90722; November 20, 1961).

26.06.270 "Zone" to "zone, less intensive."

ZONE

A portion of the city designated on the official zoning map of the city of Seattle as one of twenty-one categories listed and described in Sections 28.08.010 through 26.08.030 for the purpose of promoting the orderly and harmonious development of land compatible with the surrounding areas and the comprehensive land use plan.

ZONE, R

Includes RS 9600, RS 7200, RS 5000, RW, RD 7200, RD 5000, RM 1600, RM 800, RMH 350, RMV 200 and RMV 150 *zones.*

ZONE, RS
Includes RS 9600, RS 7200, RS 5000 *zones*.

ZONE, RD
Includes RD 7200 and RD 5000 *zones*.

ZONE, B
Includes BN, BI, BC or BM *zones*.

ZONE, C
Includes CM, CMT or CG *zones*.

ZONE, I
Includes IG or IH *zones*.

ZONE, MORE INTENSIVE
In the list of *zones* in Section 26.08.010 each *zone* shall be deemed to be more intensive than the *zone* preceding it.

ZONE, LESS INTENSIVE
In the list of *zones* in Section 26.08.010 each *zone* shall be deemed to be less intensive than the *zone* succeeding it. (Ord. 86300 § 3.27 as amended by Ord. 94036, Ord. 96202, Ord. 96395 and Ord. 98608 § 6; Feb. 11, 1970).

Chapter 26.08

MAPPED ZONES*

Sections:

26.08.010 Zone Classifications. (a) For the purpose of this title, the city of Seattle is hereby divided into twenty-one *zone* classifications designated as follows:

Zones	*Abbreviated Designator*	
Single Family Residence Low Density *Zone*	RS	9600
Single Family Residence Medium Density *Zone*	RS	7200
Single Family Residence High Density *Zone*	RS	5000
Residence Waterfront *Zone*	RW	
Duplex Residence Medium Density *Zone*	RD	7200

* Italicized words are defined in Chapter 26.06.

Duplex Residence High Density *Zone*	RD	5000
Multiple Residence Lowest Density *Zone*	RM	1600
Multiple Residence Low Density *Zone*	RM	800
Multiple Residence High Density *Zone*	RMH	350
Multiple Residence High Density Variable Height *Zone*	RMV	200
Multiple Residence Highest Density Variable Height *Zone*	RMV	150
Neighborhood Business *Zone*	BN	
Intermediate Business *Zone*	BI	
Community Business *Zone*	BC	
Metropolitan Business *Zone*	BM	
Metropolitan Commercial *Zone*	CM	
Metropolitan Commercial *Zone* Temporary	CMT	
General Commercial *Zone*	CG	
Manufacturing *Zone*	M	
General Industrial *Zone*	IG	
Heavy Industrial *Zone*	IH	

(Ord. 86300 § 4.11 as amended by Ord. 94036, Ord. 96202, Ord. 96395, Ord. 98608 and Ord. 98838 § 1 (part); April 30, 1970).

26.08.020 Zoning Map. The above *zone* classifications and the boundaries of such *zones* are hereby established as shown on a series of sectional maps, marked exhibit "A", all of which maps constitute the official zoning map of the city of Seattle, and which official map is by this reference made a part of this title. Such map and all amendments thereto shall be filed in the office of the city clerk. Each copy of this title prepared by/or under the direction of the city, shall include a reduced sectional facsimile of the official map. (Ord. 86300 § 4.12, as amended by Ord. 94036, Ord. 96202, Ord. 96395, Ord. 98608 and Ord. 98838 § 1 (part); April 30, 1970).

26.08.030 Zone boundaries.

(a) Unless the location of *zone* boundary lines is established by dimensions shown on the official zoning map, or by reference to established lines, points, or features, the *zone* boundary lines are the centerlines of *streets,* including freeways, expressways and parkways, public *alleys,* waterways, or railroad rights-of-way, or in the case of navigable water, the pierhead or outer harbor lines, or in the case of Lake Union, the "Seattle Construction Limit Line" as established by Ordinance 92887. Where such pierhead, outer harbor lines or construction limit lines are not established, then the *zone* boundary lines shall be on the water side of the natural shore line and five hundred feet, measured at right angles, from such shore line. If the exact location of a *zone* boundary line cannot be determined otherwise, then such location shall be determined by measuring to scale on the official zoning map.

(b) Where a zone boundary line parallel or approximately parallel to a street divides a lot between two *zones,* with *street* frontage only in the *less intensive zone,* then the provisions of this title covering the *less intensive zoned* portion of such *lot* may be extended to the entire *lot,* provided that such extension shall not be so applied as to permit the extension of any *use* which would otherwise be prohibited in an *M* or *I zone.*

(c) Where a *zone* boundary line parallel or approximately parallel to a *street* divides a *lot* between two *zones,* with *street* frontage in the *more intensive zone,* then the provisions of this title covering the *more intensive zoned* portion of such *lot* may be extended to the entire *lot,* or for twenty-five feet from such *zone* boundary line, whichever is the lesser distance.

(d) Where a *zone* boundary line at right angles or approximately at right angles to a *street* divides a *lot* which fronts on such *street,* then the provisions of this title covering the *more intensive zoned* portion of such *lot* may be extended to the entire *lot,* or for twenty-five feet from such *zone* boundary line, whichever is the lesser distance. (Ord. 86300 § 4.13 as amended by Ord. 94036, Ord. 96202, Ord. 96395, Ord. 98608 and Ord. 98838 § 1 (part); April 30, 1970).

26.08.040 Areas not included within a zone—Property not specifically zoned. In every case where property has not been specifically included within a *zone,* the same is hereby declared to be in the RS 9600 *zone* and said provision shall apply to any properties included in areas annexed to the City of Seattle after the effective date of this title, until otherwise classified under the terms of this title. (Ord. 86300 § 4.21 as amended by Ord. 98838 § 1 (part); April 30, 1970).

26.08.050 Areas not included within a zone — Vacated streets. Vacated *streets, places* and *alleys* shall assume the *zone* classification of the property which fronted on such *street* prior to vacation, and where *zone* classification differs from one side to the other side of a *street, place* or *alley,* then the boundary line shall be at the centerline of such vacated *street, place,* or *alley* until otherwise classified under the terms of this title. (Ord. 86300 § 4.22 as amended by Ord. 98838 § 1 (part); April 30, 1970).

Chapter 26.10

GENERAL PROVISIONS*

Sections:

* Italicized words are defined in Chapter 26.06.

26.10.010 Zoning affects every structure and use. No *building, structure* or premises shall hereafter be used or occupied and no *building* or part thereof shall be erected, moved, reconstructed, extended, enlarged, or altered, except in conformity with the regulations herein specified for the *zone* in which it is, or will be located, unless excepted in Sections 26.10.030 through 26.10.060. (Ord. 86300 § 5.1; June 24, 1957).

26.10.020 No required lot area, required yard, or other open space shall be reduced. No required *lot area, required yard,* or other *open space* or a legally established off-street parking or loading area existing on or after the effective date of this title shall be reduced in area or dimension below the minimum required by this title, nor shall any existing required *lot area, required yard,* or other *open space* or legally established off-street parking or loading area less than the minimum required by this title be further reduced, nor shall any required *open spaces* be used as the required *lot area, required yard,* off-street parking or loading area for another *structure* or *building* except as provided in Section 26.46.090, provided, however, that in the case of off-street parking and loading area, a reduction in the existing space may be permitted when other such space is provided in accordance with the provisions of Chapter 26.46. (Ord. 86300 § 5.2 as amended by Ord. 97394 § 1; January 23, 1969).

26.10.030 Nonconforming uses and buildings—Continuing existing use. Any *nonconforming building* or *use* may be continued, subject, however, to provisions of Sections 26.10.040 through 26.10.060. (Ord. 86300 § 5.31 as amended by Ord. 91201 and Ord. 99051 § 1 (part); July 2, 1970).

26.10.040 Nonconforming uses and buildings — Nonconforming as to bulk. Any *building* conforming as to *use* but which is a *building nonconforming as to bulk* as of the effective date of this title may be altered, repaired or extended; provided that such alteration, repair or extension does not cause such *building* to further exceed the bulk provisions of this title. (Ord. 86300 § 5.32 as amended by Ord. 91201 and Ord. 99051 § 1 (part); July 2, 1970).

26.10.050 Nonconforming uses and buildings—Termination. (a) Any *Non-Conforming Use* not involving a *Structure* or one involving a *Struc-*

ture having assessed value of less than one hundred dollars on the effective date of this title may be continued for no longer than one year after said date, and any *Non-Conforming Use* involving a *Structure* having an assessed value of more than one hundred dollars but less than three hundred dollars on the effective date of this title may be continued no longer than two years after said date; provided, however, the above provisions shall not apply to any *Non-Conforming Advertising Sign.*

(b) All *Advertising Signs* in R and BN *Zones* which have been *Non-Conforming Uses* for a period of three or more years prior to July 1, 1962, shall be discontinued by July 1, 1963, and all other *Nonconforming Advertising Sign Uses* in R and BN *Zones* shall be discontinued within three years of the date such *Sign* became or becomes a *Nonconforming Use;* provided, that such time limitations may be extended for periods of not to exceed two years at a time by the Superintendent of Buildings, upon application by the owner of such *Sign* and payment of a twenty-five dollar filing fee, if said Superintendent finds that such *Nonconforming Use* is on a *Lot* with or adjacent to and fronting on the same *Street* with *Uses* (other than another *Advertising Sign*) which are first permitted in BC or *More Intensive Zones* or that such *Nonconforming Use* is on a *Lot* separated from the nearest portion of an existing R or BN *Use* by a *Grade* equal to the height of the *Sign* above the ground, and further finds that continuance of such *Nonconforming Sign* will not be materially detrimental to the public welfare or injurious to property in the *Zone* or vicinity in which the *Sign* is located, and is not otherwise inconsistent with the spirit and purpose of the zoning ordinance and that such *Advertising Sign* has been and will be properly maintained. Decisions of said Superintendent hereunder shall be final, subject to review by the City Council upon application. (Ord. 86300 § 5.33 as amended by Ord. 91201 and Ord. 99051 § 1 (part); July 2, 1970).

26.10.060 Nonconforming uses and building—Limitations. (a) Subject to Section 26.10.050, any *Non-Conforming Building* or part may be maintained with ordinary repair provided, however, no such *Building* or part shall be extended, expanded, or structurally altered, except as otherwise required by law, nor shall a *Non-Conforming Use* be extended or expanded, provided further, that nothing in this title shall prevent the restoration of a *Non-Conforming Building* destroyed by fire or other act of God.

(b) Any change of a *Non-Conforming Use* in a conforming *Building* shall be to a conforming *Use.*

(c) Except as provided in Section 26.10.060 (d) or (e), a *Non-Conforming Use* in a *Non-Conforming Building* or part may be changed only to a *Use* permitted in a *Less Intensive Zone* than said *Non-Conforming Use.*

(d) A *Non-Conforming Building* or part which has been unoccupied continuously for one year or more shall not be re-occupied except by a conforming *Use.*

(e) In any *Zone* except an M or I *Zone,* a *Nonconforming Use* in a *Non-Conforming Building* may be changed to a *Use* permitted in a *Less Intensive Zone* than the *Zone* in which the *Non-Conforming Use* would be conforming, or to another *Use* which is listed and grouped in the same *Zone* classification as an outright permitted *Use,* provided such new *Use* will be no more detrimental or injurious than the previous *Non-Conforming Use* to other property in the same *Zone* or vicinity. (Ord. 86300 § 5.34 as amended by Ord. 91201 and Ord. 99051 § 1 (part); July 2, 1970).

Chapter 26.12

RS 9600

SINGLE FAMILY RESIDENCE LOW DENSITY ZONE*

Sections:

26.12.010 Principal uses permitted outright.

The following *uses*:

(a) *Single family dwellings.*

(b) Existing railroad rights-of-way including passenger shelter stations but not including switching, storage, freight yards or sidings.

(c) Existing cemeteries.

(d) Public pocket parks not exceeding one acre in area.

(e) The following *uses* provided any *building* or active play area shall be located thirty feet or more from any other *lot* in an *RS zone* and twenty feet or more from any other *lot* in any other *R zone.*

(1) Public and private graded schools for academic instruction, including accessory dormitories, gymnasiums, dining facilities, offices, and other similar *accessory buildings* on the same premises.

*Italicized words are defined in Chapter 26.06

(2) Public playgrounds and public community centers; public parks, including customary *buildings* and activities, provided that garages and service or storage areas accessory to parks shall be located one hundred feet or more from any other *lot* in an *R zone* and shall be completely obscured from view from such *lots*.

(3) Publicly owned boat moorages, operated under public jurisdiction, for private pleasure craft subject to the conditions imposed in Section 26.18.010, (1) through (13).

(f) *Churches* providing any *building* or active play area is located at least twenty feet from any other *lot* in an *RS zone,* and fifteen feet or more from any other *lot* in any other *R zone.* (Ord. 86300 § 6.11 amended by Ord. 89626 and Ord. 99503 § 1; Dec. 9, 1970).

26.12.020 Principal conditional uses—Authorized by council. The following *uses* permitted when authorized by the *council* in accordance with Chapter 26.54:

Fire stations, public and private art galleries, libraries, museums, branch telephone exchanges, micro-wave or line-of-sight transmissions stations, static transformer and booster stations, and other public utility service *uses* when necessary due to operating requirements, but not including *yards* or *buildings* for service or storage. (Ord. 86300 § 6.21 amended by Ord. 93617, Ord. 97652, Ord. 98066, Ord. 98426, Ord. 99368, Ord. 100232, Ord. 100383, Ord. 101285 and Ord. 101985 § 1 (part); March 30, 1973).

26.12.030 Principal conditional uses—Authorized by board. The following *uses* permitted when authorized by the *board* in accordance with Chapter 26.50:

(a) *Children's resident home,* provided such is operated under standards established in accordance with state laws governing child welfare;

(b) *Day care center* subject to the following conditions:

(1) Such *use* shall be instituted and operated under standards established in accordance with state laws governing child welfare,

(2) No *lot* so used shall be less than five thousand square feet in *area* plus two hundred fifty square feet per child over ten in number,

(3) A fenced outdoor play area shall be provided on the *lot* of at least seventy-five square feet per child, enclosed on any side not facing the *principal building*. When more than ten children are accommodated, such play area shall be located no closer than fifteen feet from any other *lot* in an *R zone*;

(c) *Children's institution,* subject to the following conditions:

(1) Such institution shall be operated by public or nonprofit charitable organization or instituted and operated under standards established in accordance with state laws governing child welfare,

(2) No *lot* so used shall be less than fifteen thousand square feet plus one thousand square feet for each child over fifteen in number,

(3) Maximum *lot coverage* shall not exceed twenty percent of the *lot,*

(4) No *building* shall be closer than thirty feet to any other *lot* in an *RS* or *RD zone,*

(5) No *building* shall exceed one *story* in height nor shall any single *building* be occupied by more than twenty children,

(6) Border screen planting shall be provided as specified by the *board;*

(d) *Homes for the retired,* subject to the following conditions:

(1) Such homes shall be instituted and operated under standards established in accordance with state laws governing such homes,

(2) No *lot* so used shall be less than fifteen thousand square feet in *area plus one thousand* square feet additional for each resident person over fifteen in number,

(3) Such homes shall be occupied by no more than twenty persons,

(4) No *structure* so used shall be located closer than thirty feet from any other *lot* in an *RS* or *RD zone,*

(5) No *structure* so used shall be more than one *story* in height;

(e) *Riding academy,* provided the *building* and related exercise ring is located one hundred feet or more from any other *lot* in an *R zone;*

(f) Private nonprofit athletic or recreational clubhouse not providing *dwelling* accommodations for members; swimming pool or like facility when located on a *lot* forty thousand square feet or more in *area,* provided any *building* or active play area shall be located twenty-five feet or more from any other *lot* in an *RS zone* and fifteen feet or more from any other *lot* in any other *R zone* and subject to *screening* and other requirements which may be imposed at the discretion of the *board;*

(g) Private *community club* provided any *building* or active play area shall be located twenty-five feet or more from any other *lot* in an *RS zone* and fifteen feet or more from any other *lot* in any other *R zone;*

(h)

(i) The following *uses* provided any *building* or active play area shall be located twenty-five feet or more from any other *lot* in an *RS zone* and fifteen feet or more from any other *lot* in any other *R zone*:

(1) Dormitories on separate *lots* but in connection with and owned and operated by a permitted school giving pre-college academic courses,

(2) Group *dwellings* for members of religious orders in conjunction with permitted *churches* and for personnel of public and private graded schools for academic instruction when located on the same *lot* with the *principal building(s)* or on a *lot* abutting such *principal use lot* directly or across an *alley* or street. Such group *dwelling* may be divided into living units each with kitchen facilities;

(j) Public and private colleges and universities for academic instruction, including dormitories owned and operated in connection therewith and accessory thereto; scientific and technological seminar centers and institutes for advanced study and other institutes organized as nonprofit

entities for the advancement of knowledge, including theoretical and light physical laboratory research incidental thereto and customarily incidental *accessory uses,* but excluding the performance of heavy types of laboratory physical research, subject to the following conditions:

(1) No *lot* so used shall be less than ten acres in *area,*

(2) No *building* shall exceed two *stories* nor thirty-five feet in height,

(3) No *principal building* shall be located closer than one hundred feet to any other *lot* in an *R zone,*

(4) No offstreet parking *area* shall be closer than fifty feet to any other *lot* in an *R zone,*

(5) Border screen planting and fencing shall be provided as specified by the *board;*

(k) *Halfway houses* subject to the following conditions:

(1) No *lot* so used shall be less than twelve thousand square feet in *area,*

(2) Not more than sixteen persons in residence shall be accommodated at one time, exclusive of required staff,

(3) Authorization for such *use* shall be subject to review by the *board* six months after occupancy as a *halfway house.* Such permit may be withdrawn by the *board* for cause following such review;

(l) Public and private schools for academic instruction which do not group children by age or grade level for purposes of instruction, subject to the following conditions:

(1) No *lot* so used shall be less than ninety-six hundred square feet for the first ten children and two hundred square feet for each child in excess of ten,

(2) An active play area of not less than fifty square feet per child shall be provided which shall be located fifteen feet or more from any other *lot* in an *RS zone* and ten feet or more from any other *lot* in any other *R zone,*

(3) The *principal building* shall be located twenty feet from any other *lot* in an *RS zone* and ten feet from any other *lot* in any other *R zone;*

(m) Neighborhood development or improvement project site office for a period not to exceed the life of the project but in no event longer than thirty-six months, subject to the following conditions:

(1) Such *use* shall be located in an authorized neighborhood development or improvement program area designated by the *council,*

(2) Such *use* shall be located in a pre-existing *structure,*

(3) No exterior *structural alterations* to accommodate such *use* shall be permitted. (Ord. 86300 § 6.22 amended by Ord. 93617, Ord. 97652, Ord. 98066, Ord. 98426, Ord. 99368, Ord. 100100, Ord. 100232, Ord. 100383, Ord. 101285 and Ord. 101985 § 1 (part); March 30, 1973).

26.12.040 Accessory uses permitted outright. The following *uses*:

(a) *Accessory uses* customarily incidental to a *principal use* per-

mitted outright, such as *private garages* containing in total not more than one thousand square feet, or parking areas for noncommercial vehicles only, not including any business, trade or industry in accordance with provisions set forth in Chapter 26.46; rectories or other similar *church* residence when located in the *church,* Sunday schools, and similar customary *accessory uses.*

(b) Separate living quarters containing no more than one *dwelling unit* for domestic servants employed on premises when the *lot area* is fifteen thousand square feet or more.

(c) Keeping of up to three fowl or other small animals.

(d) The keeping of horses, cows or other similar domestic or farm animals, except swine, and *accessory buildings* including private stables for housing such animals on a *lot* of at least twenty thousand square feet, provided that such animals and *buildings* are maintained at least fifty feet from any other *lot* in an *R zone,* and provided further that not more than one animal will be permitted for each ten thousand square feet of *lot area.* The keeping of four or more small animals and pets, including domestic fowl, and accessory *buildings* including pet kennels for housing such animals on a *lot* of at least twenty thousand square feet, provided that such animals and *buildings* are maintained at least thirty-five feet from any other *lot* in an *R zone.*

(e) The renting of rooms by a resident family for lodging purposes only, for the accommodation of not more than two lodgers in a single family *structure.*

(f) Illuminated or nonilluminated residential nameplates not exceeding sixty-four square inches bearing name of occupant and bulletin boards for churches and identifying signs for schools or other public or semipublic institutions provided such signs shall not exceed fifteen square feet.

(g) Temporary, nonilluminated real estate for sale or rent signs not exceeding eight square feet and not employing light-reflecting paint.

(h) Mausoleums and columbariums when accessory to cemeteries, provided that such *structures* shall be located one hundred feet or more from any other *lot* in any *R zone.*

(i) Garden wall crypts when accessory to cemeteries, provided that such structures meet the following requirements:

(1) No interment openings shall face property other than cemetery property.

(2) The height shall not exceed twenty feet.

(3) Such *structure* shall be no closer to a street lot line than the required *front yard* for the *zone* in which such *structure* is located.

(4) Such *structure* shall be ten feet or more from the *side lot line* of any other *lot* in an *R zone,* and five feet or more from an alley or utility right-of-way of less than thirty feet in width when abutting across such *alley* or right-of-way the *side lot line* of any *lot* in any *R zone.*

(5) Such *structure* may be located on the cemetery property line except as specified herein.

(6) Any border between such *structure* and the property line shall be landscaped and maintained in good condition.

(j) Customary incidental home occupations, including the offices of a resident physician, dentist, architect, engineer, or lawyer, when conducted within a dwelling and not an *accessory building,* provided that no stock in trade is kept or handled and provided that such home occupation does not require internal or external structural alterations or involve construction features or use of mechanical equipment not customary to a *dwelling,* except for such equipment as may be used by a resident physician or dentist, and provided further that the entrance to the space devoted to such occupation shall be only from within the *dwelling.* No one who is not a resident in said *dwelling* shall be employed in any such home occupation.

(k) Moorages for private pleasure craft only, provided that when covered such moorages meet the following requirements:

(1) The roof line shall not exceed sixteen feet above high-water lake level.

(2) Covered *structures* shall abut upon the natural shore line.

(3) Covered *structures* shall be located five feet or more from *side lot lines.*

(4) Any side walls and roof shall consist of rigid or semi-rigid materials.

(5) The roof area of such covered moorages shall not exceed one thousand square feet in area and such roofs shall not be supported by extended piling.

(6) Such covered *structures* shall not occupy more than fifty percent of the width of the *lot* at the natural shore line upon which it is located.

(7) Any boat using such moorage shall not be used as a place of residence when so moored.

(l) Amateur radio transmission towers to a maximum height of fifty feet above *grade;* provided that the base of such towers shall be located at a point which is distance from any other *lot* at least one-half the height above *grade* of such tower.

(m) Private swimming pool provided that it shall be enclosed with a fence of strength and design sufficient to resist penetration by children. Such fence shall be not less than four feet high except when placed within a *yard* enclosed by a fence not less than four feet high.

(n) Beekeeping, when registered with the State Department of Agriculture and subject to the following conditions:

(1) Lots having less than ten thousand square feet shall have not more than four hives;

(2) Hives shall not be located within twenty-five feet of any property line, except:

(a) When situated eight feet or more above adjacent ground level, or

(b) When situated less than six feet above adjacent ground level and behind a solid fence or hedge six feet in height parallel to any property line within twenty-five feet of the hive and extending at least twenty feet beyond the hive in both directions.

(o) Family day care home instituted and operated under standards established in accordance with state laws governing child welfare accomodating up to twelve children, including those children of the resident family under six years of age. (Ord. 86300 § 6.31 as amended by Ord. 90722, Ord. 92059, Ord. 96668, Ord. 101169 and Ord. 101285 § 5; August 10, 1972).

26.12.050 Accessory conditional uses—Authorized by council. *Uses* customarily incidental to the principal conditional *uses* specified in Section 26.12.020 are permitted when authorized by the *council* in accordance with Chapter 26.54. (Ord. 86300 § 6.41 as amended by Ord. 91700 and Ord. 100100 § 3(part); July 14, 1971).

26.12.060 Accessory conditional uses—Authorized by board. The following uses permitted when authorized by *board* in accordance with Chapter 26.50:

(a) *Accessory uses* customarily incidental to the *principal conditional uses* permitted in Section 26.12.030.

(b) Parking areas accessory to permitted *uses* in an abutting *RM, RMH, B* or *C zone* under conditions specified in Section 26.46.150.

(c) Parking areas accessory to permitted *uses* when not located on the *lot* of the *principal building,* under conditions specified in Section 26.46.140.

(d) *Helistops* accessory to *principal uses* permitted subject to the provisions for *Heliports* in Section 26.28.050, provided that the authorization of such *accessory conditional use* shall be subject to annual review by the *board* and, for cause, may be withdrawn by the *board* following any such annual review.

(e) Sale and consumption of beer during daylight hours on public park premises, in a *building* or within fifty feet of the *building* on an adjoining terrace; provided however, that such *use* shall be in a *completely enclosed building* or enclosed portion of *building* when within one hundred feet of any *lot* in an *R zone.* (Ord. 86300 § 6.42 as amended by Ord. 91700 and Ord. 100100 § 3(part); July 14, 1971).

26.12.070 Bulk regulations—Height of building. No *building* shall exceed a height of thirty-five feet except *churches* or schools, which shall not exceed a height of fifty feet, except as modified in Sections 26.44.020 and 26.44.030. (Ord. 86300 § 6.51; June 24, 1957).

26.12.080 Bulk regulations—Lot area. No *lot area* shall be less than nine thousand six hundred square feet, except as provided in Sections 26.44.040 and 26.44.050. (Ord. 86300 § 6.52; June 24, 1957).

26.12.090 Bulk regulations—Required yards. Each *lot* shall have *front, side* and *rear yards* of not less than the depths and width as follows, except as provided in Sections 26.44.060 through 26.44.135.

Front yard: Twenty-five feet.

Side yards Eight feet for least *side yard* and twenty feet for sum of both *side yards.*

Rear yard: Thirty feet. (Ord. 86300 § 6.53; June 24, 1957).

26.12.100 Bulk regulations—Lot coverage. *Buildings* shall not occupy more than thirty percent of *lot,* except as modified in Sections 26.44.140 and 26.44.150. (Ord. 86300 § 6.54; June 24, 1957).

26.12.110 Prohibited uses. Any *Use* not permitted by this Chapter. (Ord. 86300 § 6.6; June 24, 1957).

Chapter 26.14

RS 7200

SINGLE FAMILY RESIDENCE MEDIUM DENSITY ZONE*

Sections:

26.14.010 Principal uses permitted outright. RS 9600 *principal uses,* permitted outright as specified and regulated in Chapter 26.12 are permitted, unless modified in this chapter. (Ord. 86300 § 7.11; June 24, 1957).

26.14.020 Principal conditional uses—Authorized by council. The principal conditional *uses* set forth in Section 26.12.020 are permitted when authorized by the *council* in accordance with Chapter 26.54, unless modified in this chapter. (Ord. 86300 § 7.21 as amended by Ord. 93617, Ord. 100100, Ord. 100232 and Ord. 100383 § 2(part); October 20, 1971).

26.14.030 Principal conditional uses—Authorized by board. The following *uses* are permitted when authorized by the *board* in accordance with Chapter 26.50:

(a) *Principal conditional uses* set forth in Section 26.12.030 unless modified in this chapter.

(b) Commercial nursery or greenhouse, provided that the following conditions are met:

(1) All *structures* shall be located twenty feet or more from any *lot line.*

*Italicized words are defined in Chapter 26.06.

(2) Any heating plant or chimney shall be located fifty feet or more from any other *lot* in an R *zone*.

(3) No retail sales shall be permitted on the premises.

(4) No *advertising sign* shall be permitted.

(5) The number of employees on the premises shall not exceed five in number.

(c) *Halfway houses* as specified and regulated in Section 26.12.030(k), except that no *lot* so used shall be less than ten thousand square feet in area.

(d) Public and private schools for academic instruction which do not group children by age or grade level for purposes of instruction as specified and regulated in Section 26.12.030(k), except that no *lot* so used shall be less than seventy-two hundred square feet for the first ten children and two hundred square feet for each child in excess of ten. (Ord. 86300 § 7.22 as amended by Ord. 93617, Ord. 100100, Ord. 100232 and Ord. 100383 § 2(part); October 20, 1971).

26.14.040 Accessory uses permitted outright. RS 9600 *Accessory Uses* are permitted outright as specified and regulated in Chapter 26.12, unless modified in this chapter. (Ord. 86300 § 7.31; June 24, 1957).

26.14.050 Accessory conditional uses—Authorized by council. *Accessory Uses* customarily incidental to the *Principal Conditional Uses* specified in Section 26.12.020 are permitted when authorized by the *Council* in accordance with Chapter 26.54. (Ord. 86300 § 7.41 as amended by Ord. 91700; December 18, 1962).

26.14.060 Accessory conditional uses—Authorized by board. The following *uses* permitted when authorized by the *board* in accordance with Chapter 26.50:

(a) *Accessory uses* customarily incidental to *principal conditional uses* specified in Section 26.14.030 except as modified in this chapter.

(b) *Accessory conditional uses* as set forth in Section 26.12.060, except as modified in this chapter. (Ord. 86300 § 7.42, as amended by Ord. 91700; December 18, 1962).

26.14.070 Bulk regulations—Height of building. No building shall exceed a height of thirty-five feet except *churches* or schools which shall not exceed a height of fifty feet; except as modified in Sections 26.44.020 and 26.44.030. (Ord. 86300 § 7.51; June 24, 1957).

26.14.080 Bulk regulations—Lot area. No *lot area* shall be less than seven thousand two hundred square feet, except as modified in Sections 26.44.040 and 26.44.050. (Ord. 86300 § 7.52; June 24, 1957).

26.14.090 Bulk regulations—Required yards. Each *lot* shall have *front side* and *rear yards* of not less than the depths and widths as follows, except as modified in Sections 26.44.060 through 26.44.135.

Front yard: Twenty feet.

Side yards: Five feet for the least *side yard* and twelve feet for the sum of both *side yards.*

Rear yard: Thirty feet. (Ord. 86300 § 7.53; June 24, 1957).

26.14.100 Bulk regulations—Lot coverage. *Buildings* shall not occupy more than thirty-five percent of a *lot,* except as modified in Sections 26.44.140 and 26.44.150 (Ord. 86300 § 7.54; June 24, 1957).

26.14.110 Prohibited uses. *Uses* not permitted by this title in RS 7200 or RS 9600 *zones* are prohibited. (Ord. 86300 § 7.6; June 24, 1957).

Chapter 26.16
RS 5000
SINGLE FAMILY RESIDENCE HIGH DENSITY ZONE*

Sections:

26.16.010 Principal uses permitted outright. RS 7200 *principal uses* permitted outright as regulated in Chapter 26.14, unless modified in this chapter. (Ord. 86300 § 8.11; June 24, 1957).

*Italicized words are defined in Chapter 26.06.

26.16.020 Principal conditional uses—Authorized by council. The *principal conditional uses* set forth in Section 26.12.020 are permitted when authorized by the *council* in accordance with Chapter 26.54, except as modified in this chapter. (Ord. 86300 § 8.21 as amended by Ord. 100100, Ord. 100232 and Ord. 100383 § 3(part); October 10, 1971).

26.16.030 Principal conditional uses—Authorized by board. (a) *Principal conditional uses* which the *board* may authorize in less intensive zones are permitted when authorized by the *board* in accordance with Chapter 26.50, except as modified in this chapter.

(b) *Halfway houses* as specified and regulated in Section 26.12.030(k), except that no *lot* so used shall be less than eight thousand square feet in area.

(c) Public and private schools for academic instruction which do not group children by age or grade level for purposes of instruction as specified and regulated in Section 26.12.030(k), except that no *lot* so used shall be less than five thousand square feet for the first ten children and two hundred square feet for each child in excess of ten. (Ord. 86300 § 8.22, Ord. 100100, Ord. 100232 and Ord. 100383 § 3 (part); October 20, 1971).

26.16.040 Accessory uses permitted outright. RS 7200 *Accessory uses* are permitted outright as specified and regulated in Chapter 26.14 unless modified in this chapter. (Ord. 86300 § 8.31 as amended by Ord. 96668; May 9, 1968).

26.16.050 Accessory conditional uses—Authorized by council. *Accessory uses* customarily incidental to the *principal conditional uses* specified in Section 26.12.020 are permitted when authorized by the *council* in accordance with Chapter 26.54 except as modified in this chapter. (Ord. 86300 § 8.41 as amended by Ord. 91700; December 18, 1962).

26.16.060 Accessory conditional uses—Authorized by board. The following *uses* permitted when authorized by the *board* in accordance with Chapter 26.50:

(a) *Accessory uses* customarily incidental to *principal conditional uses* specified in Section 26.16.030 except as modified in this Article.

(b) *Accessory conditional uses* as set forth in Section 26.12.060, except as modified in this chapter. (Ord. 86300 § 8.42, as amended by Ord. 91700; December 18, 1962).

26.16.070 Bulk regulations—Height of buildings. No *building* shall exceed a height of thirty-five feet except *churches* or schools, which shall not exceed a height of fifty feet except as modified in Sections 26.44.020 and 26.44.030. (Ord. 86300 § 8.51; June 24, 1957).

26.16.080 Bulk regulations—Lot area. No *lot area* shall be less than five thousand square feet, except as modified in Sections 26.44.040 and 26.44.050. (Ord. 86300 § 8.52; June 24, 1957).

26.16.090 Bulk regulations—Required yards. Each *Lot* shall have *Front, Side* and *Rear Yards* of not less than the depth and width as follows, except as modified in Sections 26.44.060 through 26.44.135.

Front Yard: Twenty (20) feet.

Side Yard: Five (5) feet for the least *Side Yard* and ten (10) feet for the sum of both *Side Yards.*

Rear Yard: Twenty-five (25) feet. (Ord. 86300 § 8.53; June 24, 1957).

26.16.100 Bulk regulations—Lot coverage. *Buildings* shall not occupy more than thirty-five percent of a *lot,* except as modified in Sections 26.44.140 and 26.44.150. (Ord. 86300 § 8.54; June 24, 1957).

26.10.110 Prohibited uses. (a) *Uses* not permitted by this title in RS 5000 or *less intensive zones* are prohibited.

(b) *Riding academies.*

(c) Maintenance of domestic fowl. (Ord. 86300 § 8.6 as amended by Ord. 96668; May 9, 1968).

Chapter 26.18

RW

RESIDENCE WATERFRONT ZONE*

Sections:

26.18.010 Principal uses permitted outright. The following *uses:* (a) RS 5000 *principal uses* permitted outright as specified and regulated in Chapter 26.16, except as modified in this chapter.

(b) *Buildings* and facilities for yacht or boat clubs which are incorporated, nonprofit, fraternal organizations limited to pleasure boat and pleasure yachting activities and not including the public sale of alcoholic beverages on the premises, subject to the following conditions and restrictions and the requirements of the building code:

(1) No boat sales, service, repair, boat charter or rental shall be permitted on the premises.

(2) The deck of any pier shall be no more than five feet above high water level.

(3) On-shore toilet facilities shall be provided.

*Italicized words are defined in Chapter 26.06.

(4) Boats using such moorage facilities shall not be used as a place of residence.

(5) No overhead wiring shall be permitted on piers or floats except within covered moorage *structures.*

(6) All covered *structures* over water shall abut upon the shore or where more than one covered *structure* over water is permitted it shall be in accordance with the provisions of Section 26.18.010 (b) (12) herein.

(7) No covered *structure* over water shall be permitted to extend out from shore a distance greater than fifty percent of the maximum permitted distance from shore of a pier on the applicant's property, but in no case a distance of more than three hundred feet from shore, provided that in cases where the outer line of applicant's property is less than two hundred feet from shore, a covered *structure* may be permitted to extend to the applicant's outer property line.

(8) No pier, including finger piers, shall occupy more than ten percent of the water area of any *lot* upon which same is built, nor shall the total area of covered *structures* over water occupy more than twenty percent of the water area of such *lot.*

(9) All covered *structures* over water under one ownership shall be built in a uniform manner and design with no point in the roof of such *structure* higher than sixteen feet above high water in fresh water, and no floating moorage located in fresh or tidal water shall have a *structure* higher than sixteen feet from the water line.

(10) The roofs of covered moorages shall contain no more than seventy-two hundred square feet in any one unit and shall not be supported directly by extended piling.

(11) Side walls on covered moorages shall not exceed fifty percent of the area of any three sides, shall be of rigid or semi-rigid material, and shall cover from external view all roof bracing.

(12) Covered *structures* over water shall be at least forty feet apart when placed side by side, or fifteen feet apart when placed end to end or side to end.

(13) No permit shall be issued for a covered moorage until authorization therefor has been granted by the *board.* Before granting such authorization for a covered moorage, the applicant shall submit to the *board* plans and specifications describing in full the location, design, extent of coverage, and type of materials to be used in said *structure,* which plans and specifica-

tions shall be open for public inspection for at least ten (10) days before approval and notice of filing of said plans and specifications shall be given by posting a notice in the area affected at least five (5) days before approval thereof, and the *Board* may, if deemed necessary, hold a public hearing thereon. The *Board,* immediately upon receipt of such plans and specifications, shall submit same to the Municipal Arts Commission for review and recommendation as to the appropriateness of the design. In order to assure that the development of such moorage facility will be compatible with surrounding residential *Uses,* the *Board* may require the plans and specifications submitted by the applicant to be altered or changed in regard to location, design, extent of coverage and/or material used, before approving said plans.

(c) Houseboats, subject to the following conditions:

(1) Minimum *Lot Area* shall be two thousand (2000) square feet per houseboat.

(2) The minimum distance between the sides or ends of adjacent houseboats shall be ten (10) feet. The minimum distance between any houseboat and any *Lot Line* shall be five (5) feet.

(3) Each houseboat shall abut upon open water at least forty (40) feet wide and open continuously to navigable waters.

(4) For each houseboat there shall be provided one offstreet parking space within a distance of six hundred (600) feet. (Ord. 86300 § 9.11 as amended by Ord. 87225; June 10, 1958).

26.18.020 Principal conditional uses—Authorized by Council. The *Principal Conditional Uses* set forth in Section 26.12.020 are permitted when authorized by the *Council* in accordance with Chapter 26.54, except as modified in this chapter. (Ord. 86300 § 9.21; June 24, 1957).

26.18.030 Principal conditional uses—Authorized by Board. The following *Uses* are permitted when authorized by the *Board* in accordance with Chapter 26.50:

(a) *Principal Conditional Uses* which the *Board* may authorize in *Less Intensive Zones,* except as modified in this chapter.

(b) Covered group moorages for small pleasure craft only, subject to the following conditions:

(1) Conditions (1) through (12) as specified in Section 26.18.010 (b).

(2) The applicant shall submit to the *Board* plans and specifications describing in full the location, design, extent of coverage, and type of materials to be used in the proposed covered moorage. The *Board,* immediately upon receipt of such plans

and specifications, shall transmit same to the Muncipal Arts Commission for review and recommendation as to the appropriateness of the design. In order to assure the development of such moorage facility will be compatible with surrounding residential *Uses* the *Board* may require the plans and specifications submitted by the applicant to be altered or changed in regard to location, design, extent of coverage and/or material used before approving said plans. (Ord. 86300 § 9.22; June 24, 1957).

26.18.040 Accessory uses permitted outright. RS 5000 *Accessory Uses* are permitted outright as specified and regulated in Chapter 26.16, unless modified in this chapter. (Ord. 86300 § 9.31; June 24, 1957).

26.18.050 Accessory conditional uses — Authorized by Council. The *Accessory Uses* customarily incidental to the *Principal Conditional Uses* specified in Section 26.12.020 are permitted when authorized by the *Council* in accordance with Chapter 26.54. (Ord. 86300 § 9.41, as amended by Ord. 91700; December 18, 1962).

26.18.060 Accessory conditional uses—Authorized by Board. The following *Uses* permitted when authorized by the *Board* in accordance with Chapter 26.50:

(a) *Accessory Uses* customarily incidental to *Principal Conditional Uses* specified in Section 26.18.030 except as modified in this Chapter.

(b) *Accessory Conditional Uses* as set forth in Section 26.12.060 except as modified in this Chapter. (Ord. 86300 § 9.42, as amended by Ord. 91700; December 18, 1962).

26.18.070 Bulk regulations—Height of building. No *Building* shall exceed a height of thirty-five (35) feet except *Churches* or schools, which shall not exceed a height of fifty (50) feet except as modified in Sections 26.44.020 and 26.44.030. (Ord. 86300 § 9.51; June 24, 1957).

26.18.080 Bulk regulations—Lot area. No *Lot Area* shall be less than five thousand (5000) square feet, except as modified in Sections 26.44.040 and 26.44.050, and except for houseboats. (Ord. 86300 § 9.52; June 24, 1957).

26.18.090 Bulk regulations—Required yards. Each *Lot* shall have *Front, Side* and *Rear Yards* of not less than the depths and widths as follows, except as modified in Sections 26.44.060 through 26.44.135 and except for houseboats and moorages:

Front Yards: Twenty (20) feet.

Side Yards: Five (5) feet for the least *Side Yard* and ten (10) feet width for the sum of both *Side Yards.*

Rear Yard: Twenty-five (25) feet depth. (Ord. 86300 § 9.53; June 24, 1957).

26.18.100 Bulk regulations—Lot coverage. *Buildings* shall not occupy more than thirty-five percent of a *lot,* except as modified in Sections 26.44.140 and 26.44.150 and except in the case of moorages and houseboats. (Ord. 86300 § 9.54; June 24, 1957).

26.18.110 Prohibited uses. (a) Uses not permitted by this title in RW or in *less intensive zones* are prohibited.

(b) *Riding academies.*

(c) *Private stables.*

(d) Maintenance of domestic fowl. (Ord. 86300 § 9.6; June 24, 1957).

Chapter 26.20

RD 7200

DUPLEX RESIDENCE MEDIUM DENSITY ZONE*

Sections:

26.20.010 Principal uses permitted outright. The following *uses:*

(a) RS 7200 *principal uses* permitted outright as specified and regulated in Chapter 26.14 unless modified in this chapter.

(b) *Duplex dwellings.*

(c) Three family dwellings (triplexes) provided that the *lot area* is at least nine thousand square feet; or where *lot area* is at least seventy-two hundred square feet provided the existing grade of the *lot* slopes at a rate of at least one on four for a distance of sixty feet from front to back or from side to side and said slope condition exists along the *street* for the full block or one hundred twenty feet or more and provided further that at least one *dwelling unit* is in a *basement.* (Ord. 86300 § 10.11 as amended by Ord. 93617, Ord. 96539 and Ord. 98608 § 8 (part); Feb. 11, 1970).

*Italicized words are defined in Chapter 26.06.

26.20.020 Principal uses permitted when twenty feet from lot in R zone. *Uses* permitted when all *buildings* are located twenty feet or more from any other *lot* in an *R zone:* Public and private colleges and universities for academic instruction, including dormitories owned and operated in connection therewith and accessory thereto; scientific and technological seminar centers and institutes for advanced study and other institutes organized as nonprofit entities for the advancement of knowledge, including theoretical and light physical laboratory research incidental thereto and customarily incidental *accessory uses,* but excluding the performance of heavy types of laboratory physical research. (Ord. 86300 § 10.12 as amended by Ord. 93617, Ord. 96539 and Ord. 98608 § 8 (part); Feb. 11, 1970).

26.20.030 Principal conditional uses—Authorized by council. The *uses* set forth in Section 26.12.020 when authorized by the *council* in accordance with Chapter 26.54. (Ord. 86300 § 10.21 amended by Ord. 96031, Ord. 99368, Ord. 100100 and Ord. 101285 § 6(part); August 10, 1972).

26.20.040 Principal conditional uses—Authorized by board. The following *uses* permitted when authorized by the *board* after public hearing and in accordance with the provisions of Chapter 26.50:

(a) *Principal conditional uses* which the *board* may authorize in *less intensive zones* unless modified in this chapter.

(b) Reserved.

(c) *Nursing or convalescent homes,* subject to the following conditions:

(1) Such homes shall be established and operated under standards established in accordance with state laws governing such homes.

(2) No *lot* so used shall be less than fifteen thousand square feet plus one thousand square feet additional for each resident person over fifteen in number.

(3) All principal buildings shall be located thirty feet or more from any other *lot* in an *RS* or *RD zone.*

(4) No *structure* so used shall be more than one *story* in height.

(5) Not more than twenty patients shall be accommodated at one time.

(6) Any other condition which the *board* may impose for the protection of adjacent properties and in the public interest.

(d) *Hospitals* or *sanitariums* not predominantly for psychiatric care, contagious diseases, or for epileptics, spastics, drug or liquor addicts, subject to the following conditions:

(1) No *lot* so used shall be less than forty thousand square feet in area.

(2) No *structure* so used shall be greater than two *stories* in height where the *lot* is less than four acres in area.

(3) All *principal buildings* shall be located fifty feet or more from any other *lot* in an *RS* or *RD zone.*

(e) *Homes for the retired* and *nursing or convalescent homes* accommodating more than twenty persons in residence or patients at one time, subject to the following conditions:

(1) Such homes shall be established and operated under standards established in accordance with state laws governing such homes.

(2) No *lot* so used shall be less than forty thousand square feet in area.

(3) No *structure* so used shall be greater than two *stories* in height where the *lot* is less than four acres in area.

(4) All *principal buildings* shall be located fifty feet or more from any other *lot* in an *RS* or *RD zone.*

(f) *Hospitals* and *sanitariums* predominantly for psychiatric care, contagious diseases, epileptics, spastics, care of the mentally retarded, drug or liquor addicts, provided that no *lot* so used shall be less than four acres in area, and that all *principal buildings* shall be located one hundred feet or more from any other *lot* in an *R zone.*

(g) *Halfway houses* as specified and regulated in Section 26.12.030 (k), except that no *lot* so used shall be less than eight thousand square feet in area, and not more than twenty persons shall be accommodated in residence at any one time, exclusive of required staff. (Ord. 86300 § 10.22 as amended by Ord. 96031, Ord. 99368, Ord. 100100 and Ord. 101285 § 6 (part); August 10, 1972).

26.20.050 Accessory uses permitted outright. The following *uses:*

(a) RS 7200 *accessory uses,* except *private stables* and the maintenance of domestic fowl, as specified and regulated in Chapter 26.14, unless modified in this chapter.

(b) *Accessory uses* and *structures* customarily incidental to any *principal use* permitted outright.

(c) Keeping of not more than four roomers or boarders by a resident family in a single-family *structure,* or two roomers or boarders by a resident family in each *dwelling unit* of a *duplex.*

(d) Office of a resident physician, dentist, architect, engineer, or lawyer within his dwelling provided not more than one person, not a resident in said dwelling, is employed in such office, otherwise subject to the conditions as stipulated in Section 26.12.040 (j) above.

(e) *Private garages* exceeding one thousand square feet in area when accessory to permitted institutional uses.

(f) Illuminated or nonilluminated *signs* identifying professional or home occupation not exceeding one and one-half square feet, bearing only the name and occupation.

(g) Temporary, nonilluminated real estate for sale or rent sign not exceeding twelve square feet. (Ord. 86300 § 10.31; June 24, 1957).

26.20.060 Accessory conditional uses—Authorized by council. *Accessory uses* customarily incidental to the *principal conditional uses* specified in Section 26.12.020 are permitted when authorized by the *council* in accordance with Chapter 26.54. (Ord. 86300 § 10.41, as amended by Ord. 91700; December 18, 1962).

26.20.070 Accessory conditional uses—Authorized by board. The fol-

lowing *uses* are permitted when authorized by the *board* in accordance with Chapter 26.50:

(a) *Accessory uses* customarily incidental to the *principal conditional uses* specified in Section 26.20.040 except as modified in this Chapter.

(b) *Accessory conditional uses* as set forth in Section 26.12.060 except as modified in this chapter.

(c) Access driveway or walk not more than twenty (20) feet in width to premises in an RM, RMH, B, C or M *Zone* provided such driveway or walk is contiguous to the boundary of such *Zone*. (Ord. 86300 § 10.42, as amended by Ord. 91700; December 18, 1962).

26.20.080 Bulk regulations—Height of buildings. No *Building* shall exceed a height of thirty-five (35) feet except *Churches,* schools or *Hospitals* or *Sanitariums,* which shall not exceed a height of fifty (50) feet, except as modified in Sections 26.44.020 and 26.44.030. (Ord. 86300 § 10.51; June 24, 1957).

26.20.090 Bulk regulations—Lot area. No *Lot Area* shall be less than seven thousand two hundred (7200) square feet, except as modified in Sections 26.44.040 and 26.44.050. (Ord. 86300 § 10.52; June 24, 1957).

26.20.100 Bulk regulations—Required yards. Each *Lot* shall have *Front, Side* and *Rear Yards* of not less than the depth and width as follows, except as modified in Sections 26.44.060 through 26.44.135.

Front Yard: Twenty (20) feet.

Side Yards: Five (5) feet for the least *Side Yard* and twelve (12) feet for the sum of both *Side Yards.*

Rear Yard: Thirty (30) feet. (Ord. 86300 § 10.53; June 24, 1957).

26.20.110 Bulk regulations—Lot coverage. *Buildings* shall not occupy more than thirty-five (35) per cent of a *Lot* except as modified in Sections 26.44.140 and 26.44.150. (Ord. 86300 § 10.54; June 24, 1957).

26.20.120 Prohibited uses.

(a) *Uses* not permitted by this Title in RD 7200 or *Less Intensive Zones* are prohibited.

(b) *Riding Academies.*

(c) *Private Stables.*

(d) Maintenance of domestic fowl. (Ord. 86300 § 10.6; June 24, 1957).

Chapter 26.22

RD 5000

DUPLEX RESIDENCE HIGH DENSITY ZONE*

Sections:

26.22.010 Principal uses permitted outright. The following *uses:*

(a) RD 7200 *principal uses* permitted outright as specified and regulated in Chapter 26.20, unless modified in this chapter.

(b) Three-family dwellings (triplexes) provided that the *lot area* is at least six thousand five hundred square feet; or where *lot area* is at least five thousand square feet provided the existing grade of the *lot* slopes at a rate of at least one on four for a distance of sixty feet from front to back or from side to side and said slope condition exists along the *street* for the full block or one hundred twenty feet or more and provided further that at least one *dwelling unit* is in a *basement.*

(c) *Townhouse structures,* subject to the following conditions:

(1) A *townhouse structure* shall contain at least two and not more than ten *townhouse dwellings.*

(2) The minimum *lot area* shall be at least sixteen hundred square feet per *townhouse dwelling* and Section 26.44.040 shall not apply.

(3) Each *townhouse dwelling* shall have a *rear* and *front yard* totaling forty-five feet, provided that the average of such *front* and *rear yards* for one *townhouse structure* shall be no less than twenty feet and twenty-five feet respectively and the minimum *front* or *rear yard* of any *townhouse dwelling* shall be not less than ten feet. If *townhouse dwellings* make up an entire *block front,* the *front yard* may be reduced to five feet, provided, however, that the *townhouse dwelling* abutting a *less intensive zone* or development shall provide *front* and *rear yards* as otherwise required in the *zone.*

(4) The minimum *side yard* for an end *townhouse dwelling* of a *town-*

*Italicized words are defined in Chapter 26.06.

house structure shall be five feet, except as modified in Section 26.44.060 through 26.44.135.

(5) *Townhouse dwellings* shall not occupy more than fifty-five percent of the *lot* and Sections 26.44.140 and 26.44.150 shall not apply.

(6) No *townhouse dwelling* shall exceed a height of thirty-five feet and Sections 26.44.020 and 26.44.030 shall not apply.

(7) At least ten feet of *open space* shall be provided between *townhouse structures* except when the overlap is ten feet or less and then the *open space* may be reduced to five feet.

(8) A minimum of fifteen percent of the *lot* must be *private usable open space.*

(9) In *townhouse dwelling* developments consisting of five or more *townhouse dwellings* the required *lot area* may be reduced up to fifteen percent by providing an equivalent amount of continuous common *open space,* not including required parking area.

(10) Required parking with connecting permanent pedestrian access shall be located within two hundred feet of the *townhouse dwelling* that it serves.

(11) Each proposal for *townhouse dwellings* shall be reviewed in its preliminary form and approved in writing as to design prior to issuance of a building or use permit by the director of planning after receiving advice and recommendations from the *commission.* Any applicant feeling aggrieved by a decision of the director of planning may appeal such decision within fourteen days to the council, citing the reasons therefor. The *council* shall consider such appeal with or without a public hearing, and render a decision within sixty days of the filing of such appeal. The proposal will be judged as to design on the following criteria:

(a) Efficient and harmonious grouping of *structures* and space encouraging individuality of separate *townhouse dwellings* within a unifying design concept.

(b) Efficent parking for occupants and guests with adequate space for maneuvering.

(c) Provision for short-term parking of service and delivery vehicles.

(d) Provision for common *open space.*

(e) Space for children's playspace with allowance for visual supervision.

(f) Access points from all *townhouse dwellings* to common space separated from moving vehicles.

(g) Separation of pedestirans, common *open spaces,* and children's play spaces from moving vehicles.

(h) Clear definition between the private domain of the *townhouse dwelling* and the surrounding public domain.

(i) *Screening* of private spaces, as appropriate; and the director of planning may authorize fences exceeding the height limits established in Section 26.44.070 where necessary to achieve privacy.

(j) Adequate light and air.

(k) Provision for emergency access of escape, fire, ambulance and service.

(l) Enclosed garage storage and collection area.

(m) Provision of space for control—and maintenance of public utilities.

(n) Preservation of natural vegetation and topography to the greatest extent possible.

(o) Undergrounding of utilities.

(p) Due consideration for the impact of the *townhouse dwelling* proposal on the vicinity or zone in which the property is located.

26.22.030 Principal conditional uses—Authorized by council. The *principal conditional uses* set forth in Section 26.12.020 when authorized by the *council* in accordance with Chapter 26.54. (Ord. 86300 § 11.21, as amended by Ord. 87225; June 10, 1958).

26.22.040 Principal conditional uses—Authorized by board. The following *uses* permitted when authorized by the *board* in accordance with Chapter 26.50.

(a) *Principal conditional uses* which the *board* may authorize in *less intensive zones,* unless modified in this chapter.

(b) *Fraternity, sorority,* or *group student house* provided that all *principal buildings* are located twenty feet or more from any other *lot* in an R *zone* except when the side of a *lot* adjoins a *lot* occupied by a *fraternity, sorority,* or *group student house.* (Ord. 86300 § 11.22, as amended by Ord. 87225; June 10, 1958).

26.22.050 Accessory uses permitted outright. The following *uses:*

(a) RD 7200 *accessory uses* permitted outright as specified and regulated in Chapter 26.20, unless modified in this chapter.

(b) Keeping of not more than six roomers or boarders by a resident *family* in a single family *structure,* or three roomers or boarders in a *dwelling unit* of a duplex. (Ord. 86300 § 11.31; June 24, 1957).

26.22.060 Accessory conditional uses—Authorized by council. *Accessory uses* customarily incidental to the *principal conditional uses* specified in Section 26.12.020 are permitted when authorized by the *council* in accordance with Chapter 26.54. (Ord. 86300 § 11.41, as amended by Ord. 91700; December 18, 1962).

26.22.070 Accessory conditional uses—Authorized by board. The following *uses* are permitted when authorized by the *board* in accordance with Chapter 26.50:

(a) *Accessory uses* customarily incidental to the *principal conditional uses* specified in Section 26.22.040 except as modified in this chapter.

(b) *Accessory conditional uses* as set forth in Section 26.12.060 except as modified in this chapter.

(c) Access driveway or walk not more than twenty feet in width to premises in an RM, RMH, B, C or M *zone* provided such driveway or walk is contiguous to the boundary of such *zone.* (Ord. 86300 § 11.42, as amended by Ord. 91700; December 18, 1962).

26.22.080 Bulk regulations—Height of buildings. No *building* shall exceed a height of thirty-five feet except *churches,* schools or *hospitals* or *sanitariums,* which shall not exceed a height of fifty feet, except as modified in Sections 26.44.020 and 26.44.030. (Ord. 86300 § 11.51; June 24, 1957).

26.22.090 Bulk regulations—Lot area. No *lot area* shall be less than five thousand square feet, except as modified in Sections 26.44.040 and 26.44.050. (Ord. 86300 § 11.52; June 24, 1957).

26.22.100 Bulk regulations—Required yards. Each *lot* shall have *front, side* and *rear yards* of not less than the depths and widths as follows, except as modified in Sections 26.44.060 through 26.44.135.

Front yard: Twenty feet.

Side yards: Five feet wide for the least *side yard* and ten feet for the sum of both *side yards.*

Rear yard: Twenty-five feet. (Ord. 86300 § 11.53; June 24, 1957).

26.22.110 Bulk regulations—Lot coverage. *Buildings* shall not occupy more than thirty-five percent of a *lot,* except as modified in Sections 26.44.140 and 26.44.150. (Ord. 86300 § 11.54; June 24, 1957).

26.22.120 Prohibited uses. (a) *Uses* not permitted by this title in RD 5000 or *less intensive zones* are prohibited.

(b) *Riding Academies.*

(c) *Private Stables.*

(d) Maintenance of domestic fowl. (Ord. 86300 § 11.6; June 24, 1957).

Chapter 26.23

RM 1600

MULTIPLE RESIDENCE LOWEST DENSITY ZONE*

Sections:

26.23.010 Principal uses permitted outright. The following *uses*: (a) RD 5000 *principal uses* permitted outright as specified and regulated in Chapter 26.22, unless modified in this Chapter.

(b) Three-family dwellings (triplexes) and four-family dwellings (fourplexes) subject to the following conditions:

(1) Each *dwelling unit* shall have at least four hundred square feet of *usable open space* not including parking or accessory areas, utility areas, or required *side yards.*

(2) Offstreet parking spaces may be located in required *side* and *rear street yards* notwithstanding Section 26.44.060(d), which shall be provided with *screening* along street margins.

(3) Driveway access to the parking area shall occupy no more than twenty-five percent of the *front yard* width.

(4) The minimum *lot area* shall be one thousand six hundred square feet per *dwelling unit* and Section 26.44.040 shall not apply. (Ord. 86300 § 11A.1 added by Ord. 98608 § 10 (part); Feb. 11, 1970).

26.23.020 Principal conditional uses—Authorized by council. The principal *conditional uses* set forth in Section 26.12.020 when authorized by the *council* in accordance with Chapter 26.54. (Ord. 86300 § 11A.21 added by Ord. 98608 § 11 (part); Feb. 11, 1970).

26.23.030 Principal conditional uses—Authorized by board. *Principal conditional uses* which the *board* may authorize in *less intensive zones* unless modified in this chapter. (Ord. 86300 § 11A.22 added by Ord. 98608 § 11 (part); Feb. 11, 1970).

26.23.040 Accessory uses permitted outright. The following uses: (a) RD 5000 *Accessory uses* permitted outright as specified and regulated in Chapter 26.22 unless modified in this chapter. (Ord. 86300 § 11A.31 added by Ord. 98608 § 12; Feb. 11, 1970).

26.23.050 Accessory conditional uses—Authorized by council. *Accessory uses* customarily incidental to the *principal conditional uses* specified in Section 26.12.020 are permitted when authorized by the council in accordance with Chapter 26.54. (Ord. 86300 § 11A.41 added by Ord. 98608 § 13 (part); Feb. 11, 1970).

26.23.060 Accessory conditional uses—Authorized by board. The following *uses* permitted when authorized by the *board* in accordance with Chapter 26.50:

(a) *Accessory uses* customarily incidental to the *principal conditional uses* specified in Section 26.23.030 except as modified in this chapter.

(b) *Accessory conditional uses* as set forth in Section 26.12.060 except as modified in this chapter.

(c) Access driveway or walk not more than twenty feet in width to premises in an RM 800, RMH 350, *B, C* or M *Zone* provided such driveway or walk is continguous to the boundary of such *zone*. (Ord. 86300 § 11A.42 added by Ord. 98608 § 13 (part); Feb. 11, 1970).

26.23.070 Bulk Regulations—Height of buildings. No *building* shall exceed a height of thirty-five feet except *churches,* schools or *hospitals* or *sanitariums,* which shall not exceed a height of fifty feet, except as modified in Sections 26.44.020 through 26.44.030. (Ord. 86300 § 11A.51 added by Ord. 98608 § 14 (part); Feb. 11, 1970).

26.23.080 Bulk regulations—Lot area. No *lot area* shall be less than five thousand square feet except as modified in Section 26.44.040 and 26.44.050. (Ord. 86300 § 11A.52 added by Ord. 98608 § 14 (part); Feb. 11, 1970).

26.23.090 Bulk regulations—Required yards. Each *lot* shall have *front, side and rear yards* of not less than the depths and widths as follows, except as modified in Section 26.44.060 through 26.44.135:

Front Yard:	Twenty feet
Side Yards:	Five feet for the least *side yard* and ten feet for the sum of both *side yards.*
Rear yard:	Twenty-five feet.

(Ord. 86300 § 11A.52 added by Ord. 98603 § 14 (part); Feb. 11, 1970).

26.23.100 Bulk regulations—Lot coverage. *Buildings* shall not occupy more than thirty-five percent of a *lot,* except as modified in Section 26.44.140 and 26.44.150. (Ord. 86300 § 11A.54 added by Ord. 98608 § 14 (part); Feb. 11, 1970).

26.23.110 Prohibited uses.

(a) *Uses* not permitted by this title in RM 1600 or *less intensive zones* are prohibited.

(b) *Riding academies.*

(c) *Private stables.*

(d) Maintenance of domestic fowl.

(Ord. 86300 11A.6 added by Ord. 98608 § 15; Feb. 11, 1970).

Chapter 26.24

RM

MULTIPLE RESIDENCE LOW DENSITY ZONE*

Sections:

26.24.010 Principal uses permitted outright. The following *uses*:

(a) RM 1600 *principal uses* permitted outright as specified and regulated in Chapter 26.23, unless modified in this chapter;

(b) Apartment houses;

(c) *Boarding, lodging* and *rooming houses;*

(d) Public and private schools for academic instruction which do not group children by age or grade level for purposes of instruction; art school, not including dance or music;

(e) *Children's resident home;*

(f) *Day care center* subject to the following conditions:

(1) Such *uses* shall be instituted and operated under standards established in accordance with state laws governing child welfare,

(2) No *lot* so used shall be less than four thousand square feet in area

*Italicized words are defined in Chapter 26.06.

and shall provide a minimum *lot* area of two hundred fifty square feet per child,

(3) A fenced outdoor play area shall be provided on the *lot* of at least seventy-five square feet per child, enclosed on any side not facing the *principal building*;

(g) *Fraternity, sorority or group student house;*

(h) Student *multiple dwelling*, subject to the following conditions and requirements:

(1) *Building site* shall be on or within one thousand feet of the campus of a college or university, or other recognized institution of higher learning.

(2) The *building* shall be owned and regulated by such institution of higher learning,

(3) Such *structures* shall be occupied only by families in which either the husband or wife is a student enrolled in said institution,

(4) Four hundred square feet or more of *lot area* shall be provided for each *dwelling unit* in such *structures;*

(i) Group apartments, subject to the following conditions:

(1) *Apartment houses* consisting of two or more *principal buildings* may be located on one *lot* of less than forty thousand square feet,

(2) *Yards* on the boundary of the *lot* shall be provided as required for one *principal building* on the *lot,*

(3) The minimum distance between *principal buildings* on one *lot* shall be the sum of the depth of the following required *yards* as provided in this chapter:

RELATIONSHIP OF BUILDINGS	MINIMUM DISTANCE
Front to front	Two *front yards*
Front to rear	One *front* and one *rear yard*
Side to front	One *side* and one *front yard*
Side to rear	One *side* and one *rear yard*
Side to side	Two *side yards*
Rear to rear	Two *rear yards*

Provided that where a wall not containing windows of *dwelling units* faces a like wall, the minimum distance may be reduced by one-half, and provided further that in no case shall the minimum distance exceed fifty feet;

(j) *Halfway houses* subject to the following conditions:

(1) No *lot* so used shall be less than five thousand square feet in area for up to twenty persons, exclusive of required staff, plus two hundred fifty square feet for each nonstaff person over twenty in number. (Ord.

86300 § 12.11 as amended by Ord. 92492, Ord. 96539, Ord. 98608, Ord. 99368, Ord. 99503, Ord. 100100, Ord. 100232, Ord. 100383 and Ord. 101285 § 7(part); August 10, 1972).

26.24.020 Principal uses permitted when fifteen feet from lot in R zone. *Uses* permitted when all *buildings* or active play areas are located fifteen feet or more from any other *lot* in an *R zone*:

(a) *Church.*

(b) Group dwellings for members of religious orders.

(c) *A community club.*

(d) *Children's institutions,* subject to the following requirements:

(1) Such *use* shall be operated by a public or nonprofit charitable organization or established and operated under standards established in accordance with state laws governing child welfare.

(2) No *lot* so used shall be less than ten thousand square feet in area, plus one thousand square feet for each child over fifteen in number.

(e) *Homes for the retired* and *nursing or convalescent homes,* subject to the following conditions:

(1) Such homes shall be established and operated under standards established in accordance with state laws governing such homes.

(2) No *lot* so used shall be less than ten thousand square feet in area.

(3) All *principal buildings* shall be located fifteen feet or more from any other *lot* in an *R zone.*

(4) No more than twenty persons shall be in residence at one time. (Ord. 86300 § 12.12 as amended by Ord. 92492, Ord. 96539, Ord. 98608, Ord. 99368, Ord. 99503, Ord. 100100, Ord. 100232, Ord. 100383 and Ord. 101285 § 7(part); August 10, 1972).

26.24.030 Principal uses permitted when thirty feet from lot in R zone. *Uses* permitted when all *principal buildings* are located thirty feet or more from any other *lot* in an *R zone*:

(a) *Hospitals or sanitariums* not predominantly for psychiatric care, contagious diseases, epileptics, spastics, or drug or liquor addicts, provided that no *lot* so used shall be less than twenty thousand square feet in area.

(b) *Homes for the retired* and *nursing or convalescent homes* accommodating more than twenty persons in residence at one time, subject to the following conditions:

(1) Such homes shall be established and operated under standards established in accordance with state laws governing such homes.

(2) No *lot* so used shall be less than twenty thousand square feet in area. (Ord. 86300 § 12.13 as amended by Ord. 92492, Ord. 96530, Ord. 98608, Ord. 99368, Ord. 99503, Ord. 100100, Ord. 100232, Ord. 100383 and Ord. 101285 § 7(part); August 10, 1972).

26.24.040 Principal conditional uses—Authorized by council. The *principal conditional uses* set forth in Section 26.12.020 when authorized by the *council* in accordance with Chapter 26.54. (Ord. 86300 § 12.21 as amended

by Ord. 90722; November 20, 1961 and by Ord. 92059; May 14, 1963).

26.24.050 Principal conditional uses—Authorized by board. The following *uses* permitted when authorized by the *board* in accordance with Chapter 26.50.

(a) *Principal conditional uses* which the *board* may authorize in *less intensive zones* unless modified in this chapter.

(b) *Motels,* subject to the following conditions:

(1) The property so used shall abut upon a major arterial as defined by city ordinance.

(2) Separate sanitary facilities shall be provided for each *motel* unit.

(3) No business, other than the renting of rooms, shall be conducted on the premises.

(4) *Motels* shall be subject to all *bulk* provisions of this chapter except that the minimum *lot area* required shall be no less than one thousand square feet for each *motel* unit.

(5) When the *motel* consist of *detached buildings,* the minimum distance between such *buildings* shall be ten feet.

(6) *Signs* shall be limited to nonilluminated, *illuminated* or *self-illuminated business signs* not exceeding thirty square feet and not exceeding one in number.

(c) Mortuary, when located on a *lot* containing at least fifteen thousand square feet.

(d) *Trailer parks,* subject to the following conditions:

(1) The property so used shall abut upon a major arterial *street* as defined by city ordinance.

(2) No business other than the rental of *house trailer* space shall be conducted on the premises.

(3) A *screening* shall be provided as specified for parking lots in Section 26.46.140 (a) except on that side of the *lot* which adjoins or faces premises used for a *motel* or *trailer park* or a B, C, M or I *zone.*

(4) Except where abutting upon a *lot* occupied by a *motel* or *trailer park,* minimum *side yards* of ten feet shall be provided when adjoining any *lot* in any R *zone.* No *house trailer* shall encroach upon any required *yard* space.

(5) Each *house trailer* space shall include one thousand square feet.

(e) Offices and clinics of physicians, surgeons, dentists, architects, engineers, lawyers, or certified public accountants, and offices of civic, religious, or charitable organizations, provided such offices occupy no more than the first two *stories* of a *building* or a *cellar* of a *building* and the *story* next above. (Ord. 86300 § 12.22, as amended by Ord. 90722; November 20, 1961 and by Ord. 92059; May 14, 1963).

26.24.060 Principal conditional uses—Twenty feet from lot in R zone. *Uses* permitted when all *principal buildings* are located twenty feet or more from any other *lot* in an R *zone.*

(a) Private or fraternal clubs, lodges, social or recreational *buildings,* except those the chief activity of which is customarily carried on primarily for gain.

(b) *Trade* or *business school,* excluding mechanical equipment not customarily used in dwellings or professional offices. (Ord. 86300 § 12.23, as amended by Ord. 90722; November 20, 1961 and by Ord. 92059; May 14, 1963).

26.24.070 Accessory uses permitted outright.

(a) RM 1600 *accessory uses* permitted outright as specified and regulated in Chapter 26.23, unless modified in this chapter.

(b) *Accessory uses* customarily incidental to a *principal use* permitted outright in this chapter except of a type prohibited in Section 26.24.140. (Ord. 86300 § 12.31 as amended by Ord. 98608 § 17; Feb. 11, 1970).

26.24.080 Accessory conditional uses—Authorized by council. *Accessory uses* customarily incidental to the *principal conditional uses* specified in Section 26.12.020 are permitted when authorized by the *council* in accordance with Chapter 26.54. (Ord. 86300 § 12.41, as amended by Ord. 91700; December 18, 1962).

26.24.090 Accessory conditional uses—Authorized by board. The following *uses* are permitted when authorized by the *board* in accordance with Chapter 26.50:

(a) *Accessory uses* customarily incidental to the *principal conditional uses* specified in Section 26.24.050 except as modified in this chapter.

(b) Parking areas accessory to permitted *uses* in an abutting RMH, B or C *zone* under conditions specified in Section 26.46.150.

(c) *Accessory conditional uses* as set forth in Section 26.12.060 (a), (c) and (d), except as modified in this chapter.

(d) *Accessory conditional uses* in connection with a club, lodge, social or recreational *building,* when conducted and entered entirely from within the *building* with no visible evidence from the outside and no exterior display or advertising except for an illuminated or nonilluminated identifying sign not exceeding one and one-half square feet. Any such sign shall be attached flat against the *principal building.*

(e) Access driveway or walk not more than twenty feet in width to premises in an RMH, B, C, or M *zone* provided such driveway or walk is contiguous to the boundary of such *zone.* (Ord. 86300 § 12.42, as amended by Ord. 91700; December 18, 1962).

26.24.100 Bulk regulations—Height of buildings. (a) No *building* shall exceed a height of thirty-five feet except *churches,* schools, *hospitals,* or *sanitariums* which shall not exceed a height of fifty feet except as modified in Sections 26.44.020 and 26.44.030. (Ord. 86300 § 12.51 as amended by Ord. 95698 and Ord. 98171 § 1 (part); Sept. 24, 1969).

26.24.110 Bulk regulations—Lot area. (a) No *lot area* shall be less than four thousand square feet, except as modified in Sections 26.44.040 and 26.44.050 and, in addition, for *multiple dwellings,* the minimum lot *area* per *dwelling unit* shall be eight hundred square feet provided, that for *multiple dwellings for low income elderly* where not less than five percent of the *gross floor area* is devoted to common community space, the minimum *lot area* per *dwelling unit* shall be five hundred twenty square feet. (Ord. 86300 § 12.52 as amended by Ord. 95698 and Ord. 98171 § 1 (part); Sept. 24, 1969).

26.24.120 Bulk regulations—Required yards. (a) Each *lot* shall have *front, side* and *rear yards* of not less than the depths and widths as follows, except as modified in Sections 26.44.060 through 26.44.135:

Front Yard: Fifteen feet.

Side Yards:	When *height* of *Building* is:	Least *Side yard*:	Sum of *Side yards*:
	1 *story*	5 feet	10 feet
	2 *story*	6 feet	14 feet
	3 or more stories	8 feet	18 feet

Rear Yard: Twenty-five feet. (Ord. 86300 § 12.53 as amended by Ord. 95698 and Ord. 98171 § 1 (part); Sept. 24, 1969).

26.24.130 Bulk regulations—Lot coverage. *Buildings* shall not occupy more than forty percent of a *lot,* except as modified in Sections 26.44.140 and 26.44.150. (Ord. 86300 § 12.54 as amended by Ord. 95698 and Ord. 98171 § 1 (part); Sept. 24, 1969).

26.24.140 Prohibited uses.

(a) *Uses* not permitted by this title in RM or *less intensive zones are prohibited.*

(b) *Riding academies.*

(c) *Private stables.*

(d) Maintenance of domestic fowl. (Ord. 86300 § 12.6; June 24, 1957).

Chapter 26.25

RMH 350

MULTIPLE RESIDENCE HIGH DENSITY ZONE*

Sections:

*Italicized words are defined in Chapter 26.06.

26.25.005 Required conditions. (a) No *building* with greater *bulk* or greater number of *dwelling units* than allowed for the *zone* classification which existed immediately prior to March 1, 1969 shall be permitted unless the distance from the center line of the street*(s)* to the required *yard(s)* of the *lot* upon which such *building* is to be located is at least thirty feet. (Ord. 86300 § 13.0 added by Ord. 97499 § 1; February 26, 1969).

26.25.010 Principal uses permitted outright. The following *uses:*

(a) RM *principal uses* permitted outright as specified and regulated in Chapter 26.24, unless modified in this chapter.

(b) *Apartment Hotels.*

(c) Offices and clinics of physicians, surgeons, dentists, architects, engineers, lawyers, or certified public accountants, and offices of civic, religious or charitable organizations, provided such offices occupy no more than the first two *Stories* of the *Building* or a *Cellar* of a *Building* and the *Story* next above. (Ord. 86300 § 13.11, as amended by Ord. 90722; November 20, 1961 and by Ord. 92059; May 14, 1963).

26.25.020 Principal uses permitted when twenty feet from lot in R zone. *Uses* permitted when all *Principal Buildings* are located twenty feet or more from any other *Lot* in an R *Zone*:

Private or fraternal clubs, lodges, social or recreational *Buildings,* with dining and other social facilities, for members only except when rented to organized social groups. (Ord. 86300 § 13.12 as amended by Ord. 90722; November 20, 1961 and by Ord. 92059; May 14, 1963).

26.25.030 Principal conditional uses—Authorized by council. The *Principal Conditional Uses* set forth in Section 26.12.020 when authorized by the *Council* in accordance with Chapter 26.54. (Ord. 86300 § 13.21, as amended by Ord. 90722; November 20, 1961).

26.26.040 Principal conditional uses—Authorized by board. The following *Uses* permitted when authorized by the *Board* in accordance with Chapter 26.50.

(a) *Principal Conditional Uses* which the *Board* may authorize in *Less Intensive Zones* unless modified in this chapter.

(b) *Hotels.*

(c) Prescription pharmacy when located within a permitted *Clinic Building* and having no exterior entrance.

(d) Offices for no more than three stories of financial or insurance institutions, the activities of which are conducted primarily by mail and no merchandise is displayed or handled or services rendered on the premises, provided that all *Principal Buildings* are located fifteen feet or more from any other *Lot* in an R *Zone.* Such offices may be located in the same building with *Uses* allowed in Section 26.25.010(c) provided that the combined non-residential *Uses* shall not exceed three *Stories.* (Ord. 86300 § 13.22, as amended by Ord. 90722; November 20, 1961 and by Ord. 92059; May 14, 1963).

26.25.050 Accessory uses permitted outright. The following *Uses:*

(a) RM *Accessory Uses* permitted outright as specified and regulated in Chapter 26.24 unless modified in this chapter.

(b) *Accessory Uses* customarily incidental to a *Principal Use* permitted outright in this chapter except of a type prohibited in Section 26.25.120.

(c) *Illuminated* or nonilluminated identifying *signs* not exceeding eight square feet in area.

(d) Public restaurants, magazine stands, barber shops and other accessory services within an apartment hotel, multiple dwelling, club, lodge, social or recreational *building,* when conducted and entered entirely from within the *building* with no visible evidence from the outside and no exterior display or advertising except for an *illuminated* or nonilluminated identifying *sign* not exceeding four square feet. Any such *sign* shall be installed flat against the *principal building.* (Ord. 86300 § 13.31, as amended by Ord. 89229; April 26, 1960).

26.25.060 Accessory conditional uses—Authorized by council. *Accessory Uses* customarily incidental to the *Principal Uses* specified in Section 26.12.020 are permitted when authorized by the *Council* in accordance with Chapter 26.54. (Ord. 86300 § 13.41, as amended by Ord. 92886; May 5, 1964).

26.25.070 Accessory conditional uses—Authorized by board. The following *Uses* are permitted when authorized by the *Board* in accordance with Chapter 26.50.

(a) *Accessory Uses* customarily incidental to the *Principal Conditional Uses* specified in Section 26.25.040 except as modified in this chapter.

(b) Parking areas accessory to permitted *Uses* in an abutting *B* or *C Zone* under conditions specified in Section 26.46.150.

(c) *Accessory Conditional Uses* as set forth in Section 26.12.060 (a), (c) and (d) except as modified in this chapter.

(d) Access driveway or walk not more than twenty feet in width to premises in a *B, C* or *M Zone* provided such driveway or walk is contiguous to the boundary of such *Zone.*

(e) Serving of alcoholic beverages incidental to the serving of meals in a public restaurant operated as specified in Section 26.25.050(d). (Ord. 86300 § 13.42, as amended by Ord. 92886; May 5, 1964).

26.25.080 Bulk requirements—Height of buildings. No part of a *building* shall exceed a height of one and one-half times the mean horizontal distance from such *building* to the centerline of the abutting *street* or *streets,* except as modified in Section 26.44.020 and 26.44.030, provided not more than thirty feet of *street* width shall be utilized to compute the permitted *height* of the *building.* (Ord. 86300 § 13.51 amended by Ord. 88283, Ord. 96202, Ord. 98171 and Ord. 99704 § 1 (part); March 3, 1971).

26.25.090 Bulk requirements—Lot area. No *lot area* shall be less than four thousand square feet, except as modified in Sections 26.44.040 and 26.44.050, provided that for *multiple dwellings* the minimum *lot area* per *dwelling unit* shall be three hundred fifty square feet; and provided further that for *multiple dwellings for low income elderly* where not less than three percent of the *gross floor area* is devoted to common community space, the minimum *lot area* per *dwelling unit* shall be two hundred thirty square feet. (Ord. 86300 § 13.52 amended by Ord. 88283, Ord. 96202, Ord. 98171 and Ord. 99704 § 1 (part); March 3, 1971).

26.25.100 Bulk requirements—Required yards. Each *lot* shall have *front, side* and *rear yards* of not less than the depths and widths as follows, except as modified in Sections 26.44.060 through 26.44.135.

Front Yard:	Ten feet		
Side Yards:	When *height* of *building is:*	*Least Side Yard*	*Sum of Side Yards*
	1-*story*	5 ft.	10 ft.
	2-*story*	6 ft.	14 ft.
	3-*story*	8 ft.	18 ft.
Over	3-*story*	2 ft. additional each *side yard* for each *story* over 3, except that a *side yard* abutting upon a *street* need not exceed ten feet in such case.	
Rear Yard:	Twenty feet plus four feet additional depth for each *story* over three.		

(Ord. 86300 § 13.53 amended by Ord. 88283, Ord. 96202, Ord. 98171 and Ord. 99704 § 1 (part); March 3, 1971).

26.25.110 Bulk requirements—Lot coverage. *Buildings* shall not occupy more than fifty percent of a *lot* except as modified in Sections 26.44.140 and 26.44.150. (Ord. 86300 § 13.54 amended by Ord. 88283, Ord. 96202, Ord. 98171 and Ord. 99704 § 1 (part); March 3, 1971).

26.25.120 Prohibited uses.

(a) *Uses* not permitted by this title in RMH 350 or *less intensive zones* are prohibited.

(b) *Riding academies.*

(c) *Private stables.*

(d) Maintenance of domestic fowl. (Ord. 86300 § 13.6; June 24, 1957).

Chapter 26.26

RMV 200
MULTIPLE RESIDENCE HIGH DENSITY VARIABLE HEIGHT ZONE

Sections:

26.26.005 Required conditions. (a) No *building* with greater *bulk* or greater number of *dwelling units* than allowed for the *zone* classification which existed immediately prior to April 25, 1968 shall be permitted unless the distance from the center line of the *street(s)* to the required *yard(s)* of the lot upon which *building* is to be located is at least thirty-five feet. (Ord. 86300 § 13A.0 added by Ord. 97499 § 2; February 26, 1969).

26.26.010 Principal uses permitted outright. The following *uses:* RMH 350 *principal uses* permitted outright as specified and regulated in Chapter 26.25, unless modified in this chapter. (Ord. 86300 § 13A.1 added by Ord. 96202; October 31, 1967).

26.26.020 Principal conditional uses—Authorized by council. The *principal conditional uses* set forth in Section 26.12.020 when authorized by the *Council* in accordance with Chapter 26.54. (Ord. 86300 § 13A.21 added by Ord. 96202; October 31, 1967).

26.26.030 Principal conditional uses—Authorized by board. The following *uses* permitted when authorized by the *Board* in accordance with Chapter 26.50. *Principal conditional uses* which the *board* may authorize in *less intensive zones* unless modified in this chapter. (Ord. 86300 § 13 A.22 added by Ord. 96202; October 31, 1967).

26.26.040 Accessory uses permitted outright. The following *uses:*

(a) RMH 350 *accessory uses* permitted outright as specified and regulated in Chapter 26.25 unless modified in this chapter.

(b) *Accessory uses* customarily incidental to a *principal use* permitted outright in this chapter except of a type prohibited in Section 26.25.130.

(c) Grocery stores, drugstores, beauty shops, cigar stores, delicatessens, dry cleaning and laundry pickup station, laundromats and self service cleaners, gift shops, variety stores, travel agencies, cafes, florists, when conducted and entered entirely from within a permitted *principal building* with no exterior evidence of the use.

(d) Exterior signs limited to those permitted in Section 26.25.-050. (Ord. 86300 § 13 A.31 added by Ord. 96202; October 31, 1967).

26.26.050 Accessory conditional uses—Authorized by council. *Accessory uses* customarily incidental to the *principal uses* specified in Section 26.12.020 are permitted when authorized by the *council* in accordance with Chapter 26.54. (Ord. 86300 § 13A.41 added by Ord. 96202; October 31, 1967).

26.26.060 Accessory conditional uses—Authorized by board. The following *uses* are permitted when authorized by the *board* in accordance with Chapter 26.50.

(a) *Accessory uses* customarily incidental to the *principal conditional uses* specified in Section 26.25.040 except as modified in this chapter.

(b) RMH 350 *accessory conditional uses* listed under Section 26.25.070(b), (c), (d), and (e), unless modified in this chapter. (Ord. 86300 § 13A.42 added by Ord. 96202; October 31, 1967).

26.26.070 Bulk requirements—Height of building. No specific height limit applies to *buildings* developed under the *bulk* regulations for this *zone;* provided, however, the height of any *base structure* which exceeds fifty percent *lot coverage* shall not exceed four feet above *lot grade,* except as modified in Section 26.50.050. (Ord. 86300 § 13A.51 added by Ord. 96202 and amended by Ord. 96668, Ord. 98171, Ord. 98426 and Ord. 101608 § 1 (part); November 16, 1972).

26.26.080 Bulk requirements—Lot area. No *lot* developed under the *bulk* regulations for this *zone* shall be less than twelve thousand square feet in area, and the provisions of Section 26.44.040 shall not apply. *Lots* containing less than twelve thousand square feet of area shall be subject to all of the *bulk* regulations of Sections 26.25.080 through 26.25.100. In addition, for *multiple dwellings,* the minimum *lot area* per *dwelling unit* shall be three hundred fifty square feet, and for *multiple dwellings* for *low income elderly* where not less than three percent of the *gross floor area* is devoted to common community space, the minimum *lot area* per *dwelling unit* shall be two hundred thirty square feet; provided that where the *tower structure* of a *building* occupies less than fifty percent of the *lot,* the minimum *lot area* per *dwelling unit* shall be reduced proportionately as follows:

Percent of *Lot Coverage* by *Tower*	Minimum *Lot Area* Per *Dwelling Unit*	Minimum *Lot Area* Per *Dwelling Unit* (*Low Income Elderly*)
50 to 45	350 to 340 sq. ft.	230 to 220 sq. ft.
45 to 40	340 to 330 sq. ft.	220 to 215 sq. ft.
40 to 35	330 to 320 sq. ft.	215 to 210 sq. ft.
35 to 30	320 to 310 sq. ft.	210 to 200 sq. ft.
30 to 25	310 to 290 sq. ft.	200 to 190 sq. ft.
25 to 20	290 to 270 sq. ft.	190 to 175 sq. ft.
20 to 15	270 to 235 sq. ft.	175 to 150 sq. ft.
15 to 10	235 to 200 sq. ft.	150 to 130 sq. ft.
10 or less	200 sq. ft.	130 sq. ft.

(Ord. 86300 § 13A.52 added by Ord. 96202 and amended by Ord. 96668,

Ord. 98171, Ord. 98426 and Ord. 101608 § 1(part); November 16, 1972).

26.26.090 Bulk requirements—Floor area ratio. (a) *Tower structure*—nonresidential. The *gross floor area* of any nonresidential *building* not including the floor area used for accessory parking, shall not exceed three times the *lot area,* except as modified in Section 26.44.030.

(b) *Tower structure*—mixed *uses.* Where a *building* contains both residential *uses* to which the minimum *lot area* requirement is applicable and nonresidential *uses* to which the floor area ratio is applicable, each such requirement shall be applicable proportionately to that part of the *building* devoted to such *use.* The following formula will determine the percentage of permitted residential *building bulk* in terms of *dwelling units* when the size of the nonresidential part is known: The percentage of *dwelling units* otherwise allowed under residential density standards shall equal one hundred percent, minus the quotient of the floor area proposed for nonresidential use divided by the floor area permitted in the *zone,* multiplied by one hundred.

The following formula will determine the percentage of permitted nonresidential *building bulk* in terms of *gross floor area* when the number of *dwelling units* is known:

The percentage of *gross floor area* otherwise allowed under nonresidential *bulk* standards shall equal one hundred percent minus the quotient of the number of *dwelling units* proposed divided by the number of *dwelling units* allowed, multiplied by one hundred.

(c) *Dormitory tower complex.* The *gross floor area* of any *dormitory tower complex,* excluding the floor area used for accessory parking, shall not exceed the area permitted by the following ratios and interpolated ratios.

Percent of *Lot Coverage* by *Tower*	Maximum *Floor Area Ratio* (*Building* Area per *Lot Area*)
50 to 45	2.57 to 2.65
45 to 40	2.65 to 2.73
40 to 35	2.73 to 2.81
35 to 30	2.81 to 2.90
30 to 25	2.90 to 3.10
25 to 20	3.10 to 3.33
20 to 15	3.33 to 3.83
15 to 10	3.83 to 4.50
10 or less	4.50

(Ord. 86300 § 13A.53 added by Ord. 96202 and amended by Ord. 96668, Ord. 98171, Ord. 98426 and Ord. 101608 § 1(part); November 16, 1972).

26.26.100 Bulk requirements—Required yards. Except as modified in Sections 26.44.060 through 26.44.130, each *lot* shall have *front, side* and *rear yards* of not less than the following depths and widths, provided that

the provisions of Section 26.44.100(b) and of Section 26.44.130(b) shall not apply to any *lot* having an area of twelve thousand square feet or more:

Front Yard: Ten feet. The front of the *lot* shall be assigned to the longest *street* frontage when the *lot* occupies a corner and exceeds eighteen thousand square feet in area.

Side Yards: Twenty feet where the *side lot line* adjoins another *lot,* provided a *base structure* may be built adjacent to an *interior lot line* without *side yards.* Ten feet where the *side lot line* adjoins a *street* or an *alley. Tower structures* shall not occupy more than seventy percent of the *lot width.*

Rear Yard: Fifteen feet where no *alley* adjoins the *rear lot line.* Ten feet where an *alley* adjoins a *rear lot line,* as measured to the *lot line,* provided a *base structure* may be built to the *rear lot line.* (Ord. 86300 § 13A.54 added by Ord. 96202 and amended by Ord. 96668, Ord. 98171, Ord. 98426 and Ord. 101608 § 1(part); November 16, 1972).

26.26.110 Bulk requirements—Lot coverage. No *building* shall occupy more than fifty percent of a *lot,* provided *lot coverage* shall be computed only with relation to *tower structures* excluding any nonresidential *base structure,* and the provisions of Sections 26.44.140 and 26.44.150 shall not be applicable. (Ord. 86300 § 13A.55 added by Ord. 96202 and amended by Ord. 96668, Ord. 98171, Ord. 98426 and Ord. 101608 § 1(part); November 16, 1972).

26.26.120 Open space requirements. (a) At least fifty percent of the ground area or roof area of a *base structure,* not devoted to *principal buildings,* shall be maintained as *useable open space.*

(b) No more than twenty-five percent of the total *useable open space* may be roofed, and in any case, no more than fifty percent of the perimeter of the roofed section may be walled or enclosed.

(c) Required *useable open space* must be accessible and available to all occupants of the *building.*

(d) Any *open space* having horizontal dimensions of less than fifteen feet in any direction may not be counted as *useable open space.*

(e) Private roadways open to vehicular transportation, offstreet parking space or loading berths may not be counted as *useable open space.*

(f) Private balconies and balconies providing the principal access to *dwelling units* may not be counted as *useable open space.*

(g) The *yard* area between a *base structure* and the *street lot line* shall be landscaped to a depth of ten feet with grass, hardy shrubs or evergreen ground cover and shall be maintained in good condition.

(h) The provisions of Section 26.48.050 shall not apply to any *lot* developed under the *bulk* regulations for this *zone.* (Ord. 86300 § 13A.56 added by Ord. 96202 and amended by Ord. 96668, Ord. 98171, Ord. 98426 and Ord. 101608 § 1(part); November 16, 1972).

26.26.130 Prohibited uses.

(a) *Uses* not permitted by this title in the RMV 200 or *less intensive zones* are prohibited.

(b) *Riding academies.*

(c) *Private stables.*

(d) Maintenance of domestic fowl. (Ord. 86300 § 13A.57 added by Ord. 96202; October 31, 1967).

Chapter 26.27

RMV 150
MULTIPLE RESIDENCE HIGHEST DENSITY VARIABLE HEIGHT ZONE

Sections:

26.27.005 Required conditions. (a) No *building* with greater *bulk* or greater number of *dwelling units* than allowed for the *zone* classification which existed immediately prior to April 25, 1968, shall be permitted unless the distance from the centerline of the *street(s)* to the required *yard(s)* of the *lot* upon which such *building* is to be located is at least thirty-five feet. (Ord. 86300 § 13B.0 added by Ord. 97499 § 3; February 26, 1969).

26.27.010 Principal uses permitted outright. The following *uses:*

(a) RMV 200 *principal uses* permitted outright as specified and regulated in Chapter 26.26, unless modified in this chapter.

(b) *Hospitals:* prescription pharmacies when conducted and entered entirely from within a permitted *principal use* with no exterior evidence of the *use.*

(c) Offices and *clinics* of physicians, dentists, architects, engineers, lawyers, or certified public accountants, and offices of civic,

religious or charitable organizations. (Ord. 86300 § 13B.11 added by Ord. 96202; October 31, 1967).

26.27.020 Principal conditional uses—Authorized by council. The *principal conditional uses* set forth in Section 26.12.020 when authorized by the *council* in accordance with Chapter 26.54. (Ord. 86300 § 13B.21 added by Ord. 96202; October 31, 1961).

26.27.030 Principal conditional uses—Authorized by board. The following *uses* permitted when authorized by the *board* in accordance with Chapter 26.50. *Principal conditional uses* which the *board* may authorize in *less intensive zones* unless modified in this chapter. (Ord. 86300 § 13B.22 added by Ord. 96202; October 31, 1967).

26.27.040 Accessory uses permitted outright. The following *uses:*

(a) RMV 200 *accessory uses* permitted outright as specified and regulated in Chapter 26.26 unless modified in this chapter.

(b) *Accessory uses* customarily incidental to a *principal use* permitted outright in this chapter except of a type prohibited in Section 26.27.130.

(c) Other accessory uses as listed in Section 26.26.040.

(d) Exterior signs limited to those permitted in Section 26.26.040. (Ord. 86300 § 13B.31 added by Ord. 96202; October 31, 1967).

26.27.050 Accessory conditional uses—Authorized by council. *Accessory uses* customarily incidental to the *principal uses* specified in Section 26.12.020 are permitted when authorized by the *council* in accordance with Chapter 26.54. (Ord. 86300 § 13B.41 added by Ord. 96202 and amended by Ord. 97085 § 1 (part); September 25, 1968).

26.27.060 Accessory conditional uses—Authorized by board. The following *uses* are permitted when authorized by the *board* in accordance with Chapter 26.50:

(a) *Accessory uses* customarily incidental to the *principal conditional uses* specified in Section 26.26.060 except as modified in this chapter.

(b) RMV 200 *accessory conditional uses* listed under Section 26.26.060 unless modified in this chapter.

(c) Accessory *parking garages* on a *lot* other than the *principal use lot,* in accordance with the provisions of Sections 26.46.030 and 26.46.155. (Ord. 86300 § 13B.42 added by Ord. 96202 and amended by Ord. 97085 § 1 (part); September 25, 1968).

26.27.070 Bulk requirements—Height of building. No specific height limit applies to *buildings* developed under the *bulk* regulations for this

zone, provided, however, the height of any *base structure* which exceeds fifty percent *lot coverage* shall not exceed three stories or thirty feet, whichever is less, and provided further that an accessory *parking garage* on a *lot* other than the *principal use lot* shall not exceed thirty feet in height. (Ord. 86300 § 13B.51 added by Ord. 96202 and amended by Ord. 96668, Ord. 97085, Ord. 98171, Ord. 98426 and Ord. 101608 § 2(part); November 16, 1972).

26.27.080 Bulk requirements—Lot area. No *lot* developed under the *bulk* regulations for this *zone* shall be less than twelve thousand square feet in area, and the provisions of Section 26.44.040 shall not apply. *Lots* containing less than twelve thousand square feet of area shall be subject to all of the *bulk* regulations of Sections 26.25.080 through 26.25.110. In addition, for *multiple dwellings,* the minimum *lot area* per *dwelling unit* shall be three hundred square feet, and for *multiple dwellings* for *low income elderly* where not less than three percent of the *gross floor area* is devoted to common community space, the minimum *lot area* per *dwelling unit* shall be one hundred ninety-five square feet; provided that where the *tower structure* of a *building* occupies less than fifty percent of the *lot,* the minimum *lot area* per *dwelling unit* shall be reduced proportionately as follows:

Percent of *Lot Coverage* by *Tower*	Minimum *Lot Area* Per *Dwelling Unit*	Minimum *Lot Area* Per *Dwelling Unit* (*Low Income Elderly*)
50 to 45	300 to 285 sq. ft.	195 to 185 sq. ft.
45 to 40	285 to 270 sq. ft.	185 to 175 sq. ft.
40 to 35	270 to 255 sq. ft.	175 to 165 sq. ft.
35 to 30	255 to 230 sq. ft.	165 to 150 sq. ft.
30 to 25	230 to 195 sq. ft.	150 to 125 sq. ft.
25 to 20	195 to 150 sq. ft.	125 to 100 sq. ft.
20 or less	150 sq. ft.	100 sq. ft.

(Ord. 86300 § 13B.52 added by Ord. 96202 and amended by Ord. 96668, Ord. 97085, Ord. 98171, Ord. 98426 and Ord. 101608 § 2(part); November 16, 1972).

26.27.090 Bulk requirements—Floor area ratio. (a) *Tower structure* nonresidential. The *gross floor area* of any nonresidential *building,* not including the floor area used for accessory parking, shall not exceed six times the *lot area,* except as modified in Sections 26.44.020 and 26.44.030.

(b) *Tower structure*—mixed *uses.* Where a *building* contains both residential *uses* to which the minimum *lot area* requirement is applicable and nonresidential uses to which the floor area ratio is applicable, each such requirement shall be applicable proportionately to that part of the *building* devoted to such *use.* The following formula will determine the

percentage of permitted residential *building bulk* in terms of *dwelling units* when the size of the nonresidential part is known:

The percentage of number of *dwelling units* otherwise allowed under residential density standards shall equal one hundred percent, minus the quotient of the floor area proposed for nonresidential *use* divided by the floor area permitted in the *zone,* multiplied by one hundred.

The following formula will determine the percentage of permitted nonresidential *building bulk* when the number of *dwelling units* is known:

The percentage of *gross floor area* otherwise allowed under nonresidential *bulk* standards shall equal one hundred percent, minus the quotient of the number of *dwelling units* proposed divided by the maximum number of *dwelling units* allowed, multiplied by one hundred.

(c) *Dormitory tower complex.* The *gross floor area* of any *dormitory tower complex,* excluding the floor areas used for accessory parking, shall not exceed the area permitted by the following ratios and interpolated ratios:

Percent of *Lot Coverage* by *Tower*	Maximum *Floor Area Ratio* (*Building* Area per *Lot Area*)
50 to 45	3.00 to 3.16
45 to 40	3.16 to 3.33
40 to 35	3.33 to 3.53
35 to 30	3.53 to 3.91
30 to 25	3.91 to 4.62
25 to 20	4.62 to 6.00
20 or less	6.00

(Ord. 86300 § 13B.53 added by Ord. 96202 and amended by Ord. 96668, Ord. 97085, Ord. 98171, Ord. 98426 and Ord. 101608 § 2(part); November 16, 1972).

26.27.100 Bulk requirements—Required yards. Except as modified in Sections 26.44.060 through 26.44.135, each *lot* shall have *front, side* and *rear yards* of not less than the following depths and widths, provided that the provisions of Section 26.44.100(b) and of Section 26.44.130(b) shall not apply to any *lot* having an area of twelve thousand square feet or more:

Front Yard: Ten feet. The front of the *lot* shall be assigned to the longest *street* frontage when the *lot* occupies a corner and exceeds eighteen thousand square feet in area.

Side Yards: Twenty feet where the *side lot line* adjoins another *lot,* provided a *base structure* may be built adjacent to an *interior lot line* without *side yards.* Ten feet where the *side lot line* adjoins a *street* or an *alley. Tower structures* shall not occupy more than seventy percent of the *lot width.*

Rear Yard: Fifteen feet where no *alley* adjoins the *rear lot line.* Ten

feet where an *alley* adjoins a *rear lot line,* as measured to the *lot line*; provided a *base structure* may be built to the *rear lot line.* (Ord. 86300 § 13B.54 added by Ord. 96202 and amended by Ord. 96668, Ord. 97085, Ord. 98171, Ord. 98426 and Ord. 101608 § 2(part); November 16, 1972).

26.27.110 Bulk requirements—Lot coverage. Except for an accessory *parking garage* located on a *lot* other than the *principal use lot,* no *building* shall occupy more than fifty percent of a *lot,* provided *lot coverage* shall be computed only with relation to *tower structures* excluding any nonresidential *base structure,* and the provisions of Section 26.44.140 shall not be applicable. (Ord. 86300 § 13B.55 added by Ord. 96202 and amended by Ord. 96668, Ord. 97085, Ord. 98171, Ord. 98426 and Ord. 101608 § 2 (part); November 16, 1972).

26.27.120 Open space requirements. (a) At least fifty percent of the ground area or roof area of a *base structure,* not devoted to *principal buildings,* shall be maintained as *useable open space.*

(b) No more than twenty-five percent of the total *useable open space* may be roofed, and in any case, no more than fifty percent of the perimeter of the roofed section may be walled or enclosed.

(c) Required *useable open space* must be accessible and available to all occupants of the *building.*

(d) Any *open space* having horizontal dimensions of less than fifteen feet in any direction may not be counted as *useable open space.*

(e) Private roadways open to vehicular transportation, offstreet parking space, or loading berths, may not be counted as *useable open space.*

(f) Private balconies and balconies providing the principal access to *dwelling units* may not be counted as *useable open space.*

(g) The *yard* area between a *base structure* and the *street lot line* shall be landscaped to a depth of ten feet with grass, hardy shrubs or evergreen ground cover and shall be maintained in good condition.

(h) The provisions of Section 26.48.050 shall not apply to any *lot* developed under the *bulk* regulations for this *zone.* (Ord. 86300 § 13B.56 added by Ord. 96202 and amended by Ord. 96668, Ord. 97085, Ord. 98171, Ord. 98426 and Ord. 101608 § 2(part); November 16, 1972).

26.27.130 Prohibited uses.

(a) *Uses* not permitted by this title in RMV 150 or *less intensive zones* are prohibited.

(b) *Riding academies.*

(c) *Private stables.*

(d) Maintenance of domestic fowl. (Ord. 86300 § 13B.6 added by Ord. 96202; October 31, 1967).

Chapter 26.28

BN

NEIGHBORHOOD BUSINESS ZONE*

Sections:

26.28.010 Required conditions. All *Uses* permitted in this chapter shall be subject to the following conditions:

(a) All business, service, repair, processing, storage or merchandise display shall be conducted wholly within an *Enclosed Building,* except for off-street automobile parking and off-street loading, commercial moorages, automobile service stations and outside storage of radiator fluids, motor oils and similar merchandise, provided that such storage shall include only those quantities used in a day's operation.

(b) The *Gross Building Floor Area* occupied by any one business enterprise shall be no greater than seventy-five hundred square feet.

(c) Goods sold shall consist primarily of new merchandise, and all goods produced shall be sold at retail on the premises where produced.

(d) Not more than three persons shall be engaged at any one time in fabricating, repairing, cleaning or other processing of goods in any establishment, except for food preparation in restaurants.

(e) Not more than eight horsepower shall be employed in the operation of all machines used for fabrication, repair or other processing of any goods in any establishment.

(f) Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, noise, vibration, refuse matter or water-carried waste.

(g) Except for moorages, any outdoor *Principal* or *Accessory Use*

*Italicized words are defined in Chapter 26.06.

which abuts upon any *Lot* in an *R Zone,* shall provide *Screening* of six feet in height. Such *Screening* shall be maintained in good condition.

(h) Other conditions as specified in this chapter and Section 26.48.060. (Ord. 86300 § 14.1, as amended by Ord. 89983, and Ord. 96395; January 25, 1968).

26.28.020 Principal uses permitted outright. The following *Uses*:

(a) RMH 350 *principal uses* permitted outright as specified and regulated in Chapter 26.25, unless modified in this chapter.

(b) Retail business and services serving primarily the residents of the neighborhood; such as, but not limited to, grocery, delicatessen, meat market, drug store, hardware store, gift shop, confectionery, bakery, shoe repair shop, barbershop, beauty shop, hand or coin operated laundry, dry cleaning shop, business and professional offices, florist shop, variety or notions store, millinery store, automobile service station limited to two pump islands containing no more than three pumps each and including *automobile repair, minor* as an *accessory use,* or restaurant without live entertainment, dancing or alcoholic beverages.

(c) Fire stations, branch libraries, branch telephone exchanges, static transformer and booster stations and other public utility service uses, but not including storage or service yards.

(d) Uncovered and covered moorages for pleasure craft, boat rental moorages and piers for pleasure craft only, including sales and service and minor repairs to boats as an *accessory use.*

(e) Houseboats, subject to the provisions of Section 26.18.010.

(f) Antique shops having a *gross floor area* of not more than twenty-five hundred square feet, provided the use fronts upon a major arterial as designated in the comprehensive plan of Seattle.

(g) Day care center on condition that a fenced outdoor play area shall be provided on the *lot* of at least seventy-five square feet per child enclosed on any side not facing the *principal building.* (Ord. 86300 § 14.21 as amended by Ord. 91700, Ord. 96395, Ord. 100890 and Ord. 101285 § 8; August 10, 1972).

26.28.030 Principal conditional uses — Authorized by council. The *principal conditional uses* set forth in Section 26.12.020 when authorized by the *council* in accordance with Chapter 26.54 except as modified in this chapter. (Ord. 86300 § 14.31, as amended by Ord. 91700; December 18, 1962).

26.28.040 Principal conditional uses—Authorized by board. The following *uses* permitted when authorized by the *board* in accordance with Chapter 26.50.

(a) *Principal conditional uses* which the *board* may authorize in *less intensive zones* unless modified in this chapter. (Ord. 86300 § 14.32, as amended by Ord. 91700; December 18, 1962).

26.28.050 Accessory uses permitted outright. The following *uses:*

(a) *Accessory uses* customarily incidental to a *principal use* permitted outright in this chapter except as modified in this chapter.

(b) Exterior *business sign,* located anywhere on the same *lot* with the *principal use,* provided that:

(1) Maximum total area of sign faces on each premises shall be one hundred seventy square feet, and maximum area of the face of any single sign shall be eighty-five square feet.

(2) Maximum height of any portion of such sign shall be twenty-five feet above finished *lot* grade at base of sign.

(3) When located within fifty feet of any adjoining *lot* in an R zone, such sign shall be erected so that no portion of its face shall be visible from an existing or *permitted principal building* on said adjoining lot.

(4) Such sign shall be permanent, stationary and nonflashing. No pennants, banners, bunting, string lights or decoration shall be permitted. (Ord. 86300 § 14.41, as amended by Ord. 93424; December 7, 1964).

26.28.060 Accessory conditional uses—Authorized by council. *Accessory uses* customarily incidental to the *principal conditional uses* specified in Section 26.12.020 are permitted when authorized by the *council* in accordance with Chapter 26.54, except as modified in this chapter. (Ord. 86300 § 14.51; June 24, 1957).

26.28.070 Accessory conditional uses—Authorized by board. The following *uses* permitted when authorized by the *board* after public hearing and in accordance with the provisions of Chapter 26.50.

(a) *Accessory uses* customarily incidental to the *principal conditional uses* specified in Section 26.28.040 except as modified in this chapter.

(b) Any *principal use* permitted outright in Chapter 26.30,but only when necessary as an appurtenant *accessory use* to a *principal use* permitted in this chapter. (Ord. 86300 § 14.52; June 24, 1957).

26.28.080 Bulk regulations—Height of buildings. No *building* shall exceed a height of thirty-five feet, except as modified in Sections 26.44.020 and 26.44.030. (Ord. 86300 § 14.61 as amended by Ord. 101151 § 1(part); July 3, 1972).

26.28.090 Bulk regulations—Lot area.

(a) No minimum *lot area* requirements for nonresidential *buildings.*

(b) *Lot area requirements* for residential *buildings* or *residential parts* shall be as provided in Section 26.24.110. (Ord. 86300 § 14.62 as amended by Ord. 101151 § 1(part); July 3, 1972).

26.28.100 Bulk regulations—Required yards. Each *lot* shall have *front, side* and *rear yards* of not less than the depths and widths as follows except as modified in Sections 26.44.060 through 26.44.135:

Front yard: Ten feet for nonresidential *buildings*; twenty feet for *residential buildings.*

Side yards: None required for nonresidential *buildings,* except on corner *lots* where a *side street yard* of ten feet shall be provided. *Side yards* for *residential buildings* or *residential parts* shall be as provided in Section 26.24.120.

Rear yard: None required for nonresidential *buildings*; twenty-five feet for *residential buildings* or *parts*. (Ord. 86300 § 14.63 as amended by Ord. 101151 § 1(part); July 3, 1972).

26.28.110 Bulk regulations—Lot coverage. No *lot coverage* limitations for nonresidential *buildings*. *Residential buildings* or *residential parts* shall not occupy more than forty percent of a *lot*, except as modified in Sections 26.44.140 and 26.44.150. (Ord. 86300 § 14.64 as amended by Ord. 101151 § 1(part); July 3, 1972).

26.28.120 Prohibited uses.

(a) *Uses* not permitted by this Title in BN or *less intensive zones* are prohibited.

(b) *Riding academies.*

(c) *Private stables.*

(d) Maintenance of domestic fowl. (Ord. 86300 § 14.7; June 24, 1957).

Chapter 26.29
BI
INTERMEDIATE BUSINESS ZONE

Sections:

26.29.010 Required conditions. All *uses* permitted in this chapter shall be subject to the following conditions:

(a) All business, service, repair, processing, storage or merchandise display shall be conducted wholly within an *enclosed building*, except for offstreet automobile parking and offstreet loading, commercial moorages, automobile service stations and outside storage of radiator fluids, motor oils and similar merchandise, provided that such storage shall include only those quantities used in a day's operation.

(b) The *gross building floor area* occupied by any one business enterprise shall be no greater than twenty-five thousand square feet.

(c) Goods sold shall consist primarily of new merchandise, except in

the case of antique shops, and all goods produced shall be sold at retail on the premises where produced.

(d) Not more than five persons shall be engaged at any one time in fabricating, repairing, cleaning or any other processing of goods in any establishment except for food preparation in restaurants.

(e) Not more than ten horsepower shall be employed in the operation of all machines used for fabrication, repair or processing of any goods in any establishment.

(f) Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, noise, vibration, refuse matter, or water-carried waste.

(g) Except for moorages, any outdoor *principal* or *accessory use* which abuts upon any *lot* in an *R zone*, shall provide *screening* of six feet in height. Such *screening* shall be maintained in good condition.

(h) Other conditions as specified in this chapter and Section 26.48.060(a). (Ord. 86300 § 14A.1 added by Ord. 96395 and amended by Ord. 99368 § 4; Oct. 14, 1970).

26.29.020 Principal uses permitted outright. The following *uses*:

(a) BN *principal uses* permitted outright as specified and regulated in Chapter 26.28, unless modified in this chapter;

(b) Retail business and services, such as but not limited to, dance and music studio, retail plant nursery, frozen food lockers, antique shops not including second hand furniture, clothing stores, catering establishment, dry goods store, general merchandise store, locksmith, ice dispensary, pet shop, appliance store, bank, financial institution, furniture store selling new furniture, and coin-operated laundries and cleaners.

(c) Secondhand shops having a gross floor area of not more than twenty-five hundred square feet. (Ord. 86300 § 14A.21 added by Ord. 96395 and amended by Ord. 99872, Ord. 100216 and Ord. 100890 § 4; April 14, 1972).

26.29.030 Principal conditional uses—Authorized by council. The *principal conditional uses* set forth in Section 26.12.010 when authorized by the council in accordance with Chapter 26.54, except as modified in this chapter. (Ord. 86300 § 14A.31 added by Ord. 96395 and amended by Ord. 97652, Ord. 100276 and Ord. 101266 § 1(part); August 4, 1972).

26.29.040 Principal conditional uses—Authorized by board. The following *uses* permitted when authorized by the board in accordance with Chapter 26.50:

(a) *Principal conditional uses* which the *board* may authorize in less intensive zones unless modified in this chapter.

(b) Restaurants with class H liquor licenses and taverns; provided however, such uses shall be located five hundred feet or more from the grounds of any school for academic instruction other than a university or

college campus, or from any publicly designated play area for children measured along the most direct route over or across established public walks, streets, or other public passageways from the outer property line of the school or play area to the nearest public entrance of the restaurant or tavern, and provided further that such uses shall be in a *completely enclosed building* or completely enclosed portion of *building* when the lot devoted to such use is within fifty feet of any lot in an *R zone*. (Ord. 86300 §14A.32 added by Ord. 96395 and amended by Ord. 97652, Ord. 100276 and Ord. 101266 § 1(part); August 4, 1972).

26.29.050 Accessory uses permitted outright. The following *uses*:

(a) *Accessory uses* customarily incidental to a *principal use* permitted outright in this chapter except as modified in this chapter.

(b) Exterior *business sign* under conditions specified in Section 26.28.050(b).

(c) *Drive-in business* activity.

(d) *Collection stations* for secondhand goods and recyclable materials subject to the following provisions:

(1) The *use* shall be located on a *lot* with a minimum *lot area* of ten thousand square feet;

(2) The *use* shall occupy no more than eight hundred square feet;

(3) All goods and materials shall be stored in sturdy, weather-resistant containers maintained in good condition;

(4) No processing of secondhand goods or recyclable materials shall be permitted;

(5) The *use* shall be located fifty feet or more from any *lot* in an *R zone*, or shall be screened by a six foot view-obstructing fence or wall on all sides which abut upon or face across a *street* or *alley* or any *lot* in an *R zone*. (Ord. 86300 § 14A.41 added by Ord. 96395 and amended by Ord. 99872 and Ord. 100890 § 5; April 14, 1972).

26.29.060 Accessory conditional uses—Authorized by council. *Accessory uses* customarily incidental to the *principal conditional uses* specified in Section 26.12.020 are permitted when authorized by the *council* in accordance with Chapter 26.54, except as modified in this chapter. (Ord. 86300 § 14A.51 added by Ord. 96395; January 25, 1968).

26.29.070 Accessory conditional uses—Authorized by board. The following *uses* permitted when authorized by the *board* after public hearing and in accordance with the provisions of Chapter 26.50.

(a) *Accessory uses* customarily incidental to the *principal conditional uses* specified in Section 26.29.040 except as modified in this chapter.

(b) Any *principal* use permitted outright in Chapter 26.30, but only when necessary as an appurtenant *accessory use* to a *principal use* permitted in this chapter. (Ord. 86300 § 14A.52 added by Ord. 96395; January 25, 1968).

26.29.080 Bulk regulations—Height of buildings. No *building* shall exceed a height of thirty-five feet except as modified in Section 26.44.020 and 26.44.030. (Ord. 86300 § 14A.61 added by Ord. 96395; January 25, 1968).

26.29.090 Bulk regulations—Lot area.

(a) No minimum *lot area* requirements for non-residential *buildings.*

(b) *Lot area* requirements for *residential buildings* or *residential parts* shall be as provided in Section 26.24.110. (Ord. 86300 § 14A.62 added by Ord. 96395; January 25, 1968).

26.29.100 Bulk regulations—Required yards. Each *lot* shall have *front, side and rear yards* of not less than the depths and widths as follows, except as modified in Sections 26.44.060 through 26.44.135:

Front Yard: None required for nonresidential *buildings;* twenty feet for *residential buildings or parts.*

Side Yards: None required for nonresidential *buildings. Side yards* for *residential buildings or residential parts* shall be as provided in Section 26.24.120.

Rear Yard: None required for nonresidential *buildings;* twenty-five feet for *residential buildings or parts.* (Ord. 86300 § 14A.63 added by Ord. 96395; January 25, 1968).

26.29.110 Bulk regulations—Lot coverage. No *lot coverage* limitations for nonresidential *buildings. Residential buildings or residential parts* shall not occupy more than forty percent of a *lot* except as modified in Sections 26.44.140 and 26.44.150. (Ord. 86300 § 14A.64 added by Ord. 96395; January 25, 1968).

26.29.120 Prohibited uses. (a) *Uses* not permitted by this title in BI or *less intensive zones* are prohibited.

(b) *Riding academies.*

(c) *Private stables.*

(d) Maintenance of domestic fowl.

(e) Drive-in restaurants.

(Ord. 86300 § 14A.7 added by Ord. 96395 and amended by Ord. 99872 § 4; April 29, 1971).

Chapter 26.30
BC
COMMUNITY BUSINESS ZONE*

Sections:

* Italicized words are defined in Chapter 26.06.

26.30.010 Required conditions. All *Uses* permitted in this *Zone* shall be subject to the following conditions:

(a) All business, service, repair or processing, storage, or merchandise display shall be conducted wholly within an *Enclosed Building* except as modified in this chapter.

(b) All goods produced on the premises shall be sold at retail on the premises.

(c) Not more than five persons shall be engaged at any one time in fabrication, repair or other processing of goods in any establishment, except for food preparation in restaurants and retail food markets.

(d) Not more than twelve horsepower shall be employed in the operation of all machines for fabricating, processing or repair in any establishment.

(e) Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste.

(f) *Advertising Signs* shall be located fifty feet or more from any *Lot* in an *R zone* and one hundred feet or more from any public school grounds or public park. Any outdoor *Principal* or *Accessory Use* which abuts upon any *Lot* in an *R zone* shall provide a *Screening* of six feet in height. Such *Screening* shall be maintained in good condition.

(g) Other required conditions specified in this chapter, and Section 26.48.060 (1). (Ord. 86300 § 15.1 as amended by Ord. 100217 § 1; August 27, 1971).

26.30.020 Principal uses permited outright. (a) BI *principal uses* as specified and regulated in Chapter 26.29, unless modified in this chapter

are not limited to sales or service primarily to the surrounding neighborhood;

(b) Retail store and personal service establishments, banks and financial institutions, business and professional offices, *hotels,* catering establishment, *trade or business school,* experimental or testing laboratory which does not employ machinery or equipment not permitted in the *BC zone,* taxidermy shop, locksmith, appliance repair shops, *convalescent homes, homes for the retired,* dance and music studios, antique shops and secondhand shops;

(c) Frozen food lockers, retail ice dispensary, not including ice manufacture, motel, mortuary, storage building for household goods;

(d) *Automobile laundry* subject to the following conditions:

(1) When located one hundred feet or more from any *lot* in an *R zone,*

(2) When located one hundred feet or more from the entrance of any retail store servicing pedestrians, other than a store selling automobile supplies and accessories,

(3) When located on a *lot* containing at least ten thousand square feet,

(4) When stacking space for at least twenty-five cars is provided;

(e) Residential *tower structures* and *dormitory tower complexes* when located three hundred feet or more from any lot in a *zone* with a height limit of thirty-five feet and also located within a *BC zone* which is either within one thousand five hundred feet of the campus of a four-year state university, or which abuts an *RMV 200* or *RMV 150 zone* on at least sixty percent of its perimeter, subject to the following conditions:

(1) The bulk requirements of Sections 26.26.070 through 26.26.130 shall apply to a *residential tower structure* or *dormitory tower complex* except where the lot is in a *BC zone* which abuts an *RMV 150 zone* on sixty percent or more of its perimeter, in which case the bulk requirements of Sections 26.27.070 through 26.27.120 shall apply,

(2) Any *base structure* which covers more than fifty percent of the lot shall not exceed three *stories,* including mezzanines. No *yards* shall be required for *base structures.* Nonresidential *uses* located in a *base structure* shall be excluded in computing the permitted number of *dwelling units* or amount of floor area devoted to residential *uses,*

(3) The *street level floor space* shall be occupied only by those business uses specified in Section 26.32.020;

(f) Radio or television studio, subject to the following conditions:

(1) The *principal building* shall be located one hundred feet or more from any *lot* in an *R zone,*

(2) Any transmitting tower located on the *lot* shall conform to the provisions of Section 26.44.030(a). (Ord. 86300 § 15.21 amended by Ord. 92886, Ord. 96395, Ord. 98067, Ord. 98216, Ord. 98426, Ord. 99368, Ord.

99872, Ord. 100276, Ord. 100612, Ord. 100890, Ord. 101266 and Ord. 101362 § 1(part); September 5, 1972).

26.30.030 Principal uses permitted in enclosed building when within fifty feet of lot in R zone. *Uses* permitted provided however that they shall be in a *completely enclosed building* or completely enclosed portion of *building* when within fifty feet of any *lot* in an *R zone*:

(a) Meeting hall, auditorium, theater, bowling lanes, skating rinks, *parking garage* and automobile rental garage, bakery, printing and publishing establishment;

(b) Automobile and pleasure boat display or sales establishment, garage for minor repairs, laundry, dry cleaning or dyeing establishment, upholstering establishment, retail pet shop or small animal *clinic* for outpatient treatment only; except that domestic cats may be kept overnight, retail building supply store provided that any retail lumber or building material storage in connection therewith shall be enclosed by a roofed *building* on any side which abuts upon or faces across a *street, alley* or *place* any *lot* in an *R zone*;

(c) Animal hospital or *clinic* subject to the following conditions:

(1) When adequate precautions are taken to suppress noise emanating from the premises,

(2) When adequate precautions are taken to prevent obnoxious odors from escaping the premises,

(3) When no large animals other than dogs are treated or kept on the premises. (Ord. 86300 § 15.22 amended by Ord. 92886, Ord. 96395, Ord. 98067, Ord. 98216, Ord. 98426, Ord. 99368, Ord. 99872, Ord. 100276, Ord. 100612, Ord. 100890, Ord. 101266 and Ord. 101362 § 1(part); September 5, 1972).

26.30.040 Principal uses permitted in enclosed building when within fifty feet of lot in R zone and five hundred feet from school or playground. *Uses* permitted; provided, however, that such uses shall be located five hundred feet or more from the grounds of any school for academic instruction other than a university or college campus, or from any publicly designated play area for children measured along the most direct route over or across established public walks, *streets* or other public passageways from the outer property line of the school or play area to the nearest public entrance of the use; and provided further, that such uses shall be in a *completely enclosed building* or completely enclosed portion of *building* when the *lot* devoted to such *use* is within fifty feet of any *lot* in an *R zone*: pool halls, public dance halls, taverns, package liquor stores, restaurants or cafes with live entertainment or dancing or serving of alcoholic beverages, and other similar enterprises. (Ord. 86300 § 15.23 as amended by Ord. 92886, Ord. 95395, Ord. 98067, Ord. 98216, Ord. 98426,

Ord. 99368, Ord. 99872, Ord. 100276, Ord. 100612, Ord. 100890, Ord. 100266 and Ord. 101362 § 1 (part); September 5, 1972).

26.30.050 Permitted outdoor uses. Outdoor uses permitted subject to the requirements of Section 26.30.010(f):

(a) *Advertising signs, structures;*

(b) Commercial parking *lots* for private passenger vehicles only, open *structures* for parking of private passenger vehicles only, located fifty feet or more from any *lot* in an *R zone*;

(c) Service stations, plant nurseries including retail sales of products, commercial moorages and boat rental establishments limited to minor repair of boats;

(d) Commercial golf driving ranges, commercial miniature golf courses, commercial trampoline centers, commercial swimming pools, comercial tennis courts, commercial bowling greens, located fifty feet or more from any *lot* in an *R zone*. (Ord. 86300 § 15.24 amended by Ord. 92886, Ord. 96395, Ord. 98067, Ord. 98216, Ord. 98426, Ord. 99368, Ord. 99872, Ord. 100276, Ord. 100612, Ord. 100890, Ord. 101266 and Ord. 101362 § 1 (part); September 5, 1972).

26.30.060 Principal conditional uses—Authorized by council. The *principal conditional uses* set forth in Section 26.12.020 are permitted when authorized by the *council* in accordance with Chapter 26.54, except as provided in Section 26.28.020(c). (Ord. 86300 § 15.31 amended by Ord. 92886, Ord. 96031, Ord. 98216, Ord. 98426 and Ord. 99872 § 6 (part); April 29, 1971).

26.30.070 Principal conditional uses—Authorized by board. The following *uses* permitted when authorized by the *board* in accordance with Chapter 26.50.

(a) *Principal conditional uses* which the *board* may authorize in *less intensive zones* are permitted unless modified in this chapter.

(b) *Automobile sales area* subject to the requirements of Section 26.30.010(f).

(c) *Repair garage* for *automobile repair, major.*

(d) *Uses* permitted, provided, however, that they shall be in a *completely enclosed building* or completely enclosed portion of *building* when within fifty feet of any *lot* in an *R zone*: pleasure craft servicing and repair, sail making and allied canvas goods, limited to sale of products on the premises, manufacture of pleasure craft up to forty feet over-all length, all when located on a *lot* having frontage on navigable water; sheet metal shops, carpenter shops; plumbing or heating shops.

(e) *Helistops,* subject to the provisions of Section 26.38.050 for *heliports* and provided further:

(1) That no landing area shall be developed or continue to be used within a horizontal distance of two hundred feet from the nearest wall of

any other *building* constructed to a height which exceeds that of the landing area.

(2) That the authorization for such *conditional use* shall be subject to annual review by the *board* and, for cause, may be withdrawn by the *board* following any such annual review.

(f) *Hospitals* and *sanitariums* predominantly for psychiatric care, epileptics, spastics, care of the mentally retarded, drug or liquor addicts, provided that all *principal buildings* shall be located twenty-five feet or more from any other *lot* in an *R zone.*

(g) Residential *tower structures* and *dormitory tower complexes* when located and regulated as provided in Section 26.30.020(e), in which all or any part of the *street level floor space* is occupied by permitted *uses* other than those specified in Section 26.32.020.

(h) Drive-in restaurants, subject to the following conditions:

(1) Site shall be located in an auto-oriented portion or on the fringe of a business *zone.*

(2) Vehicular access to the premises shall not conflict with high volume pedestrian walkways nor interrupt established retail or service frontages designed to serve pedestrians.

(3) Adequate refuse receptacles shall be provided on site.

(4) Design of the *use,* including architectural treatment, signing, landscaping, illumination and site integration shall be compatible with other *uses* and *structures* in the vicinity. (Ord. 86300 § 15.32 amended by Ord. 92886, Ord. 96031, Ord. 98216, Ord. 98426 and Ord. 99872 § 6 (part); April 29, 1971).

26.30.080 Accessory uses permitted outright. The following *Uses*:

(a) *Accessory Uses* customarily incidental to a principal use permitted outright in this chapter, except of a type prohibited in Section 26.30.150.

(b) *Amateur Radio Transmitting Tower.*

(c) *Sale of Alcoholic Beverages for Consumption on the Premises.* (Ord. 86300 § 15.41, as amended by Ord. 88921; January 12, 1960).

26.30.090 Accessory conditional uses—Authorized by council. Accessory *Uses* customarily incidental to the *Principal Conditional Uses* specified in Section 26.12.020 are permitted when authorized by the *council* in accordance with Chapter 26.54. (Ord. 86300 § 15.41; June 24, 1957).

26.30.100 Accessory conditional uses—Authorized by Board. The following *Uses* permitted when authorized by the *Board* after public hearing and in accordance with the provisions of Chapter 26.50:

(a) *Accessory Uses* customarily incidental to the *Principal Conditional Uses* specified in Section 26.30.070 unless modified in this chapter.

(b) Any *Principal Use* permitted outright in Chapter 26.32, but only when necessary as an appurtenant *Accessory Use* to a *Principal Use* permitted in this chapter. (Ord. 86300 § 15.52; June 24, 1957).

26.30.110 Bulk regulations—Height of buildings. No *Building* other than a residential *tower structure* shall exceed a height of sixty feet, except as modified in Sections 26.44.020 and 26.44.030. (Ord. 86300 § 15.61 as amended by Ord. 98216 § 3 (part); Oct. 8, 1969).

26.30.120 Bulk regulations—Lot area.

(a) No minimum *Lot Area* requirements for non-residential *Buildings*.

(b) *Lot Area* requirements for *Residential Buildings* or *Residential Parts* shall be as provided in Section 26.24.110, except residential *tower structures* which shall be as provided in Section 26.-.30.020(e). (Ord. 86300 § 15.62 as amended by Ord. 98126 § 3 (part); Oct. 8, 1969).

26.30.130 Bulk regulations—Required yards. Each *lot* shall have *front, side* and *rear* yards of not less than the depths and widths as follows except as modified in Sections 26.44.060 through 26.44.135:

Front yard: None required for nonresidential *buildings* or *base structures* for residential *tower structures*. Ten feet for *residential buildings* or *residential parts*.

Side yards: None required for nonresidential *buildings* or *base structures* for residential *tower structures*. *Side yards* for *residential buildings* or *residential parts* shall be as provided in Section 26.25.100.

Rear yards: None required for nonresidential *buildings* or *base structures* for residential *tower structures*. *Rear yards* for *residential buildings* or *residential parts* shall be as provided in Section 26.25.100. (Ord. 86300 § 15.63 as amended by Ord. 98216 § 3 (part); Oct. 8, 1969).

26.30.140 Bulk regulations—Lot coverage. No *lot coverage* limitations for nonresidential *buildings* or *base structures* for residential *tower structures*. *Residential buildings* or *residential parts* shall not occupy more than forty percent of a *lot*, except as modified in Sections 26.44.140 and

26.44.150, and except residential *tower structures* which shall not occupy more than fifty percent of a *lot* and to which the provisions of Sections 26.44.140 and 26.44.150 shall not apply. (Ord. 86300 § 15.64 as amended by Ord. 98216 § 3 (part); Oct. 8, 1969).

26.30.150 Prohibited uses.

(a) Any *Use* other than a permitted BC *Use,* which is permitted only in a *More Intensive Zone.*

(b) *Riding academies.*

(c) *Private stables.*

(d) Maintenance of domestic fowl. (Ord. 86300 § 15.7; June 24, 1957).

Chapter 26.32
BM
METROPOLITAN BUSINESS ZONE*

Sections:

26.32.010 Required conditions. All *uses* permitted in this chapter shall be subject to the following conditions:

(a) All business, service, repair, processing, storage or merchandise display shall be conducted wholly within an *enclosed building* except for restaurants, cafes, establishments selling alcoholic beverages for consumption on the premises, glazed display cases, *advertising signs,* off-street parking, off-street loading areas, and outdoor ice skating rink.

(b) Processes and equipment employed and goods sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, radiation hazards, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste.

(c) Other required conditions specified in this chapter. (Ord. 86300 § 16.1, as amended by Ord. 94036; July 14, 1965).

26.32.020 Principal uses permitted outright. The following *uses*:

(a) Window displays.

(b) Retail store.

*Italicized words are defined in Chapter 26.06.

(c) Personal service establishment, such as beauty shop, barber shop and shoe repair shop.

(d) Restaurant, cafe, or establishment selling alcoholic beverages for consumption on the premises with or without live entertainment or dancing; taverns; package liquor stores.

(e) Bank or other financial institution.

(f) *Hotel,* motel.

(g) Transportation ticket office, travel agency office.

(h) Private or public art gallery, museum and library.

(i) Locksmith.

(j) Catering establishment selling at retail.

(k) Glazed display case.

(l) Child care nursery.

(m) Public playground and public park, including customary buildings and activities.

(n) Theater.

(o) *Advertising sign* when subject to applicable provisions of this title and other ordinances.

(p) Automobile rental office.

(Ord. 86300 § 16.21, as amended by Ord. 94036; July 14, 1965).

26.32.030 Principal uses permitted when not in view from street. *Uses* permitted when occupying other than *street level floor space;* or, permitted when occupying *street level floor space* providing that such *use* shall be separated from the *street* by a space occupied or intended to be occupied by *uses* permitted in Section 26.32.020, and also separated by a view obscuring wall located across the rear of such permitted *uses* as specified in Section 26.32.020.

(a) Business or professional office.

(b) Catering establishment.

(c) Taxidermy shop.

(d) *Wholesale store,* including wholesale storage of the following merchandise: jewelry, optical and photographic goods, pharmaceuticals, and cosmetics, and other similar high value, low bulk articles.

(e) Telephone exchange, static transformer and booster station, and other public utility service *use.*

(f) Meeting hall, auditorium, theater, bowling lane, skating rink, pool hall, dance hall.

(g) Radio and television studio.

(h) Appliance repair. (Ord. 86300 § 16.22, as amended by Ord. 96340; July 14, 1965).

26.32.035 Principal uses permitted on other than street level floor space. *Uses* permitted when occupying other than *street level floor space.*

(a) *Uses* permitted in Sections 26.32.020 and 26.32.030 without specified limitations.

(b) *Trade or business school.*

(c) *Custom manufacture* for sale at retail on the premises of articles or merchandise from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stones, sheet metal (excluding stampings of metal heavier than fourteen gauge), shell, textiles, tobacco, wax, wire, wood and yarns.

(d) Experimental or testing laboratory which does not employ machinery or equipment prohibited by Section 26.32.120 (b).

(e) Private or fraternal club, lodge, social or recreational building with dining and other social facilities.

(f) Art, dance, and/or music school or studio.

(g) Printing and publishing establishment.

(h) Manufacture of musical instruments, except pianos and organs; toys, novelties, rubber or metal stamps, or other small moulded rubber products; pottery and figurines or other similar ceramic products from previously pulverized clay, kilns to be fired by electricity or gas.

(i) Manufacture or assembly of electrical appliances, electronic instruments and devices, and radios and phonographs. (Ord. 86300 § 16.23 added by Ord. 94036; July 14, 1965).

26.32.040 Principal conditional uses—Authorized by council. The following *principal conditional uses* when authorized by the *council* in accordance with Chapter 26.54:

Micro-wave or line-of-sight transmission station. (Ord. 86300 § 16.3, as amended by Ord. 94036; July 14, 1965).

26.32.050 Principal conditional uses—Authorized by board. The following *uses* permitted when authorized by the *board* in accordance with Chapter 26.50:

(a) Outdoor ice-skating rink.

(b) Commercial parking lot for private passenger vehicles only, following review and report by both the *commission* and the engineering department concerning impact on adjacent *streets* and the central business district comprehensive plan.

(c) *Parking garages,* located in other than *street level floor space,* following review and report by both the *commission* and the engineering department concerning impact on adjacent *streets* and the central business district comprehensive plan.

(d) *Apartment hotel, apartment house, or home for the retired* on other than *street level floor space,* following review and report by both the *commission* and the engineering department concerning impact on adjacent *streets* and the central business district comprehensive plan.

(e) Helistop, subject to the provisions of Sections 26.30.070 (e) and

26.38.050. (Ord. 86300 § 16.32, as amended by Ord. 94036; July 14, 1965).

26.32.060 Accessory uses permitted outright. The following uses:

(a) *Accessory uses* customarily incidental to a *principal use* permitted outright in this chapter.

(b) Window displays.

(c) Production or processing of goods sold at retail where produced provided that when such *use* is located in the *street level floor space,* no more than two persons shall be employed therein in such production or process.

(d) Storage of products manufactured on premises, provided that such storage shall not be located in the *street level floor space.*

(e) Accessory offstreet parking spaces within a *principal building* when limited to a *gross floor area* of ten percent of the *building gross floor area,* provided that such *use* shall not be located in *street level floor space.*

(f) Accessory offstreet loading space. (Ord. 86300 § 16.41 amended by Ord. 94036 and Ord. 99368 § 6; Oct. 14, 1970).

26.32.070 Accessory conditional uses—Authorized by council. *Accessory uses* customarily incidental to the *principal conditional uses* specified in Sections 16.32.040 and 16.32.050 are permitted when authorized by the *council* in accordance with Chapter 26.54. (Ord. 86300 § 16.51 amended by Ord. 94036 and Ord. 99368 § 7 (part); Oct. 14, 1970).

26.32.080 Accessory conditional uses—Authorized by board. The following *uses* permitted when authorized by the *board* in accordance with Chapter 26.50:

(a) *Accessory uses* customarily incidental to the *principal conditional uses* specified in Section 26.32.050 except as modified in this chapter.

(b) Any *principal use* permitted in Sections 26.38.030 and 26.38.040 but only when necessary as an *accessory use* to a *principal use* permitted in this chapter, and only when located in other than *street level floor space;* or permitted when occupying *street level floor space* providing that such *use* shall be separated from the *street* by a space occupied or intended to be occupied by *uses* permitted in Section 26.32.020, and also separated by a view obscuring wall located across the rear of such permitted *uses* as specified in Section 26.32.020.

(c) Accessory offstreet parking spaces within a *principal building* when such *use* is over ten percent of the *building gross floor area,* and when located in other than *street level floor space* and following review and report and recommendation by both the *commission* and engineering department concerning impact on adjacent *streets* and the central business district comprehensive plan. (Ord. 86300 § 16.52 amended by Ord. 94036 and Ord. 99368 § 7 (part); Oct. 14, 1970).

26.32.090 Bulk regulations—Floor area ratio. (a) The *gross floor*

area of any *structure,* not including the floor area used for accessory parking, or stories used exclusively for mechanical equipment such as heating, ventilating, or air conditioning equipment shall not exceed ten times the *lot area,* except as modified in subsection (b) and in Sections 26.44.020 and 26.44.030. However, for the purpose of computing the *gross floor area* ratio, adjacent properties and properties located across an abutting *alley* under common ownership, or linked for this purpose by appropriate legal agreements and deed restrictions, may be considered together so that one *structure* may exceed the ten to one ratio, provided that the other properties fall sufficiently short of this ratio so that their combined *bulk* does not exceed ten times the area of all the *lots* taken together.

(b) (1) For each square foot of *plaza* provided on a *lot,* the *gross floor area* permitted in subsection (a) may be increased by ten square feet.

(2) For each square foot of *arcade* provided on a *lot,* the *gross floor area* permitted in subsection (a) may be increased by six square feet.

(3) For each square foot of *voluntary building setback area* provided on a *lot,* the *gross floor area* permitted in subsection (a) may be increased by six square feet. Where an *arcade* bonus is taken, a *voluntary building setback area* bonus cannot also be taken for the area above the *arcade.* (Ord. 86300 § 16.61, as amended by Ord. 94036 and Ord. 96153; October 11, 1967).

26.32.100 Bulk regulations—Lot area. No minimum *lot area* required. (Ord. 86300 § 16.62, as amended by Ord. 94036 and Ord. 96153; October 11, 1967).

26.32.110 Bulk regulations—Required yards. No minimum *yards* required. (Ord. 86300 § 16.63, as amended by Ord. 94036 and Ord. 96153; October 11, 1967).

26.32.120 Prohibited uses. (a) Any *use* specified in Sections 26.30.020 (c), (d), 26.30.030 (b), 26.30.050 (c), (d) except retail pet shop and motel.

(b) Any *use,* other than a permitted BM *use,* which is permitted in a *more intensive zone.* (Ord. 86300 § 16.7, as amended by Ord. 94036; July 14, 1965).

Chapter 26.34
CM
METROPOLITAN COMMERCIAL ZONE*

* Italicized words are defined in Chapter 26.06.

26.34.010 Required conditions. All *uses* permitted in this chapter shall be subject to the following conditions:

(a) Processes and equipment employed and goods stored, processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, radiation hazards, cinders, gas fumes, noise, vibration, refuse matter or water-carried waste.

(b) All business, service, repair, processing, storage or merchandise display shall be conducted wholly within a roofed *structure* except for restaurants, cafes, establishments selling alcoholic beverages for consumption on the premises, glazed display cases, *advertising signs,* off-street parking, off-street loading areas, service stations, *automobile rental and sales, automobile laundry, helistop,* and outdoor ice-skating rink.

(c) Other required conditions specified in this chapter and Section 26.48.060(a). (Ord. 86300 § 17.1, as amended by Ord. 94036; July 14, 1965).

26.34.020 Principal uses permitted outright. The following *uses*:

(a) Retail store, business and professional office, personal service establishment, bank or other financial institution, catering establishment, restaurant, cafe, or establishment selling alcoholic beverages for consumption on the premises, with or without live entertainment or dancing, window display space, glazed display case, transportation ticket office, travel agency office, and bakery, provided it sells its products at retail on the premises.

(b) *Hotel, apartment hotel* and *motel.*

(c) Pool hall, public dance hall, tavern, package liquor store, and other similar enterprises.

(d) Frozen food lockers, retail ice dispensary, not including ice manufacture, plant nursery including retail sales of products.

(e) Taxidermy shop, locksmith, appliance repair shop, upho'stery establishment, retail pet shop or small animal clinic for out-patient treatment only, retail building supply store, *automobile laundry,* printing and publishing establishment.

(f) Meeting hall, auditorium, theater, bowling lanes, skating rink, including outdoor ice-skating rink.

(g) Automobile and pleasure boat display or sales establishment, service stations, *automobile repair, minor.*

(h) *Automobile rental and sales,* provided that any portion of said area not permanently maintained in a landscaped condition shall be graded, drained and surfaced as required in Section 26.46.130(c).

(i) *Parking garage* and automobile rental garage, commercial parking lot for private passenger vehicles only, open *structures* for parking of private passenger vehicles only.

(j) *Trade or business school,* art, dance and/or music school or studio.

(k) Laundry, dry cleaning, dyeing or rug cleaning plants.

(l) Warehouse or *wholesale store; wholesale office,* including wholesale storage of the following merchandise: jewelry, optical and photographic goods, pharmaceuticals, and cosmetics, and other similar high value, low bulk articles.

(m) Experimental or testing laboratory which does not employ machinery or equipment not permitted in the *CM zone.*

(n) Fire station, public and private art gallery, library, museum, branch telephone exchange, micro-wave or line-of-sight transmission station, static transformer and booster station, and other public utility service *uses* when necessary due to operating requirements; but not including yards or buildings for service or storage.

(o) *Church,* private or fraternal club, lodge, social or recreational *building.*

(p) *Advertising sign,* when subject to applicable provisions of this title and other ordinances.

(q) *Uses* permitted in Section 26.38.030, provided that such *uses* shall not occupy any street level floor space.

(r) Public or private park.

(s) Existing railroad rights-of-way, including passenger shelter stations but not including switching, storage, freight yards or sidings.

(t) Radio and television studio. (Ord. 86300 § 17.21 amended by Ord. 94036 and Ord. 99503 § 3; Dec. 9, 1970).

26.34.050 Principal conditional uses—Authorized by board. The following *uses* permitted when authorized by the *board* in accordance with Chapter 26.50:

(a) *Apartment houses, homes for the retired.*

(b) *Helistop,* subject to provisions of Sections 26.30.070(e) and 26.38.050.

(c) Steam manufacture.

(d) Drive-in restaurant, drive-in bank, drive-in dry cleaning establishment. (Ord. 86300 § 17.3 amended by Ord. 94036, Ord. 98426 and Ord. 99503 § 4; Dec. 9, 1970).

26.34.060 Accessory uses permitted outright. The following *uses*:

(a) *Accessory uses* customarily incidental to a *principal use* permitted outright except of a type prohibited in Section 26.34.110.

(b) Accessory offstreet loading space. (Ord. 86300 § 17.41 amended by Ord. 94036 and Ord. 99368 § 8; Oct. 14, 1970).

26.34.070 Accessory conditional uses—Authorized by the board. The

following *uses* permitted when authorized by the *board* in accordance with Chapter 26.50:

(a) *Accessory uses* customarily incidental to *principal conditional uses* specified in Section 26.34.050 except as modified in this chapter.

(b) Any *principal use* permitted outright in Sections 26.36.040(a), 26.38.030 and 26.38.040 but only when necessary as an *accessory use* to a *principal use* permitted in this chapter. (Ord. 86300 § 17.5 amended by Ord. 94036 and Ord. 99368 § 9; Oct. 14, 1970).

26.34.080 Bulk regulations—Floor area ratio. (a) The *gross floor area* of any *structure,* not including the *floor area* used for accessory parking or stories used exclusively for mechanical equipment such as heating, ventilating, or air conditioning equipment, shall not exceed ten times the *lot area* except as modified in subsection (b) and in Sections 26.44.020 and 26.44.030. However, for the purpose of computing the *gross floor area* ratio adjacent properties and properties located across an abutting *alley,* under common ownership, or linked for this purpose by appropriate legal agreements and deed restrictions, may be considered together so that one *structure* may exceed the ten to one ratio, provided that the other properties fall sufficiently short of this ratio so that their combined *bulk* does not exceed ten times the area of all the *lots* taken together.

(b) (1) For each square foot of *plaza* provided on a lot, the *gross floor area* permitted in subsection (a) may be increased by ten square feet.

(2) For each square foot of *arcade* provided on a *lot,* the *gross floor area* permitted in subsection (a) may be increased by six square feet.

(3) For each square foot of *voluntary building setback area* provided on a *lot,* the *gross floor area* permitted in subsection (a) may be increased by six square feet. Where an *arcade* bonus is taken, a *voluntary building setback area* bonus cannot also be taken for the area above the *arcade.* (Ord. 86300 § 17.61, as amended by Ord. 94036 and Ord. 96153; October 11, 1967).

26.34.090 Bulk regulations—Lot area. No minimum *lot area* required. (Ord. 86300 § 17.62, as amended by Ord. 94036 and Ord. 96153; October 11, 1967).

26.34.100 Bulk regulations—Required yards. No minimum *yards* required. (Ord. 86300 § 17.63, as amended by Ord. 94036 and Ord. 96153; October 11, 1967).

26.34.110 Prohibited uses.

(a) Any *use* other than a permitted CM *use,* which is permitted only in a *more intensive zone.*

(b) *Riding academies.*

(c) *Private stables.*

(d) Maintenance of domestic fowl. (Ord. 86300 § 17.7, as amended by Ord. 94036; July 14, 1965).

Chapter 26.35
CMT
METROPOLITAN COMMERCIAL ZONE TEMPORARY

Sections:

26.35.010 Required conditions. All *uses* permitted in this chapter shall be subject to the following conditions:

(a) *Advertising signs* shall be located fifty feet or more from any *lot* in an R *zone* and one hundred feet or more from any public school grounds or public park.

Except *advertising signs,* any outdoor *principal or accessory use* which abuts upon or faces across a *street, alley* or *place,* any *lot* in an *R zone,* shall provide screening of six feet in height. Such *screening* shall be maintained in good condition.

(b) Processes and equipment employed and goods stored, processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste.

(c) Other required conditions specified in this chapter. (Ord. 86300 § 17A.1, added by Ord. 94036; July 14, 1964).

26.35.020 Principal uses permitted outright. The following *uses.*

(a) BC, BM and CM *principal uses* permitted outright as specified and regulated in Chapters 26.30, 26.32 and 26.34 unless modified in this chapter.

(b) Warehouse or *wholesale store.*

(c) Trade or business school, experimental or testing laboratory, which does not employ machinery permitted only in a *more intensive zone.*

(d) *Automobile rental and sales area,* provided that any portion of said area not permanently maintained in a landscaped condition shall be graded, drained and surfaced as required in Section 26.46.130 (c).

(e) *Uses* set forth in Section 26.12.020, except as modified in this chapter. (Ord. 86300 § 17A.2 added by Ord. 94036 and amended by Ord. 100542 § 1(part); December 23, 1971).

26.35.030 Principal uses permitted when one hundred feet from R zone. *Uses* permitted when all *principal buildings* are located one hundred feet or more from any *lot* in an *R zone.*

Automobile laundry. (Ord. 86300 § 17A.22 added by Ord. 94036 and amended by Ord. 100542 § 1(part); December 23, 1971).

26.35.040 Principal uses permitted in enclosed building when within fifty feet of lot in R zone.

Uses permitted provided however that they shall be in a *completely enclosed building* or completely enclosed portion of a *building* when within fifty feet of any *lot* in an *R zone.*

(a) *Automobile repair, major* but not including *auto wrecking yards.*

(b) Freight terminal for motor trucks.

(c) *Truck and truck trailer and house trailer display, rental and sales establishment.*

(d) Any of the manufacturing *uses* named in Section 26.38.030 (a), (b), (c), (d) and (e); provided that such *use* shall not occupy any *street level floor space.*

(e) Manufacture and repair of electric or neon signs, *advertising signs.*

(f) Cabinet shop, not including millwork, plumbing or heating shop, sheet metal shop.

(g) Laundry, dry cleaning, dyeing or rug cleaning plants.

(h) Wholesale bakery.

(i) Sorting and baling of new and used salvage materials, not including a *junk yard.*

(j) Commercial vehicle storage. (Ord. 86300 § 17A.23, added by Ord. 94036 and amended by Ord. 100542 § 1(part); December 23, 1971).

26.35.045 Principal uses permitted—Apartment houses. Apartment *houses,* subject to the following conditions:

(a) At least four months prior to the issuance of a building permit the applicant shall attend a conference with representatives of the building and community development departments to consider building code and zoning ordinance requirements and the impact of the proposed *apartment house* upon the *zone* and vicinity, particularly:

1. The extent to which it furthers the goals and objectives of the comprehensive plan of Seattle for the central business district (CBD),

2. Its relationship to various existing and future means of transportation feeding to and from the CBD,

3. Whether pedestrian movement to and from the proposed *building* and along adjacent *streets* can be improved,

4. Whether adequate provision has been made for public amenities such as ground level *open space,* and for private amenities to residents,

5. Whether adequate provision has been made for services to the public and to residents,

6. How the proposed *apartment house* will relate to other prospective or imminent public and private improvements in the *zone* and vicinity,

7. Whether adequate provision has been made for light and air and whether the protection and enhancement of views have been considered,

8. *Arcades* or setbacks from the street property line, which may be required along certain amenity streets when designated in the comprehensive plan, or by *council* resolutions;

(b) Final plans shall be submitted to the director of the department of community development by the superintendent for final design review and advisory report to the applicant at least ten days before a building permit is issued;

(c) An advisory report on the proposed *building* shall be made to the *commission* by the director of the department of community development after but not more than ten days following issuance of the building permit;

(d) No building permit for an *apartment house* shall be issued under this section unless the application is filed on or before December 31, 1974. The *commission* shall review the *buildings* planned or constructed under this provision ninety days prior to said date, and shall make a recommendation to the *council* whether these provisions should be continued. (Ord. 86300 § 17A.24 added by Ord. 100542 § 1 (part); December 23, 1971).

26.35.050 Principal conditional uses—Authorized by board. The following *uses* permitted when authorized by the *board* in accordance with Chapter 26.50.

(a) *Principal conditional uses* which the *board* may authorize in a *less intensive zone* unless modified in this chapter. (Ord. 86300 § 17A.3, added by Ord. 94036; July 14, 1965).

26.35.060 Accessory uses permitted outright. *Accessory uses* customarily incidental to a *principal use* permitted outright except of a type prohibited in Section 26.35.110. (Ord. 86300 § 17A.4, added by Ord. 94036; July 14, 1965).

26.35.070 Accessory conditional uses—Authorized by board. The following *uses* permitted when authorized by the *board* in accordance with Chapter 26.50.

(a) *Accessory uses* customarily incidental to *principal conditional uses* specified in Section 26.35.050 except as modified in this chapter.

(b) Any *principal use* permitted outright in Chapter 26.38, but only when necessary as an appurtenant *accessory use* to a *principal use* permitted in this chapter. (Ord. 86300 § 17A.5; added by Ord. 94036; July 14, 1965).

26.35.080 Bulk requirements—Height of buildings and lot coverage.

(a) The *gross floor area* of any nonresidential *structure,* not including the floor area used for parking, shall not exceed ten times the *lot area* except as modified in Sections 26.44.020 and 26.44.030. However, for the purpose of computing the *gross floor area* ratio, adjacent properties under common ownership, or linked for this purpose by appropriate legal agreements and deed restrictions, may be considered together so that one *structure* may exceed ten to one ratio provided the other property or properties fall sufficiently short of this ratio that their combined *bulk* does not exceed ten times the area of all the *lots* taken together.

(b) The *gross floor area* of any residential *structure* or of any structure combining both residential and nonresidential *uses,* excluding the *floor area* used for accessory parking and for heating, ventilating, air conditioning or other mechanical equipment, shall not exceed ten times the *lot area,* provided the ratio may be increased to a maximum of thirteen times the *lot area,* as follows:

1. For each square foot of *landscaped plaza* provided on a *lot,* the *gross floor area* may be increased by ten square feet,

2. For each square foot of *arcade* provided on a *lot,* the gross floor area may be increased by six square feet,

3. For each square foot of *landscaped voluntary building setback area* provided on a *lot,* the *gross floor area* may be increased by six square feet. Where an *arcade* bonus is taken a landscaped *voluntary building setback area* bonus cannot be taken for the area above the *arcade,*

4. For each square foot of roof or deck garden provided on a *lot,* the *gross floor area* may be increased by six square feet.

In no case shall the *gross floor area* of nonresidential *uses* in a *structure* containing both residential and nonresidential *uses* exceed ten times the *lot area.* This subsection (b) shall be null and void on December 31, 1974 unless continued by ordinance as provided in Section 26.35.045(d). (Ord. 86300 § 17A.61 added by Ord. 94036 and amended by Ord. 97394 and Ord. 100542 § 2 (part); December 23, 1971).

26.35.090 Bulk regulations—Lot area.

(a) No minimum *lot area* requirements for nonresidential *buildings.*

(b) *Lot area* requirements for a *residential building* or *residential parts* shall be as provided in Section 26.25.090. (Ord. 86300 § 17A.62 added by Ord. 94036 and amended by Ord. 97394 and Ord. 100542 § 2(part); December 23, 1971).

26.35.100 Bulk regulations—Required yards.

(a) Each *lot* shall have *side and rear yards* of not less than the depths and widths as follows, except as modified in Section 26.44.135.

Front Yard: None required.

Side Yards: None required for nonresidential *buildings. Side yards* for

residential buildings or *residential parts* shall be as provided in Section 26.25.100.

Rear Yard: None required for nonresidential *buildings*. *Rear yards* for *residential buildings* or *residential parts* shall be as provided in Section 26.25.100. (Ord. 86300 § 17A.63 added by Ord. 94036, and amended by Ord. 97394 and Ord. 100542 § 2(part); December 23, 1971).

26.35.110 Prohibited uses.

(a) Any *use* other than a permitted CM *use* which is permitted only in a *more intensive zone*.

(b) *Riding academies*.

(c) *Private stables*.

(d) Maintenance of domestic fowl. (Ord. 86300 § 17A.7, added by Ord. 94036; July 14, 1965).

Chapter 26.36
CG
GENERAL COMMERCIAL ZONE*

Sections:

*Italicized words are defined in Chapter 26.06.

26.36.010 Required conditions. All *uses* permitted in this chapter shall be subject to the following conditions:

(a) Machines employed in permitted fabrication or manufacturing establishments and automobile *repair garages* shall be limited to a total of one hundred horsepower.

(b) *Advertising signs* shall be located fifty feet or more from any *lot* in an *R zone* and one hundred feet or more from any public school grounds or park. Except *advertising signs* and transient amusement enterprises, any outdoor *principal* or *accessory use* which abuts upon or faces across a *street, alley* or *place,* any *lot* in an R *zone,* shall provide *screening* six feet in height. Such *screening* shall be maintained in good condition.

(c) Processes and equipment employed and goods stored, processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter, or water-carried waste.

(d) Other required conditions specified in this chapter, and Section 26.48.060(a). (Ord. 86300 § 18.1; June 24, 1957).

26.36.020 Principal uses permitted outright. The following *uses*:

(a) CMT *principal uses* permitted outright as specified and regulated in Chapter 26.35, unless modified in this chapter.

(b) *Trailer park,* provided that any portion thereof not permanently maintained in landscaped condition shall be graded, drained, and surfaced as required in Section 26.46.130(c).

(c) Uncovered and covered moorage for commercial boats.

(d) *Uses* set forth in Section 26.12.020, except as modified in this chapter. (Ord. 86300 § 18.21 as amended by Ord. 94036 and Ord. 100890 § 7(part); April 14, 1972).

26.36.030 Principal uses permitted in enclosed building when within fifty feet of lot in R zone. *Uses* permitted provided, however, that they shall be in a *completely enclosed building,* or completely enclosed portion of *building* when within fifty feet of any *lot* in an *R zone.*

(a) Any of the commercial and manufacturing *uses* named in Section 26.38.030. (Ord. 86300 § 18.22 as amended by Ord. 94036 and Ord. 100890 § 7(part); April 14, 1972).

26.36.040 Principal uses permitted when fifty feet from lot in R zone and screened. *Uses* permitted when fifty feet or more from any *lot* in an *R zone* and with required screening except between two similar *uses*:

(a) Storage or salesyard for: building material, contractor's equipment, delivery vehicles, retail lumber, feed and/or fuel, provided that dust is effectively controlled.

(b) Utility service yards.

(c) Storage of used machinery in operable condition.

(d) Storage of stone and concrete products for cemetery purposes.

(e) *Recycling center,* subject to the following provisions:

(1) Processing of materials shall be limited to the hours between seven a.m. and six p.m.;

(2) A six foot high view-obscuring fence or wall shall be erected and maintained on all sides which abut or face across a *street* or *alley* or any *lot* in any zone other than a *M* or *I zone.* Such fence or wall shall be set back five feet or more from any lot in an *R zone* and the required setback area shall be *landscaped* with trees or hardy shrubs maintained in good condition. (Ord. 86300 § 18.23 as amended by Ord. 94036 and Ord. 100890 § 7(part); April 14, 1972).

26.36.050 Principal uses permitted when one hundred feet from lot in R zone. *Uses* permitted when one hundred feet or more from any *lot* in an *R zone*:

(a) Any of the M *uses* named in Section 26.38.040.

(b) Animal hospital.

(c) *Commercial kennel,* including pens and exercise runways.

(d) Building of boats up to forty-eight feet overall length at the waterline, including sales, service and repair.

(e) *Bulk station,* provided that all storage tanks are underground.

(f) Creamery or bottling plant.

(g) Acetylene manufacture, under fifteen pounds per square inch pressure. (Ord. 86300 § 18.24 as amended by Ord. 94036 and Ord. 100890 § 7(part); April 14, 1972).

26.36.060 Principal uses permitted when one hundred feet from lot in R zone and with dust control. *Uses* permitted when one hundred feet or more from any *lot in an R zone* and with adequate dust control:

(a) Bag cleaning and/or conditioning.

(b) Felt manufacturing.

(c) Sand blasting or cutting. (Ord. 86300 § 18.25, as amended by Ord. 94036 and Ord. 100890 § 7(part); April 14, 1972).

26.36.070 Principal uses permitted when two hundred feet from lot in R zone. *Uses* permitted when two hundred feet or more from any *lot* in an *R zone*:

(a) Freight terminal for motor trucks. (Ord. 86300 § 18.26, as amended by Ord. 94036 and Ord. 100890 § 7(part); April 14, 1972).

26.36.080 Principal uses permitted when three hundred feet from lot in R zone. *Uses* permitted when three hundred feet or more from any *lot* in an *R zone*: Baseball or football stadium or drive-in theater and other open air amusement enterprises. (Ord. 86300 § 18.27, as amended by Ord. 94036 and Ord. 100890 § 7(part); April 14, 1972).

26.36.085 Principal conditional uses—Dwelling units. *Dwelling units* except those located on *lots* within eighteen hundred feet of a CM or CMT *Zone* and houseboats not including the replacement of individual houseboat units. when authorized by the *council* in accordance with Chapter 26.54, subject to the following additional conditions:

(a) When nearby or associated uses and other conditions in the immediate environs are not of the type to create a nuisance or adversely affect the desirability of the area for living purposes.

(b) When residential development will not usurp land which is needed for and better suited to commercial usage by virtue of special attributes such as railroad access and proximity of established commercial development.

(c) When structural bulk incident to residential use will not adversely affect surrounding development; provided that in no event may RM 800 *Zone* bulk regulations be exceeded. (Ord. 86300 § 18.31 as added by Ord. 98839 § 11 (part); April 30, 1970).

26.36.090 Principal conditional uses—Authorized by board. The following *uses* permitted when authorized by the *board* in accordance with Chapter 26.50:

(a) *Principal conditional uses* which the *board* may authorize in a *less intensive zone* unless modified in this chapter.

(b) Circus, rodeo, or similar amusement enterprise when two hundred feet or more from any *lot* in an *R zone,* except that such enterprise as a temporary use of less than one weeks duration may be authorized by the *superintendent* and as a temporary *use* of not more than six months duration as provided in Section 26.50.050(b) subject, however, to location as herein provided. (Ord. 86300 § 18.32 as amended by Ord. 92492 and Ord. 98839 § 1 (part); April 30, 1970).

26.36.100 Accessory uses permitted outright. The following *uses*:

(a) *Accessory uses* customarily incidental to a *principal use* permitted outright in this chapter, except of a type prohibited in Section 26.36.160.

(b) Concrete mixing subject to the following conditions:

(1) Mixing drum shall be one-half cubic yard or less in capacity.

(2) Power source shall be electrical.

(3) Mixing machinery and equipment shall be located one hundred feet or more from any *lot* in an *R zone.* (Ord. 86300 § 18.41, as amended by Ord. 94034; July 14, 1965).

26.36.110 Accessory conditional uses—Authorized by board. The following *uses* permitted when authorized by the *board* in accordance with Chapter 26.50:

(a) *Accessory uses* customarily incidental to principal *condi-*

tional uses specified in Section 26.36.090 except as modified in this chapter.

(b) Any *principal use* permitted outright in Chapter 26.38, but only when necessary as an appurtenant *accessory use* to a *principal use* permitted in this chapter. (Ord. 86300 § 18.52; June 24, 1957).

26.36.120 Bulk regulations—Height of buildings. No *building* shall exceed the height of sixty feet, except as modified in Section 26.44.030, and except for *structures* located on *lots* within eighteen hundred feet of a CM or CMT *Zone,* the *gross floor area* of which, excluding floor area for accessory parking, shall not exceed four times the *lot area;* provided, that when such *structures* occupy less than one hundred percent of the *lot,* the floor area ratio may be increased proportionately as follows:

Percent of *Lot Coverage*	Maximum Floor Area Ratio
99 to 90%	4.0 to 4.2
90 to 80	4.2 to 4.4
80 to 70	4.4 to 4.7
70 to 60	4.7 to 5.0
60 to 50	5.0 to 5.5
50 to 40	5.5 to 6.0
40 to 30	6.0 to 6.5
30 or less	6.5

(Ord. 86300 § 18.61 as amended by Ord. 87225 and Ord. 98698 § 1 (part); March 11, 1970).

26.36.130 Bulk regulations—Lot area.

(a) No minimum *lot area* requirement for *nonresidential buildings.*

(b) *Lot area* requirements for a *residential building* or *residential parts* shall be as provided in Section 26.24.110. (Ord. 86300 § 18.62 as amended by Ord. 87225 and Ord. 98698 § 1 (part); March 11, 1970).

26.36.140 Bulk regulations—Required yards. (a) Each *lot* shall have *front, side* and *rear yards* of not less than the depths and widths as follows, except as modified in Sections 26.44.060 through 26.44.135:

Front yard: None required except as specified in Section 26.48.060.

Side yards: None required for *nonresidential buildings. Side yards* for *residential buildings* or *residential parts* shall be as provided in Section 26.25.100.

Rear yard: None required for *nonresidential buildings. Rear yards* for *residential buildings* or *residential parts* shall be as provided in Section 26.25.200. (Ord. 86300 § 18.63, as amended by Ord. 87225 and Ord. 98698 § 1 (part); March 11, 1970).

26.36.150 Bulk regulations—Lot coverage.

(a) No *lot coverage* limitations for *nonresidential buildings.*

(b) *Residential buildings* or *residential parts* shall not occupy more than forty percent of the *lot* except as modified in Sections 26.44.140 and 26.44.150. (Ord. 86300 § 18.64 as amended by Ord. 87225 and Ord. 98698 § 1 (part); March 11, 1970).

26.36.160 Prohibited uses. (a) Any *use* other than a permitted CG *use,* which is permitted in a *more intensive zone.* (Ord. 86300 § 18.7; June 24, 1957).

Chapter 26.38

M

MANUFACTURING ZONE*

Sections:

*Italicized words are defined in Chapter 26.06.

26.38.010 Required conditions. All *Uses* permitted in this *Zone* shall be subjected to the following conditions:

(a) Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste.

(b) Other conditions specified in this chapter. (Ord. 86300 § 19.11; June 24, 1957).

26.38.020 Principal uses permitted outright. The following uses:

(a) CG *uses* permitted outright as specified and regulated in Chapter 26.36, unless modified in this chapter. (Ord. 86300 § 19.21 as amended by Ord. 92492, Ord. 94383 and Ord. 98426 § 9 (part); Dec. 3, 1969).

26.38.030 Principal uses permitted in enclosed building when within fifty feet of lot in R zone. *Uses* permitted provided however that they shall be in a *completely enclosed building* or completely enclosed portion of *building* when within fifty feet of any *lot* in an *R zone*.

(a) Manufacture, compounding, processing, packaging, or treatment of such products as bakery goods, candy, cosmetics, paints, oils, pharmaceuticals, toiletries and food products, except food products permitted in Sections 26.38.040, 26.38.050 or 26.38.060 or prohibited in Section 26.38.140.

(b) Manufacture of articles or merchandise from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, sheet metal (excluding stampings of metal heavier than fourteen gauge), shell, textiles, tobacco, wax, wire, wood and yarns.

(c) Manufacture of pottery and figurines or other similar ceramic products from previously pulverized clay, kilns to be fired by electricity or gas; casting of concrete products for cemetery purposes.

(d) Manufacture of musical instruments, toys, novelties, rubber or metal stamps, or other small moulded rubber products.

(e) Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs. (Ord. 86300 § 19.22 as amended by Ord. 92492, Ord. 94383 and Ord. 98426 § 9 (part); Dec. 3, 1969.

26.38.040 Principal uses permitted when one hundred feet from lot in R zone. *Uses* permitted when one hundred feet or more from any *lot* in an *R Zone*:

(a) Machine shop, welding or other metal working shop, blacksmith shop, excluding punch presses over twenty tons, and noise-producing tools.

(b) Electroplating.

(c) Foundry casting light weight non-ferrous metals or unobnoxious electric foundry.

(d) Cold storage plant.

(e) Enameling processes utilizing filtered sprays and electricity, oil, natural or manufactured gas as fuel.

(f) Rendering of edible fats in closed vessels under steam. (Ord. 86300 § 19.23 as amended by Ord. 92492, Ord. 94383 and Ord. 98426 § 9 (part); Dec. 3, 1969.

26.38.050 Principal uses permitted when two hundred feet from lot in R zone. *Uses* permitted when two hundred feet or more from any *lot* in an *R zone*:

Acetylene manufacturing in excess of fifteen pounds pressure per square inch.

Assaying gold and silver.

Automobile assembly.

Babbit metal manufacturing.

Bag cleaning.

Battery manufacture.

Bleaching and dyeing plant.

Boat building and repair for craft up to one hundred ten feet in length.

Bronze powder manufacturing.

Bulk station.

Coal, coke or wood yard.

Concrete mixing, concrete products manufacturing.

Cooperage works.

Crematory.

Felt manufacturing.

Grain elevator.

Heliports, subject to the following provisions:

(1) Open areas and landing pads shall be hard surfaced.

(2) Landing pads shall be enclosed by a solid wall or chain link or

similar fence not less than three feet high and so located as not to obstruct the glide angle of aircraft using the landing pads.

(3) At least two approach lanes to each landing pad shall be provided and maintained free of obstruction and shall be located not less than ninety degrees apart. Such approach lanes shall be located within forty-five degrees left or right of the prevailing winds and shall fan out at an angle of ten degrees from the width of the landing pad to a width of one thousand feet, and shall have a glide angle slope of eight to one.

Ice manufacturing plant.

Manufacture of excelsior, wood fiber or sawdust products not involving chemical treatment.

Poultry slaughterhouse including packing and freezing.

Railroad freight terminal.

Refuse transfer station, subject to the following provisions:

(1) Adequate control measures for insects, rodents and odors shall be maintained continually.

(2) Operations shall be limited to hours between six a.m. and eight p.m.

(3) All transfer operations shall take place within a *building*.

(4) All trailers and trucks, when containing garbage, shall be completely closed and shall be stored or parked no closer than two hundred feet to any *lot* in an R *zone*.

(5) A view-obscuring eight foot high fence or wall shall be erected and maintained on all sides which abut upon or face across a *street* or *alley* any *lot* in other than a M or I *zone*. Such fence or wall shall be located twenty feet or more from any *lot line*. Areas between fencing and *lot lines* shall be landscaped with trees and with grass, hardy shrubs or evergreen ground cover and shall be maintained in good condition.

Sand blasting or cutting.

Stonecutting yard or monument works.

Waterfront freight terminal.

Wire or rod drawing—nut, screw, or bolt manufacturing. (Ord. 86300 § 19.24 as amended by Ord. 92492, Ord. 94383 and Ord. 98426 § 9 (part); Dec. 3, 1969).

26.38.060 Principal uses permitted when three hundred feet from lot in R zone. *Uses* permitted when three hundred feet or more from *lot* in an R *zone*:

(a) Shipbuilding and repair.

(b) Planing mill, sawmill, shingle mill or plywood manufacture.

(c) Pickle and sauerkraut manufacture.

(d) Mushroom plant and cannery.

(e) Feed and cereal mill.

(f) Steam manufacture. (Ord. 86300 § 19.25 as amended by Ord. 92492, Ord. 94383 and Ord. 98426 § 9 (part); Dec. 3, 1969).

26.38.070 Principal uses permitted when five hundred feet from lot in R zone. *Uses* permitted when five hundred feet from any *lot* in an *R zone*:

Auto wrecking yard or *junk yard* when completely enclosed by a view-obscuring fence at least eight feet in height. (Ord. 86300 § 19.26 as amended by Ord. 92492, Ord. 94383 and Ord. 98426 § 9 (part); Dec. 3, 1969).

26.38.080 Principal conditional uses—Authorized by Board. The following *Uses* permitted when authorized by the *Board* in accordance with Chapter 26.50:

(a) *Principal Conditional Uses* which the *Board* may authorize in a *Less Intensive Zone* unless modified in this chapter. (Ord. 86300 § 19.32 as amended by Ord. 91700; December 18, 1962).

26.38.090 Accessory uses permitted outright. *Accessory Uses* customarily incidental to a *Principal Use* permitted outright in this chapter, except of a type prohibited in Section 26.38.140. (Ord. 86300 § 19.41; June 24, 1957).

26.38.100 Accessory conditional uses—Authorized by Board. The following *Uses* permitted when authorized by the *Board* in accordance with Chapter 26.50:

(a) *Accessory Uses* customarily incidental to the *Principal Conditional Uses* specified in Section 26.38.080 except as modified in this chapter.

(b) Any *Principal Use* permitted outright in Chapter 26.40, but only when necessary as an appurtenant *Accessory Use* to a *Principal Use* permitted in this chapter. (Ord. 86300 § 19.52; June 24, 1957).

26.38.110 Bulk regulations—Height of buildings and lot coverage.

(a) The *Gross Floor Area* of any non-residential *Structure,* not including floor area used for parking, shall not exceed two and one-half (2½) times the area of the *Lot,* except as modified in Sections 26.44.020 and 26.44.030.

(b) The height and *Lot Coverage* for permitted *Residential Structures* shall be as provided in Sections 26.25.080 and 26.25.110. (Ord. 86300 § 19.61 as amended by Ord. 87225; June 10, 1958).

26.38.120 Bulk regulations—Lot area.

(a) No minimum *Lot Area* requirements for non-residential *Buildings.*

(b) *Lot Area* requirements for a *Residential Building* or *Residential Parts* shall be as provided in Section 26.25.090 (Ord. 86300 § 19.62 as amended by Ord. 87225; June 10, 1958).

26.38.130 Bulk regulations—Required yards. (a) Each *Lot* shall have

yards of not less than the depths and widths as follows, except as modified in Sections 26.44.060 through 26.44.130:

Front Yard: None required except as specified in Section 26.48.060.

Side Yards: None required for non-residential *Buildings*. *Side Yards* for *Residential Buildings* or *Residential Parts* shall be as provided in Section 26.25.100.

Rear Yard: None required for non-residential *Buildings*. *Rear Yards* for *Residential Buildings* and *Residential Parts* shall be as provided in Section 26.25.100. (Ord. 86300 § 19.63 as amended by Ord. 87225; June 10, 1958).

26.38.140 Prohibited uses.

(a) Any *Use,* other than a permitted M *Use,* which is permitted in a *More Intensive Zone.*

(b) *Dwelling Units* not in existence on the premises at the effective date of this Title except for watchman or caretaker's quarters. (Ord. 86300 § 19.7; June 24, 1957).

Chapter 26.40

IG

GENERAL INDUSTRIAL ZONE*

Sections:

26.40.010 Required conditions. (a) All *Uses* permitted in this chapter except those permitted in the M *Zone* shall be three hundred feet or more from any *Lot* in an R *Zone.* (Ord. 86300 § 20.1; June 24, 1957).

26.40.020 Principal uses permitted outright. The following *uses*:

(a) M *uses* permitted outright as specified and regulated in Chapter 26.38, unless modified in this chapter.

(b) Acid manufacture except those specified in Chapter 26.42.

Airplane hangar.

*Italicized words are defined in Chapter 26.06.

Airplane manufacture.
Ammonia, chlorine or bleaching powder manufacture.
Asbestos manufacture.
Asphalt manufacture or refining.
Assaying.
Boiler works.
Brewery, distillery, or winery.
Brick, tile or terra cotta manufacture.
Candle manufacture.
Carbon manufacture.
Celluloid or similar cellulose material manufacture.
Charcoal manufacturing or pulverizing.
Chemicals manufacture except those specified in Chapter 26.42.
Coke ovens.
Cupola or metal reduction furnace for aluminum, gold, silver and platinum.
Disinfectants manufacture.
Dog and cat pound.
Dyestuff manufacture.
Electricity production.
Emery cloth or sandpaper manufacture.
Enameling.
Exterminators or insect poisons manufacture.
Fertilizer manufacture by cold compounding of nonodorous materials.
Flour or grain mill.
Foundry, provided that *gross floor area* of all *buildings* does not exceed twenty-five thousand square feet in area.
Gas (illuminating or heating) manufacture or storage.
Glass or glass products manufacture.
Glucose manufacture.
Grain drying or feed manufacture.
Japanning.
Kelp reduction and the extraction of its by-products.
Lampblack manufacture.
Lime manufacturing from fossils or shells.
Lubricating grease manufacturing or oil compounding.
Machinery manufacture.
Machine shops.
Match manufacture.
Meat packing.
Metal fabrication including extrusion and cold rolling.
Motels, subject to the following conditions:
(1) The use shall abut upon a major arterial as designated in the comprehensive plan of Seattle;
(2) Motels shall be subject to all bulk provisions of this chapter ex-

cept that the minimum lot area shall be twenty thousand square feet and the minimum lot area per unit shall be eight hundred square feet;

(3) Screening six feet in height shall be provided along all property lines except the principal frontage and driveways;

(4) Offstreet parking shall be provided as required in Sections 26.44.040 through 26.44.060;

(5) The use shall be part of an industrial park which is owned or controlled by one developer and which is planned and advertised as such, with streets, utility easements, and restrictive covenants usual to industrial park development (i.e., setbacks, building lines, offstreet parking, types of industries, types of construction, landscaping), and having utilities, such as water, sewer and power installed or planned.

Nitrating processes.

Oilcloth or linoleum manufacture.

Oxygen manufacture.

Paint, oil, shellac, varnish or turpentine manufacture.

Paper manufacture, not including pulp.

Perfume manufacture.

Petroleum storage and refining by the continuous process or other processes not using acid or emitting offensive odors.

Plaster or wallboard manufacture.

Poison manufacture.

Printing ink manufacture.

Railroad yard or roundhouse.

Reducing or refining aluminum, copper, tin or zinc.

Refuse transfer station, subject to the following provisions:

(1) Adequate control measures for insects, rodents and odors shall be maintained continually.

(2) All trailers and trucks, when containing garbage, shall be completely closed and shall be stored or parked no closer than two hundred feet to any *lot* in an *R zone*.

(3) A view-obscuring eight foot high fence or wall shall be erected and maintained on all sides which abut upon or face across a *street* or *alley* any *lot* in other than M or I *zone*. Such fence or wall shall be located twenty feet or more from any *lot line*. Areas between fencing and *lot lines* shall be landscaped with trees and with grass, hardy shrubs or evergreen ground cover and shall be maintained in good condition.

(4) Adequate surfaced offstreet areas shall be provided on the site for all trucks and trailers, and for the number of passenger cars determined by the City Engineer.

Rock or stone crusher mill.

Rope manufacture.

Rubber or caoutchouc manufacture from crude materials.

Salt works.

Shoddy manufacture.
Shoeblacking manufacture.
Soap manufacture.
Soda and compound manufacture.
Sperm oil manufacture.
Starch, glucose and dextrine manufacture.
Stoneware or earthenware manufacturing.
Stove polish manufacture.
Sugar refining.
Tar roofing or tar waterproofing manufacture or similar products of chemical composition.
Textile mills.
Tobacco (chewing) manufacture.
Vegetable oil or other oil manufacture, refining or storage.
Vinegar manufacture.
Yeast, production of.
(Ord. 86300 § 20.21 as amended by Ord. 91183, Ord. 94383, Ord. 98426 and Ord. 101267 § 1; August 4, 1972).

26.40.030 Principal conditional uses—Authorized by board. The following *uses* permitted when authorized by the *board* in accordance with Chapter 26.50:

(a) *Principal conditional uses* which the *board* may authorize in a less intensive *zone* unless modified in this chapter. (Ord. 86300 § 20.3 added by Ord. 101985 § 2; March 30, 1973).

26.40.040 Accessory uses permitted outright. *Accessory Uses* customarily incidental to a permitted *Principal Use* except *Uses* prohibited in Section 26.40.090. (Ord. 86300 § 20.41; June 24, 1957).

26.40.050 Accessory conditional uses—Authorized by board. The following *Accessory Conditional Uses* permitted when authorized by the *Board* in accordance with Chapter 26.50:

(a) *Accessory Uses* customarily incidental to *Principal Conditional Uses* specified in Section 26.40.030 except as modified in this chapter.

(b) Any *Principal Use* permitted outright in Chapter 26.42 but only when necessary as an appurtenant *Accessory Use* to a permitted *Principal Use* in this chapter. (Ord. 86300 § 20.5; June 24, 1957).

26.40.060 Bulk regulations—Height of buildings and lot coverage.

(a) The *Gross Floor Area* of any *Structure* not including floor area used for parking, shall not exceed two and one-half times the area of the *Lot* except as modified in Sections 26.44.020 and 26.44.030.

(b) The height and *Lot Coverage* for existing permitted *Residen-*

tial Structures shall be as provided in Sections 26.26.080 and 26.26.110. (Ord. 86300 § 20.61 as amended by Ord. 87225; June 10, 1958).

26.40.070 Bulk regulations—Lot area.

(a) No minimum *Lot Area* requirements for non-residential *Buildings.*

(b) *Lot Area* requirements for an existing *Residential Building* or *Residential Parts* or existing *Hotels* shall be as provided in Section 26.26.090, and for existing *Motels* and *Trailer Parks* as provided in Section 26.24.050 (b) and (d). (Ord. 86300 § 20.62 as amended by Ord. 87225; June 10, 1958).

26.40.080 Bulk regulations—Required yards. (a) Each *Lot* shall have yards of not less than the following depths and widths, except as modified in Sections 26.44.060 through 26.44.130:

Front Yard: None required for non-residential *Buildings. Front Yard* for existing *Residential Buildings* or *Residential Parts* shall be ten feet.

Side Yards: None required for non-residential *Buildings. Side Yards* for *Residential Buildings* or *Residential Parts* shall be as provided in Section 26.26.100.

Rear Yard: None required for non-residential *Buildings. Rear Yards* for *Residential Buildings* and *Residential Parts* shall be as provided in Section 26.26.100. (Ord. 86300 § 20.63 as amended by Ord. 87225; June 10, 1958).

26.40.090 Prohibited uses.

(a) *Dwelling Units* not in existence on the premises at the effective date of this Title, except for watchman or caretaker's quarters.

(b) Schools, except *Trade Schools.*

(c) *Hospitals* and other institutions for human care.

(d) *Hotels* and *Trailer Parks.*

(e) Any *Use,* other than a permitted IG *Use,* which is permitted in the IH *Zone.* (Ord. 86300 § 20.7 as amended by Ord. 101267 § 2; August 4, 1972).

Chapter 26.42

IH

HEAVY INDUSTRIAL ZONE*

Sections:

*Italicized words are defined in Chapter 26.06.

26.42.010 Required conditions. (a) All *Uses* permitted in this chapter, except those permitted in IG *Zone,* shall be five hundred (500) feet or more from any *Lot* in an R *Zone.* (Ord. 86300 § 21.1; June 24, 1957).

26.42.020 Principal uses permitted outright. The following *Uses:*

(a) IG *Uses* permitted conditionally or outright as specified and regulated in Chapter 26.40, unless modified in this chapter.

(b) Animal black or bone black manufacture.

Blast furnace.

Cement or lime manufacture.

Chlorine manufacture.

Creosote manufacture or treatment.

Distillation of wood, coal or bones, or manufacture of their by-products.

Fertilizer manufacture.

Forge or foundry.

Glue, size or gelatin manufacture.

Hair factory.

Petroleum refining or storage.

Potash manufacture from kelp.

Rolling or blooming mill.

Tar distillation or manufacture.

Tannery.

Wool pulling or scouring. (Ord. 86300 § 21.21; June 24, 1957).

26.42.030 Principal conditional uses—Authorized by board. *Principal Conditional Uses* permitted when authorized by the *Board* after public hearing in accordance with the provisions of Chapter 26.50. The following *Uses:*

(a) Acid manufacture: hydrochloric, nitric, picric, sulphurous, or sulphuric acid .

(b) Explosives, storage as permitted by the Fire and Explosion Ordinance. (Title 8).

(c) Extraction of animal or fish fats and oils.

(d) Incineration or reduction of garbage, offal, dead animals, or refuse.

(e) Hog farm.

(f) Pulp manufacture.

(g) Rendering of fat, tallow or lard.

(h) Slaughter house.

(i) Smelting of ore.

(j) Stock yards.

(k) Yeast drying. (Ord. 86300 § § 21.3, 21.31, as amended by Ord. 91700; December 18, 1962).

26.42.040 Accessory uses permitted outright. The following *Uses:*

(a) *Accessory Uses* customarily incidental to a permitted *Principal Use* except *Uses* prohibited in Section 26.42.080. (Ord. 86300 § 21.41; June 24, 1957).

26.42.050 Bulk regulations—Height of buildings and lot coverage. The *Gross Floor Area* of any *Structure,* not including floor area used for parking, shall not exceed two and one-half times the area of the *Lot,* except as modified in Section 26.44.020 and 26.44.030. (Ord. 86300 § 21.51 as amended by Ord. 87225; June 10, 1958).

26.42.060 Bulk regulations—Lot area. No minimum *Lot Area* requirements. (Ord. 86300 § 21.52 as amended by Ord. 87225; June 10, 1958).

26.42.070 Bulk regulations—Required yards. None required. (Ord. 86300 § 21.53 as amended by Ord. 87225; June 10, 1958).

26.42.080 Prohibited uses:

(a) *Dwellings,* except for watchmen and caretaker quarters.

(b) Schools, except for *Trade Schools.*

(c) *Hospitals* and other institutions for human care.

(d) *Motels, Hotels* and *Trailer Parks.*

(e) Any *Use* prohibited by any other law or ordinance. (Ord. 86300 § 21.6; June 24, 1957).

Chapter 26.43

SPECIAL REVIEW DISTRICTS*

Sections:

*Italicized words are defined in Chapter 26.06.

26.43.010 General purpose of special review districts. (a) To conserve and enhance the appearance of the city of Seattle, which is unique by virtue of its natural marine and mountain setting and is topographic features; to preserve areas of historical note or architectural merit; to protect and enhance neighborhoods, major public centers, parks, boulevards, waterfront areas; to encourage beneficial economic development; to assist property owners and tenants in maintaining the character of commercial, industrial, manufacturing, warehousing and residential areas; to promote stability of land values and investments; to assist in the redevelopment of declining areas of the city where traditional zoning frequently is inadequate to accomplish such objective; to enhance areas adjacent to major arterials for the enjoyment of residents and tourists alike; to protect major vistas of public buildings, mountains, water and landscape; to promote the general welfare by safeguarding such areas for the future use and enjoyment of all our people; and to encourage community spirit, cooperation and participation, the *council* may from time to time, as warranted, establish special review districts by ordinance to provide an additional measure of land use and development incentives and control in such districts. (Ord. 86300 § 24.81 added by Ord. 102455 § 1; August 21, 1973).

26.43.020 Procedure to establish, alter or abolish special review districts. A petition or proposal to establish, alter or abolish a special review district shall be filed and considered in the same manner as provided in Chapter 26.52 for zoning map amendments. A petition or proposal to establish a special review district and an ordinance establishing a special review district shall include a statement of purpose. The boundaries of a special review district shall be indicated on the official zoning map of the city of Seattle. (Ord. 86300 § 24.82 added by Ord. 102455 § 2; August 21, 1973).

26.43.030 Development guidelines. (a) The *council* may include development guidelines in the ordinance which establishes a special review district. If development guidelines are not included, the special review board may consider and after at least one public hearing, recommend development guidelines for the special review district to the *commission,* which shall make further recommendations to the *council.* If the special review board fails to recommend development guidelines within ninety days after having been appointed and organized, the *director* shall prepare proposed development guidelines and recommend such guidelines to the *commission,* except where the ordinance establishing the special review district includes such development guidelines. The *council* shall consider proposed develop-

ment guidelines in the same manner as provided in Section 26.52.070 for zoning ordinance text amendments. Development guidelines shall be adopted by ordinance, and may thereafter be amended in the same manner as provided in Chapter 26.52 for zoning ordinance text amendments. The special review board may recommend amendments after a public hearing on the proposed amendments.

(b) The development guidelines shall identify the unique values of the district, shall include a statement of purpose and intent, and shall be consistent with the purposes of the special review district. The guidelines may identify uses, structures and design characteristics which either have a positive or negative effect upon said values and may specifically modify *bulk* and *use* regulations and other provisions of this title in order to allow and encourage or to limit or exclude such *structures,* designs, and uses. Unless specifically modified by the development guidelines, all provisions of this title shall apply in the special review district. If *uses, structures* or designs are limited, the development guidelines must specify the standards by which said uses, structures or designs will be evaluated. If provisions of this title are modified, the development guidelines shall specify the conditions upon which such modifications are allowed.

(c) Development guidelines shall be consistent with the purposes stated in establishing the special review district. Development guidelines shall not be construed to limit the use of any materials, forms or designs otherwise perimtted by law unless such limitations are expressly stated. (Ord. 86300 § 24.83 added by Ord. 102455 § 3; August 21, 1973).

26.43.040 Special review boards. (a) The ordinance establishing a special review district may or may not provide for a special review board. Where such special review board is provided, unless otherwise specified, the board shall consist of seven members, five of whom shall be chosen at annual elections called and conducted by the *director* for that purpose and at which all residents, persons who operate businesses, their employees, and property owners of the special review district shall be eligible to vote, and two of whom shall then be appointed by the mayor and approved by the *city council.* The *director* in calling the annual meeting shall provide twenty days' notice of the meeting in the manner provided for hearings on zoning map amendments by the hearing examiner in Section 26.52.050, and by publishing notice in all community newspapers which are circulated within the district. The mayor shall in making the appointments attempt to assure that the board represents a diversity of legitimate interests in the district. Initial terms for two of the elected and one of the appointed members shall be for one year, and initial terms for the remaining four persons shall be for two years. Thereafter, all terms shall be for two years. No person shall serve for more than two consecutive terms on a special review board. The *director* shall adopt rules and procedures to implement this section.

Each special review board shall elect its own chairman and adopt such

rules of procedure as shall be necessary in the conduct of its business. Staff assistance to each special review board shall be provided by the *director*. A majority of all members of the special review board shall constitute a quorum for the purpose of transacting business. All decisions shall be made by majority vote of those members present, and in case of a tie vote, the motion shall be lost. The special review board shall keep minutes of all of its official meetings, which shall be filed with the *director* together with a copy of the rules of the special review board.

(b) Each special review board shall develop and recommend development guidelines for the district as described in Section 26.43.030, if the *city council* has not included such guidelines in the ordinance establishing the special review district.

(c) The special review board may review all applications which are before the hearing examiner for a certificate of approval, and all petitions or applications for amendment of the official zoning map, *conditional use, special exception, variance* and planned unit development. The failure of said special review board to make a recommendation with respect to any such application or petition shall not affect the validity of any decision thereon.

(d) The special review board is also authorized to make such other and further recommendations and to initiate such proposals to the mayor, *council, commission* and other public and private agencies concerning land use and development in the special review district as it deems appropriate. (Ord. 86300 § 24.84 added by Ord. 102455 § 4; August 21, 1973).

26.43.050 Certificates of approval. (a) Unless specifically modified by the ordinance establishing a special review district, no person shall alter, demolish, construct, reconstruct, restore, remodel any existing *structure* in the special review district where a city permit is required or change the *principal use* of any *building, structure,* or *lot,* and no permit for same shall be issued by the *superintendent,* except pursuant to a certificate of approval issued by the hearing examiner.

(b) The hearing examiner shall issue a certificate of approval only after a determination that the proposed work or changes are consistent with the development guidelines for the district. (Ord. 86300 § 24.85 added by Ord. 102455 § 5; August 21, 1973).

26.43.060 Approval of changes and development within the special review district. (a) The *superintendent* shall forward to the hearing examiner all applications for building, demolition, grading or *use* permits for which a certificate of approval is required. The hearing examiner shall in turn refer copies of the application to the *director* and to any special review board for the special review district for recommendations as to whether the proposed changes are consistent with the development guidelines of the special review district. The *director* and said special review board shall

make written recommendations together with the reasons therefor within thirty days. The hearing examiner may extend the period for recommendations once by thirty days with the consent of the applicant. The special review board and the *director* shall make recommendations only to encourage development and use consistent with the development guidelines and to prevent developments or uses which are inconsistent with the development guidelines of the special review district.

Within thirty days from the end of the time period for recommendations by the *board* and *director* or after receipt of such recommendations, whichever occurs first, the hearing examiner shall determine whether the proposed work or changes are consistent with the development guidelines for the special review district and shall issue findings and conclusions in the form prescribed in the *rules*. If the determination is in favor of the applicant, the hearing examiner shall issue a certificate of approval. The applicant shall be notified in writing of the decision of the hearing examiner, and the applicant, the *director,* or any party affected by the decision of the hearing examiner may file an appeal in writing with the board within fourteen days of the date the decision of the hearing examiner is mailed. The board shall consider and decide the appeal in the manner provided in Sections 26.54.080 through 26.54.120 for appeals from decisions of the hearing examiner, except that no public hearing shall be required. The decision of the board upon such appeal shall be final.

(b) The *commission* shall refer copies of petitions for amendments to the official zoning map and applications for planned unit development which affect property within the special review district to any special review board for its recommendation. The hearing examiner shall refer copies of applications for *conditional use, special exception,* and *variance* which affect property within the special review district to any special review board for its recommendation. The special review board shall submit any recommendations in writing prior to the hearing thereon or within thirty days. (Ord. 86300 § 24.86 added by Ord. 102455 § 6; August 21, 1973).

26.43.070 Nonconforming buildings and uses. *Existing buildings* and *uses* which do not conform to the development guidelines adopted for the special review district shall be subject to the provisions of Chapter 26.10 with respect to such development guidelines. (Ord. 86300 § 24.87 added by Ord. 102455 § 7; August 21, 1973).

26.43.080 Pioneer Square special review district. To ameliorate the adverse impact which the construction of the King County domed stadium is expected to have upon the cultural and ethnic values of the Pioneer Square area and the economic well-being of the industrial area south of the Pioneer Square historic district, and to avoid proliferation of vehicular parking and other automobile-oriented *uses* at the expense of viable pedes-

trian *uses* and *structures,* displacing people; to encourage a variety of housing types related to all income groups; to encourage the use of transportation modes other than the private automobile; to exercise a reasonable degree of control over site development and the location of offstreet parking and other automobile-oriented *uses* in said *area* and to achieve the purposes stated in Section 26.43.010, there is established the Pioneer Square special review district in the following described *areas:*

Beginning at the intersection of Occidental Avenue South and Railroad Way South, then south along Occidental Avenue South to South Connecticut Street, then west to the Alaskan Freeway, then north to Yesler Way, then east to Western Avenue, then north and northwest to Columbia Street, then northeast to the alley between 1st and 2nd Avenues, then southeast to Cherry Street, then northwest to the alley between 2nd and 3rd Avenues, then southeast to Yesler Way, then east to 4th Avenue South, then south to Dearborn Avenue, then west and to the north of the King County domed stadium site to the point of beginning.

the boundaries of which are illustrated on a map, designated Exhibit "C" hereby made a part of this chapter, and on the official zoning map Exhibit "A". All property within said Pioneer Square special review district shall be developed and used only in accordance with development guidelines established for said district in accordance with Section 26.43.030 and shall be subject to the following specific development guidelines:

(1) *Uses* which are by design or function automobile-oriented, including but not limited to motor *hotels, motels,* nonaccessory parking lots, automobile storage and sales, and drive-in businesses, shall be prohibited in that portion of the special review district lying north and west of a line described by the following streets: Railroad Way South, Occidental Avenue South, South King Street and 4th Avenue South;

(2) Nonaccessory parking lots in existence when the special review district was established shall comply with the provisions of this section and the development guidelines for the special review district within three years from the date the district was established or the development guidelines were adopted;

(3) The street level of *parking garages* or *structures* shall be devoted to *uses* permitted in the *zone* other than parking, and shall also be regulated as to ingress and egress and view-obscuring *screening* by the *director* with the advice of the special review board, subject to appeal to the board as provided in Section 26.43.060;

(4) Applications for changes in the exterior appearance of *existing structures* or for the construction of new *structures* in the Pioneer Square historical district established by Chapter 28.04 shall be considered only by

the Pioneer Square historic district preservation board and *director* as provided in said chapter.

The special review board shall be composed of five elected members and two appointed members selected in accordance with Section 26.43.040 and one non-voting member appointed by the international special review board if established from among its members, who shall serve at that board's pleasure. (Ord. 86300 § 24.91 added by Ord. 102455 § 8; August 21, 1973).

26.43.090 International special review district. To ameliorate the adverse impact which the location and operation of the King County domed stadium is expected to have upon the cultural, ethnic and commercial values of the international district, and to protect said *area* and its periphery from the proliferation of vehicular parking and other automobile-oriented *uses* at the expense of viable pedestrian *uses* and *structures,* displacing people; to encourage the use of transportation modes other than the private automobile; to exercise a reasonable degree of control over site development and the location of off-street parking and other automobile-oriented uses in said *areas* and to achieve the purposes stated in Section 26.43.010, there is established the international special review district in the following described area:

Beginning at the intersection of Airport Way and 4th Avenue South, then north to Yesler Way, then east to the Central Freeway, then southeast along the right-of-way of the Central Freeway and its ramps to South Jackson Street, then east to 12th Avenue South, then south to South Dearborn Street, then west to the Central Freeway, then south to South Charles Street, then west to Airport Way, then northwest to 4th Avenue South, the point of beginning.

the boundaries of which are illustrated on a map, designated Exihibit "D" hereby made a part of this chapter, and on the official zoning map Exhibit "A". All property within said international special review district shall be developed and used only in accordance with development guidelines established for said district in accordance with Section 26.43.030 shall be subject to the following specific development guidelines:

(1) *Uses* which are by design or function automobile-oriented, including but not limited to motor *hotels, motels,* nonaccessory parking lots, automobile storage and sales, and drive-in businesses, shall be prohibited in that portion of the special review district lying east of 5th Avenue South, north of South Lane Street and west of the Central Freeway;

(2) All of the uses listed in subsection (1) above, except motor *hotels* and *motels,* shall also be prohibited in that portion of the special review district which is bounded by 4th Avenue South, South Lane Street, the Central Freeway, and South Dearborn Street;

(3) Nonaccessory parking lots in existence when the special review district was established shall comply with the provisions of this section and the development guidelines for the special review district within three years

from the date the district was established or the development guidelines were adopted;

(4) The street level of *parking garages* or *structures* shall be devoted to uses permitted in the *zone* other than parking, and shall also be regulated as to ingress and egress and view-obscuring screening by the *director* with the advice of the special review board, subject to appeal to the board as provided in Section 26.43.060.

The five elected members of the special review board shall be composed of two members who are businessmen, property owners, or their employees, two members who are either residents, which shall include tenants, or persons with a recognized and demonstrated interest in the welfare of the international district community, and one member at large. One member of the Pioneer Square special review board shall serve as a non-voting member appointed by the Pioneer Square special review board to serve at that board's pleasure. (Ord. 86300 § 24.92 added by Ord. 102455 § 9; August 21, 1973).

Chapter 26.44

BULK REGULATION MODIFICATIONS*

Sections:

*Italicized words are defined in Chapter 26.06.

26.44.010 General (a) APPLICATION. *Bulk* regulations as provided in Chapters 26.12 through 26.44 inclusive shall be subject to the special requirements and exceptions set forth in this chapter and the Building Code. (Title 3.)

(b) STATE LEASE OF SUBMERGED LAND. Submerged land leased from the state of Washington shall not be used for the purpose of computing the floor area ratio, minimum *lot area* per *dwelling unit,* required *yards* or maximum *lot coverage* for *waterfront lots* on salt water in any *R zone* or for *waterfront lots* on fresh water in any *A, B, CG* or *M zone.* (Ord. 86300 § 22.1 as amended by Ord. 97998 and Ord. 98838 § 2 (part); April 30, 1970).

26.44.020 Height regulations around major airports. (a) For the purpose of this subsection, land in the vicinity of major airports is hereby divided into approach areas, transition areas and turning areas, all as designated and shown on the map entitled "airport height map," which map is marked Exhibit "B" and by this reference made a part of this title.

(b) No *Structure* shall be erected, altered or maintained, nor shall any tree be allowed to grow, in any area created by this subsection to a height in excess of the height limit herein established for such areas; provided, however, that this provision shall not prohibit the construction or the alteration of a *Building* to a height of thirty-five feet above the average finished *Grade* of the *Lot.* The datum plane for the measurement of the maximum permitted heights in approach areas shall be the elevation of the base lines indicated on the airport height map. The datum plane for the transition area and the turning area shall be the established elevation of the airport as indicated on the airport height map.

(c) The maximum height permitted except as provided in paragraph (b) of this section, and unless otherwise regulated by this title, is hereby established for the following areas:

(1) In approach areas—to the height of the inclined plane of approach areas, as shown on the airport height map.
(2) In transition areas—to the height of the inclined plane of the transition areas, as shown on the airport height map.
(3) In the turning area — one hundred fifty feet above the datum plane or sixty feet above the natural *Lot Grade* at the *Building Site,* whichever is greater, provided that a greater height may be authorized by the *Board* in the manner prescribed in Section 26.50.050.

(Ord. 86300 § 22.21, as amended by Ord. 89229, Ord. 96539, Ord. 98216 and Ord. 98838 § 2 (part); April 30, 1970).

26.44.030 Exceptions to height limits. The following type of *Structures* or structural parts shall not be subject to a height limitation except in airport areas as specified in Section 26.44.020:

(a) Tanks and bunkers, church spires, belfries, domes, monuments, water towers, fire and hose towers, observation towers, stadiums, transmission towers, chimneys, smoke stacks, flag poles, commercial radio towers, masts, aerials, bulkheads, water tanks, monitors, scenery lofts, cooling towers, grain elevators, gravel and cement tanks and bunkers, gas holders, drive-in theater projection screens; provided such *structures* or parts shall be fifty feet or more from any adjoining *lot line;* penthouses containing elevator or ventilating machinery or stair penthouses if located twenty feet or more from the *side lot line.*

(b) *Structures* for cultural, educational, recreational, governmental and/or similar public purposes when on a site of not less than thirty acres in public ownership(s).

(c) *Structures* for nonresidential uses permitted and located in the *BC zone,* subject to the following requirements and conditions:

(1) The distance between that portion of the *structure* which exceeds sixty feet and any *lot* in an *R zone* other than the RMH 350, RMV 200 and RMV 150 *zones,* measured horizontally, shall be at least three hundred feet.

(2) The distance between that portion of the *structure* which exceeds sixty feet and any *lot line* not a *street lot line,* measured horizontally, shall be at least twenty feet, provided where an *alley* abuts a *lot line* the distance shall be measured from the center line of the *alley.*

(3) No *advertising signs* shall be permitted more than sixty feet above *lot* grade. No *business sign* shall be permitted more than sixty feet above *lot* grade, except as a conditional use authorized by the *council* in accorddance with provisions of Chapter 26.54 and subject to the following additional conditions:

(a) Any such sign shall be stationary and any artificial light for an *illuminated* or *self-illuminated sign* shall be nonflashing and shall be constant in intensity and color when lighted.

(b) Any such sign shall be architecturally designed as an integral part of the *building* and the total area of the sign shall not occupy an unreasonable portion of the face of the *building* upon which it is located and in no case shall its area be more than five percent of said *building* face.

(c) No such sign shall extend above the eave or parapet of the *building.*

(4) The *gross floor area* of any such *structure,* not including the floor area used for parking, shall not exceed four times the *lot area,* provided the ratio may be increased to a maximum of seven and one-half times the *lot area,* as follows:

(a) For each square foot of *plaza* provided on the *lot,* the *gross floor area* may be increased by five square feet. A public pedestrian walkway system shall be considered the same as a *street* in determining the floor area bonus.

(b) For each square foot of *arcade* provided on the *lot,* the *gross floor area* may be increased by two square feet; provided, that if the *arcade* constitutes a segment of a public pedestrian walkway system, the *gross floor area* may be increased by three square feet.

(c) For each square foot of *voluntary building setback area* provided on the *lot,* the *gross floor area* may be increased by two square feet. Where an *arcade* bonus is taken, a *voluntary building setback area* bonus cannot also be taken for the area above the *arcade.*

(d) For each square foot of rooftop which is landscaped and accessible and usable by the public, the *gross floor area* may be increased by one-half square foot.

(e) For each square foot of covered vehicle parking provided on the *lot,* the *gross floor area* may be increased by twenty-five hundredths square foot, and for each square foot of covered vehicle parking provided within three hundred feet of the *lot,* the *gross floor area* may be increased by fifteen hundredths square foot. (Ord. 86300 § 22.22 as amended by Ord. 88229, Ord. 96539, Ord. 98216 and Ord. 98838 § 2 (part); April 30, 1970).

26.44.040 Lot area exceptions for certain lots. In the case of a *Corner Lot,* or a *Lot* a *Side Lot Line* of which abuts upon a *Street, Place,* or *Alley,* the width of the *Lot* may be increased by one-half the width of the abutting side *Street, Place,* or *Alley,* for the purpose of computing the number of *Dwelling Units* permitted in a *Duplex* or *Multiple Dwelling,* provided that no *Lot* width used in such computation shall exceed seventy-five feet and that no *Lot Area* used in such computation shall exceed by more than twenty-five percent the actual net area of such *Lot.* (Ord. 86300 § 22.31 as amended by Ord. 90722 and Ord. 98608 § 18 (part); Feb. 11, 1970).

26.44.050 Lot area exceptions for one or two lots of single ownership. (a) In any *Zone,* except an *M* or *I Zone,* a *Single Family Dwelling* may be established on a *Lot* which cannot satisfy the *Lot Area* requirements of the *Zone,* or on each of two such *Lots* when they have a Common *Side Lot Line,* provided that all other *Bulk* regulations shall apply and provided further that the owner of such *Lot* or *Lots* does not own any adjoining vacant property, and that the ownership of such *Lot* or *Lots* was of public record or under bona fide contract of purchase prior to the effective date of this title. Said exception shall not apply to three or more such *Lots* which are contiguous, vacant *Lots* fronting on the same *Street* and are held under the same ownership on or after the effective date of this title.

(b) In RD, RM 1600, RM 800, RMH 350, *B or C Zone,* a *Duplex Dwelling* may be established on a *Lot* having less than the required *Lot Area,* provided that *Yard* and *Lot Coverage* regulations shall apply and provided further that the owner of such *Lot* does not own any adjoining vacant property and that such *Lot* was of public record or under bona fide contract of purchase prior to the effective date of the ordinance codified herein. (Ord. 86300 § 22.32 as amended by Ord. 90722, Ord. 98608 § 18 (part); Feb. 11, 1970).

26.44.060 Yard—Exceptions permitting accessory buildings in certain required yards in R zones. (a) A one *Story Garage, Carport* or other permitted *Accessory Building* not over twelve feet in height and not over one thousand square feet in area may be erected in a *Rear Yard,* provided however, that said *Accessory Building* shall be five feet or more from the *Principal Building* and shall be twelve feet or more from the center line of an *Alley* where the *Alley* entrance to said *Garage* or *Carport* is facing the *Alley.* In the case of a *Through Lot,* such *Building* shall be located no nearer to either *Street Lot Line* than the depth of the required *Front Yard* on either *Street.* In the case of a *Reversed Corner Lot,* such *Building,* if in the required *Rear Yard* of such *Lot,* shall be located no closer to the *Side Street Lot Line* than the required *Front Yard* of the adjoining *Key Lot. Accessory Buildings* exceeding one thousand square feet in area and/or twelve feet in height shall provide minimum required *Side Yards* for *Principal Buildings* in the *Zone.*

(b) An accessory one-story *Private Garage* or *Carport* for not more than three cars may be located in any *Required Yard,* provided that the finished grade on both sides of such *Garage* or *Carport* at and beyond a point ten feet back from the *Lot Line* along the *Street* on which such *Garage* or *Carport* faces is not more than two feet below the highest part of such *Garage* or *Carport;* and provided that a similar condition exists along such *Street* for the full block or for two hundred feet or more.

(c) An accessory one-story *Private Garage* or *Carport* for not more than three cars, the highest part of which *Garage* or *Carport* is not more than ten feet above the *Street Curb Elevation* at the center line of such *Garage* or *Carport,* may be located in any *Required Yard,* provided that the finished grade slopes downward from the *Street Lot Line* on which such *Garage* or *Carport* faces in a ratio of at least twenty feet vertically to sixty feet horizontally, and provided that a similar condition exists along the adjacent *Street* for the full block or for two hundred feet or more.

(d) Automobiles, trailers, boats and similar equipment shall not be stored in any required *yard* abutting a *street* for more than three consecutive days, and temporary removal for a period less than twenty-four hours shall not be construed as an interruption of the period of

storage. (Ord. 86300 § 22.41 as amended by Ord. 91338, Ord. 96252, Ord. 97394, Ord. 98608 and Ord. 101240 § 1(part); July 27, 1972).

26.44.070 Yard — Exceptions for certain architectural features. (a) Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features and the like may project not more than one and one-half feet into any *Required Yard;* and cornices, eaves, sunshades, gutters may project into a *Required Side Yard* a distance of not to exceed thirty per cent of the required *Side Yard* and in no case more than three feet; provided that in no case shall such features be closer than three feet to any *Side Lot Line.*

(b) Attached *Carports* and covered, unenclosed ground-story porches may project into a required *Rear Yard* but not within fifteen feet of the center line of any *Alley* nor within twelve feet of any *Rear Lot Line* not an *Alley Lot Line* nor closer than five feet to an *Accessory Building,* providing that such *Carport* or open ground-story porch and any other *Accessory Buildings* do not occupy more than forty per cent of the required

Rear Yard. Uncovered porches or steps may project into a *Required Yard,* provided that such porches or steps are no higher than four feet from the finished ground level in the case of a *Front* or *Side Yard;* and further that in no case shall such be closer than three feet to any *Side Lot Line* or project more than six feet into required *Front Yard.*

(c) Fences and free standing walls six feet or less in height above high ground level, may be erected in any required *Side* or *Rear Yard* or one four feet or less in a required *Front Yard,* provided that fences or free standing walls may be erected to a maximum height of four feet in any required *yard* abutting a *street,* and provided further that open wire mesh or similar fence may be erected in excess of these heights on the periphery of playground areas accessory to private and public schools and public parks.

(d) Attached, unenclosed, entrance canopies may project into any required yard abutting a street to the street lot line in *RM 800, RMH 350, RMV 200* and *RMV 150 zones*; provided that such canopies are unenclosed to a height of eight feet, shall not exceed twelve feet in width, and shall not exceed ten feet in height averaged, and are located at the entrance of a structure. (Ord. 86300 § 22.42 as amended by Ord. 91338, Ord. 96252, Ord. 97394 and Ord. 101240 § 1(part); July 27, 1972).

26.44.080 Front yard requirements for special conditions. (a) In any *RS Zone* when, on lawfully improved *Lots* comprising fifty percent or more of the total frontage in any one *Block Front,* the distance from the *Front Lot Lines* to the *Principal Buildings* is more than the depth of the basic *Front Yard,* then the required depth of the *Front Yard* for any unimproved *Lot* in that *Block Front* shall be the average of the distance between the *Principal Buildings* and the *Front Lot Lines* of the first improved *Lots* on either side, provided that the greater depth used in computing such average shall not exceed thirty feet. (Ord. 86300 § 22.43 as amended by Ord. 91338, Ord. 96252, Ord. 97394 and Ord. 101240 § 1(part); July 27, 1972).

26.44.090 Exceptions to front yard requirements. (a) In any *RS Zone* when, on lawfully improved *Lots* comprising fifty percent or more of the total frontage in any one *Block Front,* the distance from the *Front Lot Lines* to the *Principal Buildings* is less than the depth of the *basic Front Yard,* then the required depth of the *Front Yard* for any unimproved *Lot* in that *Block Front* shall be the average of the distance between the *Principal Buildings* and the *Front Lot Lines* of the first improved *Lots* on either side, provided that the greater depth used in computing such average shall not exceed twenty-five feet.

(b) On any *Lot* where the natural gradient or slope, as measured from the *Front Lot Line* along the center line of the *Lot* for a distance of sixty feet is in excess of thirty-five per cent, then the required *Front*

Yard may be reduced one foot for each one per cent of gradient or slope in excess of thirty-five per cent, provided, however, that the provisions of Section 26.44.080 (a) shall prevail when also applicable. (Ord. 86300 § 22.44 as amended by Ord. 91338, Ord. 96252, Ord. 97394 and Ord. 101240 § 1(part); July 27, 1972).

26.44.100 Side yard requirements for special conditions. (a) When the *Side Lot Line* of a *Lot* in any *Zone* adjoins the *Side Lot Line* of a *Lot* in a *Less Intensive Zone,* then the adjoining *Side Yard* for the *Lot* in the *More Intensive Zone* shall be not less than the least *Side Yard* required in the *Less Intensive Zone.*

(b) Except in the case of a one-story *Single Family Dwelling* or a garden crypt, when the length of the side wall of any *Building* in an *R zone,* and any residential *building* in other *zones,* is more than fifty feet and such wall is along a *side yard* which abuts upon another *lot* or an *alley,* then the width of the required *side yard* adjacent to such wall shall be determined by the number of *stories* above grade along such *wall* as follows:

One *story*—10% of side wall length.

Two or more *stories*—The width of the required *side yard* (as provided in Section 26.25.100, shall be increased by one-half foot for each five feet, or portion thereof, in side wall length up to and including seventy feet; thereafter the width shall be further increased by one foot for each five feet, or portion thereof, in side wall length exceeding seventy feet. Maximum width required shall be fifty feet.

(c) In the case of a *Reversed Corner Lot,* the *Key Lot* of which is in the same *Zone,* the width of the *Side Yard* on the *Street* side of such *Reversed Corner Lot* shall be not less than fifty percent of the required *Front Yard* of such *Key Lot,* and in an *R Zone,* not less than ten feet. (Ord. 86300 § 22.45 as amended by Ord. 91338; Ord. 96252, Ord. 97394 and Ord. 101240 § 1(part); July 27, 1972).

26.44.110 Exceptions to side yard requirements. (a) In any R *Zone,* the required width of each *Side Yard* of an *Interior Lot* thirty feet or less in width may be reduced to not less than three feet, provided that such *Lot* was a *Lot* of record held under separate ownership from adjoining property on the effective date of this title, and provided further that such *Lot* is used for a *Single Family Dwelling.*

(b) Where the side wall of a *Principal Building* and a *Side Lot Line,* both abutting the same *Side Yard* are not parallel or either is irregular, the average width of such *Side Yard* between the *Principal Building* and the *Side Lot Line* shall be not less than the width of the required *Side Yard;* and the width of such *Side Yard* shall not be narrower at any point than one-half the width of the otherwise required *Side Yard,* or narrower than five feet in any case.

(c) In the case of a required *Side Yard* adjoining an *Alley,* such

Side Yard width may be measured to the center line of said *Alley,* provided, however, that at no point shall the *Principal Building* be closer than three feet to said *Alley.* (Ord. 86300 § 22.46, as amended by Ord. 91338, Ord. 96252, Ord. 97394 and Ord. 101240 § 1(part); July 27, 1972).

26.44.120 Rear yard requirements for special conditions. (a) When the *Rear Lot Line* of a *Lot* in a *More Intensive Zone* abuts upon a *Rear* or *Side Lot Line* of a *Lot* in a *Less Intensive Zone,* and a *Rear Yard* is not otherwise required by this title for said *Lot* in the *More Intensive Zone,* then a *Rear Yard* shall be required for the *Lot* in the *More Intensive Zone,* and its depth shall be not less than one-half of the required depth of the abutting *Rear* or *Side Yard* in the *Less Intensive Zone.* (Ord. 86300 § 22.47 as amended by Ord. 91338, Ord. 96252, Ord. 97394 and Ord. 101240 § 1(part); July 27, 1972).

26.44.130 Exceptions to rear yard requirements. (a) In any *Zone* where a *Rear Yard* would be required, the *Rear Yard* for a *Lot* having a depth of less than one hundred five feet may be reduced to not less than twenty per cent of such depth, but in no case to less than ten feet, provided that such *Lot* was a *Lot* of record held under separate ownership from adjoining property in the rear on the effective date of this title and provided further, that the *Building* on such *Lot* does not exceed thirty-five feet in height.

(b) In any *Zone,* in the case of a required *Rear Yard* abutting upon an *Alley* along the *Rear Lot Line,* such *Rear Yard* depth may be measured to the center line of said *Alley,* provided, however, that at no point shall the *Principal Building* be closer than five feet to said *Alley.*

(c) In any *R Zone,* a *Rear Yard* need not exceed the depth of the required *Front Yard* in the case of a *Lot* abutting at the *Rear Lot Line* upon a public park, playground or open water not less than fifty feet in width.

(d) In the case of a *Through Lot* in any *Zone,* the required *Rear Yard* in a *Block Front* need not exceed the average of the *Front* or *Rear Yard* provided by properties on either side in the same *Block Front.* (Ord. 86300 § 22.48 as amended by Ord. 91338, Ord. 96252, Ord. 97394 and Ord. 101240 § 1(part); July 27, 1972).

26.44.135 Exceptions to yard requirements for mixed occupancies. (a) In any *B* or *C Zone* when fifty percent or more of the *Gross Floor Area* of a *Building* on a *Lot* is occupied or intended to be occupied for nonresidential purposes, the *Front* and the *Side Yard* requirements for *Residential Parts* are waived provided that the *Residential Part* is not more than two rooms deep from the front to the rear of the *Residential Part.*

(b) On any *Lot,* when a *Residential Part* of a *Building* is located above a nonresidential part, then the depth of any *Yards* required for such *Residential Part* shall be measured from the *Lot Lines* projected

vertically to the *Residential Part.* (Ord. 86300 § 22.49, as amended by Ord. 91338, Ord. 96252, Ord. 97394 and Ord. 101240 § 1(part); July 27, 1972).

26.44.140 Lot coverage—Exceptions for corner lots. In the case of a *Corner Lot* or a *Lot,* a *Side Lot Line* of which abuts upon a *Street, Place,* or *Alley,* the width of the *Lot* may be increased by one-half the width of the abutting side *Street, Place* or *Alley* for the purpose of computing the *Lot Coverage* only, provided that no *Lot* area used in such computation shall exceed by more than twenty-five per cent the actual net *Area* of such *Lot.* (Ord. 86300 § 22.51, as amended by Ord. 89983; February 2, 1961).

26.44.150 Lot coverage—Exceptions for accessory buildings. (a) A detached *Accessory Building* shall not occupy more than forty per cent of the required *Area* of the required *Rear Yard.*

(b) In any *RMH, BC, BM,* or *C Zone* an attached accessory *Parking Garage* limited in height to twelve feet may occupy all of the required *Rear Yard* if said yard is bounded on three sides by *Streets, Places* or *Alleys.*

(c) In any *Zone* an underground *Structure* used for accessory purposes to the *Principal Use* on the *Lot* may occupy any part of or the entire *Lot.*

(d) In any *Zone* a swimming pool may be placed in any *Required Yard* subject to the following conditions:

1. No part of such *Structure* shall project more than one foot above the adjoining ground level in a *Required Front or Side yard.*
2. Such pools shall not be placed closer than five feet to any *Front* or *Side Lot Line.*
3. Such pools shall be enclosed with a fence of strength and design sufficient to resist the penetration of children. Such fence shall be not less than four feet high except when placed within a yard enclosed by a fence not less than four feet high.

(Ord. 86300 § 22.52, as amended by Ord. 89983; February 2, 1961).

Chapter 26.46

OFF-STREET PARKING AND LOADING REQUIREMENTS*

Sections:

*Italicized words are defined in Chapter 26.06.

26.46.010 Required automobile parking spaces. (a) Off-street parking spaces for automobiles shall be provided as an *accessory use* in accordance with the requirements of this chapter at the time any *building* or *structure* is erected or enlarged or expanded or at the time there is a change in its *principal use* in all *zones* except the BM, CM and CMT *zones*. (Ord. 86300 § 23.1, as amended by Ord. 94036; July 14, 1965).

26.46.020 Access and minimum dimensions. (a) Any required off-street parking facility providing five or less parking spaces shall be developed in accordance with the following:

(1) Each parking space shall be at least eight and one-half feet in width and nineteen feet in length, exclusive of access drives or aisles. No wall, post, guard rail, or other obstruction which would restrict car door opening shall be permitted within five feet of the center line of a parking space;

(2) Access aisles and driveways shall be not less than eleven feet in width, and shall conform to the minimum turning path width for one-way traffic as shown on Plate III. Adequate ingress to and egress from each parking space shall be provided without moving another vehicle and without backing more than fifty feet;

(3) Maximum grade curvature of any area used for automobile travel or storage shall not exceed that specified in Plate II.

(b) Any required offstreet parking facility which includes more than five parking spaces shall be developed in accordance with the following. For the purposes of this subsection, any driveway or approach to a parking area shall be considered a traffic aisle and shall conform to the aisle width, grade curvature and turning path width requirements of Plates I, II, and III respectively:

(1) Minimum parking area dimensions shall be provided as shown in Plate I. Minimum turning path widths shall be provided as shown in Plate III. Maximum grade curvature of any area used for automobile travel or storage shall not exceed that specified in Plate II;

(2) Adequate ingress to and egress from each parking space shall be provided without moving another vehicle and without backing more than fifty feet. All parking spaces shall be so arranged that ingress and egress is possible without backing over a sidewalk or sidewalk area unless specifically approved as to safety by the city engineer. All parking spaces shall be internally accessible to one another without re-entering adjoining public streets;

(3) Turning and maneuvering space shall be located entirely on private property except that the usable portion of an alley may be credited as aisle space subject to approval as to safety by the city engineer;

(4) No wall, post, or other obstruction which would restrict car door opening shall be permitted within five feet of the center line of a parking space.

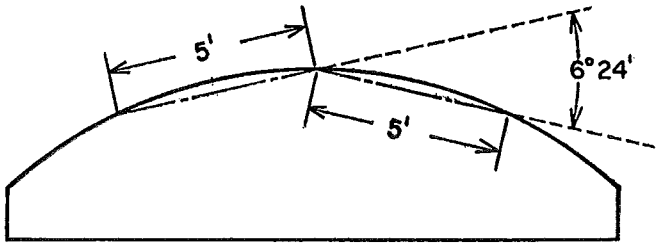
(c) Any required offstreet parking facility providing more than five parking spaces where automobiles are parked solely by attendants employed for that purpose shall have parking spaces at least eight feet in width. The grade curvature of any area used for automobile travel or storage shall not exceed that specified in Plate II, and Plates I and III shall not apply. Should attendant operation be discontinued, the provisions of Section 26.46.020(b) shall thereafter apply to such facility.

(d) In cases where the strict application of this title would unreasonably limit full utilization of a site for parking, the *superintendent* may authorize a reduction up to three percent of any minimum dimension required in this section, except where such reduction would substantially restrict ease of travel or maneuverability of vehicles using the parking facility.

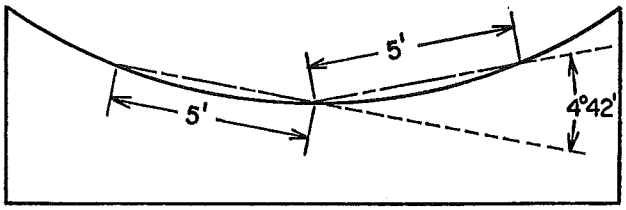
(e) Required bus parking spaces shall be thirteen feet in width and forty two feet in length. Buses parked en masse shall not be required to have ingress and egress from each bus parking space. (Ord. 86300 § 23.21 amended by Ord. 91138, Ord. 92059, Ord. 98608, Ord. 99638 and Ord. 101413 § 1(part); September 15, 1972).

PLATE II

MAXIMUM GRADE CURVATURE



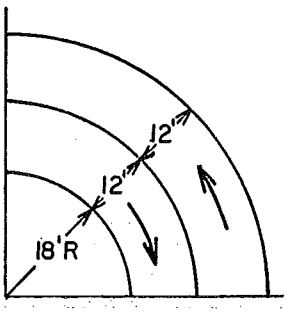
CREST VERTICAL CURVE



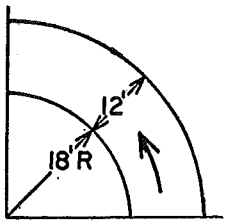
SAG VERTICAL CURVE

PLATE III

MINIMUM TURNING PATH WIDTHS



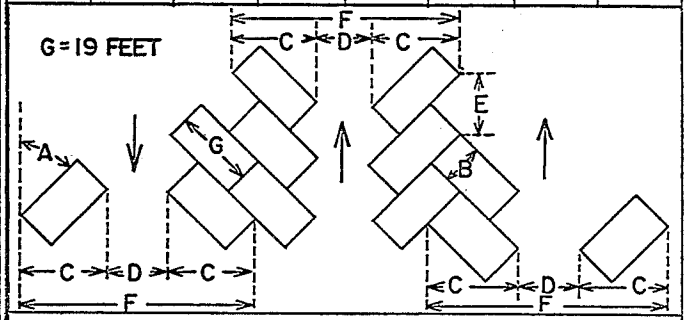
2-WAY TRAFFIC



1-WAY TRAFFIC

PLATE I PARKING AREA DIMENSIONS

A	B	C	D		E	F (1)	
PARKING ANGLE	STALL WIDTH	STALL DEPTH	AISLE WIDTH 1 WAY TRAFFIC	AISLE WIDTH 2 WAY TRAFFIC	CURB LENGTH PER CAR	UNIT WIDTH 1 WAY TRAFFIC	UNIT WIDTH 2 WAY TRAFFIC
0°	8.5	8.5	12.0	20.0	23.0	29.0	37.0
20°	8.5	14.5	11.0	20.0	24.9	40.0	49.0
	9.0	15.0	11.0	20.0	26.3	41.0	50.0
	9.5	15.5	11.0	20.0	27.8	42.0	51.0
	10.0	15.9	11.0	20.0	29.2	42.8	51.8
30°	8.5	16.9	11.0	20.0	17.0	44.8	53.8
	9.0	17.3	11.0	20.0	18.0	45.6	54.6
	9.5	17.8	11.0	20.0	19.0	46.6	55.6
	10.0	18.2	11.0	20.0	20.0	47.4	56.4
40°	8.5	18.7	12.0	20.0	13.2	49.4	57.4
	9.0	19.1	12.0	20.0	14.0	50.2	58.2
	9.5	19.5	12.0	20.0	14.8	51.0	59.0
	10.0	19.9	12.0	20.0	15.6	51.8	59.8
45°	8.5	19.4	12.5	20.0	12.0	51.3	58.8
	9.0	19.8	12.0	20.0	12.7	51.6	59.6
	9.5	20.1	12.0	20.0	13.4	52.2	60.2
	10.0	20.5	12.0	20.0	14.1	53.0	61.0
50°	8.5	20.0	12.5	20.0	11.1	52.5	60.0
	9.0	20.4	12.0	20.0	11.7	52.8	60.8
	9.5	20.7	12.0	20.0	12.4	53.4	61.4
	10.0	21.0	12.0	20.0	13.1	54.0	62.0
60°	8.5	20.7	17.5	20.0	9.8	58.9	61.4
	9.0	21.0	17.0	20.0	10.4	59.0	62.0
	9.5	21.2	16.5	20.0	11.0	58.9	62.4
	10.0	21.5	16.0	20.0	11.5	59.0	63.0
70°	8.5	20.8	19.5	20.0	9.0	61.1	61.8
	9.0	21.0	19.0	20.0	9.6	61.0	62.0
	9.5	21.2	18.5	20.0	10.1	60.9	62.4
	10.0	21.2	18.0	20.0	10.6	60.4	62.4
80°	8.5	20.2	23.0	24.0	8.6	63.4	64.4
	9.0	20.3	22.0	24.0	9.1	62.6	64.6
	9.5	20.4	21.0	24.0	9.6	61.8	64.8
	10.0	20.5	21.0	24.0	10.2	61.0	65.0
90°	8.5	19.0	24.0	25.0	8.5	62.0	63.0
	9.0	19.0	23.0	24.0	9.0	61.0	62.0
	9.5	19.0	22.0	24.0	9.5	60.0	62.0
	10.0	19.0	22.0	24.0	10.0	60.0	62.0



(1) 60 feet may be substituted for required unit width on lots where the available width is in 60 foot whole multiples. 40 feet may be used for a single parking bay (row), at 90° and a two-way traffic aisle when only a single 40 foot lot is available. In both cases a minimum 9-1/2 foot stall width shall be provided.

26.46.030 Location. (a) Offstreet parking facilities shall be located as hereinafter specified; where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking facilities to the nearest point of the *building* that such facility is required to serve:

(1) For single family and *duplex dwellings*—on the same *lot* with the *building* they are required to serve. For *townhouse dwellings*—not more than two hundred feet from the *townhouse dwelling* they are required to serve, with connecting permanent pedestrian access;

(2) For *multiple dwellings*—not more than four hundred fifty feet from the *building* they are required to serve;

(3) For houseboats, *hospitals, sanitariums, childrens' institutions, homes for the retired, nursing and convalescent homes,* dormitories, *boarding, rooming and lodging houses, community clubs* and club rooms, *fraternity, sorority* and *group student houses,* not more than six hundred feet from the *building* they are required to serve;

(4) For *uses* other than those specified above—not over eight hundred feet from the *building* they are required to serve;

(5) No parking space shall be located in a required *front yard* or in a *required side yard* abutting upon a *street* except as provided in Sections 26.44.060 through 26.44.135;

(6) Any parking facility provided in a *building* and when not on the same *lot* with the *principal use* to which it is accessory shall be considered for *bulk* regulation purposes, a *principal use* on the *lot* on which located;

(7) When accessory parking space is to be provided on a parcel of land or a *lot* whether or not contiguous with the parcel or *lot* which is or will be the site of a *principal building,* then evidence shall be provided that a covenant has been filed with the King County auditor, said covenant providing that the area used or to be used for parking accessory to the *principal building* located elsewhere shall be diverted or converted to no other *use* as long as the *principal building* to which the parking is accessory shall continue to exist. (Ord. 86300 § 23.22 amended by Ord. 91138, Ord. 92059, Ord. 98608, Ord. 99368 and Ord. 101413 § 1(part); September 15, 1972).

26.46.040 Units of measurement. (a) In stadiums, sports arenas, *churches* and other places of assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each twenty inches of width of such seating facilities should be counted as one seat for the purpose of determining requirements for offstreet parking facilities under this title.

(b) When a unit of measurement determining the number of required parking spaces results in the requirements of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space. (Ord. 86300 § 23.23 amended by

Ord. 91138, Ord. 92059, Ord. 98608, Ord. 99368 and Ord. 101413 § 1(part); September 15, 1972).

26.46.050 Expansions, enlargements, or change in principal use. (a) Whenever any *structure* is enlarged or expanded, then offstreet parking spaces shall be provided for said expansion or enlargement in accordance with the requirements of Section 26.46.110; however, no parking spaces need be provided in the case of an enlargement or expansion where the number of parking spaces required for such expansion or enlargement is less than ten percent of the parking spaces specified in Section 26.46.110 for a similar *structure.*

(b) Whenever, on a *lot,* there is a change in *principal use* and when the offstreet parking requirements specified in Section 26.46.110 for the new *principal use* is greater than the offstreet parking requirement specified for the *principal use* to be replaced, then offstreet parking spaces shall be provided in the amount of the difference of such requirements. (Ord. 86300 § 23.24 amended by Ord. 91138, Ord. 92059, Ord. 99368 and Ord. 101413 § 1(part); September 15, 1972).

26.46.060 Mixed occupancies. (a) In the case of two or more *uses* in the same *building,* the total requirements for offstreet parking facilities shall be the sum of the requirements for the several *uses* computed separately. Offstreet parking facilities for one *use* shall not be considered as providing required parking facilities for any other *use,* except as hereinafter specified in Section 26.46.090 for joint *use.* (Ord. 86300 § 23.25 amended by Ord. 91138, Ord. 92059, Ord. 98608, Ord. 99368 and Ord. 101413 § 1(part); September 15, 1972).

26.46.070 Uses not specified. (a) In the case of a *use* not specifically mentioned in Section 26.46.110, the requirements for offstreet parking facilities shall be determined by the *board.* Such determination shall be based upon the requirements for the most comparable *use* specified in Section 26.46.110. (Ord. 86300 § 23.26 amended by Ord. 91138, Ord. 92059, Ord. 98608, Ord. 99368 and Ord. 101413 § 1(part); September 15, 1972).

26.46.080 Cooperative parking facility. Up to fifteen percent reduction in the number of required parking spaces for four or more separate *uses*; ten percent for three separate *uses*; and five percent for two separate *uses* may be authorized by the *superintendent* following approval of a plan which complies with the following conditions:

(a) The plan shall be for a collective parking facility serving two or more *buildings* or *uses* developed through voluntary cooperation or under any parking district which may hereafter be provided by law;

(b) Such collective parking facility shall occupy an *area* of no less than twenty thousand square feet. (Ord. 86300 § 23.27 amended by Ord. 91138, Ord. 92059, Ord. 98608, Ord. 99368 and Ord. 101413 § 1(part); September 15, 1972).

26.46.090 Joint uses. The *board* may authorize the joint use of parking facilities by the following *uses* or activities under the following conditions:

(a) Up to fifty percent of the parking facilities required by this section for a theater, bowling alley, dance hall, bar or restaurant may be supplied by the offstreet parking facilities provided by certain other types of *buildings* or *uses* specified in subsection (d) of this section;

(b) Up to fifty percent of the offstreet parking facilities required by this section for any *building* or *use* specified under (d) below may be supplied by the parking facilities provided for *uses* specified in subsection (e) of this section;

(c) Up to one hundred percent of the parking facilities required by this section for a *church* or for an auditorium incidental to a public or private or graded school may be supplied by the offstreet parking facilities provided by *uses* specified in subsection (d) of this section;

(d) For the purposes of this section, the following *uses* are considered as day-time *uses*: banks, business offices, retail stores, personal service shops, household equipment or furniture shops, clothing or shoe repair or service shops, manufacturing or wholesale *buildings* and other similar primarily day-time *uses* when authorized by the *board*;

(e) For the purpose of this section, the following *uses* are considered as night-time or Sunday *uses*: auditoriums incidental to a public or private graded school, *churches,* bowling alleys, dance halls, theaters, bars or restaurants; and other similar primarily night-time *uses* when authorized by the *board*;

(f) Conditions required for joint *use*:

(1) The *building* or *use* for which application is being made to utilize the offstreet parking facilities provided by another *building* or *use,* shall be located within eight hundred feet of such parking facilities,

(2) The applicant shall show that there is no substantial conflict in the principal operating hours of the two *building* or *uses* for which joint *use* of offstreet parking facilities is proposed,

(3) A properly drawn legal instrument, executed by the parties concerned for joint *use* of offstreet parking facilities, duly approved as to form and manner of execution by the corporation counsel shall be filed with the *superintendent.* Joint *use* parking privilege shall continue in effect only so long as such an instrument, binding on all parties, remains in force. If such instrument becomes legally ineffective, then parking shall be provided as otherwise required by this chapter. (Ord. 86300 § 23.28 amended by Ord. 91138, Ord. 92059, Ord. 98608, Ord. 99368 and Ord. 101413 § 1(part); September 15, 1972).

26.46.100 Use of paved recreation space for parking. The *board* may authorize the use of space designed and primarily used for recreation pur-

poses for a portion of the required parking space under the following conditions and others deemed appropriate:

(a) Such parking areas shall be subject to all locational and development provisions of this chapter;

(b) Such portions of the recreation area to be used for parking shall be paved with a durable, dustless surface;

(c) Such parking space may be credited only to space requirements of the *principal use,* which it is intended to serve. (Ord. 86300 § 23.29 as amended by Ord. 91138, Ord. 92059, Ord. 98608, Ord. 99368 and Ord. 101413 § 1(part); September 15, 1972).

26.46.110 Parking spaces required for particular uses. The minimum number of offstreet parking spaces required shall be set forth in the following:

Use	*Parking Spaces Required*
Single family, duplex dwellings or houseboats	1 for each dwelling unit
Multiple dwellings, student multiple dwellings	1 for each dwelling unit
Multiple dwellings for *low income elderly*	1 for each 4 dwelling units
Motels	1 for each unit in the *motel*
Boarding, lodging or rooming houses, fraternity, sorority, or group student houses	1 for each 3 sleeping rooms or for each 6 beds, whichever amount is greater
Hotels	1 for each 4 bedrooms
Hospitals, sanitariums, nursing and *convalescent homes*	1 for each 2 staff doctors plus 1 for each 5 employees plus 1 for each 6 beds
Children's institutions, homes for the retired	1 for each 5 employees plus one for each 6 beds
Day nurseries or *nursery schools*	1 for each 10 children or 1 for each staff member whichever is greater, and 1 passenger loading and unloading space for each 20 children

Use	*Parking Spaces Required*
Theaters, skating rinks, auditoriums, and other indoor places of public assembly	1 for each 100 sq. ft. *floor area* of main auditorium or of principal place of assembly not containing fixed seats and for *floor area* containing fixed seats 1 for each 10 seats
Stadiums, outdoor sports arenas or areas and places of public assembly containing less than 20,000 seats	1 for each 10 permanent seats and 1 for each 100 sq. ft. of spectator assembly area not containing seats
Stadiums, outdoor sports arenas or areas and places of public assembly containing 20,000 or more seats	1 for each 10 permanent seats and 1 bus space for each 300 permanent seats. The location requirements of Section 26.46.030 shall not apply to such use. Instead, the applicant shall submit to the *city council* prior to the issuance of a building permit, a workable preliminary parking plan describing the location of available offstreet parking and the means by which persons will commute between the required parking areas and the *principal use*. The *council* shall not approve such workable preliminary plan until at least one public hearing has been held. No building permit shall issue until the workable preliminary parking plan has been approved by the *city council* by resolution. Prior to the issuance of an occupancy permit by the *superintendent* of buildings, the applicant shall submit to the *council* a final definitive workable parking plan describing the location of the available offstreet parking and the means by which persons shall

Use	*Parking Spaces Required*
	commute between required parking and the *principal use*. The director of the department of community development shall advise the *council* as to the adequacy and workability of the plan as submitted. The *council* shall not approve such plan until at least one public hearing has been held. No certificate of occupancy shall issue until the workable parking plan has been approved by the *city council* by resolution. Any workable parking plan approved shall also be implemented prior to issuance of an occupancy permit by the *superintendent* of buildings
Schools, *community clubs* and *community centers*	1 for each 80 sq. ft. of *floor area* of main auditorium or other assembly rooms not containing fixed seats, and for *floor area* containing fixed seats 1 for each 8 seats
Private clubs	1 for each 200 sq. ft. *gross floor area* of club building
Churches	1 for each 80 sq. ft. of *floor area* in the nave not containing fixed seats and for *floor area* containing fixed seats, 1 for each 8 seats
Libraries and museums	1 for each 250 sq. ft. of *floor area* open to public
Dance halls	1 for each 75 sq. ft. of *floor area* used for dancing
Bowling alleys	5 for each bowling alley
Medical or dental *clinics*	1 for each 200 sq. ft. of *gross floor area*
Banks, business or professional offices	1 for each 400 sq. ft. of *gross floor area*
Offices not providing customer services on the premises	1 for each 800 sq. ft. of *gross floor area*

Use	*Parking Spaces Required*
Mortuaries or funeral homes	1 for each 100 sq. ft. of *floor area* of assembly rooms used for service
Pleasure craft moorages	1 for each 2 moorage stalls
Establishments for the sale and consumption on the premises of food and beverages, including fraternal and social clubs:	None for *gross floor area* under 2,000 sq. ft.
having not more than 4,000 sq. ft. of *gross floor area*	1 for each 200 sq. ft. of *gross floor area* when in excess of 2,000 sq. ft.
having more than 4,000 sq. ft. of *gross floor area*	20 plus 1 for each 150 sq. ft. of *gross floor area* in excess of 4,000 sq. ft.
Food markets:	None for *gross floor area* under 2,500 sq. ft.
having not more than 7,500 sq. ft. of *gross floor area*	1 for each 300 sq. ft. of *gross floor area* when in excess of 2,500 sq. ft.
having more than 7,500 sq .ft. of *gross floor area*	25 plus 1 for each 150 sq. ft. of *gross floor area* in excess of 7,500 sq. ft.
Retail stores, except as otherwise specified herein:	None for *gross floor area* under 2,500 sq. ft.
having not more than 4,000 sq. ft. of *gross floor area*	1 for each 500 sq. ft. of *gross floor area* when in excess of 2,500 sq. ft.
having more than 4,000 sq. ft. but not more than 20,000 sq. ft. of *gross floor area*	8 plus 1 for each 300 sq. ft. of *gross floor area* in excess of 4,000 sq. ft.
having more than 20,000 sq. ft. of *gross floor area*	61 plus 1 for each 150 sq. ft. of *gross floor area* in excess of 20,000 sq. ft.

Use	*Parking Spaces Required*
Office and household furniture and appliance sales establishments	None for *gross floor area* under 2,500 sq. ft., 1 for each 600 sq. ft. of *gross floor area* when in excess of 2,500 sq. ft.
Motor vehicle or machinery sales, *wholesale stores,* furniture stores	1 for each 2,000 sq. ft. of *gross floor area*
Manufacturing *uses,* research and testing laboratories, creameries, bottling establishments, bakeries, canneries, printing and engraving shops	1 for each 1,000 sq. ft. of *gross floor area,* except that office space shall provide parking as required for offices
Warehouse and storage buildings	1 for each 2,000 sq. ft. of *gross floor area,* except that office space shall be provided as required for offices
Freight terminals	1 for each 2,000 sq. ft. of *gross floor area,* except that office space shall provide parking as required for offices
Passenger terminals	1 for each 100 sq. ft. of waiting room space
Heliports: *Helistops* with scheduled services	1 for each 5 employees; 5 for each touchdown pad
Branch post offices	1 space for each 500 sq. ft. of *gross floor area*
Terminal post offices	1 space for each 1,000 sq. ft. of *gross floor area*
Open air swimming clubs or commercial pools	1 for each 150 sq. ft. of pool area
Golf driving ranges	1 for each 2 driving stations

Use	*Parking Spaces Required*
Miniature golf courses	2 for each 3 holes
Trampolines	1 for each 2 pits
Telephone communication buildings	1 space for each 2,000 sq. ft. of *gross floor area*
Animal *clinics*	1 space for each 300 sq. ft. of *gross floor area*
Trade or business schools	1 space for each two faculty members and full-time employees plus 1 space for every five students, based on maximum attending at any one time
Health studios	1 space for each 300 sq. ft. of *gross floor area*
Pool and billiard halls	1 space for each 200 sq. ft. of *gross floor area*
Marine equipment and boat sales establishments	1 space for each 300 sq. ft. of *floor area* plus 1 space for each 300 sq. ft. of *lot area* used for outdoor display
Riding academies	2 spaces plus 1 space for each *stable* stall contained in the *building*

(Ord. 86300 § 23.3 as amended by Ord. 92492, Ord. 96278, Ord. 99368, Ord. 100613, Ord. 101117 and Ord. 101413 § 2; September 15, 1972).

26.46.120 Reserved.

26.46.130 Parking areas for more than five vehicles—B, C, M and I zones. In any *zone*, other than an *R zone*, a parking area for more than five vehicles shall be developed in accordance with the following requirements:

(a) Border barricades. A rail, fence, wall or other continuous barricade of a height sufficient to retain all cars completely within the property shall be provided, except at exit or access driveways, provided however, that *screening* shall be provided on each side of a parking area which abuts upon or faces across a *street, alley,* or *place* any *lot* in an *R zone,* in accordance with the provisions of Section 26.46.140(a).

(b) Entrances and exits. The location and design of all entrances and exits shall be subject to the approval of the city engineer provided that no entrance or exit shall be closer than fifteen feet to any *lot* located in an *RS* or *RD zone.*

(c) Surface of parking area. Offstreet parking areas shall be surfaced and maintained with a durable and dustless surface consisting of oiled crushed gravel, asphalt or concrete and shall be so graded and drained as to dispose of all surface water. In no case shall drainage be allowed across sidewalks. In the case of a parking area for more than fifteen cars, all surface water shall be discharged directly into a sewer. Surfacing and drainage shall be subject to the approval of the city engineer. Parking areas surfaced with asphalt or concrete shall have parking stalls marked by painted lines or other durable traffic marking material.

(d) Lighting. Any lighting used to illuminate any required offstreet parking area shall be so arranged as to reflect the light away from adjoining premises in any *R zone.*

(e) Signs. No sign of any kind, other than one designating entrances, exits or conditions of use, shall be maintained on a parking area on that side which abuts upon or faces any premises situated in any *R zone.* Such signs shall not exceed eight square feet in area nor shall there be more than one sign for each entrance or exit.

(f) Internal landscaping for large parking areas. In the case of a proposed parking area which exceeds twenty thousand square feet in area, and which abuts upon any premises in any *R zone,* the *board* may require the planting and maintenance of trees within and along the borders of such parking area. (Ord. 86300 § 23.41 as amended by Ord. 91700, Ord. 97085, Ord. 99368 and Ord. 101296 § 1(part); August 16, 1972).

26.46.140 Parking areas for more than five vehicles—Accessory parking areas in R zones. In any *R zone,* a parking area accessory to a permitted *use* in that *zone,* and for more than five vehicles, shall be developed in accordance with the following requirements:

(a) *Screening.* *Screening* shall be provided on each side of such parking area which abuts upon or faces across a *street, alley* or *place* any *lot* in an *R zone,* except that no *screening* is required on any side of a parking area where the elevation of the *lot line* is six or more feet higher than the finished elevation of the parking surface. A parking area *screening* shall meet the following conditions:

(1) It shall be not less than four and not more than six feet in height above the grade of the parking lot surface, but in no case shall be permitted to constitute a traffic hazard. Such *screening* shall be maintained in good condition.

(2) It shall not be located in any *required yard* which abuts upon a *street lot line* and it shall be maintained in good condition.

(3) Slopes or other areas between the *screen* or, where such *screening* is not required, the area devoted to parking and a *lot line* shall be landscaped with grass, hardy shrubs or evergreen ground cover and shall be maintained in good condition.

(4) Authorization shall be subject to the posting by the applicant of a cash deposit with the city treasurer in the amount of three dollars per linear foot of screening required, not in excess of six hundred dollars, guaranteeing compliance. Said deposit shall be refunded by the city treasurer three years from the date of issuance of the covering use permit at the request of the applicant upon presentation of a certificate of compliance from the *superintendent*. Except in instances where development of the parking area is abandoned, the deposit shall be forfeited to the city if the *screening* requirements have not been complied with by the end of the three year period, and may be used by the superintendent of *buildings* to effect compliance; provided such forfeiture shall not relieve the permittee from compliance with said *screening* requirements.

(b) Entrance, exits, surfacing, lighting, signs and internal landscaping. The requirements of Section 26.46.130 (b), (c), (d), (e), (f), shall apply.

(c) Operation. Except for emergencies, no automobile repair or service of any kind shall be conducted on any such parking area. No charge for use of such parking area shall be made in any *R zone* except on a weekly or monthly basis, provided that in an RMH 350 *zone*, hourly or daily charges may be made.

(d) Review by *board*. Plans for any such parking area, when not located on same *lot* with *principal use*, shall be subject to the approval of the *board* as a *conditional use*. (Ord. 86300 § 23.42 amended by Ord. 91700, Ord. 97985, Ord. 99368 and Ord. 101296 § 1(part); August 16, 1972).

26.46.150 Parking areas for more than five vehicles—Conditional accessory parking areas in R zones. The following conditions shall apply in any *R zone* where offstreet parking areas are permitted accessory to a *use* in a *more intensive zone*.

(a) Such parking area shall abut, by at least fifty feet, either directly or across an *alley*, upon the *lot* of the *principal use* to which the parking area is accessory.

(b) Such parking area shall be used solely for the parking of private passenger vehicles.

(c) Such parking area shall be subject to all the requirements of Section 26.46.140(a), (b), and (c).

(d) The plan for such parking area shall be reviewed by the *board,* who shall hold a public hearing, giving notice of the time, place and purpose of said hearing in the manner prescribed in Section 26.50.090(a). After the aforesaid plan has been approved by the *board,* and by the city engineer where his approval is required, the *superintendent* may issue a permit in accordance therewith, and subject to any additional requirements that may be stipulated by said *board* for the protection of adjacent property and in the public interest.

(e) Any permit issued by the *superintendent* may be revoked any time that the aforementioned requirements are not complied with, and any permittee who uses or permits the *use* of premises to which said permit relates in violation of any of the conditions specified by this section or included in such permit, shall be deemed in violation of this title and shall be subject to the penalty prescribed in Section 26.04.050. Such revocation shall not be construed as a release from the requirements of Section 26.46.110. (Ord. 86300 § 23.43 amended by Ord. 91700, Ord. 97085, Ord. 99368 and Ord. 101296 § 1(part); August 16, 1972).

26.46.155 Parking areas for more than five vehicles—Conditional accessory parking garages in RMV 150 zone. (a) Entrances and exits. The location and design of all entrances and exits shall be subject to the approval of the city engineer provided that no entrance or exit shall be closer than fifteen feet to any *lot* located in an *RS* or *RD zone.*

(b) Landscaping. Landscaping with grass, hardy shrubs, or evergreen ground cover shall be provided as specified by the *board* and shall be maintained in good condition.

(c) Signs. No sign of any kind, other than one designating entrances, exits or conditions of *use,* shall be maintained on a *parking garage* on that side which abuts upon or faces any premises situated in any *R zone.* Such signs shall not exceed eight square feet in area nor shall there be more than one such sign for each entrance or exit.

(d) Operation. Except for emergencies, no automobile repair or service of any kind shall be conducted in any such *parking garage.* (Ord. 86300 § 23.44 added by Ord. 97085 and amended by Ord. 99368, and Ord. 101296 § 1(part); August 16, 1972).

26.46.160 Filing of plans. The plan of a proposed parking area shall be submitted to the *Superintendent* at the time of the application for a building permit. Said plan shall clearly indicate the proposed development, including the location, size, shape, design, curb cuts, lighting, landscaping and other features and appurtenances of the proposed parking facility and shall be reviewed by the City Engineer, or *Board,* as required in this chap-

ter and the provisions of this Title applicable to the *Zone* where the *Use* is proposed. (Ord. 86300 § 23.5; June 24, 1957).

26.46.170 Required offstreet loading space. In connection with any *Use* specified in Section 26.46.180 or Section 26.46.190 for which a *Building* or *Structure* is to be erected or *Structurally Altered* or changed in *Use,* and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles there shall be provided offstreet loading space on the basis of the minimum requirements specified in Section 26.46.180 and Section 26.46.190. (Ord. 86300 § 23.6 part, as amended by Ord. 87225; June 10, 1958).

26.46.180 Requirements for uses having relatively high loading space demands. Every department store, freight terminal or railroad yard, *Hospital* or *Sanitarium,* industrial or manufacturing establishment, retail or wholesale store or storage warehouse establishment or any similar *Use,* which has, or is intended to have an aggregate *Gross Floor Area* of ten thousand (10,000) square feet or more, shall provide truck loading or unloading berths in accordance with the following table:

Square feet of aggregate *Gross Floor Area*	Required number of berths
10,000 up to and including 16,000	1
16,001 up to and including 40,000	2
40,001 up to and including 64,000	3
64,001 up to and including 96,000	4
96,001 up to and including 128,000	5
128,001 up to and including 160,000	6
160,001 up to and including 196,000	7
For each additional 36,000	1 additional

(Ord. 86300 § 23.61, as amended by Ord. 87225; June 10, 1958).

26.46.190 Requirements for uses having relatively low loading space demand. Every auditorium, convention hall, exhibition hall, sports arena, *hotel,* office *building,* restaurant, or any similar *use,* which has or is intended to have an aggregate *gross floor area* of forty thousand square feet or more, shall provide off-street truck loading or unloading berths in accordance herewith:

Square feet of aggregate *gross floor area*	Required number of berths
40,000 up to and including 60,000	1
60,001 up to and including 160,000	2
160,001 up to and including 264,000	3
264,001 up to and including 388,000	4
388,001 up to and including 520,000	5
520,001 up to and including 652,000	6
652,001 up to and including 784,000	7
784,001 up to and including 920,000	8
For each additional 140,000	1 additional

(Ord. 86300 § 23.62 as amended by Ord. 87225; June 10, 1958).

26.46.200 Standards for development of loading spaces. (a) Each off-street loading or unloading berth shall be subject to the following minimum standards:

(1) Each berth shall be not less than ten feet in width, twenty-five feet in length.

(2) Space for such berth may occupy all, or any part, of any *required yard* when uncovered.

(3) No berth shall be located closer than fifty feet to any other *lot* in any R *zone* unless wholly within a *completely enclosed building.*

(4) Direct access to such berth from a street shall be permitted only when no usable *alley* or other means of direct access is available.

(5) Access to off-street loading berths across *street* sidewalks, shall be subject to the City Engineer's approval. (Ord. 86300 § 23.63 as amended by Ord. 87225; June 10, 1958).

Chapter 26.48

SPECIAL PROVISIONS*

Sections:

*Italicized words are defined in Chapter 26.06.

26.48.010 Accessory uses and buildings in R zones. *Accessory buildings* permitted in R *zones* shall be regulated as provided in Sections **26.44.060 and 26.44.150. (Ord. 86300 § 24.1; June 24, 1957).**

26.48.020 Transitional uses in R zones.

(a) In any *R zone* a *lot,* the *side lot line* of which adjoins directly a certain *more intensive R zone* or a *B, C, M,* or *I zone* may be devoted to any of the *uses* permitted in the next *more intensive R zone* provided that:

(1) No such use shall extend further than sixty feet from such *R, B, C, M,* or *I zone.*

(2) Any *structure* so used shall be limited to the *bulk* regulations of the *zone* in which it is located.

(3) The *lot* to which this provision may apply shall be in a *zone,* the classification of which is at least two classifications *less intensive* than the *zone* which it adjoins.

For the purpose of applying this provision, any RS *zone* shall be considered as RW *zone,* and the RD 7200 *zone* shall be considered as RD 5000 *zone.*

(b) Offices or clinics of physicians, surgeons, dentists, architects, engineers, lawyers, or certified public accountants may be established on any RS or RD *zoned lot* which adjoins directly a BN, BI, BC, *C, M* or *I zone* and has frontage on the same street upon which such BN, BI, BC, *C, M* or *I zone* has its principal frontage, provided that:

(1) Said *use* shall not extend further than sixty feet from such BN, BI, BC, *C, M* or *I zone.*

(2) Such clinic or office *building* shall be limited to the *bulk* regulations of the *zone* in which it is located.

(3) Such clinic or office *use* shall not occupy more than the first

two *stories* of a *building* or a *cellar* of a *building* and the *story* next above.

(4) In the case of a *lot* adjoining a BN *zone,* such clinic or office may be established only when the BN *zone,* or BN *zone* in combination with a more *intensive zone,* consists of five hundred feet or more of continuous frontage along the *street* frontage where such clinic or office use shall be located. (Ord. 86300 § 24.2 as amended by Ord. 90722, Ord. 94970 and Ord. 96395; January 25, 1968).

26.48.030 Conversion of dwellings.

(a) The conversion of any *Building* into a *Dwelling,* or the conversion of a *Dwelling* so as to accommodate an increased number of *Dwelling Units* shall be permitted only in a *Zone* where a new *Building* of similar occupancy is permitted, provided, however, that any two *Bulk* requirements may be modified by the *Superintendent,* by not more than ten per cent when all of the following conditions are met:

(1) No yard is less than five feet.

(2) The conversion will result in *Lot Area* per *Dwelling Unit* at least twenty per cent greater than required for a new *Building* in the *Zone.*

(3) No exterior *Structural Alterations* are involved other than those required by law.

(b) The conversion of a residence structure into a *Duplex Dwelling* in an *RD, RM, RMH, B* or *C Zone,* or to a triplex in an *RM, RMH, B* or *C Zone,* shall be permitted provided that:

(1) No single *Side Yard* is less than three feet nor total *Side Yard* is less than eight feet, and no *Rear Yard* is less than fifteen feet.

(2) The conversion will comply in all other respects with *Bulk* and density requirements of the *Zone* in which located. (Ord. 86300 § 24.3 as amended by Ord. 88283; June 8, 1959).

26.48.040 Planned unit development—When authorized. (a) The intent of this provision is to allow, on relatively large tracts, flexibility in grouping, placement, size and use of buildings which will insure a better development than would otherwise result from the application of *bulk* and *use* regulations of the *zone* in which the tract is located.

(b) A planned unit development may be authorized even though the *use,* location and *bulk* of the *building* and *open spaces* do not conform in all respects with the regulations of the *zone* in which the tract is located, provided that such development meets all the requirements of Sections 26.48.041 through 26.48.045. (Ord. 86300 § 24.4 as amended by Ord. 92059, Ord. 96031, Ord. 98426, Ord. 98698, Ord. 101608 and Ord. 102290 § 39; June 21, 1973).

26.48.041 Planned unit development—Basic requirements. (a) The site shall consist of at least five acres, including interior *street* and *alley* areas, with the following exceptions:

(1) In the *RM, RMH, RMV 200* and *RMV 150 zones,* the site shall consist of at least forty thousand square feet, one block, or two opposing entire *block fronts.*

(2) In the *RMV 200, RMV 150* and *BC zones* which lie within fifteen hundred feet of the campus of a college or university or other accredited institution of higher learning granting degrees normally requiring four or more years of study, the site shall consist of at least thirty thousand square feet.

(b) A planned unit development proposal may be initiated by the owner or owners of all the property involved within the proposed project, or by a governmental agency.

(c) Adequate guarantee shall be provided to insure permanent retention of all open area resulting from the application of these regulations, either by private reservation or by dedication to the public or a combination thereof, including all common open areas shared by the occupants of the planned unit development.

(d) Offstreet parking facilities shall be provided as required in Chapter 26.46.

(e) The development shall not be in conflict with the comprehensive plan.

(f) The total development as authorized shall be completed within two years of the date of authorization, unless another period is stipulated or the time for completion is extended by the *council.* (Ord. 86300 § 24.41 added by Ord. 102290 § 40; June 21, 1973).

26.48.042 Residential planned unit development. A residential planned unit development may be permitted in any *zone* not otherwise prohibiting *dwelling units,* when restricted to the following *uses* and conditions:

(a) *Dwelling units* and all *principal uses* permitted in the *zone* in which the project is located;

(b) Residential *uses* first allowed in *RM* and *RMH zones,* in an *RS* or *RD zone* only when located at least one hundred feet from any other *lot* in such residence *zone* so as to minimize the impact on adjacent residential properties, or when topographic or other natural barriers sufficiently separate the development, or when the *uses* within that portion of the development which adjoins or faces premises in an *RS* or *RD zone* are the same as those permitted in such *RS* or *RD zone;*

(c) Recreational areas, including, but not limited to, tennis courts, swimming pools, and playgrounds and playlots;

(d) Those *conditional uses* which are not otherwise prohibited in the *zone* in which the development is located;

(e) Retail or other nonresidential *uses* accessory and purely incidental, limited to serve the occupants of the development, integrated into the project by design, and so located as to minimize the impact on adjacent properties. No such *uses* shall be permitted where similar *uses* are available in convenient proximity;

(f) The *lot area* per *dwelling unit,* or per unit of *floor area* in *structures* governed by *floor area* ratio, may be reduced by not more than twenty percent of that otherwise required in the *zone;* provided, however, that when the planned unit development consists predominantly of *uses* specified in (b) of this section, the *lot area* shall be as otherwise required in the *zone*; except that for a planned unit development on a site qualifying under Section 26.48.041(a)(2), the density measured by *dwelling units* or by *floor area* ratio may be up to one hundred twenty-five percent of that otherwise permitted in the *RMV zone* and up to one hundred seventy-five percent of that otherwise permitted in the *BC zone*;

(g) The coverage of the site by *buildings* shall not exceed the percentage of the *lot coverage* permitted in the *zone* in which the project is located;

(h) *Building* or *structure height* may exceed the height limit of the *zone* in which the project is located; provided that the view from the surrounding properties is not substantially impaired and that for each additional one foot of height, the required *yards,* as specified in (i) of this section shall be increased one foot;

(i) On each side of the development which adjoins or faces across a *street, place* or *alley,* a *lot* in a residential *zone,* the *yards* shall be as required for the *zone* in which such *lot* is located;

(j) Parking spaces in excess of the minimum specified in Chapter 26.46 may be required which shall not be used by other than tenants, owners and guests. (Ord. 86300 § 24.42 added by Ord. 102290 § 41; June 21, 1973).

26.48.043 Planned unit development—Procedure for filing. Official filing of a planned unit development application shall be preceded by preliminary review of the proposal by the *director.* Following such review, two copies of the application shall be filed with the *director.* The application shall be in letter form and shall include or attach:

(a) Preliminary plans, to an appropriate scale, which indicate all *uses* proposed for the site, the exact boundaries, existing and proposed topographic contours at intervals of five feet or less, proposed location and outside horizontal and vertical dimensions of all *buildings* and *structures,* all proposed *open spaces,* including *yards* and *streets,* parks, playgrounds, *plazas,* malls, *landscaped* buffer areas, school sites, location and dimensions of offstreet parking facilities, points of ingress to and egress from the site, the names, locations and dimensions of all *streets, alleys,* and other traffic ways within, bounding or touching the site, and the exact

location, direction and bearing of any major physiographic features such as railroads, drainage canals and shorelines;

(b) An explanatory text which shall include a written statement of the general purposes of the development, and explanation of all features pertaining to *uses* and other pertinent matters not readily identifiable in map form, including proposed provisions to be made for service or maintenance, and guarantees for permanent retention of open *areas*;

(c) Additional material in the form of maps or additional text may be required from the applicant by the *rules,* or by the *director* wherever in his judgment such material is required to accurately assess the impact of proposed development under this section. (Ord. 86300 § 24.43 added by Ord. 102290 § 42; June 21, 1973).

26.48.044 Planned unit development—Review and authorization. The *director* shall review the application for conformance with the provisions and intent of this title and shall prepare a written report which shall include but not be limited to:

(1) A descriptive summary of the project which details the manner in which the *uses* and *bulk* proposed differ from that otherwise permitted in the *zone*; and

(2) An analysis of the proposed development with relation to city goals and policies and the comprehensive plan of Seattle; and

(3) An analysis of the impact of the proposed development on environmental and community quality, which shall include but not be limited to the impact of the proposed development on surrounding residential, commercial, and social life, and on existing or proposed public facilities and improvements such as utilities, parks, schools and transportation.

(4) The applicability of other laws to the subject application.

The *director's* report shall include comments and recommendations from departments and agencies of government having an interest in or affected by the application, and shall recommend approval or denial of or modifications to the application as well as any conditions to be attached to any authorization of the proposed development, and any alternative forms of development or treatment that in the opinion of the *director* are necessary or appropriate within the provisions and intent of this title. The *director's* report shall be completed within sixty days of the date of filing the application, unless consideration by other agencies of government is required by law, in which case the report shall be completed within thirty days following final action by such agencies. The application and report shall be transmitted to the *commission* and shall be made available for public inspection ten days prior to the first public hearing on the application. (Ord. 86300 § 24.44 added by Ord. 102290 § 43; June 21, 1973).

26.48.045 Planned unit development—Commission hearing and recommendation. Upon receipt of an application for planned unit development

and the *director's* report thereon, the *commission* shall set the date for and hold a public hearing on the application in accordance with the procedure for notice and *commission* hearings in Sections 26.52.050 and 26.52.060. Within sixty days from the date of filing the *director's* report the *commission* shall recommend to approve, deny or modify the application, or it may refer the application to the *director* for further information. The *commission* may delay taking action beyond the sixty day limitation if the *commission* clearly states in writing its reasons for so delaying. In any case in which additional hearings are scheduled, the *commission* shall issue new notices and make available any new information at least fifteen days prior to a new hearing. In making a final recommendation on any application, the *commission* may adopt the recommendations of the *director's* report, or when reversing or modifying the *director's* recommendations shall enter findings and conclusions based on the record which support its action. The final recommendation of the *commission* shall be filed with the *council* within fourteen days following the final public hearing and mailed to the applicant within seventeen days following said hearing. (Ord. 86300 § 24.45 added by Ord. 102290 § 44; June 21, 1973).

26.48.046 Planned unit development—Council hearing and action. The *council* shall hold a public hearing on applications for planned unit developments in the manner provided in Section 26.52.070 relating to text amendments. The *council* shall take final action to approve, conditionally approve or disapprove the application within sixty days after receipt of same and when its action is contrary to the *commission's* recommendations it shall enter findings and conclusions from the record which support its action. (Ord. 86300 § 24.46 added by Ord. 102290 § 45; June 21, 1973).

26.48.047 Planned unit development—Final plans. If the *council* approves the application for planned unit development it shall authorize the applicant to prepare final plans which, together with any required covenants shall be filed with the *director* within one year of the date of *council* authorization, unless a longer period is authorized by the *council*. If the *director* finds that the final plans conform substantially to the *council* authorization he shall mail notice to all parties of record or who request such notice stating the location where plans and relevant information may be inspected, and that he intends to issue a certificate of compliance to the applicant within twenty days unless an appeal shall be filed with the hearing examiner. If no appeal is filed within such time, the certificate of compliance shall be issued. If in the *director's* judgment the final plans do not conform to the *council's* authorization, the application shall be subject to the procedure for initial authorization, unless an appeal is filed with the hearing examiner within seventeen days of mailing written notice of noncompliance. No *building* or *use* permit shall be issued for a planned unit development by the *superintendent* prior to issuance of a certificate

of compliance by the *director*. (Ord. 86300 § 24.47 added by Ord. 102290 § 46; June 21, 1973).

26.48.048 Planned unit development—Appeal to hearing examiner. If an appeal for review by the hearing examiner is filed, the hearing examiner shall set the time for a public hearing on the appeal and issue notice in accordance with Section 26.52.050. Consideration of the appeal shall be limited to matters of compliance with stipulated conditions and conformance with the approved preliminary plans. The hearing examiner may approve the *director's* certificate of compliance, or may direct specific changes to the final plans citing specific requirements of the *council* authorization, or may find that the plans do not substantially comply with the *council* authorization, in which case the application shall be remanded to the *director* for processing as a new application. *Building* or *use* permits issued by *superintendent* for planned unit developments shall be stayed pending the hearing examiner's approval of a certificate of compliance. The hearing examiner's decision in such connection shall be final. (Ord. 86300 § 24.48 added by Ord. 102290 § 47; June 21, 1973).

26.48.050 Required recreation space for apartment houses. (a) In the case of an *apartment house* containing twenty or more *dwelling units* with two or more bedrooms, a fenced play space for preschool children shall be provided at the rate of forty square feet for each such *dwelling unit*. (Ord. 86300 § 24.5 as amended by Ord. 101608 § 4; November 16, 1972).

26.48.060 Special provisions for BN, BI, BC, C, M, or I zones when opposite R zones. When a lot developed for nonresidential purposes in a BN, BI, BC, C, M or I *zone* is located across a street from an *R zone,* then such lot shall be subject to the following conditions:

(1) *Screening* shall be established across that portion of the *lot* across the *street* from the *R zone* provided, however, that such *screening* shall be located no closer to the *street* than ten feet, and provided further that the area between the *screening* and the *street lot line* shall be maintained in good condition with grass, hardy shrubs, or evergreen ground cover and shall not be used for off-street parking purposes. Such *screening* and ten foot setback shall not be required across the front of any *building* or premises when such frontage is an exclusive frontage or across the principal frontage of a *through or corner lot,* or along the *side street lot line* within one hundred feet of the principal frontage.

(2) Any outdoor refuse storage or incineration shall be effectively screened from premises in the *R zones.* (Ord. 86300 § 24.6, as amended by Ord. 94036, Ord. 96252 and Ord. 96395; January 25, 1968).

26.48.070 Special provisions for certain lots reduced below minimum lot area requirements. (a) The *council* may authorize reduction in *lot* area below the minimum required by this title when such reduction is the result of the dedication or sale of a portion of the *lot* to the city or to the state for *street* or highway purposes, so that said *lot* may be utilized as a *lot* meeting minimum *lot area* requirements, following report and recommendation by the *commission.* Before making its recommendation to the *council,* the *commission* shall consider the matter at public hearing. Notice of this hearing shall be given by mail not less than ten days prior to the date of such hearing to the owners of all property within three hundred feet thereof, using for this purpose the names of property owners as shown upon the records of the County Treasurer. Failure to send notices by mail to any property owner, where the address of such owner is not included in the county records, shall not invalidate any proceedings in connection therewith. In considering requests for such authorization, the *commission* and *council* shall consider the nature and condition of adjacent uses and structures and no authorization shall be made unless it is found that:

(1) The authorization will not be materially detrimental to the public welfare or injurious to property in the *zone* or vicinity in which the property is located.

(2) The *lot* area remaining after reduction is sufficient to provide a reasonable *building* site, consistent with the purpose of this title.

Such authorization, if made, shall be permanent and will run with the land to which it applies. (Ord. 86300 § 24.7, added by Ord. 94035; July 14, 1965).

Chapter 26.50
HEARING EXAMINER AND BOARD OF ADJUSTMENT*

Sections:

26.50.010 Duties and powers of hearing examiner. The hearing examiner shall hold hearings and make recommendations to the *council* on petitions for map amendments to this title as provided in Section 26.52.080 and on applications for *conditional uses* as provided in Section 26.52.150. The hearing examiner shall hear and decide applications for *conditional uses, special exceptions* and *variances* as provided in Chapter 26.54, and shall hear and decide applications for *sign variances*, petitions to revoke *sign variances* and applications for extensions for nonconforming *signs* under Chapter 26.58. The hearing examiner shall prepare all notices, findings, conclusions and decisions, and decisions of the hearing examiner on applications for *conditional uses, special exceptions, variances,* and decisions relating to *signs* under Chapter 26.58 shall be final, provided that if written notice of appeal from the hearing examiner's decision is filed with the secretary of the board of adjustment within a period extending to noon of the seventeenth day following the date of the decision, the *board* shall, within sixty days of such filing, conduct a public hearing and render a decision on such appeal. (Ord. 86300 § 26.1 amended by Ord. 86766, Ord. 97384 and Ord. 102290 § 3; June 21, 1973).

26.50.020 Creation of board of adjustment. There is hereby created a board of adjustment of the city of Seattle, which board shall consist of seven members, each to be appointed by the mayor and approved by the *council* to serve without compensation for a term of three years, subject to removal for cause by the mayor and approved by the *council.* Original appointees to said *board* shall serve staggered terms of two for one year, two for two years, and three for three years respectively. Said *board* shall utilize the staff of the department of community development in the performance of its duties and the *director* shall designate one member of his staff to serve as secretary of said *board,* and such additional positions as may be necessary shall be created from time to time by ordinance to sup-

*Italicized words are defined in Chapter 26.06.

plement the staff of said department in connection with the performance of the duties of said *board.* (Ord. 86300 § 26.2 amended by Ord. 91700, Ord. 96668, Ord. 97384, Ord. 99051 and Ord. 102290 § 4; June 21, 1973).

26.50.030 Board duties and powers. The *board* shall have the duty and power to hear and decide appeals from decisions of the hearing examiner on applications for *conditional uses,* except *conditional uses* to be approved by the *council, special exceptions* and *variances* in accordance with the provisions of Chapter 26.54, and from decisions of the hearing examiner on applications for *sign variances,* petitions to revoke *sign variances* and applications for time extensions for nonconforming *signs* in accordance with conditions set forth in Chapter 26.58. (Ord. 86300 § 26.21 added by Ord. 102290 § 5; June 21, 1973).

26.50.040 Board procedure. The *board* shall adopt rules and regulations for its own government consistent with the rules and the provisions of this and any other ordinance of the city of Seattle. (Ord. 86300 § 26.22 added by Ord. 102290 § 6; June 21, 1973).

26.50.050 Board meetings. All offical meetings of the *board* shall be open to the public. The *board* shall keep minutes of its proceedings, showing the action of the *board* upon each question, and shall keep records of its examinations and other official actions taken by it, all of which shall be immediately filed in the office of the *board* and shall be a public record. (Ord. 86300 § 26.23 added by Ord. 102290 § 7; June 21, 1973).

26.50.060 Land use and zoning rules. Within six months after the effective date of this amendatory ordinance codified in this chapter, the hearing examiner, with the advise of the *director, commission* and *board* shall present to the *city council* written rules and procedures (herein called the "*rules*") governing land use and zoning proceedings which shall govern all such proceedings by the *council, commission, board* and hearing examiner.

Rules shall be adopted by ordinance after a public hearing, and after adoption shall be published and, along with the comprehensive plan of Seattle and this title, shall be made available for public distribution in the offices of the department of community development, the hearing examiner, the *city council,* all public libraries in the city and at other convenient places. Said rules shall include, but need not be limited to, provision for the following matters:

(a) The form and content of applications for text amendments, map amendments, planned unit developments, *conditional uses, special exceptions, variances* and applications relating to *sign* control, and the requirements for maps and exhibits to be filed by the applicant;

(b) The form and content of the *director's* reports, which reports

shall include a study indicating the impact of the application or petition on the surrounding community and whether or not the proposal is consistent with this title and the comprehensive plan of Seattle. Reports of the *director* shall be mailed to the applicant and filed with the appropriate body;

(c) Provisions for determining the circumstances under which community and other groups shall receive notice of proceedings, and for developing and maintaining current lists of such groups;

(d) Provisions for posting copies of applications, staff reports, and other relevant materials in the Seattle Municipal Building and other places, as defined by the *rules*;

(e) The form and content of findings, conclusions, recommendations and decisions of the *commission, board,* hearing examiner and *council*;

(f) The content of the record prepared in each matter, including in each case the application, the *director's* report, all exhibits and other materials filed at any hearing on the application, findings and conclusions, and recordings made on electronic recording equipment of all hearings on the application;

(g) The format for hearings, the frequency of hearings, and the rules of evidence and procedure applicable to hearings; provisions for interested persons to testify, and for parties, when appropriate, to conduct reasonable cross-examination at public hearings;

(h) Provisions governing *ex parte* contacts or discussions by or with any member of the *council, board* or *commission* or the hearing examiner and persons interested in pending matters;

(i) Requirements for recording all hearings on land use and zoning;

(j) Provisions for an attorney employed by the city to be available upon request for hearings before the *council,* hearing examiner, *board* or *commission* to advise on matters of law and procedure. (Ord. 86300 § 26.3 amended by Ord. 89860, Ord. 97499 and Ord. 102290 § 8; June 21, 1973).

26.50.070 Noninterference. No person shall interfere with or attempt to influence the hearing examiner or any member of the *board* or *commission* in the performance of his designated duties except at a public hearing, nor shall the hearing examiner discuss the merits of pending cases with any other person except at a public hearing. (Ord. 86300 § 26.4 added by Ord. 102290 § 9; June 21, 1973).

26.50.080 Procedure—Filing applications. An application to the *Board,* in cases in which it has jurisdiction under the provisions of this title, may be made by any property owner, tenant, authorized agent or any government officer, department, board or bureau affected. Such application, together with all the plans, specifications and other papers pertaining to the application, shall be filed with the Secretary of the *Board.* Each application shall be accompanied by a receipt of the City Treasurer showing

payment by the applicant of a fee of fifty dollars. (Ord. 86300 § 26.32, as amended by Ord. 89860 and Ord. 97499 § 4 (part); February 26, 1969).

26.50.090 Procedure—Board hearings. When an application addressed to the *board* has been filed in accordance with the provisions of this title, the secretary of the *board* shall set a date for hearing the same. Notice of such hearing shall be given not less than ten days prior to the date of such hearing by posting not less than four placards in conspicuous public places within three hundred feet of property concerned and by mailing written notice to owners of properties in the same *block front,* in the *block front* facing across a *street* or *place,* and of properties abutting property concerned directly or across an *alley,* using for this purpose property ownership records of the County Treasurer, and to the applicant and the *superintendent* personally or by mail. Such placards and notices shall be in the form prescribed by the *board* and shall set forth the time, place and purpose of such hearing. Failure to send notice by mail to any property owner, where the address of such owner is not included in the county records, shall not invalidate any proceedings in connection with such application. (Ord. 86300 § 26.34, as amended by Ord. 89860 and Ord. 97499 § 4 (part); February 26, 1969).

26.50.100 Procedure—Decisions of the board. The *board* shall decide all applications at a public hearing not later than forty-five days after the filing of an application. A certified copy of the final decision shall be transmitted to the applicant, the *superintendent,* the City Clerk and the *commission,* not later than seven days after such decision, and unless said decision is appealed to the *council* within a period extending to noon of the seventeenth day following date of hearing at which *board* decision was made, the same shall be final. The *superintendent* shall be bound by and incorporate the terms and conditions of any final decision in the permit to the applicant wherever a permit is authorized. (Ord. 86300 § 26.35, as amended by Ord. 89860 and Ord. 97499 § 4 (part); February 26, 1969).

Chapter 26.52
AMENDMENTS AND COUNCIL CONDITIONAL USES*

Sections:

26.52.010 Filing amendments to zoning ordinance or zoning map.

(a) A petition to amend the text of the zoning ordinance or the official zoning map may be filed with the city clerk by property owners, their authorized agents or other interested persons, and shall be transmitted to the *council*. The form and content of the petition shall be established by the *rules*.

(b) A petition for an amendment to the official zoning map shall be accompanied by a receipt of the city treasurer showing payment by the applicant of a fee of one hundred dollars to defray the cost of processing such petition. The *council* may authorize such fee refunded only when the amendment is required to correct an error or omission of the city or for other good cause shown. (Ord. 86300 § 27.1 amended by Ord. 92998, Ord. 96252, Ord. 97499 and Ord. 102290 § 10; June 21, 1973).

26.52.020 Changes initiated by council. The city *council* shall refer its proposals for amendments to the zoning ordinance to the *director* for a report. Thereafter the *director* and *council* shall follow the procedures set forth in Sections 26.52.040 through 26.52.160 and Chapter 26.54. (Ord. 86300 § 27.11 added by Ord. 102290 § 11; June 21, 1973).

26.52.030 Changes initiated by commission and other departments.

*Italicized words are defined in Chapter 26.06.

Amendments initiated by the *commission,* the department of community development, the building department, or other city departments shall be subject to the provisions of Sections 26.52.040 through 26.52.160 and Chapter 26.54. (Ord. 86300 § 27.12 added by Ord. 102290 § 12; June 21, 1973).

26.52.040 Report of director. *Council* shall refer each petition for an amendment to the official text of the zoning ordinance or official zoning map to the *director* for recommendation. The *director* shall prepare a written report which shall include the recommendations or comments of departments of the city and of other governmental agencies having an interest in the application. The form of the report shall be prescribed by the *rules.* The report shall be made available to the *commission* and to the public on request not less than seven days prior to the scheduled public hearing. (Ord. 86300 § 27.2 amended by Ord. 102290 § 13; June 21, 1973).

26.52.050 Notice. (a) The form and content of all notices of land use or zoning public hearings shall be set out in the *rules.* Notice shall be published in the city official newspaper and also mailed to all news media, including community newspapers, and to interested civic groups at least thirty days prior to the date of the hearing. In the case of an amendment to the official zoning map, the *director* shall post not less than four placards in conspicuous public places within the area to be reclassified and within three hundred feet of that area at least thirty days prior to a public hearing. The *director* shall also mail notice to the applicant and to all property owners and all residents (addressed to "occupant") of the area to be reclassified and within three hundred feet of the area, using for this purpose the property ownership records of the county treasurer and the addresses listed in the latest edition of Polk's Directory or its successor publication. Interested civic groups shall be notified as provided by the *rules.*

(b) Failure to send notice by mail to any property owner, where the address of such owner is not included in the county records shall not invalidate any proceedings in connection with applications under this chapter. (Ord. 86300 § 27.3 amended by Ord. 102290 § 14; June 21, 1973).

26.52.060 Commission hearing on text amendments. The *commission* shall conduct a public hearing on all amendments to the text of the zoning ordinance. The *council* or its planning and urban development committee may request that the public hearing be a joint *council* committee-*commission* hearing. Based on the information gained at the hearing and from the report of the *director,* the *commission* shall submit recommendations based on written findings and conclusions to the *council* within fourteen days of the hearing. Within seventeen days after any hearing required by this section, copies of the recommendation, findings and conclusions shall be mailed to the petitioner and to all parties testifying or submitting informa-

tion at the hearing. (Ord. 86300 § 27.4 added by Ord. 102290 § 15; June 21, 1973).

26.52.070 Council consideration of commission recommendation. After receipt by the *council* of the findings, conclusions and recommendation of the *commission,* the planning and urban development committee or other committee of the *council* shall hold a public hearing to consider such findings, conclusions and recommendations. Notice of such *council* hearing shall be given either at the *commission's* hearing, or by the *director* in the manner prescribed in Section 26.52.050, except that notice need be given only fourteen days or more prior to the hearing and shall be mailed also to persons who testify or submit information at the *commission* hearing. (Ord. 86300 § 27.41 added by Ord. 102290 § 16; June 21, 1973).

26.52.080 Hearing examiner's hearing on map amendments. The hearing examiner shall conduct a public hearing on all petitions for amendments to the official zoning map. Based on the information gained at the hearing and from the report of the *director,* the hearing examiner shall submit recommendations based on written findings and conclusions to the *council* within fourteen days after the hearing. Within seventeen days after any hearing required by this section, copies of the recommendation, findings and conclusions shall be mailed to the petitioner and to all persons testifying or submitting information at the hearing. (Ord. 86300 § 27.5 added by Ord. 102290 § 17; June 21, 1973).

26.52.090 Council consideration of hearing examiner's recommendation. The hearing by the hearing examiner shall constitute a hearing by the *council;* however, any party affected by a recommendation of the hearing examiner under this chapter may submit a petition in writing to the *council* requesting further consideration within fourteen days after the date of mailing the decision of the hearing examiner. If after examination of the written petition and the record the *council* determines that: (1) an error in fact may exist in the record, it may remand the proceeding to the hearing examiner for reconsideration or it may enter new findings of fact; or if the *council* determines that (2) the recommendations of the hearing examiner are based on an error in judgment or conclusion, it may take action contrary to the recommendations of the hearing examiner. The *council's* consideration shall be based upon the record only, but the *council* may allow oral or written arguments based on the record at a public meeting. (Ord. 86300 § 27.51 added by Ord. 102290 § 18; June 21, 1973).

26.52.100 Final action by council. The *council* shall take final action on a text or map amendment by ordinance when required, and shall include findings of fact from the record and conclusions therefrom whenever its action is contrary to the recommendations of the hearing examiner or

commission. Said findings and conclusions shall set forth and demonstrate the manner in which the action carries out or tends to implement the goals and objectives of the comprehensive plan of Seattle, the zoning ordinance and other official policies and objectives of the city. (Ord. 86300 § 27.6 added by Ord. 102290 § 19; June 21. 1973).

26.52.110 Petitioning limited. No petition for a text amendment or amendment to the official zoning map shall be again considered by the *commission,* hearing examiner, or *council* where substantially the same amendment has been denied after public hearing and an opportunity to petition the *council* for further consideration within the twelve month period immediately preceding the filing of such petition. (Ord. 86300 § 27.7 added by Ord. 102290 § 20; June 21, 1973).

26.52.120 Conditional uses authorized by council—Application. An application for *conditional uses* and *variances* incidental thereto to be authorized by the *council* may be filed with the *director* by the property owner, tenant, authorized agent, or any government officer, department, board or bureau affected. Such application, together with all plans, specifications and other papers pertaining to the application shall be accompanied by a receipt of the city treasurer showing payment by the applicant of a fee of seventy-five dollars. The form and content of the application shall be established by the *rules.* (Ord. 86300 § 27.8 added by Ord. 102290 § 21; June 21, 1973).

26.52.130 Report by director. A report from the *director* shall be required as specified for *conditional uses* in Section 26.54.050. (Ord. 86300 § 27.81 added by Ord. 102290 § 22; June 21, 1973).

26.52.140 Notice. Notice of the hearing on an application for a *conditional use* authorized by the *council* shall be given in the manner specified for *conditional uses* in Section 26.54.060. (Ord. 86300 § 27.82 added by Ord. 102290 § 23; June 21, 1973).

26.52.150 Hearing examiner's hearing on conditional use. The hearing examiner shall conduct a public hearing on the application and submit recommendations to the *council* in the manner provided for map amendments in Section 26.52.080. (Ord. 86300 § 27.83 added by Ord. 102290 § 24; June 21, 1973).

26.52.160 Council consideration. The *council* shall consider the recommendations of the hearing examiner in the same manner as for amendments in Section 26.52.090. A copy of the decision shall be mailed to all parties of record, and transmitted to the city clerk, the *director* and the *superintendent* within fourteen days after the hearing. The *superintendent*

shall be bound by and incorporate the terms and conditions of any final decision in the permit to the applicant when a permit is authorized. No *conditional use* or *variance* shall be recommended by the hearing examiner or authorized by the *council* unless the applicable facts and conditions set forth in Section 26.54.010 for *conditional uses* or Section 26.54.030 for *variances*, are found to exist. (Ord. 86300 § 27.84 added by Ord. 102290 § 25; June 21, 1973).

Chapter 26.54

ADMINISTRATIVE DETERMINATIONS*

Sections:

26.54.010 Conditional uses. In specific cases the hearing examiner or *board* upon appeal may authorize a *conditional use* if it is found that the authorizing of such *conditional use* will not be materially detrimental to the public welfare or injurious to property in the *zone* or vicinity in which the property is located, and that the authorization of such *conditional use* will be consistent with the spirit and purpose of this title. In considering applications for *conditional uses,* the hearing examiner or *board* shall consider the nature and condition of all adjacent *uses* and *structures.* In authorizing a *conditional use,* the hearing examiner or *board* may impose requirements and conditions, in addition to those expressly set forth in this title with respect to location, installation, construction, maintenance and operation and extent of *open spaces* as may be deemed necessary for the protection of other properties in the *zone* or vicinity and the public interest. (Ord. 86300 § 28.1 amended by Ord. 92998, Ord. 94970, Ord. 96252, Ord. 96372, Ord. 97449 and Ord. 102290 § 26; June 21, 1973).

*Italicized words are defined in Chapter 26.06.

26.54.020 Special exceptions. In specific cases and subject to the considerations stipulated in Section 26.54.010, the hearing examiner or the *board* upon appeal may authorize the following special exceptions:

(a) Exceptions to height limits:

(1) Industrial *structures*: An industrial *structure* which by reason of its intended *use,* requires exceptional height; provided however, that all such *structures* or portions of *structures* above the otherwise applicable height limit shall not occupy more than twenty-five percent of the *lot area* and shall be distant forty feet or more from every *lot line* not a *street lot line,* and, when within airport areas, shall not be inconsistent with the intent and purpose of Section 26.44.020,

(2) Vertical extension of existing *buildings*: Vertical extension of a *building* to the height shown by the original plans, provided such *building* was actually designed and constructed to carry the additional *stories* and provided further that said *building* existed upon the effective date of the ordinance codified in this title,

(3) Base *structures*: Base *structures* in the *RMV 200 zone* in excess of four feet but not to exceed twenty feet above *lot* grade where topography and/or the nature of surrounding improvements justify a greater height, subject to review and report by the *commission*;

(b) Temporary *uses*: A temporary *use* of premises in any *zone* not involving the erection of any permanent *structure* may be authorized by the hearing examiner or *board* by a revocable permit for a period of not more than six months, except that temporary *uses* to be of less than three weeks' duration may be authorized by the *superintendent*;

(c) Stone quarry, sand, gravel or clay pits: The use of premises in any *zone* for the excavation of stone, sand, gravel, clay or other natural deposits may be authorized by the hearing examiner for a period of one year, subject to the following provisions: Plans for such excavations shall consist of two copies of a topographic map, with such cross-sections as are necessary to show adequately the topography of the property in question and its relation to *streets, alleys,* and surrounding property, together with two copies of a similar map showing the extent of the proposed excavation and the contours of the ground after the removal of the material. A copy of each map shall be submitted to the city engineer who shall report his findings, to the hearing examiner. Before authorizing such *use,* the hearing examiner shall request a report from the *commission* in order to determine whether the proposed excavation will interfere with logical future development of the tract for building or other purposes, and whether it will depreciate the value of nearby property. Authorization of such shall be subject to the posting by the applicant with the city of a performance bond of not less than five thousand dollars guaranteeing conformance with finished grades indicated by the approved plan;

(d) Platted *lots* separated by *alley*: Platted *lots* within the same

block and same *zone,* but separated by a public *alley,* may be authorized by the hearing examiner or *board* as a single *building* site for purposes of calculating the number of *dwelling units* permitted in a *structure* to be erected on one side of the *alley,* subject to the following requirements:

(1) Each portion of the property shall abut a minimum one hundred feet upon the *alley,*

(2) The two portions of the property shall be directly opposite for a distance representing at least fifty percent of the width of the portion of the property not to be occupied by the proposed *building,*

(3) The portion of the property not occupied by the *building* shall not be sold, segregated or used for *building* purposes so long as the *building* remains on the portion of property on the opposite side of the *alley.* (Ord. 86300 § 28.2 added by Ord. 102290 § 27; June 21, 1973).

26.54.030 Variances. (a) In specific cases the hearing examiner or the *board* upon appeal may authorize *variances* from the provisions or requirements of this title which will not be contrary to the public interest; but only where, owing to special conditions pertaining to a specific piece of property, the literal interpretation and strict application of the provisions or requirements of this title would cause undue and unnecessary hardship. No *variance* shall be granted to permit the establishment of a *use* otherwise prohibited in the *zone* in which the property concerned is located, and applications for such *variance* shall not be accepted for filing. No *variance* from the provisions or requirements of this title shall be authorized by the hearing examiner or the *board* on appeal unless all of the following facts and conditions are found to exist:

(1) because of unique conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this title will deprive the property of rights and privileges enjoyed by other properties in the same *zone* or vicinity; and

(2) the contemplated grant of *variance* does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and *zone* in which the subject property is situated; and

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

(4) the authorization of such *variance* will not adversely affect the comprehensive plan of Seattle.

(b) In authorizing a *variance,* the hearing examiner or *board* may attach thereto such conditions regarding the location, character and other features of a proposed *structure* or *use* as may be deemed necessary to carry out the spirit and purposes of this title and in the public interest. A *variance* so authorized shall become void after the expiration of one year,

or longer period if specified at the time of action by the hearing examiner or *board,* if no *building* permit has been issued in accordance with the plans for which such *variance* was authorized, except that the hearing examiner may extend the period of *variance* authorization without public hearing upon a finding that there has been no basic change in pertinent conditions surrounding the property at the time of original approval. (Ord. 86300 § 28.3 added by Ord. 102290 § 28; June 21, 1973).

26.54.040 Applications. Applications for *conditional uses, variances* and *special exceptions* under this title and *sign variances,* petitions to revoke *sign variances,* and time extensions for nonconforming *signs* under Chapter 26.58 shall be filed with the *director.* (Ord. 86300 § 28.4 added by Ord. 102290 § 29; June 21, 1973).

26.54.050 Report of director. The *director* shall prepare a written report on applications referred to in Section 26.54.040 which shall include the recommendations or comments of any affected departments of the city and of other governmental agencies having an interest in the application. The form of the report shall be prescribed by the *rules.* The application and report shall be transmitted to the hearing examiner and be made available to the public on request not less than seven days prior to the hearing. (Ord. 86300 § 28.41 added by Ord. 102290 § 30; June 21, 1973).

26.54.060 Notice of hearing examiner's hearing. (a) At least thirty days prior to a public hearing, the *director* shall post not less than four placards in conspicuous public places within three hundred feet of the boundaries of the subject property and shall mail notice of the date, time, place and purpose of a hearing on the application referred to in Section 26.54.040 to the applicant and to all property owners and all residents (addressed to "occupant") of the area and within three hundred feet of the boundaries of the property, using for this purpose the property ownership records of the county treasurer, and the addresses listed in the latest edition of Polk's Directory or its successor publication. Notice shall also be published in the city official newspaper and mailed to other daily and community newspapers serving the area. Interested civic groups shall be notified as provided by the *rules.*

(b) Failure to send notice by mail to any property owner where the address of such owner is not included in the county records shall not invalidate any proceedings in connection with applications under Section 26.54.040. (Ord. 86300 § 28.42 added by Ord. 102290 § 31; June 21, 1973).

26.54.070 Hearing before hearing examiner. (a) The hearing examiner shall conduct a public hearing on the application referred to in Section 26.54.040. He shall issue findings and conclusions in the form prescribed in the *rules* and based on the appropriate considerations for the requested authorization.

(b) Copies of the decision of the hearing examiner shall be mailed to all parties of record and transmitted to the city clerk, the *director* and *superintendent* within fourteen days after the hearing and shall be final unless appealed to the board of adjustment in accordance with Section 26.54.080.

(c) The *superintendent* shall be bound by and incorporate the terms and conditions of any final decision in the permit to the applicant whenever a permit is authorized. (Ord. 86300 § 28.43 added by Ord. 102290 § 32; June 21, 1973).

26.54.080 Appeal to the board of adjustment. The *director* or any party affected by a decision of the hearing examiner on applications referred to in Section 26.54.040 may file an appeal in writing with the board of adjustment within fourteen days of the date the decision of the examiner is mailed, stating explicit exceptions and objections to the hearing examiner's decision. If after examination of the written appeal and the record at a public hearing the *board* determines that: (1) an error in fact may exist in the record, it may remand the proceeding to the hearing examiner for reconsideration; or if the *board* determines that (2) the decision of the hearing examiner is based on an error in judgment or conclusion, it may modify or reverse the decision of the hearing examiner. (Ord. 86300 § 28.5 added by Ord. 102290 § 33; June 21, 1973).

26.54.090 Notice of board meeting. Notice of the time, place and purpose of a public hearing shall be posted and mailed not less than fourteen days prior to the date set by the *board* for a hearing to all parties of record and to owners and residents in the area in the form and manner specified for the hearing examiner's hearing in Section 26.54.070. (Ord. 86300 § 28.51 added by Ord. 102290 § 34; June 21, 1973).

26.54.100 Board appeal limited. An appeal to the *board* shall be limited to exceptions or objections to the findings and conclusions of the hearing examiner. (Ord. 86300 § 28.52 added by Ord. 102290 § 35; June 21, 1973).

26.54.110 Board consideration. The *board* shall consider only the exceptions and objections to the findings and conclusions of the hearing examiner. The *board* may publicly request and consider additional information of the appellant or the hearing examiner in its discretion. All actions of the *board* shall be by resolution, which shall include the reasons for each decision. A majority of *board* members present but in no case less than three members of the *board* shall be necessary to affirm, remand, modify or reverse a decision of the hearing examiner. In modifying or reversing a decision of the hearing examiner the *board* shall support its ac-

tion by entering new or contrary findings of fact and conclusions. (Ord. 86300 § 28.53 added by Ord. 102290 § 36; June 21, 1973).

26.54.120 Board decisions. The *board* shall consider the appeal and render a decision thereon within thirty days after filing the appeal. A certified copy of the final decision shall be mailed to all parties of record, and transmitted to the city clerk, the *director* and the *superintendent* within seven days after the hearing. The *superintendent* shall be bound by and incorporate the terms and conditions of any final decision in the permit to the applicant when a permit is authorized. (Ord. 86300 § 28.54 added by Ord. 102290 § 37; June 21, 1973).

26.54.130 Applications limited. The decision of the *board* shall be final. No application for a *conditional use, variance, special exception* or relating to signs under Chapter 26.58 shall again be considered by the hearing examiner or *board* where substantially the same application has been denied by the hearing examiner or *board* after a public hearing within the twelve-month period immediately preceding the filing of the new application. (Ord. 86300 § 28.55 added by Ord. 102290 § 38; June 21, 1973).

Chapter 26.58
SIGNS ALONG FREEWAYS

Sections:

26.58.010 Purpose and interpretation. It is declared to be the purpose of this chapter to implement the purpose and policy expressed by the Highway Advertising Control Act of the State of Washington in the regulation of outdoor advertising signs adjacent to certain public highways, and this chapter is hereby declared to be an exercise of the police power of the city of Seattle to protect the public health, safety, welfare, convenience and the enjoyment of public travel, to attract visitors to this city and to conserve natural and man-made beauty by regulating the size and location of certain signs adjacent to certain designated freeways, ex-

pressways, parkways and scenic routes within the city of Seattle, and this chapter shall be liberally construed for the accomplishment of these purposes and is intended to be additional and supplemental to existing zoning and other laws regulating the size and location of signs. (Ord. 90138 § 1 as amended by Ord. 94586 and Ord. 97025 § 1; September 5, 1968).

25.58.020 Definitions. The following words and terms used in this chapter, in addition to their ordinary meanings, mean and include the following:

ABANDONED BUSINESS SIGN. Any business sign which is located on property which becomes vacant or unoccupied for a period of ninety days or more, or which was erected for an occupant or business unrelated to the present occupant or business, or which pertains to a time, event or purpose which no longer obtains.

ADVERTISING SIGN. Any sign, structure or device that is intended for advertising purposes, or on which letters, figures or pictorial matter are displayed, or are intended to be displayed, for advertising purposes, except a business sign or real estate sign.

BOARD, OR BOARD OF ADJUSTMENT. The board of adjustment of the city of Seattle as established under Section 26.50.010.

BUSINESS SIGN. A sign, structure or device identifying the premises upon which it is located, or an occupant of said premises, or related to goods or services manufactured, produced or available on said premises.

CONTROL OF ACCESS. The condition where the right of owners or occupants of abutting land or other persons to access, light, air, or view in connection with a public street is fully or partially controlled by public authority.

CONTROL OF ACCESS, FULL. The condition where the authority to control access is exercised to give preference to through traffic by providing access connections with selected public streets only and by prohibiting crossings at grade and direct driveway connections.

CONTROL OF ACCESS, PARTIAL. The condition where the authority to control access is exercised to give preference to through traffic to a degree that, in addition to access connections with selected public streets, there may be some crossings at grade and some direct connections.

DOUBLE-FACED SIGN. A sign which has two display surfaces in approximately parallel planes backed against each other or against the same background, one face of which is designed to be seen from one direction and the other from the opposite direction.

ENTRANCE RAMP. Any public road or turning roadway including acceleration lanes by which traffic enters the main traveled way of a limited access facility from the general street system; such designation apply-

ing to that portion of the roadway along which there is full control of access.

ERECT. To place, construct, build, install, raise, attach, relocate, substantially alter, enlarge, suspend, post, paint, maintain or display; but not to repair, clean or change the message on the surface of a sign face designed for use with changeable copy.

EXIT RAMP. Any public road or turning roadway including deceleration lanes by which traffic leaves the main traveled way of a freeway to reach the general street system within the city; such designation applying to that portion of the roadway along which there is full control of access.

EXPRESSWAY. A divided arterial street for through traffic with full or partial control of access and generally with grade separations at intersections.

FACE OF A BUILDING. The elevation of a building as measured on flat projection from any side, excluding the roof and excluding any chimney, stack, structure or mechanical equipment on the roof.

FLASHING OR MOVING SIGN. Any sign which has any actual or apparent flashing or moving, rotating or revolving parts actuated by electric, electronic, kinetic or mechanical devices or by wind currents and shall include but not be limited to banners, pennants, flags, balloons, ribbons, streamers, spinners, strings of light bulbs, and signs which change or appear to change color or light intensity.

FREE STANDING SIGN. Any business sign standing on the ground with or without support braces and not attached to any building.

FREEWAY. An expressway with full control of access.

LANDSCAPED SECTION. A section of the right-of-way of a freeway, expressway, parkway or scenic route, at least one side of which is improved by the planting, for other than the sole purpose of soil erosion control, or ornamental trees, shrubs, lawn or other vegetation, or at least one side of which is endowed by nature with native trees and shrubs that are reasonably maintained, and which has been so designated by this chapter.

MULTI-FACED SIGN. Any sign which has two or more display surfaces and is not a double-faced sign as defined herein.

NONCONFORMING SIGNS. A lawfully erected sign in existence on October 5, 1968 or at the time of any amendments hereto, and which thereafter would be prohibited by the provisions of this ordinance.

PARKWAY. A thoroughfare located within a park, or including a park-like development and designated as a "parkway."

REAL ESTATE SIGN. A sign advertising for sale or rent the premises upon which it is located.

SCENIC ROUTE. Those streets designated by ordinance as scenic routes.

SCENIC VIEW SECTION. A section of the traveled way of a freeway,

expressway, parkway, or scenic route the daily traffic along which includes a large number of motorists entering, passing through or leaving the city and from which there is a view of scenic beauty or historical significance, or of an array of urban features or natural prospects, or of a public park, or of lakes, bays, mountains, the harbor or the city skyline, and which has been so designated by this chapter.

SIGN. Any medium including its structure and component parts which is used or is intended to be used out of doors to attract attention to the subject matter for advertising, identification or informative purposes.

SIGN VARIANCE. A modification of the regulations of this chapter authorized by the board where, owing to special circumstances and conditions pertaining to a sign, a less literal interpretation or strict application of the provisions and requirements of this chapter would be justifiable under certain criteria established by this chapter.

TRAVELED WAY. The paved portion of a freeway, expressway, parkway and their entrance or exit ramps, or scenic route, exclusive of shoulders, used for the movement of vehicles.

VISIBLE. Capable of being seen (whether or not legible) without visual aid by persons of normal visual acuity. (Ord. 90138 § 2 as amended by Ord. 94586 and Ord. 97025 § 2; September 5, 1968).

26.58.025 Scenic view sections designated. The following are hereby designated as landscaped and/or scenic view sections of the city's freeways, expressways, parkways or scenic routes as illustrated on a map marked Exhibit "A" and by this reference made a part of this chapter:

(1) South Lake Way from 17th Avenue South to the east city limits on the Lacey V. Murrow Memorial Bridge.

(2) West Seattle Freeway from Harbor Avenue S.W. to 35th Avenue S.W.

(3) The west side of Alaskan Freeway from South Connecticut Street to the west portal of the Battery Street Tunnel. The east side of the Alaskan Freeway from South Connecticut Street to the west portal of the Battery Street Tunnel from the date that the Pike Plaza Redevelopment Project Plan is approved and a contract for federal financial assistance is authorized by ordinance.

(4) That certain proposed limited access facility known as the Thomson Freeway from the south city limits to its intersection with State Route No. 522 from the date that plans for construction of said highway or sections thereof are approved by the Board of Public Works.

(5) Interstate Highway No. 5 from the north city limits to the south city limits.

(6) That certain proposed limited access facility known as Interstate Highway No. 90 from the east city limits to Interstate Highway No. 5 from

the date that construction of said highway is first advertised for bids by the State Department of Highways.

(7) State Route No. 520 from Interstate Highway No. 5 to the east city limits on the Evergreen Point Bridge.

(8) That certain proposed limited access facility known as State Route No. 522 from Interstate Highway No. 5 to the north city limits from the date that construction of said highway is first advertised for bids by the State Department of Highways.

(9) That certain proposed limited access facility known as State Route No. 509 from the south city limits to Interstate Highway No. 5 from the date that construction of said highway is first advertised for bids by the State Department of Highways.

(10) That certain proposed limited access facility known as the Bay Freeway from Interstate Highway No. 5 to Aurora Avenue North from the date that plans for said highway are approved by the board of public works. (Ord. 90138 § 2A added by Ord. 94586 and amended by Ord. 97025 § 3; September 5, 1968).

26.58.030 Unlawful signs—Exceptions. It is unlawful, after the designation by ordinance of a landscaped and/or scenic view section of a freeway, expressway, parkway, or scenic route within the city of Seattle, to erect any advertising sign or business sign within six hundred sixty feet outgoing from the nearest edge of the main traveled way of any such landscaped and/or scenic view section or to erect any advertising sign within two hundred feet in any direction from the main traveled way of the exit and entrance ramps thereto, if any part of the advertising matter or informative content of such sign is visible from any place on the traveled way of said landscaped and/or scenic view section or ramp, except as follows:

(a) Stationary, nonflashing business signs on the face of a building, the total area of which shall not exceed ten percent of the face of the building or two hundred fifty square feet, whichever is less, except as provided in Section 26.58.036.

(b) Stationary, nonflashing free standing business signs, not exceeding a total of seventy-five square feet visible from any place on the traveled way of said landscaped and/or scenic view section, and not exceeding thirty feet in height including structures and component parts as measured from the grade immediately below the sign.

(c) Real estate signs, provided the total area of all such signs on any premises shall not exceed fifty square feet.

(d) Stationary, nonflashing business signs for oil company service stations, the area of a single face of which shall not exceed one hundred fifty square feet and the total combined area of which shall not exceed two hundred fifty square feet which may be apportioned among free standing business signs not exceeding thirty feet in height and business signs on the

face of a building. (Ord. 90138 § 3 as amended by Ord. 94586 and Ord. 97025 § 4; September 5, 1968).

26.58.035 Methods of measurement. The area of business signs permitted by Section 26.58.030 shall be measured as follows:

(a) Where signs are mounted on a structure separate from a building the entire visible surface of the structure exclusive of support devices shall be included;

(b) Where signs are painted or mounted directly on a building, the area contained in the least rectangle enclosing all portions of the sign shall be included, except as provided in Section 26.58.036(a). Where a background color different from that of the building face upon which a sign is located is used as part of the sign, the entire background area shall be included;

(c) Where free standing business signs and business signs on the face of a building are visible on the same premises, the sum of the area of both types of signs visible from any place on the traveled way shall not exceed the area permitted on the face of the building, except as provided in Section 26.58.030 for oil company service stations signs and in Section 26.58.036(e);

(d) Where a double-faced sign is used, the area of only one face shall be measured;

(e) Where a multifaced sign is used, the greatest area visible from any place on the traveled way shall be measured. (Ord. 90138 § 3A added by Ord. 97025 § 5; September 5, 1968).

26.58.036 Sign variance—Issuance. Upon written application and payment of a filing fee of fifty dollars, the board of adjustment is authorized to issue sign variances in the following instances, but only when the issuance of such sign variance is within the intent and purposes of this chapter and will not be contrary to the public interest, detrimental to the public welfare or safety, injurious to property in the vicinity, and will not make difficult the viewing and comprehending by motorists and pedestrians of official or conforming signs, or increase the density of signs along a designated landscaped and/or scenic view section to an extent tending to constitute a hazard to traffic safety or a detriment to the appearance of the neighborhood, or impinge upon a view of scenic interest;

(a) Business signs composed of letters, numbers or designs individually painted or mounted directly on a building and measured by totalling the areas contained in the least rectangle enclosing all portions of each letter, number or design.

(b) Business signs on a building which extend not more than 12 feet in height above the face of the building, provided that the maximum permitted area of such signs, except for oil company service station signs, shall be reduced by fifty percent.

(c) Time, temperature and/or stock index recording devices as part of a business sign.

(d) Business signs on a building face of five thousand square feet or more, the area of which exceeds two hundred fifty square feet but which in no case exceeds five percent of the face of the building.

(e) Free standing business signs on the same premises with business signs on the face of a building and not subject to being added together and limited to the area permitted on the face of the building as provided in Section 26.58.035, where such free standing signs are more than one hundred feet from the face of the building and from each other, or where the business engaged in is outdoor merchandising and the grounds of the premises are more significant to the business than any structures on the premises.

(f) Business signs of such increased height as may be necessary to provide reasonable identification to a business whose existing signs are obscured by subsequent construction, landscaping or natural vegetation.

(g) Business signs of such increased area as may be necessary to incorporate such sign as an architectural element of a building.

(h) Existing nonconforming advertising or business signs visible from but not primarily oriented to the traveled way of a designated landscaped and/or scenic view section.

(i) New advertising signs or business signs which do not conform to the provisions of this ordinance which are to be erected at an elevation significantly lower than the grade of the traveled way of a designated landscaped and/or scenic view section and visible therefrom, but to be primarily oriented to a roadway other than such designated section. (Ord. 90138 § 3B1 added by Ord. 97025 § 6 (part); September 5, 1968).

26.58.037 Variance—Authorization—Revocation. No sign variance shall be authorized for signs which flash or move, except for time, temperature and stock index recording devices. The board may attach such conditions regarding the location, character, color and other features of the sign as it may deem necessary in the public interest to carry out the intent and purposes of this ordinance. Sign variances authorized by the board shall become void after the expiration of one year if no building permit has been issued in accordance with the plans for which such variance was authorized. Any sign variance granted under this chapter may be revoked by order of the board when it is shown by satisfactory proof that:

(a) the application for the sign variance contained any material misrepresentation of fact; or

(b) the special conditions and circumstances originally justifying the granting of a sign variance have changed or terminated in which case the sign shall be considered nonconforming. It is unlawful for the owner or lessee of the sign or the owner or operator of the premises upon which said sign is located to fail to remove such sign within thirty days after revoca-

tion of the sign variance, except where the sign becomes nonconforming. (Ord. 90138 § 3B2 added by Ord. 97025 § 6 (part); September 5, 1968).

26.58.040 Nonconforming, dilapidated and abandoned signs. (1) All nonconforming signs shall either be made to conform with the provisions of this chapter or be removed within three years from October 5, 1968 or within three years of the date such signs become nonconforming, whichever occurs later, and it is unlawful for the owner or lessee of such sign or the owner or operator of the premises upon which such sign is located to fail to remove such sign after said period of time has expired. The board of adjustment, upon written application therefor and payment of a filing fee of fifty dollars may extend the time for removal of such nonconforming signs for a period not to exceed an additional seven years upon finding that:

(a) The extension of time will not be unduly detrimental to the intent and purpose of this chapter as set forth in Section 26.58.010, and

(b) There is a substantial unamortized investment in the sign made prior to the effective date of any ordinance which would prohibit the erection of such sign, or

(c) Construction or related activity on the proposed highways, or the Pike Plaza Redevelopment Project designated in Section 26.58.025 or other proposed redevelopment projects along the east side of the Alaskan Freeway from Union Street to South Connecticut Street, is not scheduled to begin for six or more months, provided that in such case the time extension shall not exceed the actual or anticipated delay.

(2) No nonconforming sign shall be in any manner altered, reconstructed or moved without being made to comply in all respects with the provisions of this chapter, provided that nothing herein shall prohibit the normal maintenance or repair of any nonconforming sign where no major structural alterations are made, nor the painting or repainting of the face thereof, nor the changing of the message on the surface of the sign face on signs designed for changeable copy. The cost of such maintenance, repair, painting or message changing shall not be cause for a request for an additional period of time to recover such costs. All business and advertising signs shall be maintained in a safe, presentable condition, including replacement of defective parts, painting, repainting, cleaning and other acts required to maintain the sign. All abandoned business signs shall be removed.

(3) Within sixty days of March 15, 1969 and from time to time thereafter, the superintendent of buildings shall cause to be mailed to the owners of property upon which abandoned signs or signs in need of repair are located, notice of the existence of such sign, its noncompliance with the provisions of this chapter and the time within which the sign must be repaired or removed. At least sixty days before the termination of the period of time allowed for removal of nonconforming signs, the superintendent of buildings shall cause to be mailed to the owners of property upon which a

nonconforming sign is located notice of the existence of such sign and the time within which the sign must be made to conform or be removed. The mailing of such notice shall constitute a convenience to the owner, and the failure to give such notice or to receive the same shall in no way impair the enforcement of this chapter. It is unlawful for the owner or lessee of such sign or the owner or operator of the premises upon which such sign is located to fail to repair, conform or remove such sign within sixty days after such notification. (Ord. 90138 §§ 4.1, 4.2, 4.3 as amended by Ord. 94586, Ord. 97025 and Ord. 97456 § 1; February 13, 1969).

26.58.050 Enforcement. The Superintendent of Buildings shall enforce this chapter and no building permit shall be issued for any sign prohibited by this chapter. (Ord. 90138 § 5; April 3, 1961).

26.58.060 Penalty for violations. Anyone violating or failing to comply with this chapter, upon conviction thereof, shall be punished by a fine of not more than three hundred dollars, or by imprisonment for not more than ninety days, or by both such fine and imprisonment, and each day that anyone shall continue to violate or fail to comply with this chapter shall be a separate offense. (Ord. 90138 § 6; April 3, 1961).

26.58.070 Applicability—Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this chapter. Nothing in this chapter shall be construed to authorize the erection of any sign prohibited by another ordinance of the city of Seattle and this chapter shall apply to all signs within the designated areas whether or not a building permit for such sign is required by the building code. (Ord. 90138 § 7 as amended by Ord. 94586 and Ord. 97025 § 8; September 5, 1968).

Chapter 26.62

HARBOR AND WATERFRONT CONSTRUCTION LIMIT LINE

Sections:

26.62.010 Designated. There is hereby established along the shores of Lake Union and waters in the vicinity thereof in the City of Seattle, a "Seattle Construction Limit Line" as designated on the map attached hereto identified as Exhibit "A", Sheets 1, 2 and 3, and by this reference made a part hereof.* (Ord. 92887 § 1; May 5, 1964).

*See clerk's file.

26.62.020 Construction of buildings beyond limit line. It is unlawful to erect, construct or maintain any building or structure outward from the shores of Lake Union beyond the "Seattle Construction Limit Line" established in Section 26.62.010 of this chapter except such buildings or structures as are expressly authorized by the laws of the United States or the State of Washington. (Ord. 92887 § 2; May 5, 1964).

26.62.030 Penalty. Anyone violating the provisions of this chapter shall, upon conviction, be punished by a fine in a sum not to exceed five hundred dollars, or by imprisonment in the city jail for a term not to exceed six months or by both such fine and imprisonment. (Ord. 92887 § 3; May 5, 1964).

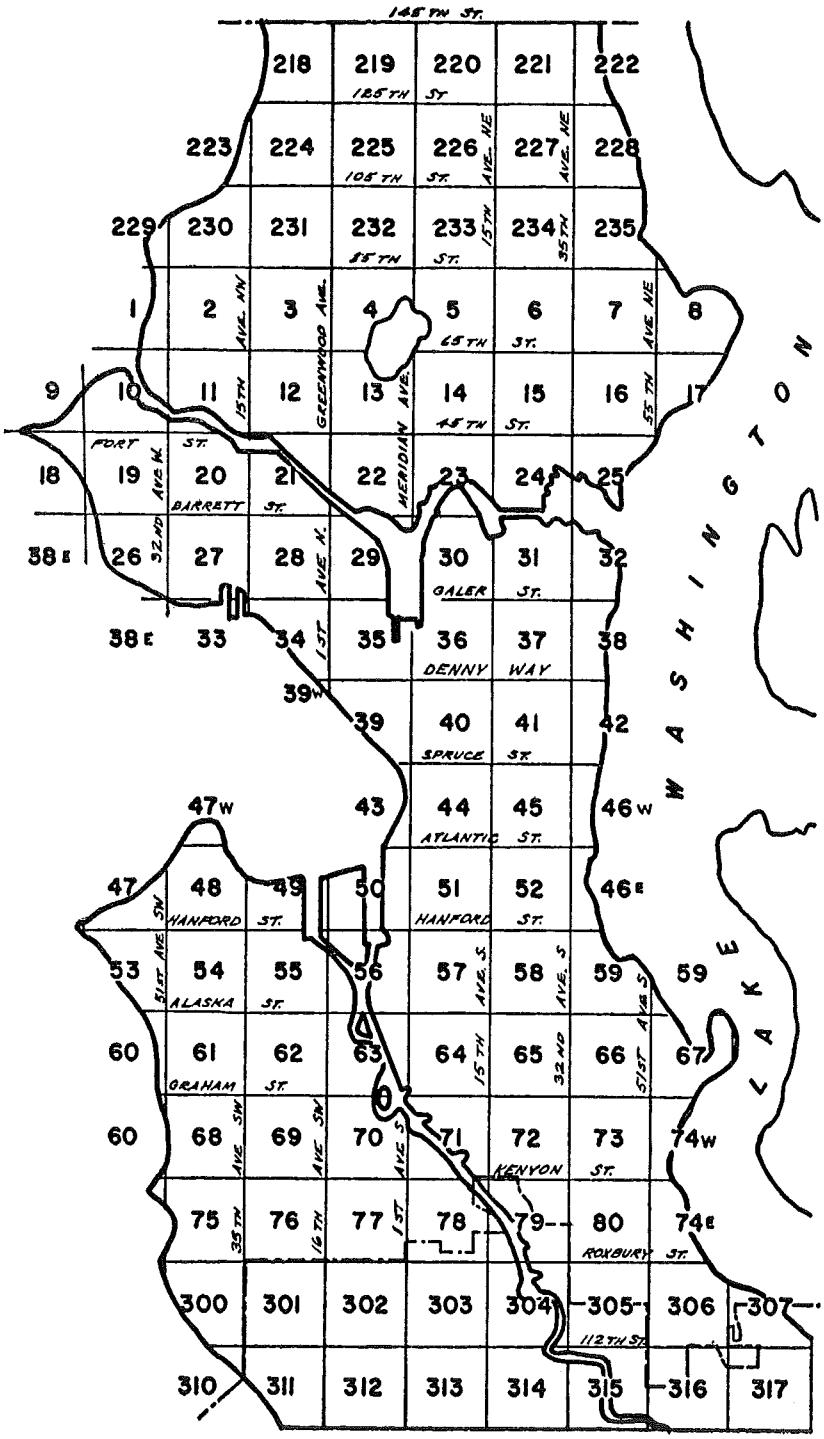
OFFICIAL ZONING MAP SECTIONS

SEATTLE ZONING CODE

Including changes made by Ordinances up to and including No. 102076

(SEATTLE 8-23-73)

ZONING



(SEATTLE 8-23-73)

INDEX

LEGEND

RS 9600— Single Family Residence Low Density Zone.

RS 7200— Single Family Residence Medium Density Zone.

RS 5000— Single Family Residence High Density Zone.

RW— Residence Waterfront Zone.

RD 7200— Duplex Residence Medium Density Zone.

RD 5000 Duplex Residence High Density Zone.

RM— Multiple Residence Low Density Zone.

RM 1600— Multiple Residence Lowest Density Zone.

RMH— Multiple Residence High Density Zone.

RMV 200— Multiple Residence High Density Variable Height Zone.

RMV 150— Multiple Residence Highest Density Variable Height Zone.

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BI— Intermediate Business Zone.

BC— Community Business Zone.

BM— Metropolitan Business Zone.

CM— Metropolitan Commercial Zone.

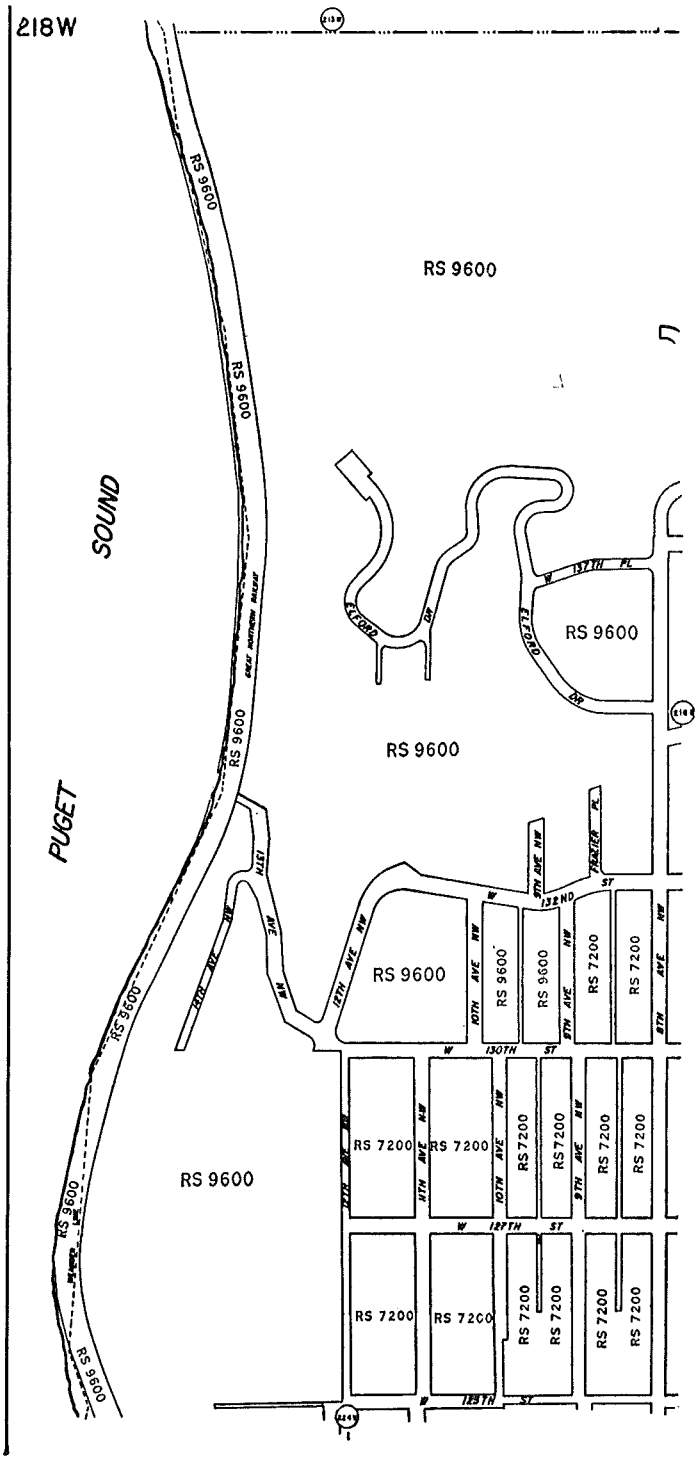
CMT— Metropolitan Commercial Zone Temporary.

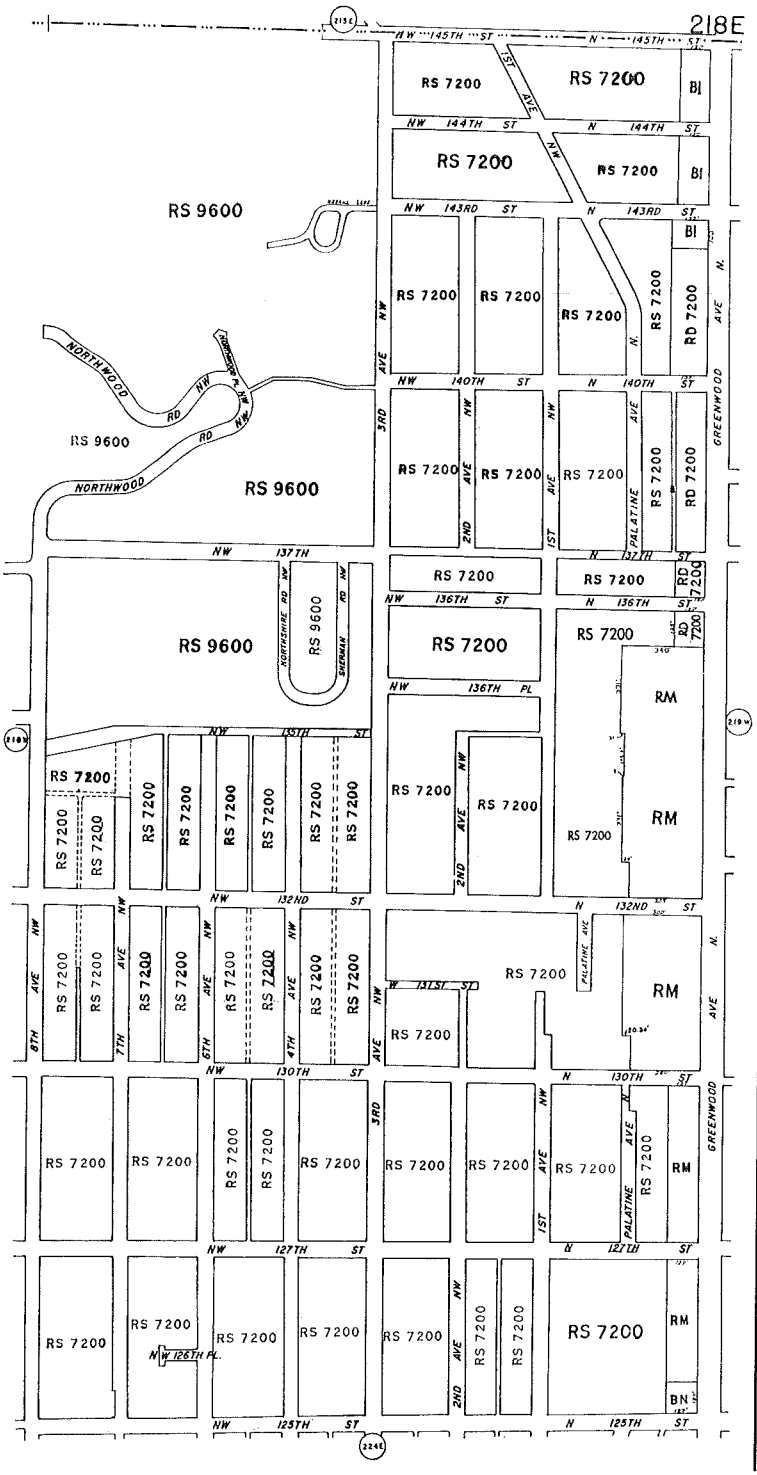
CG— General Commercial Zone.

M— Manufacturing Zone.

IG— General Industrial Zone.

IH— Heavy Industrial Zone.





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(SEATTLE 8-21-70)

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RMV 150— Multiple Residence Highest Density Variable Height Zone.

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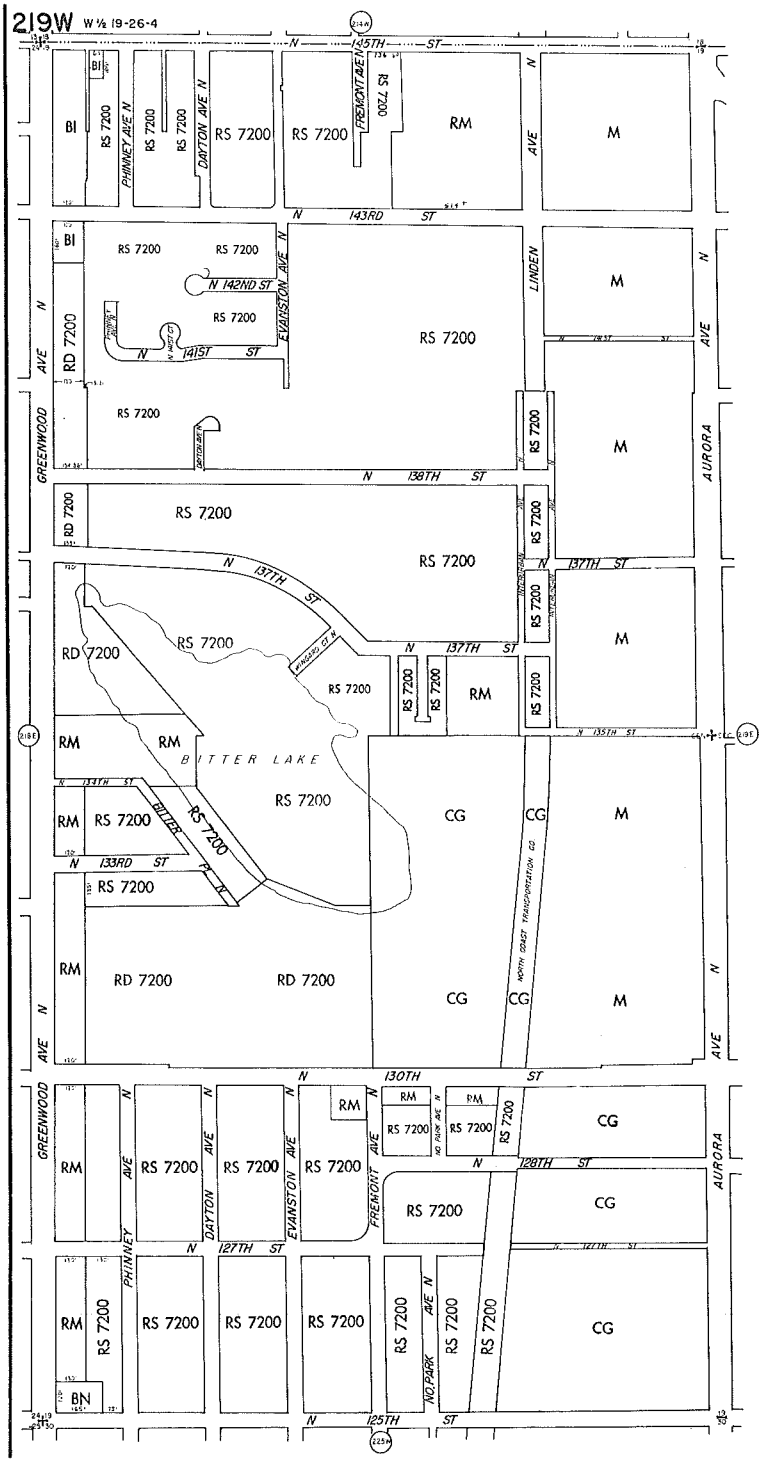

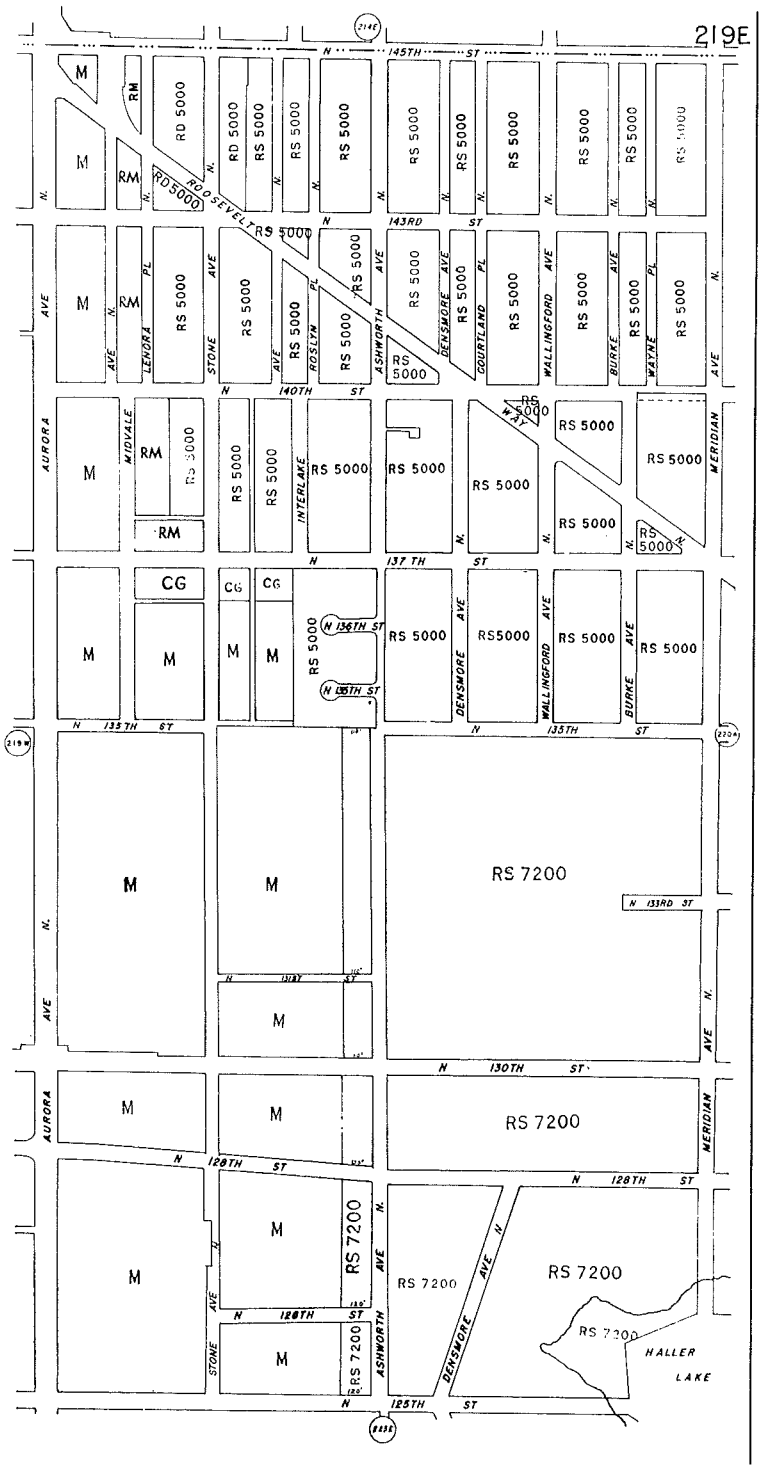

LEGEND

RS 9600—
Single Family Residence Low Density Zone.

RS 7200—
Single Family Residence Medium Density Zone.

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RW—
Residence Waterfront Zone.

RD 7200—
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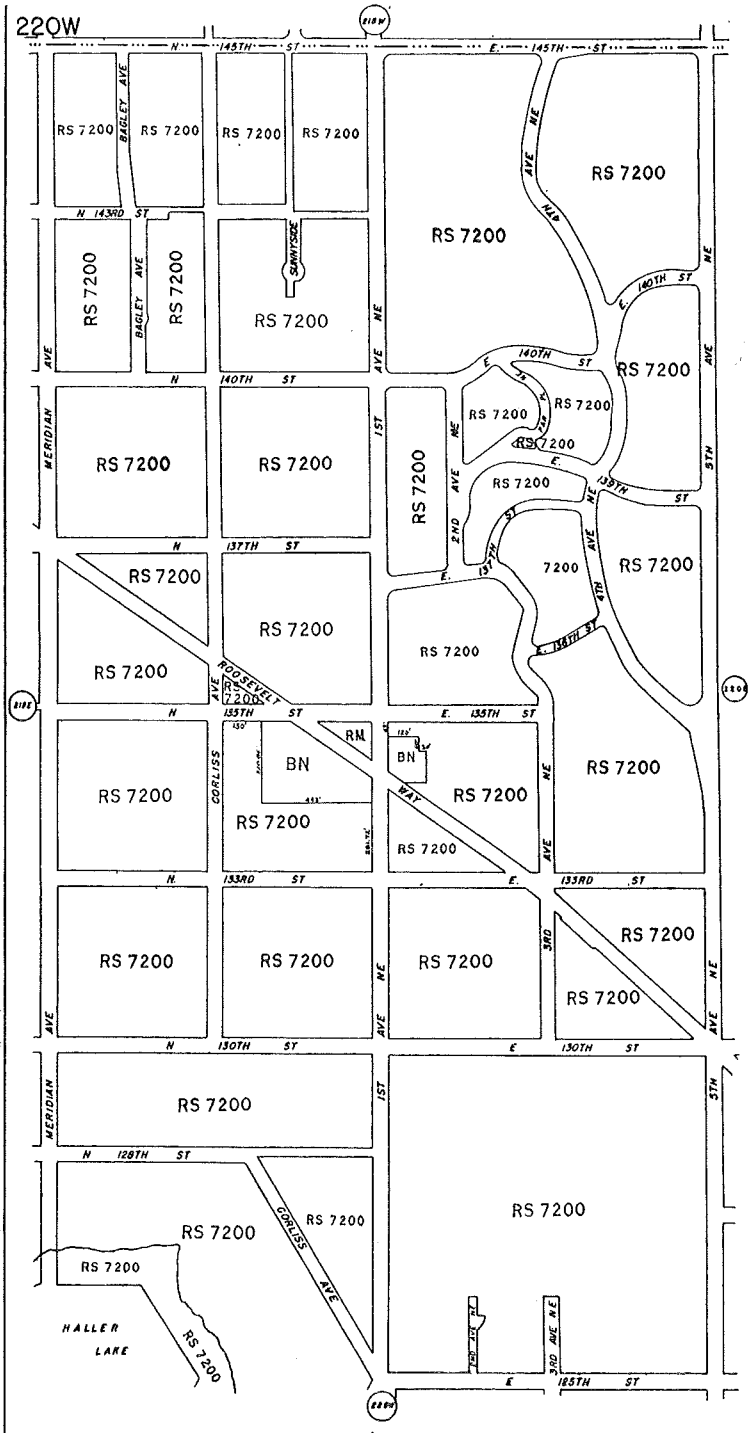

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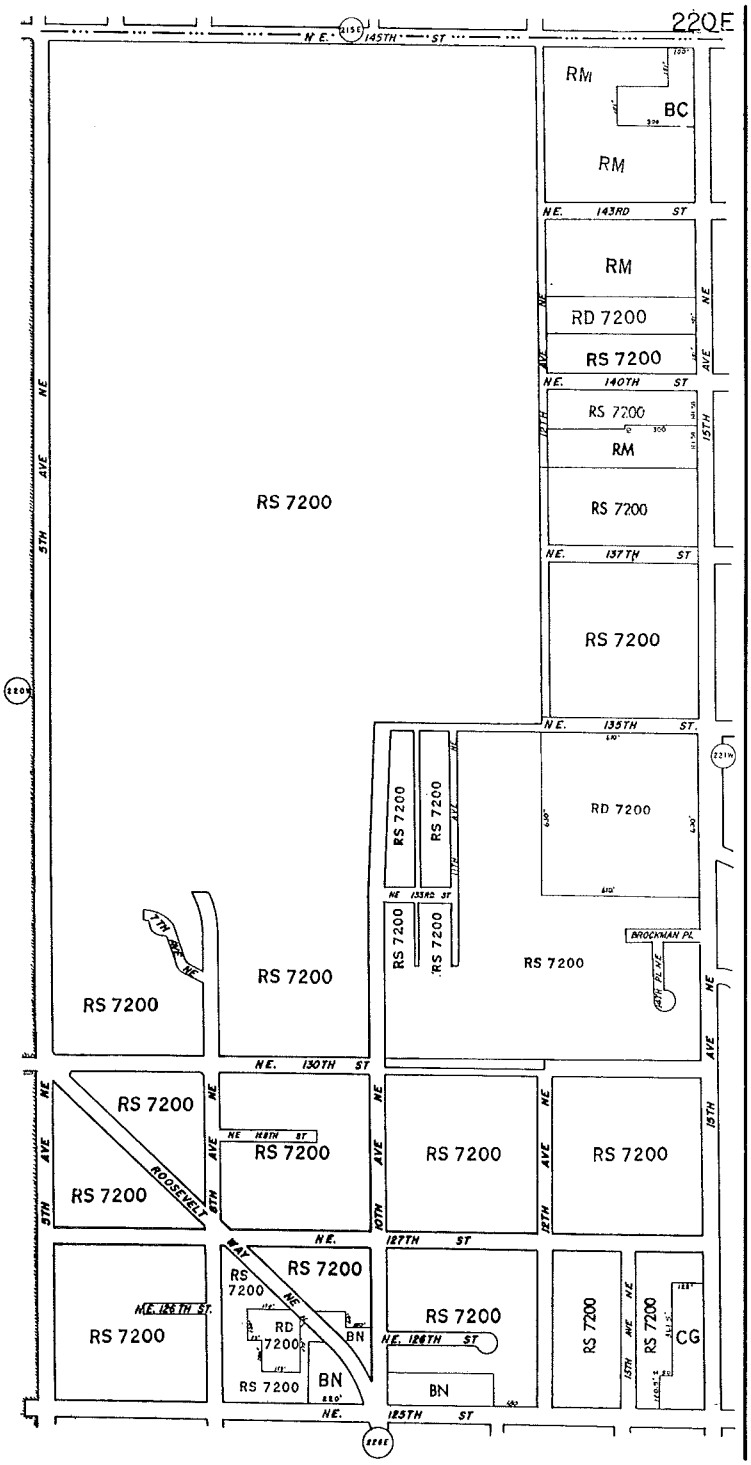

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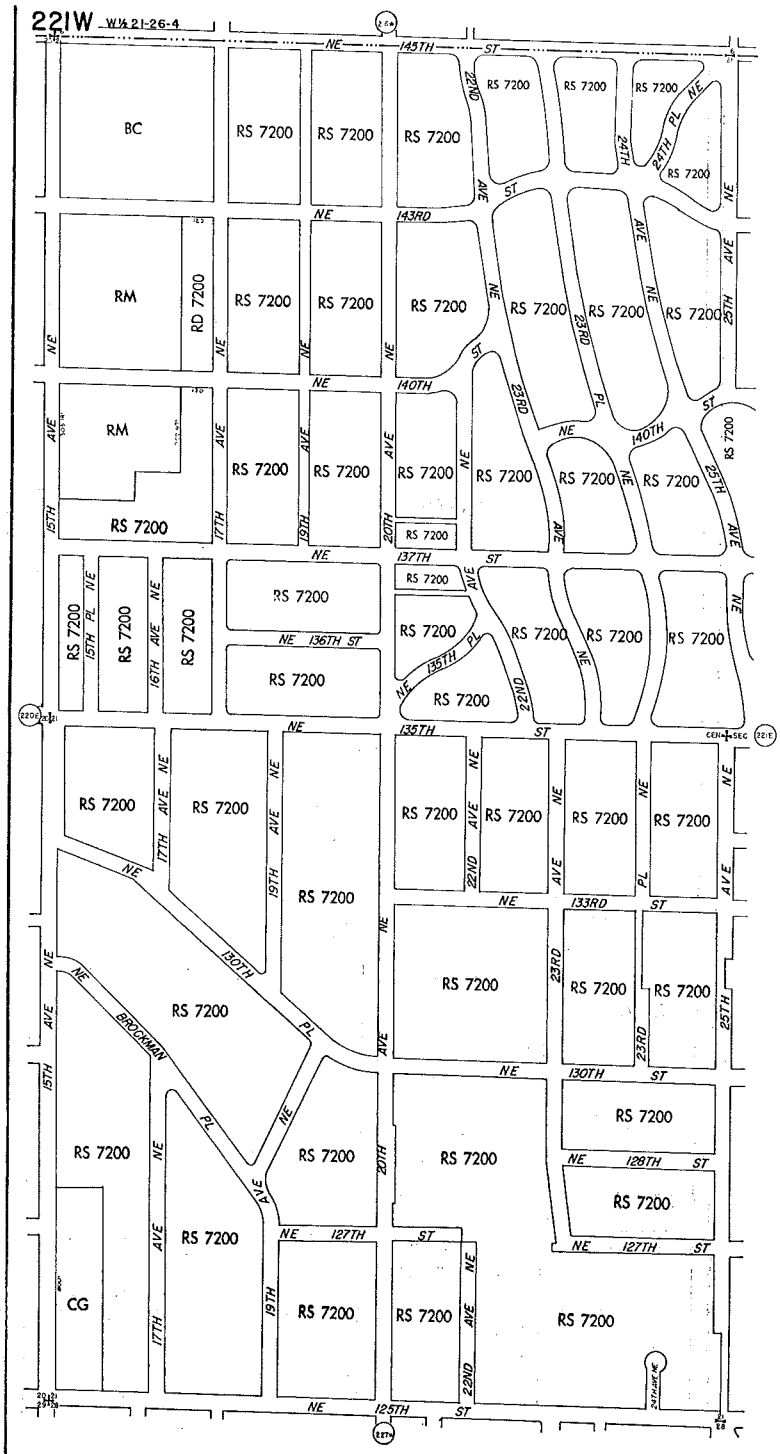

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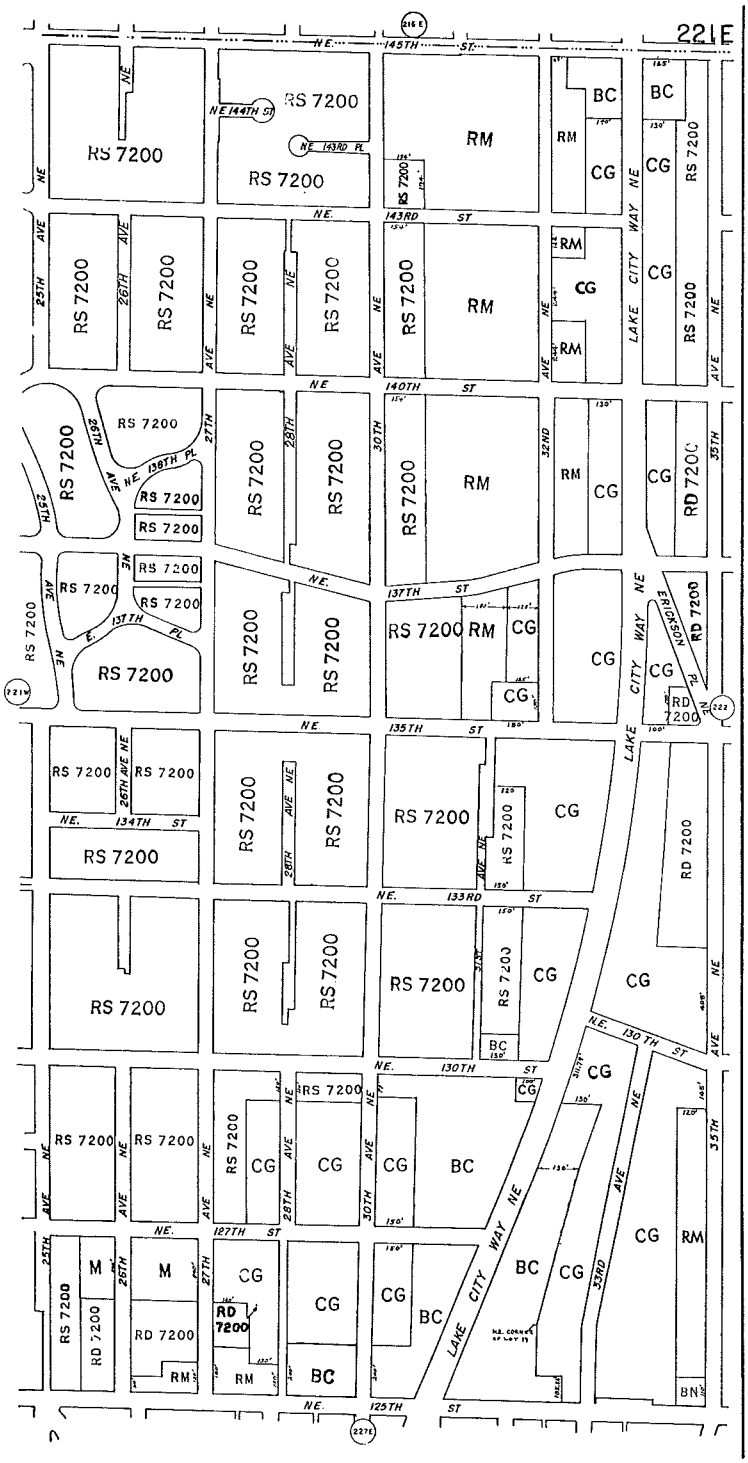

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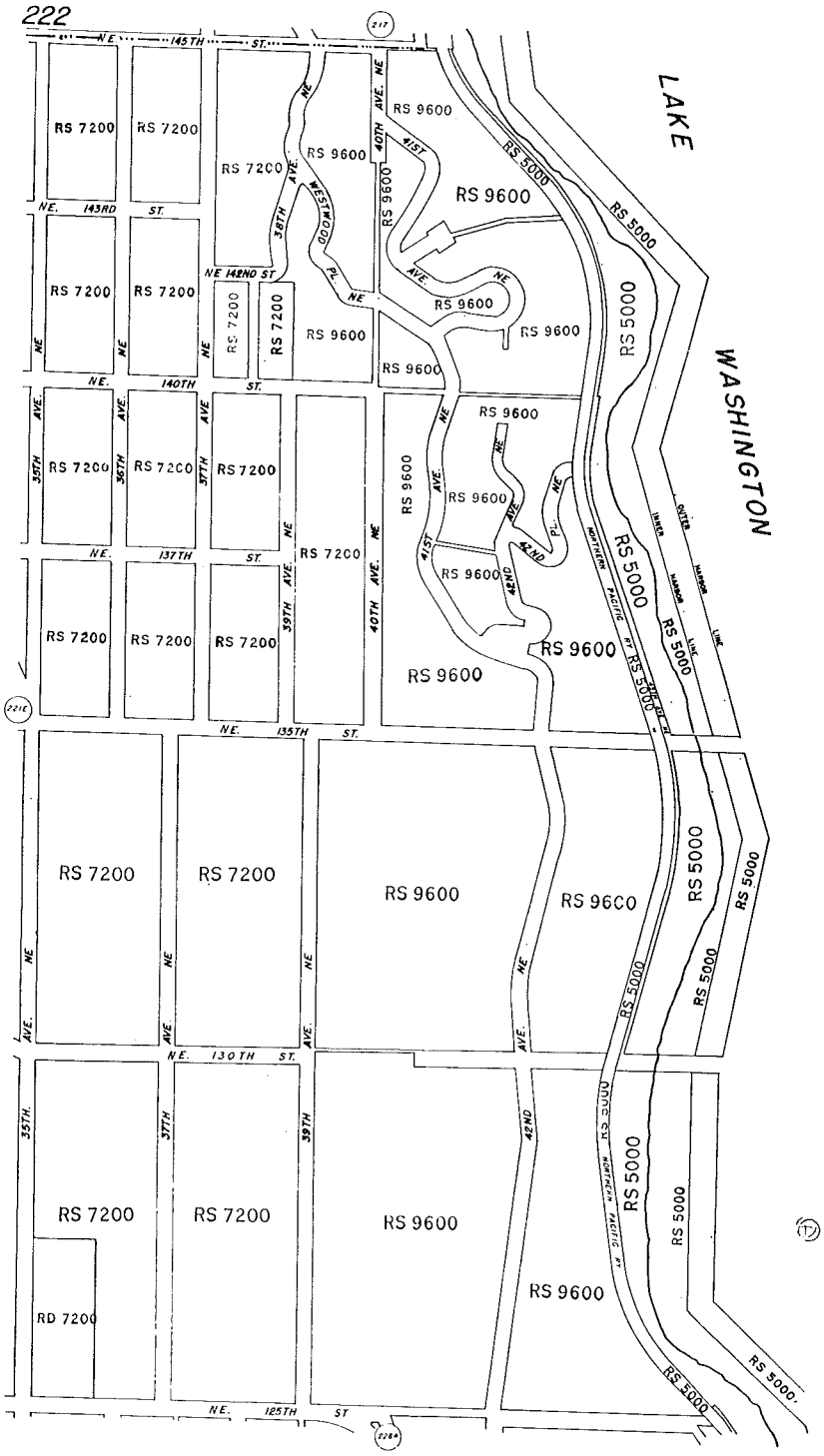

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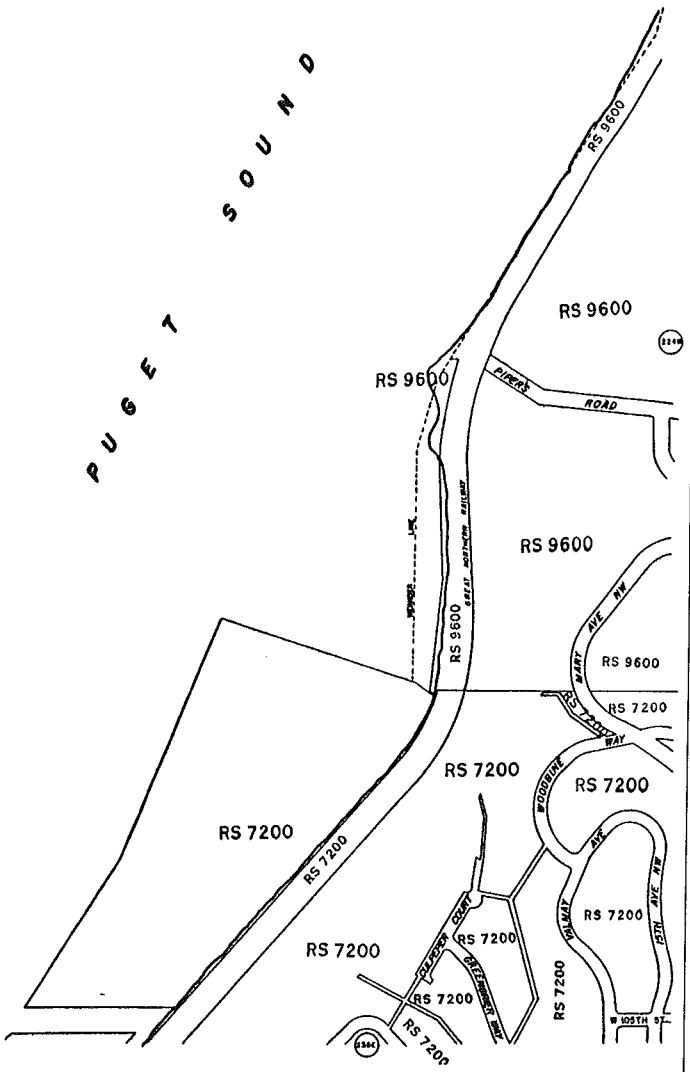

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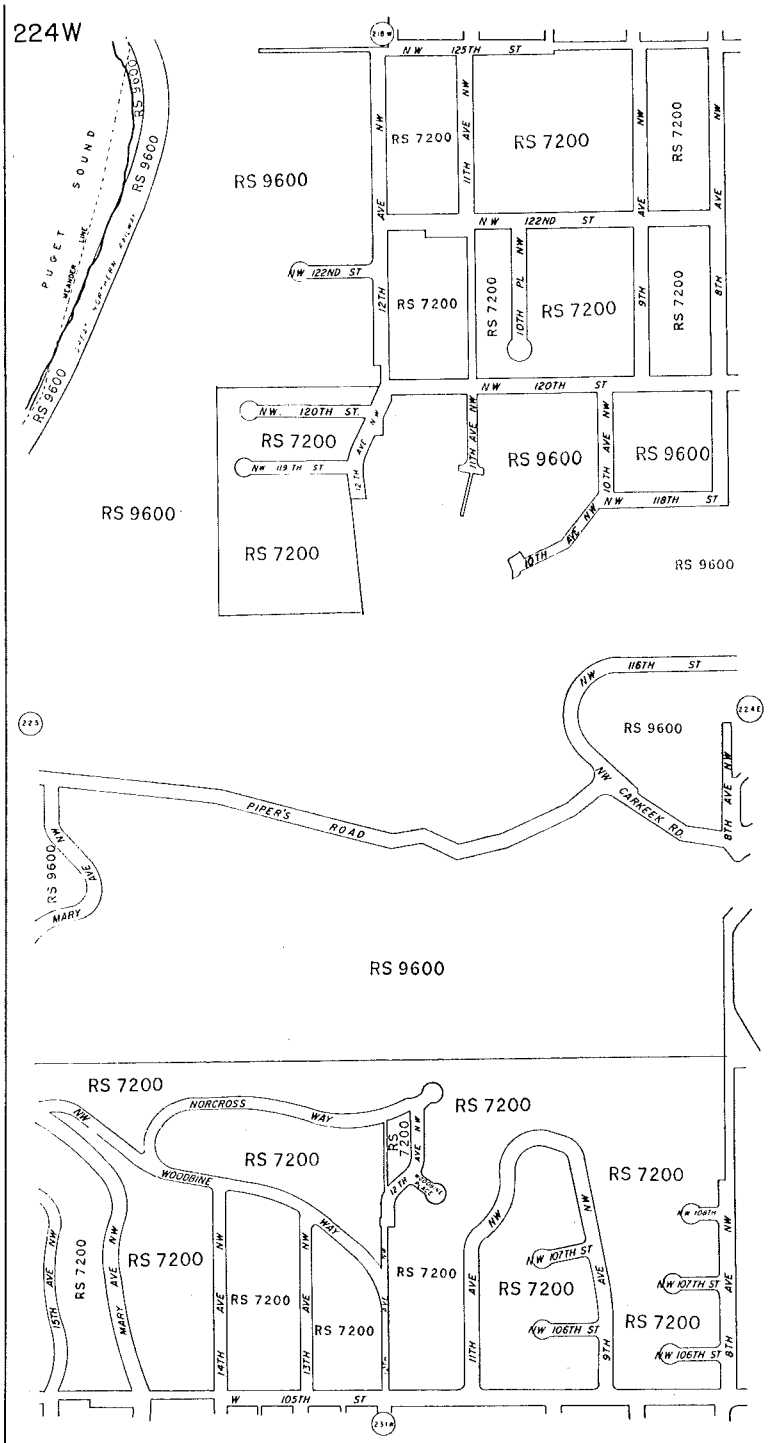

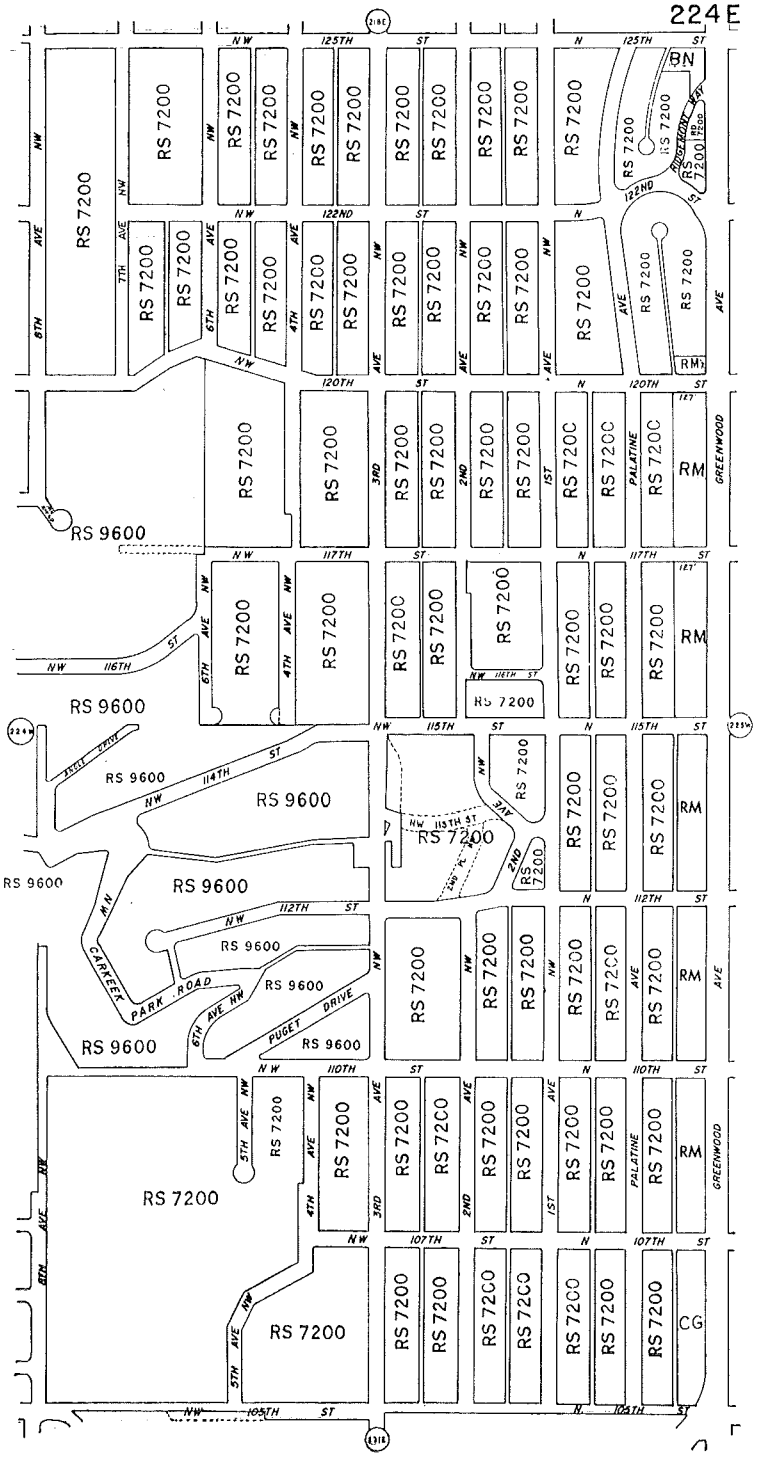

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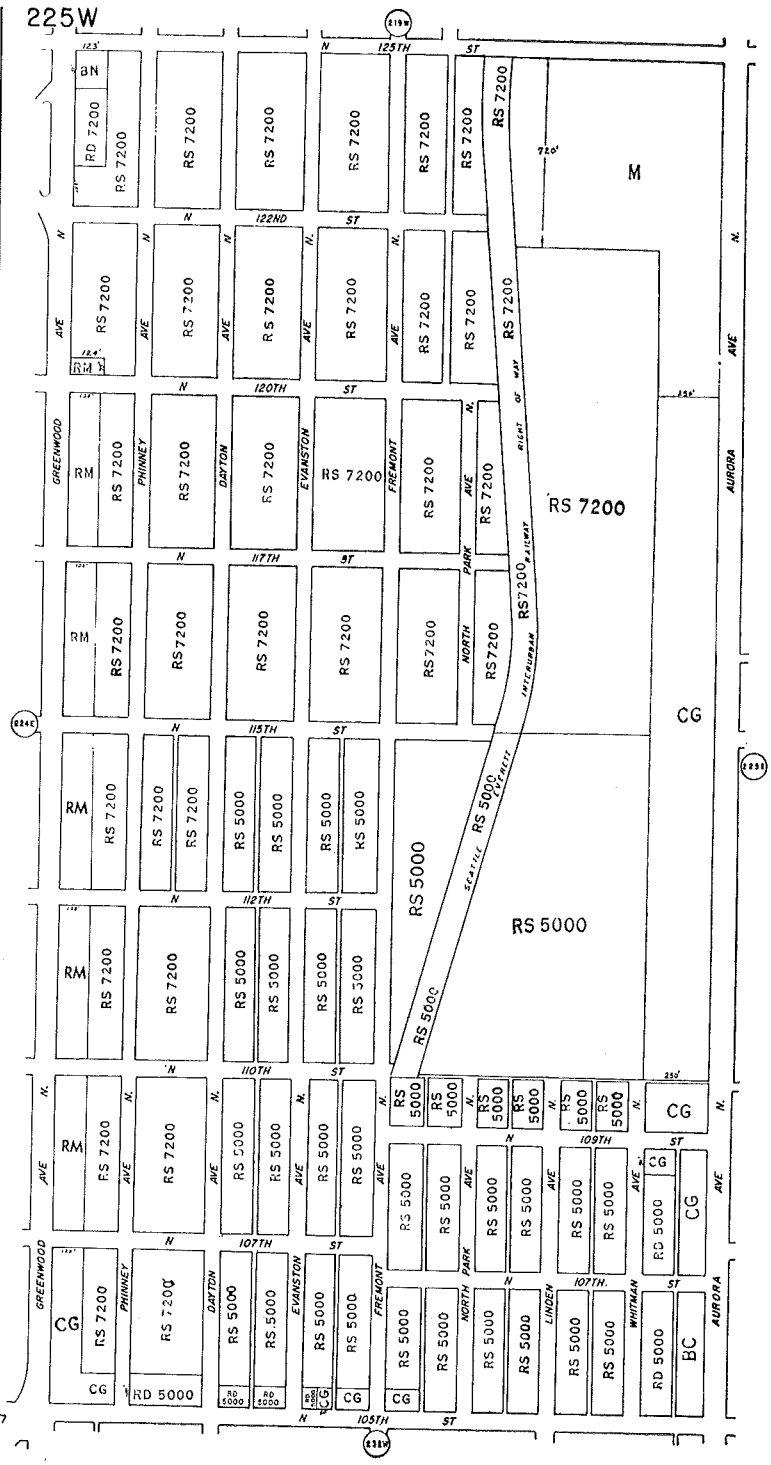

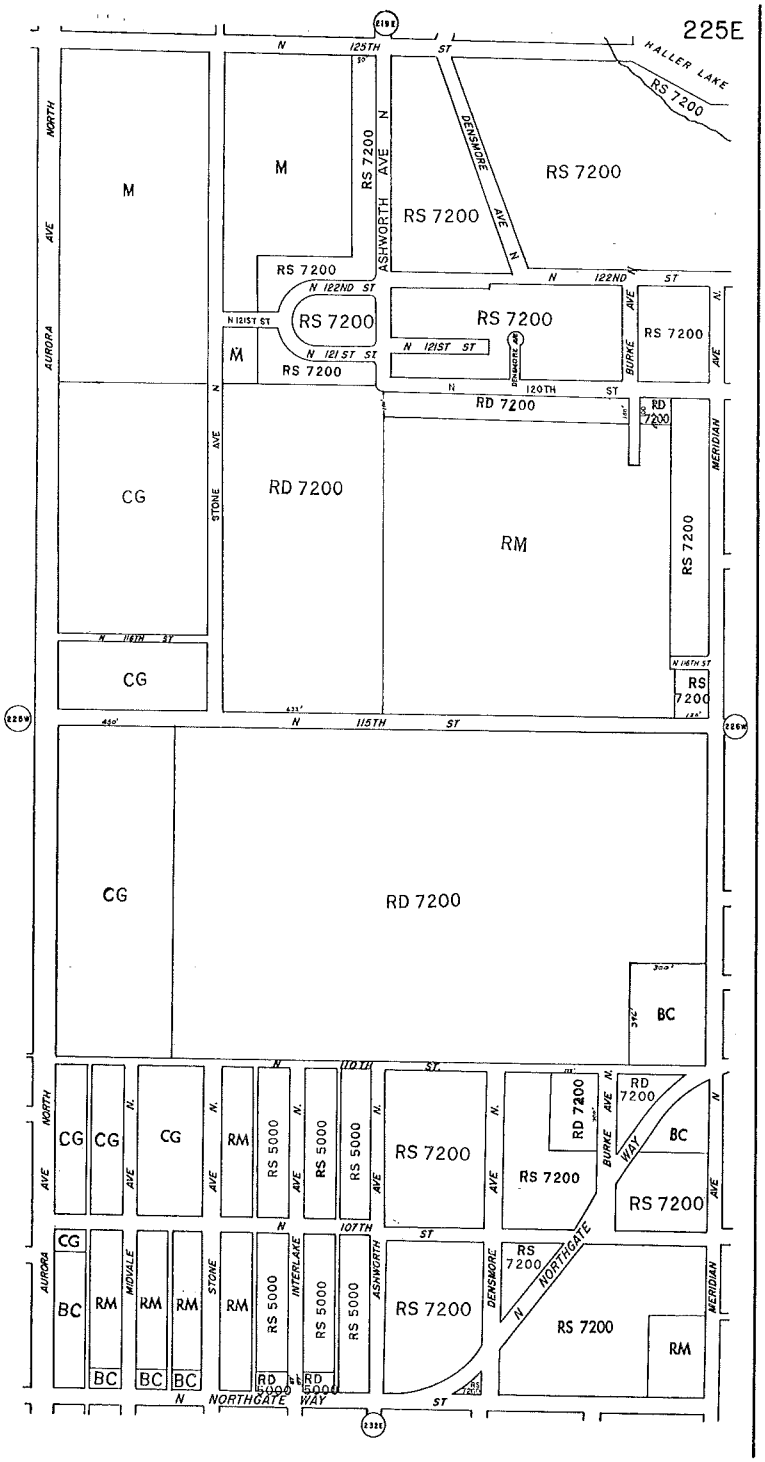

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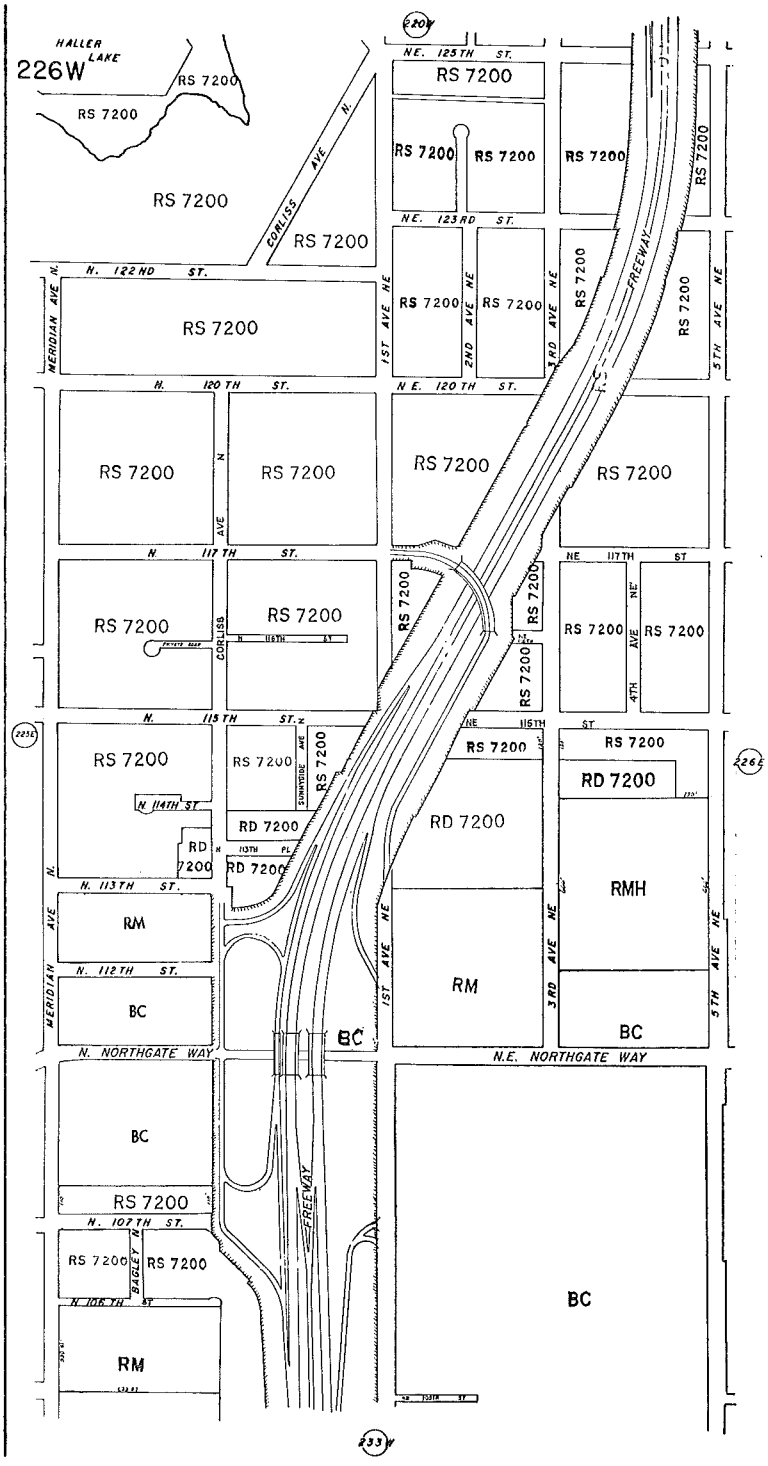

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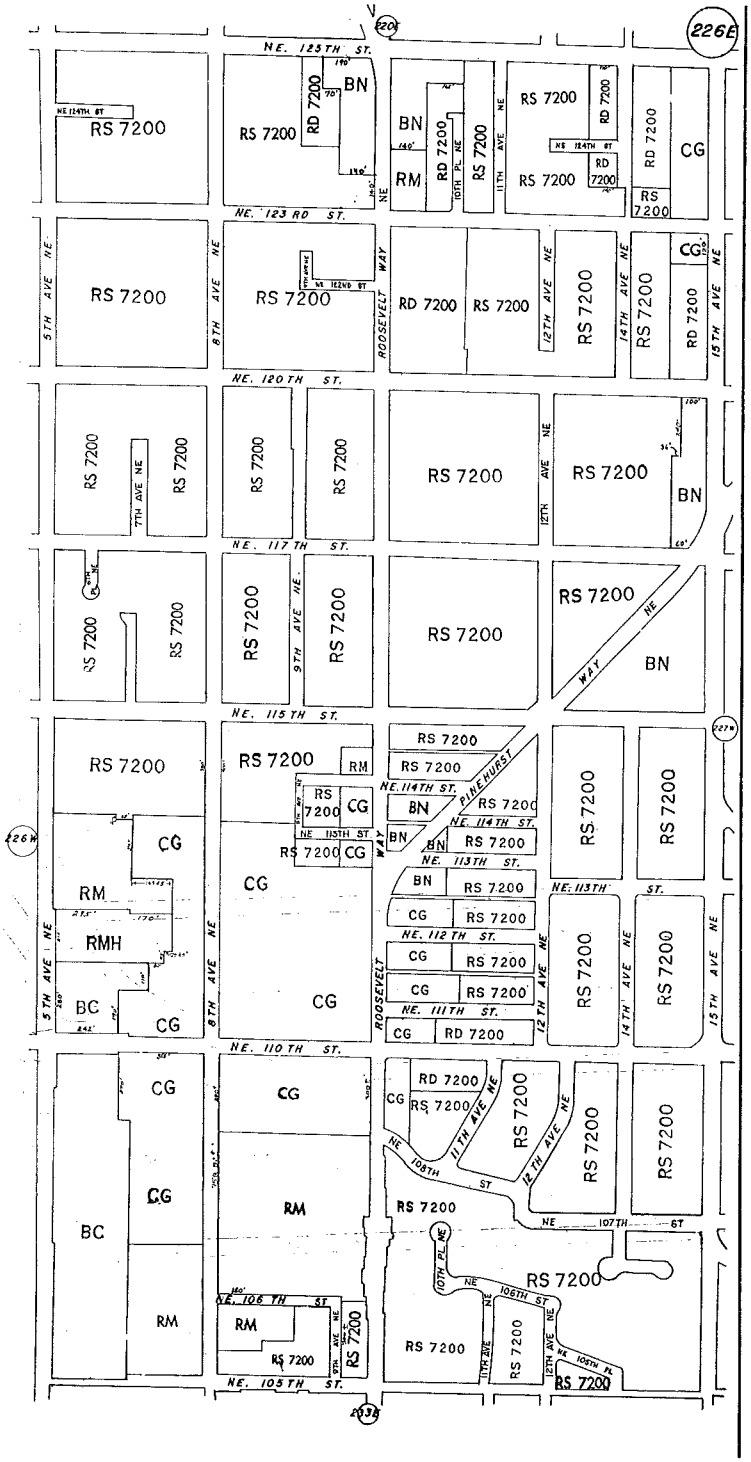

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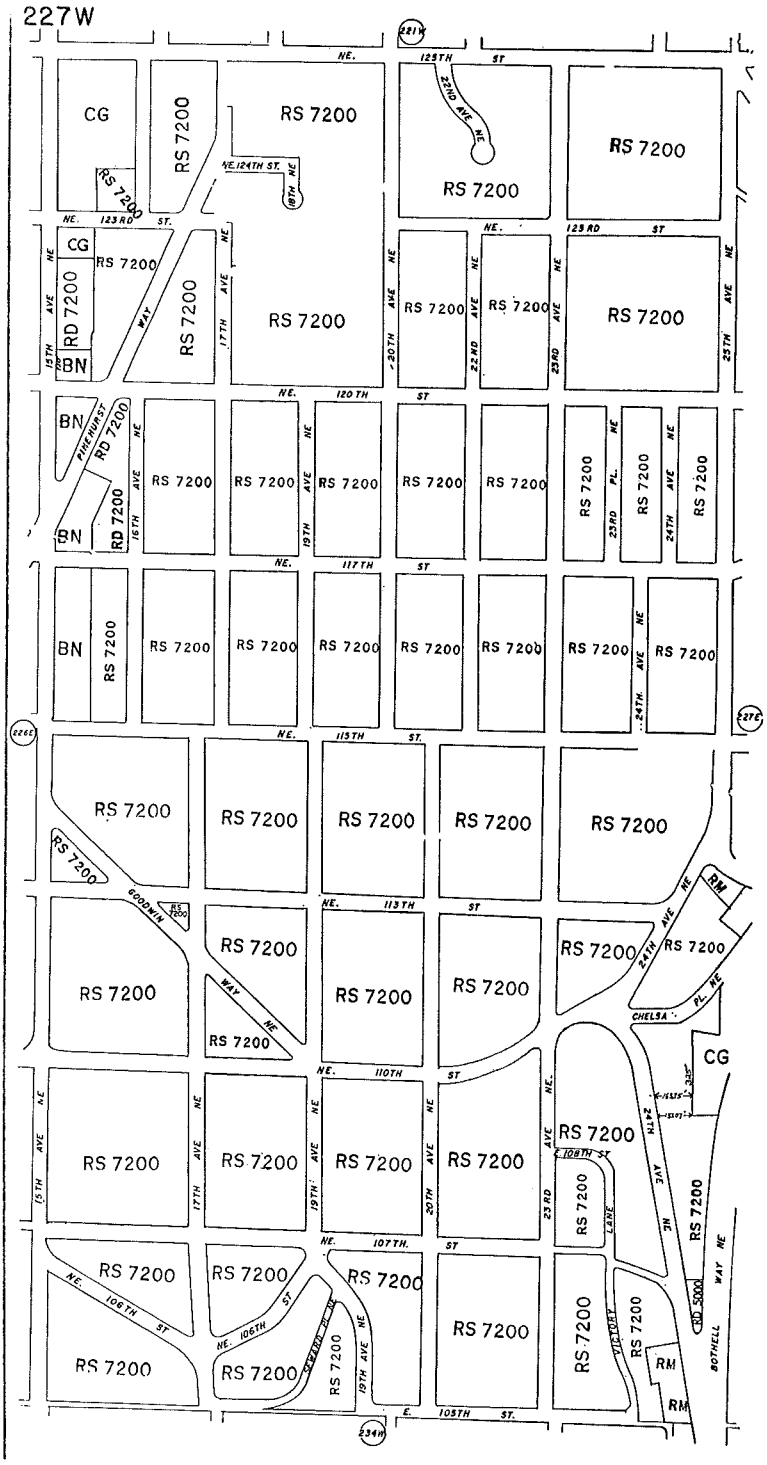

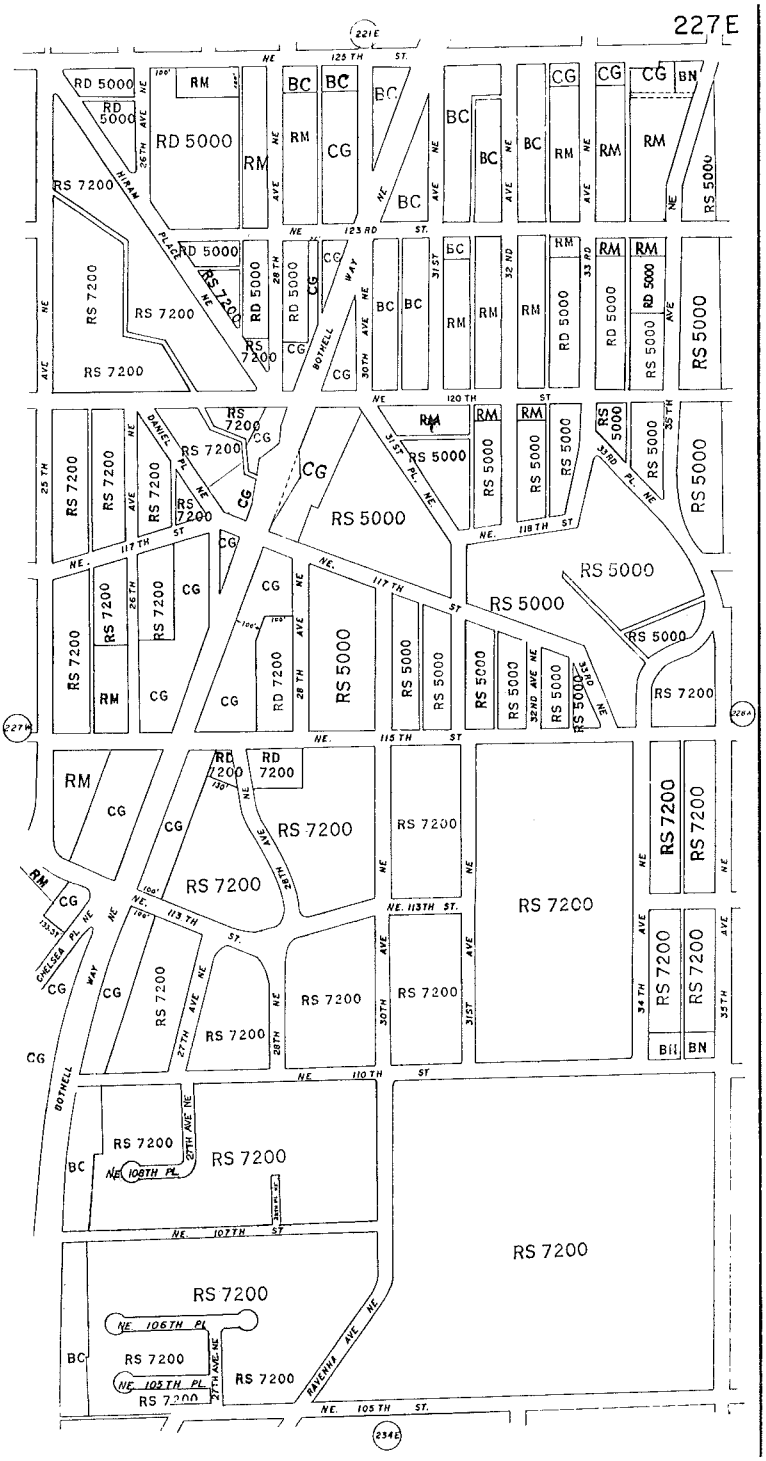

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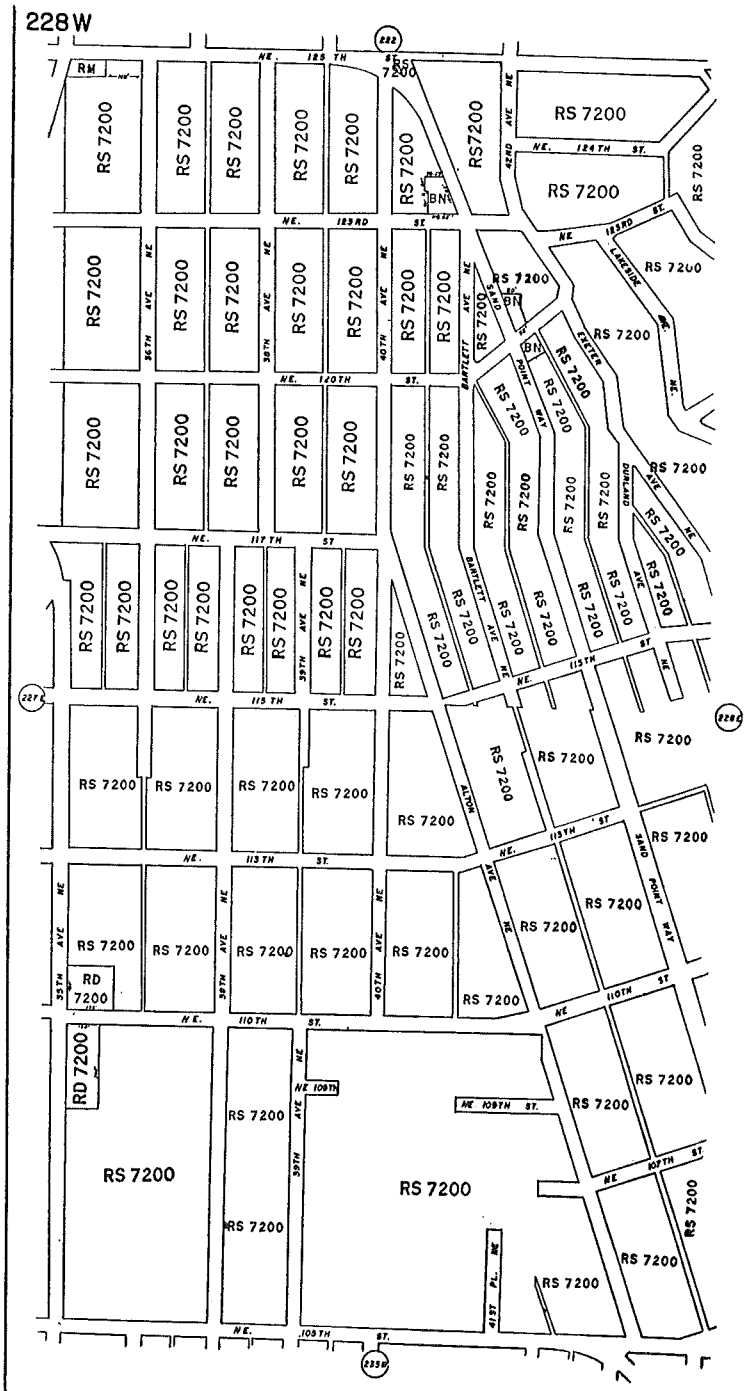

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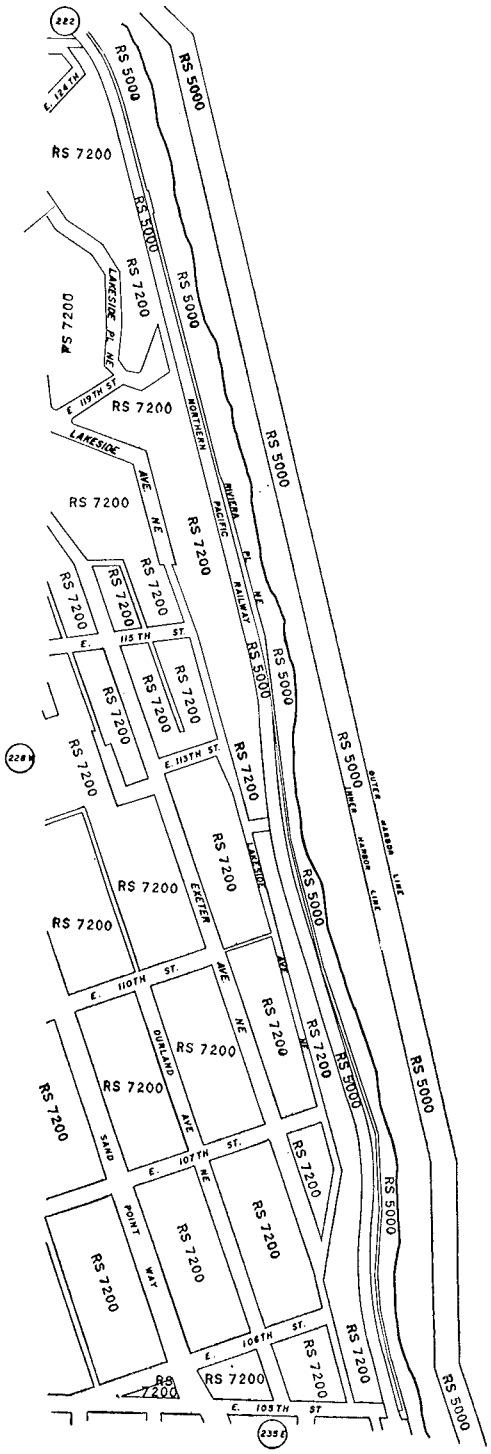

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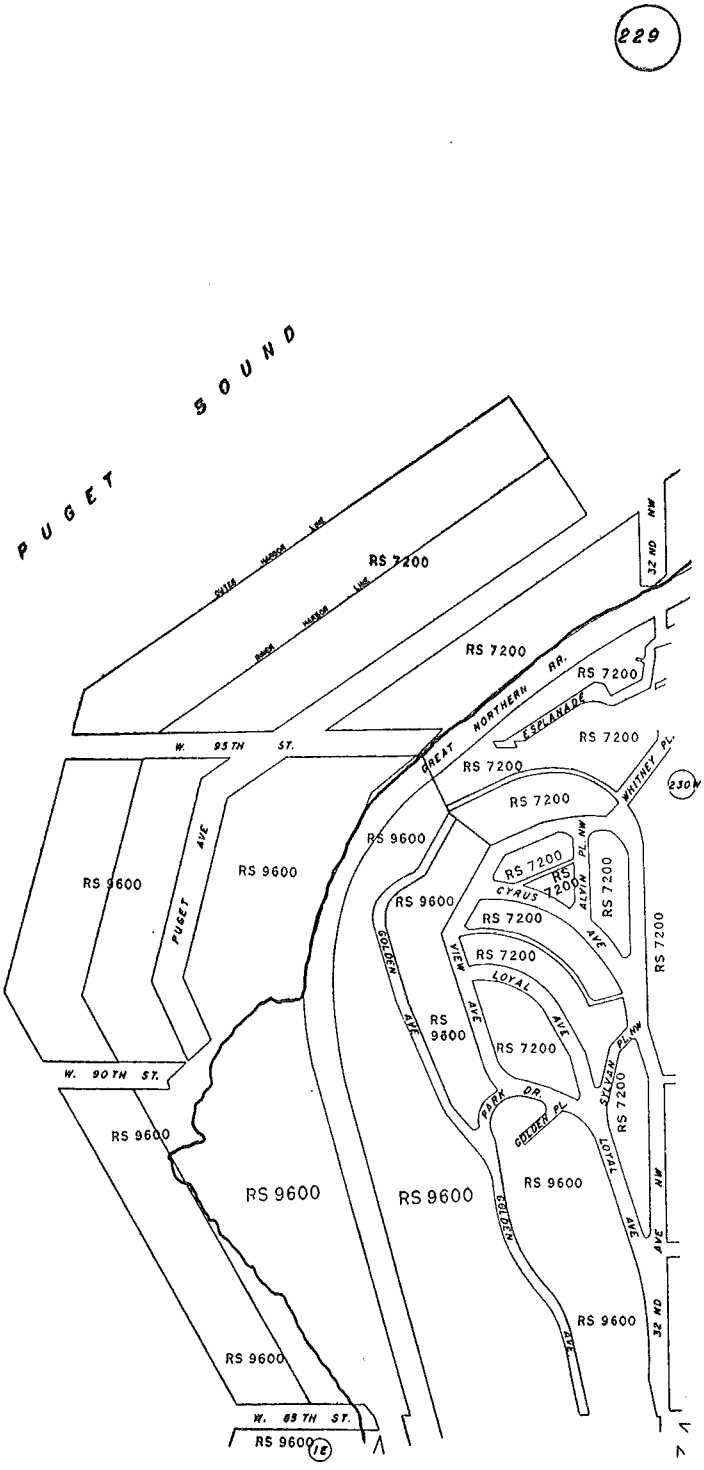

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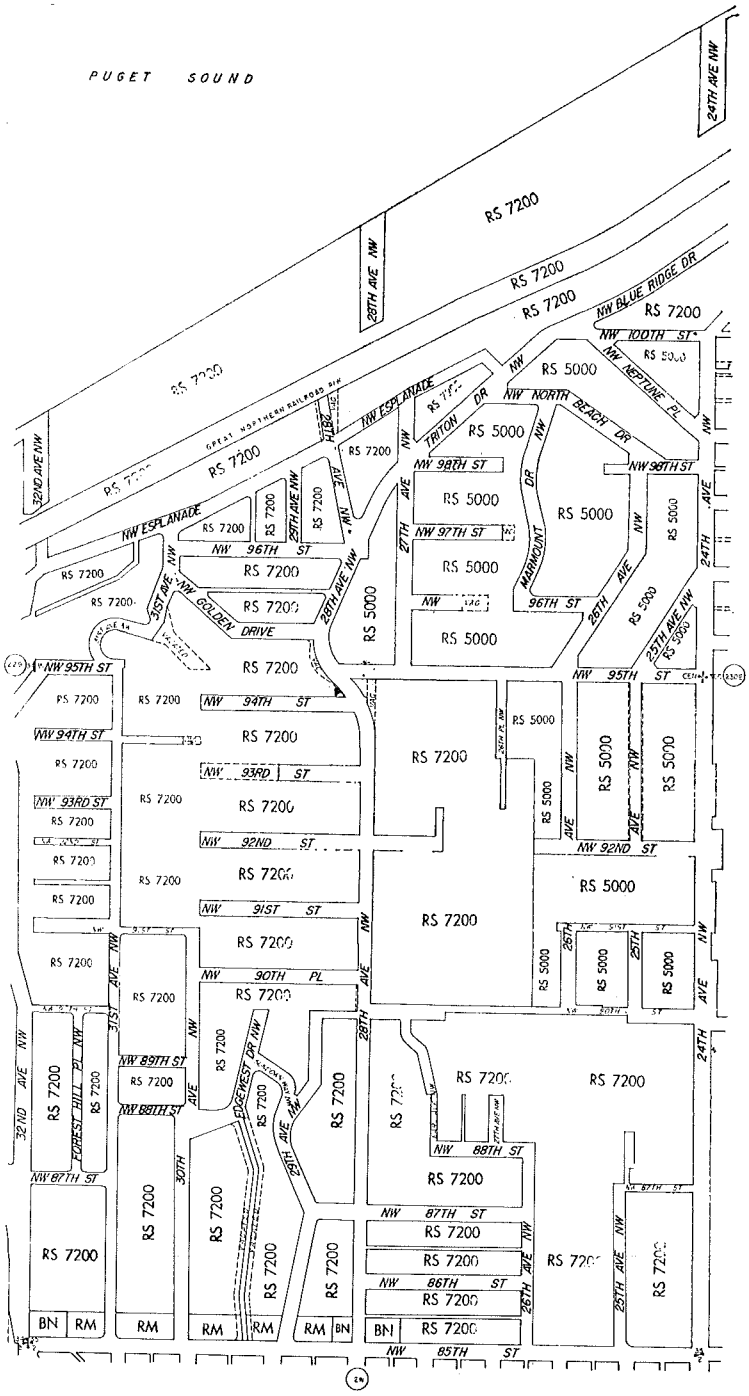

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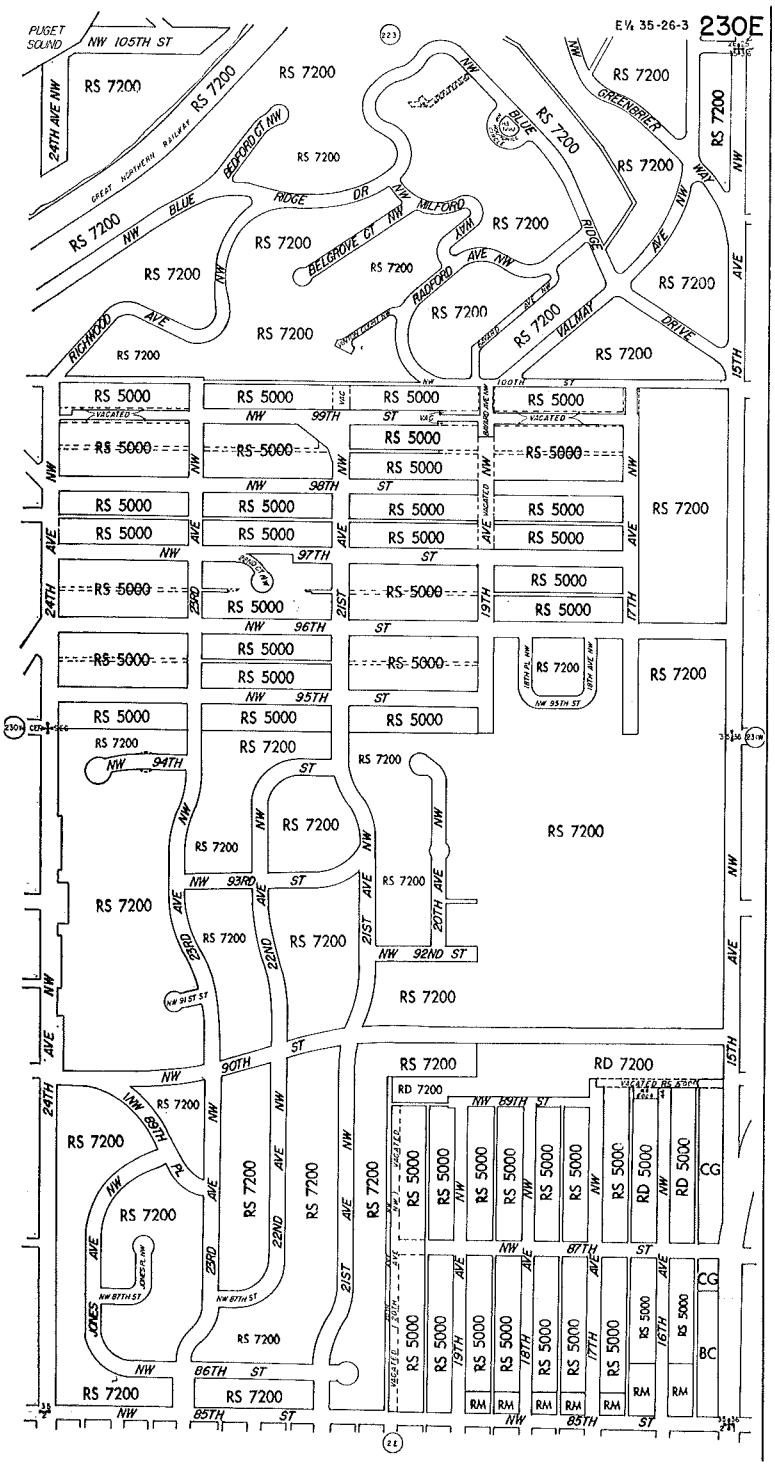

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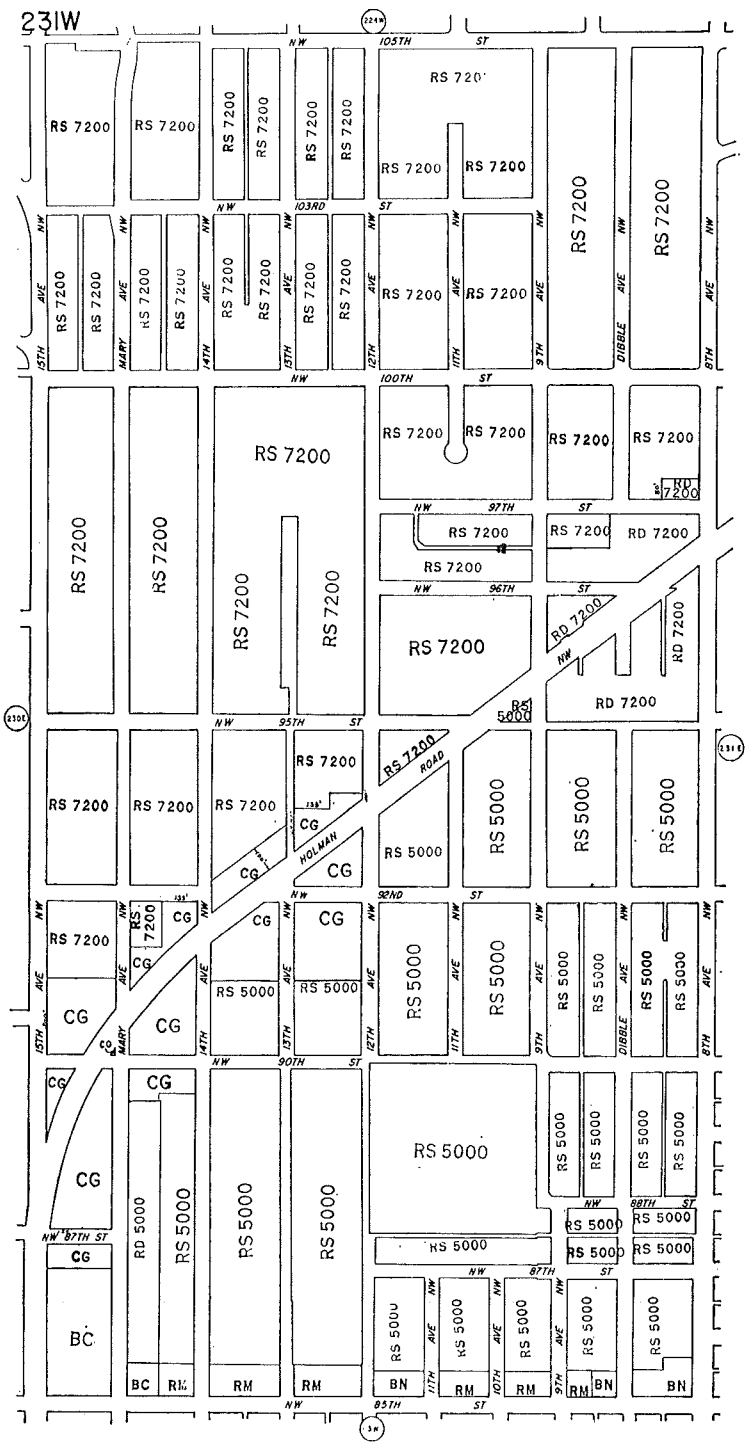

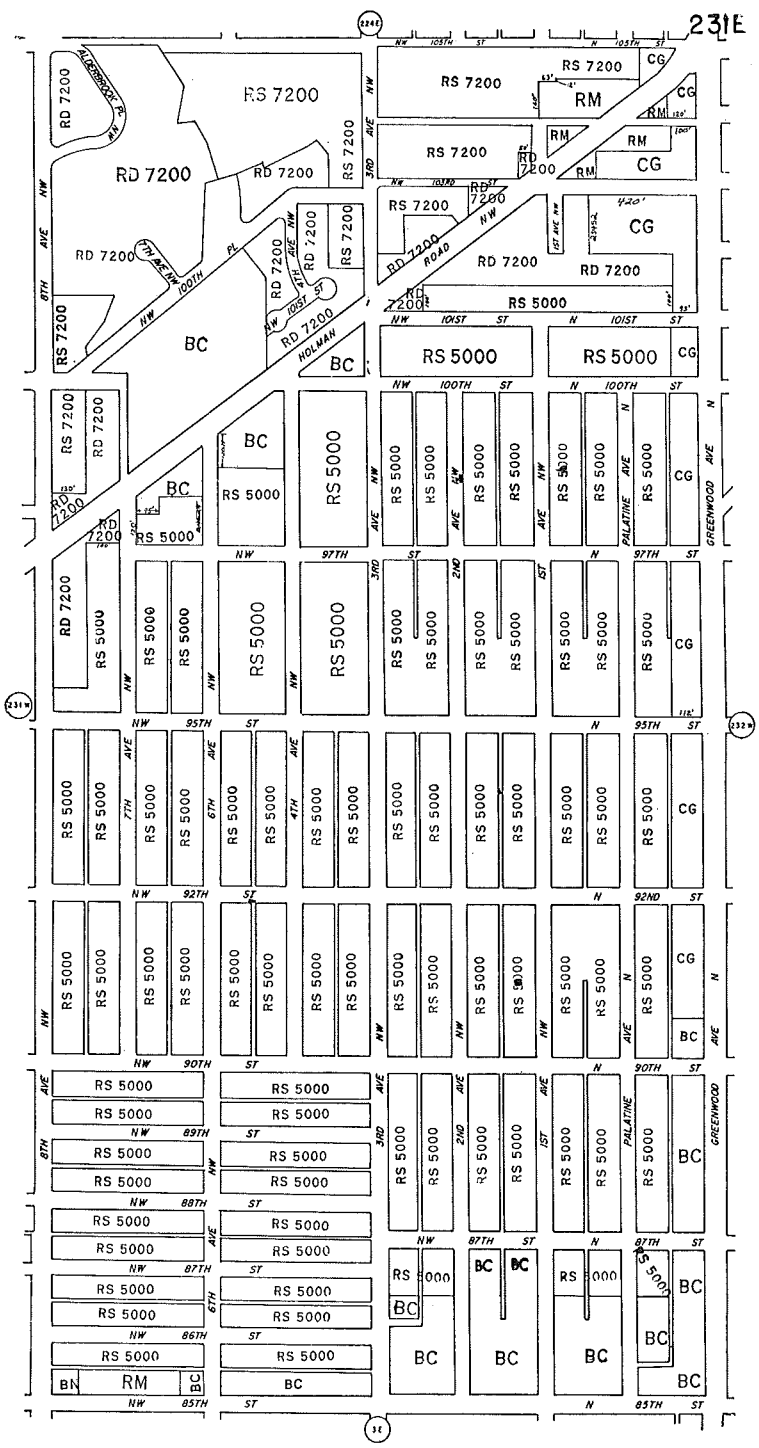

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(SEATTLE 8-24-72)

LEGEND

RS 9600— Single Family Residence Low Density Zone.

RS 7200— Single Family Residence Medium Density Zone.

RS 5000— Single Family Residence High Density Zone.

RW— Residence Waterfront Zone.

RD 7200— Duplex Residence Medium Density Zone.

RD 5000— Duplex Residence High Density Zone.

RM— Multiple Residence Low Density Zone.

RM 1600— Multiple Residence Lowest Density Zone.

RMH— Multiple Residence High Density Zone.

RMV 200— Multiple Residence High Density Variable Height Zone.

RMV 150— Multiple Residence Highest Density Variable Height Zone.

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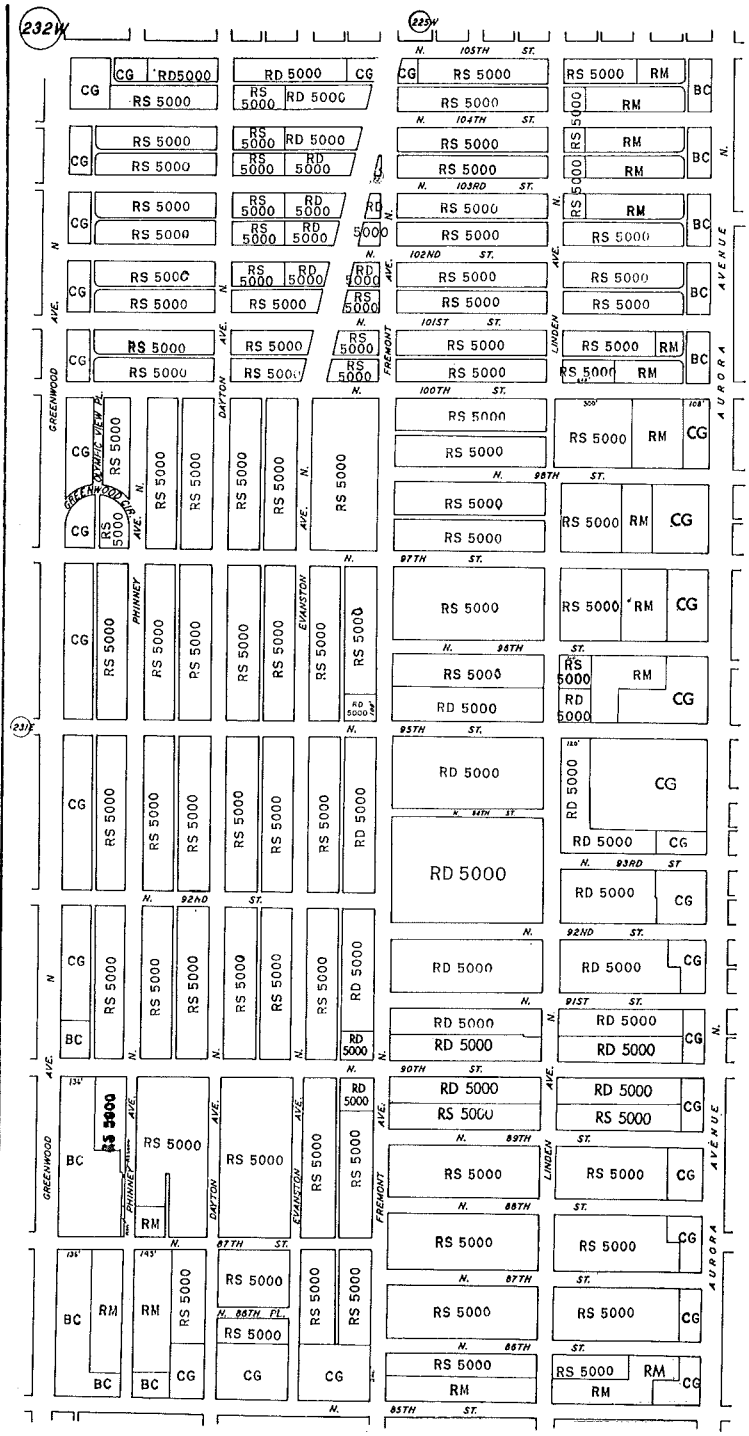

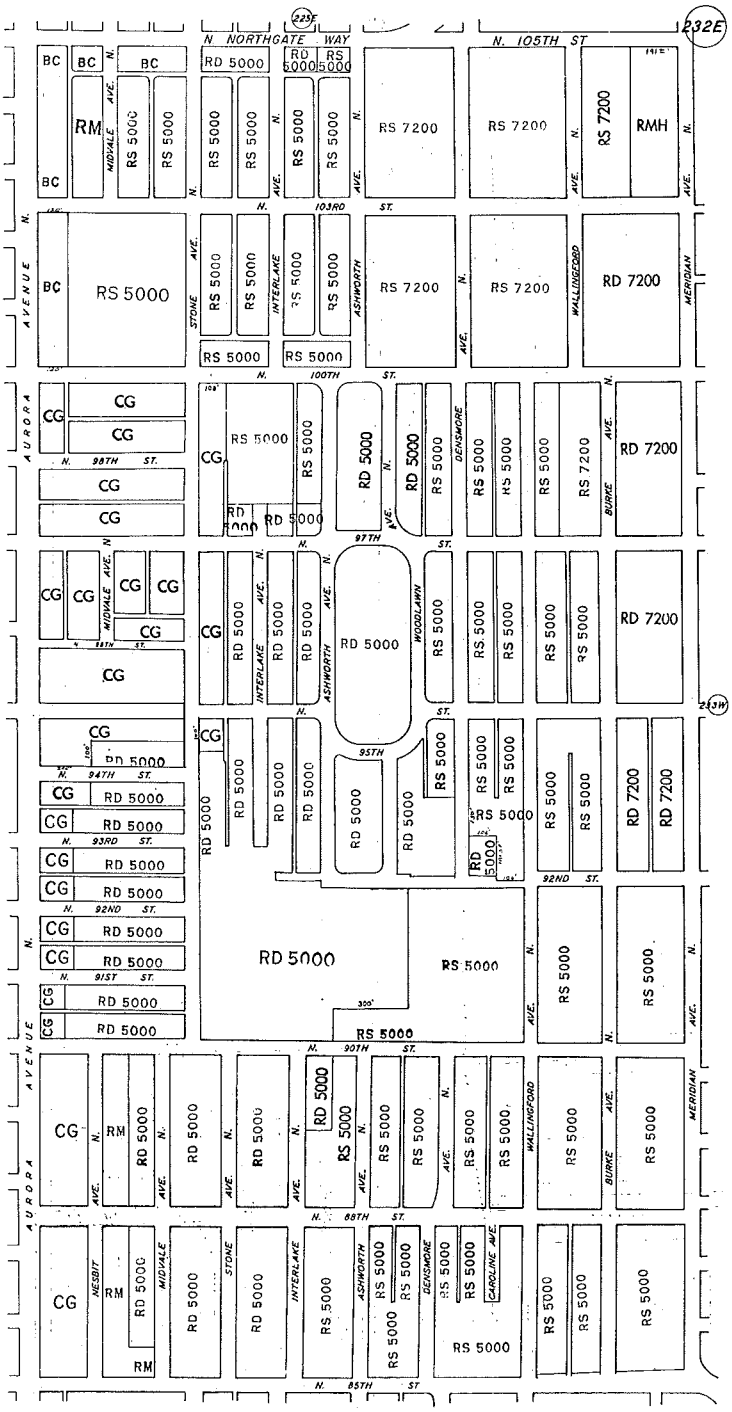

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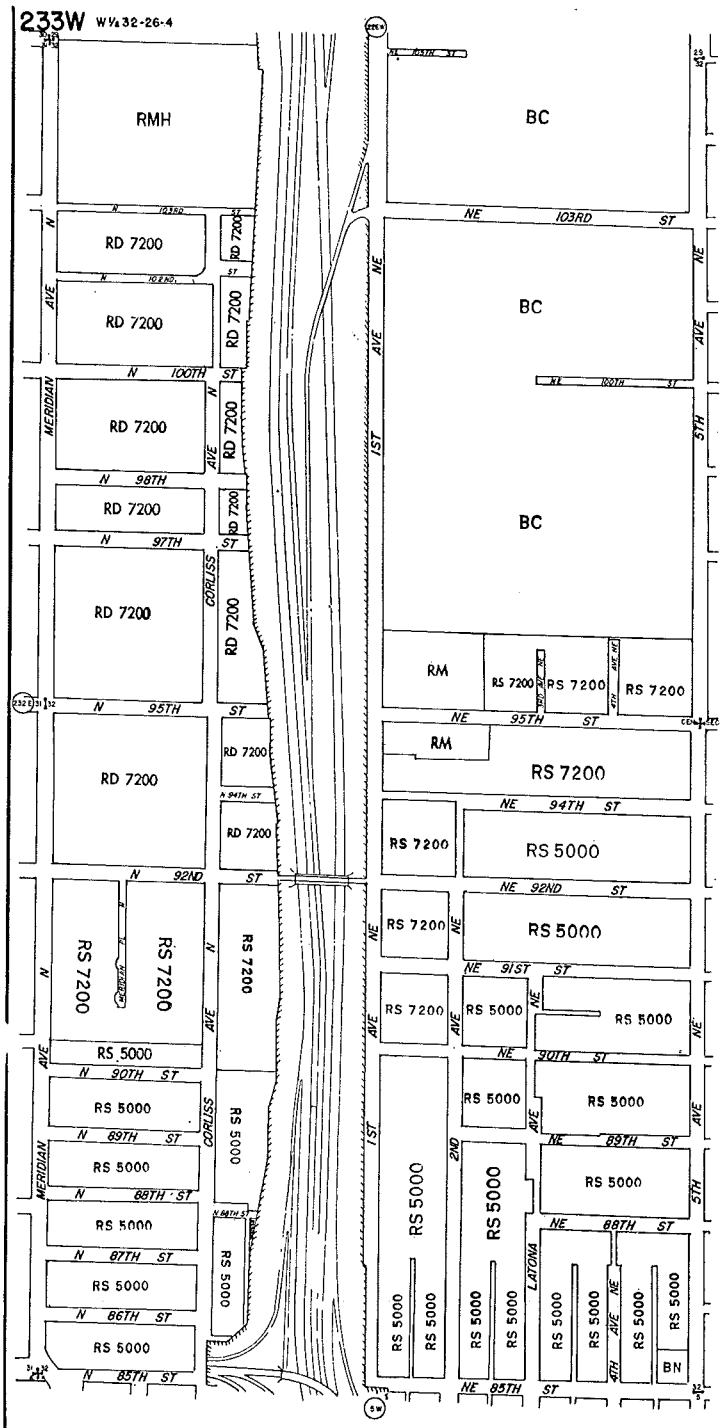

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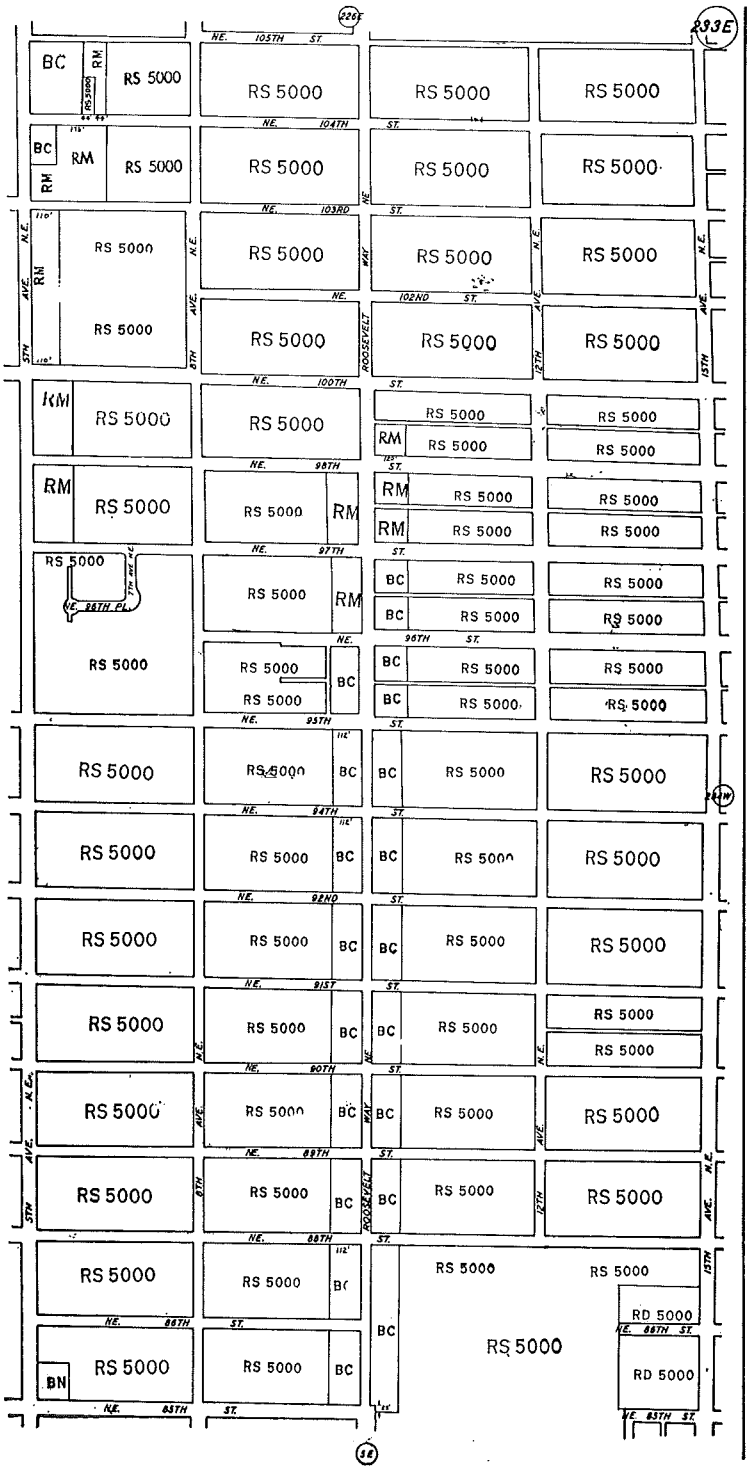

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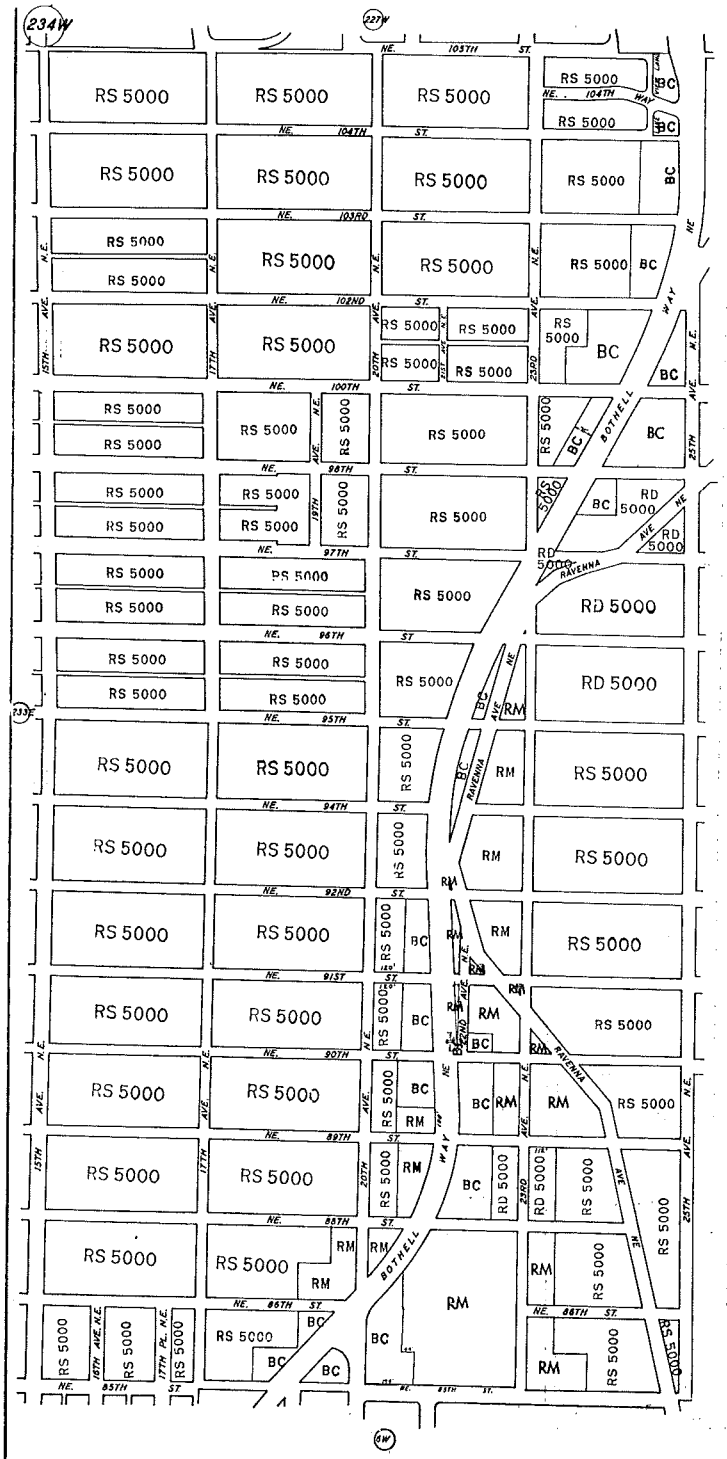

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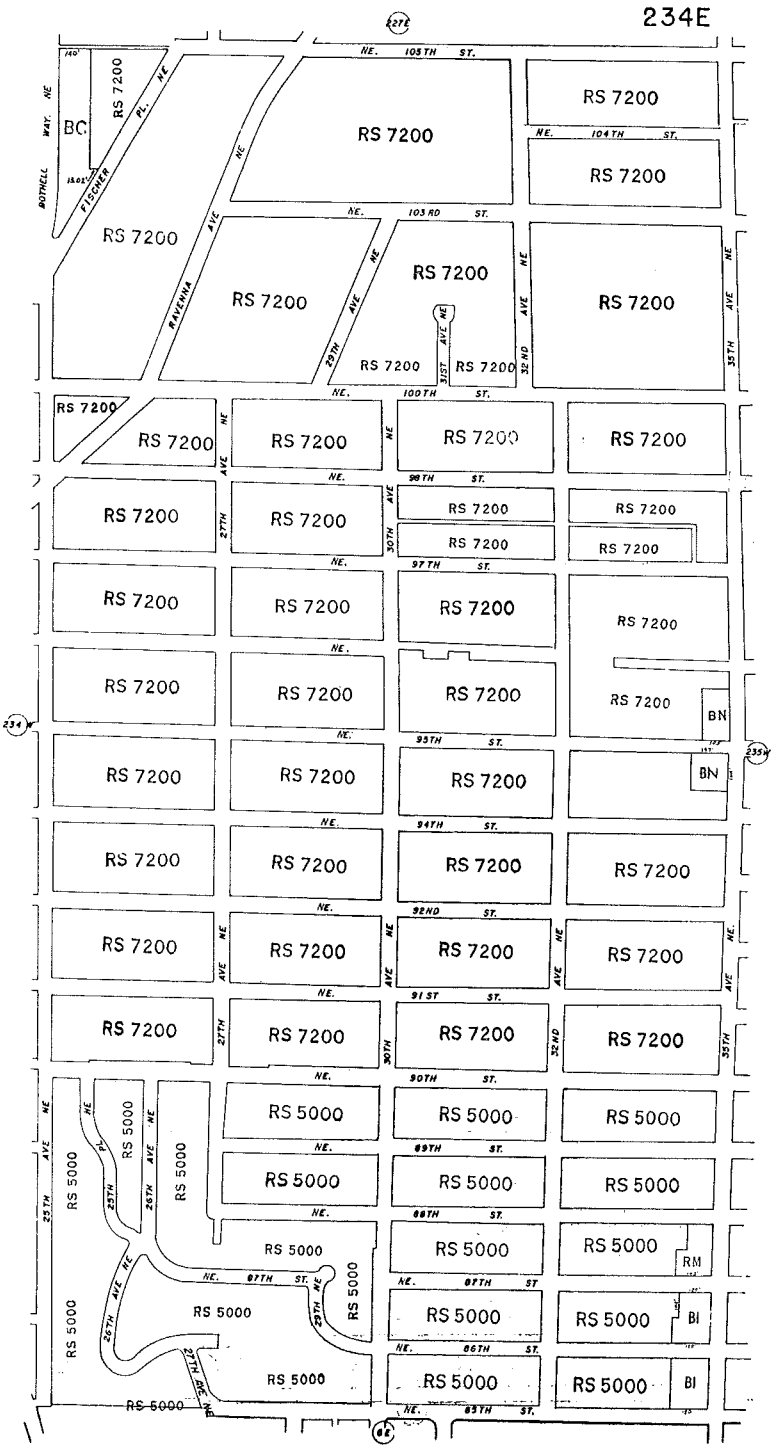

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(SEATTLE 5-10-71)

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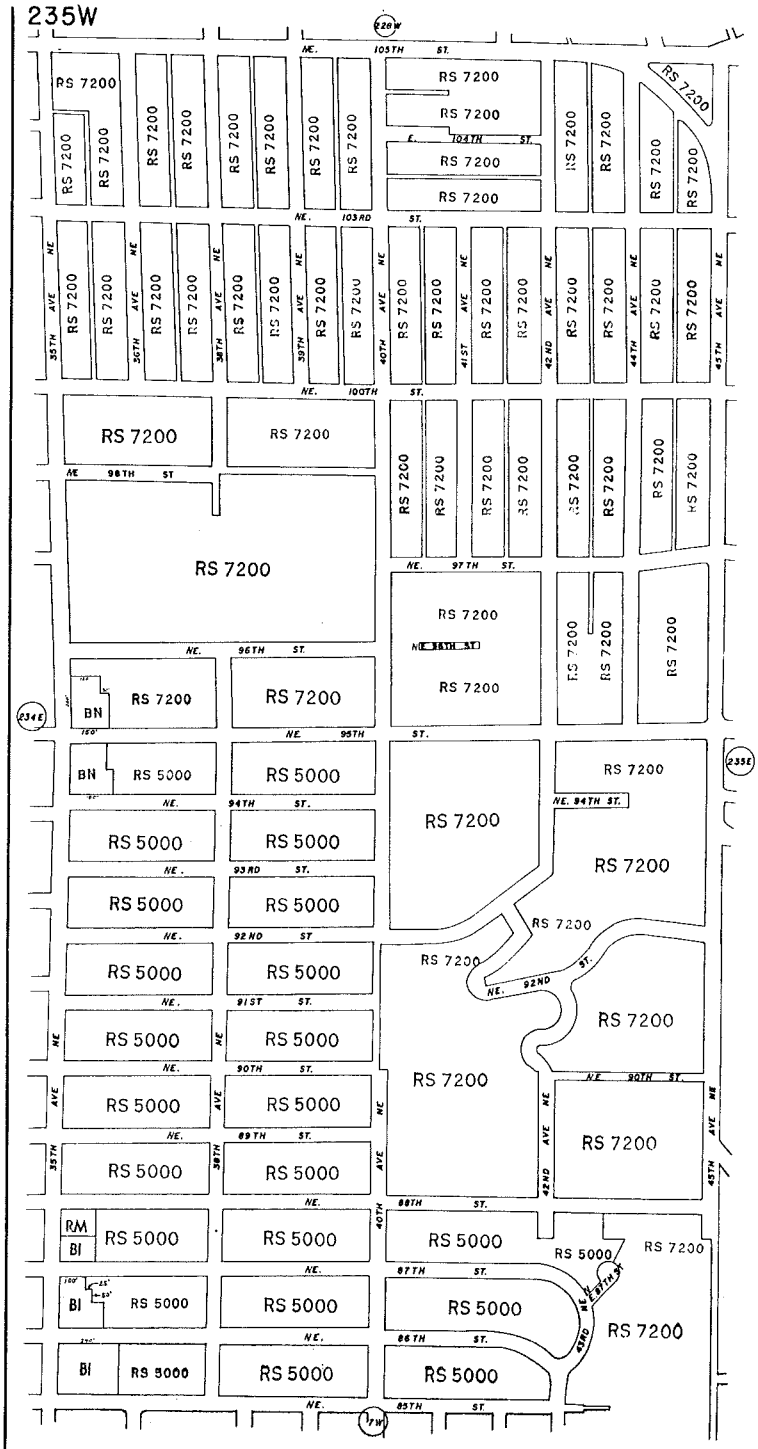

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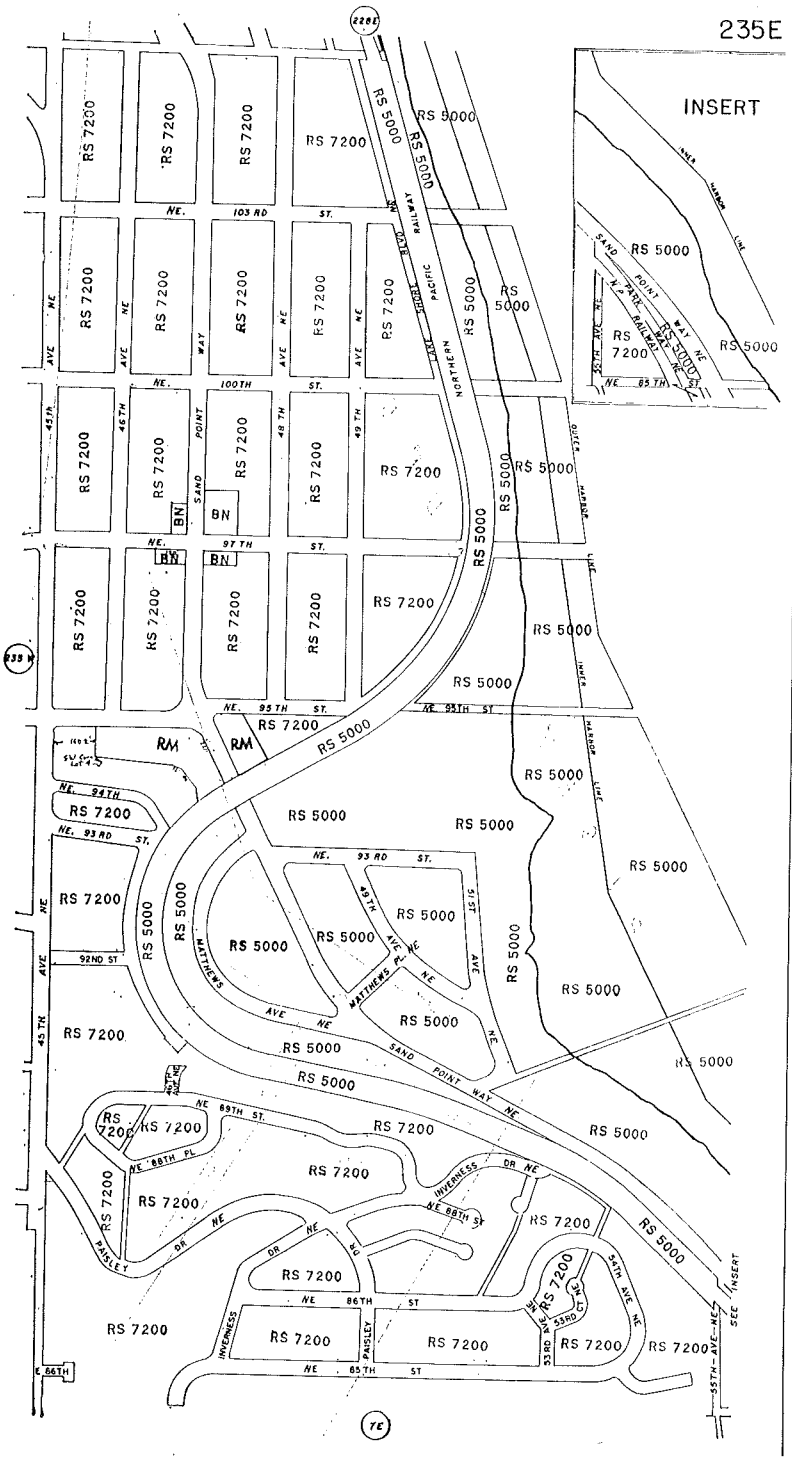

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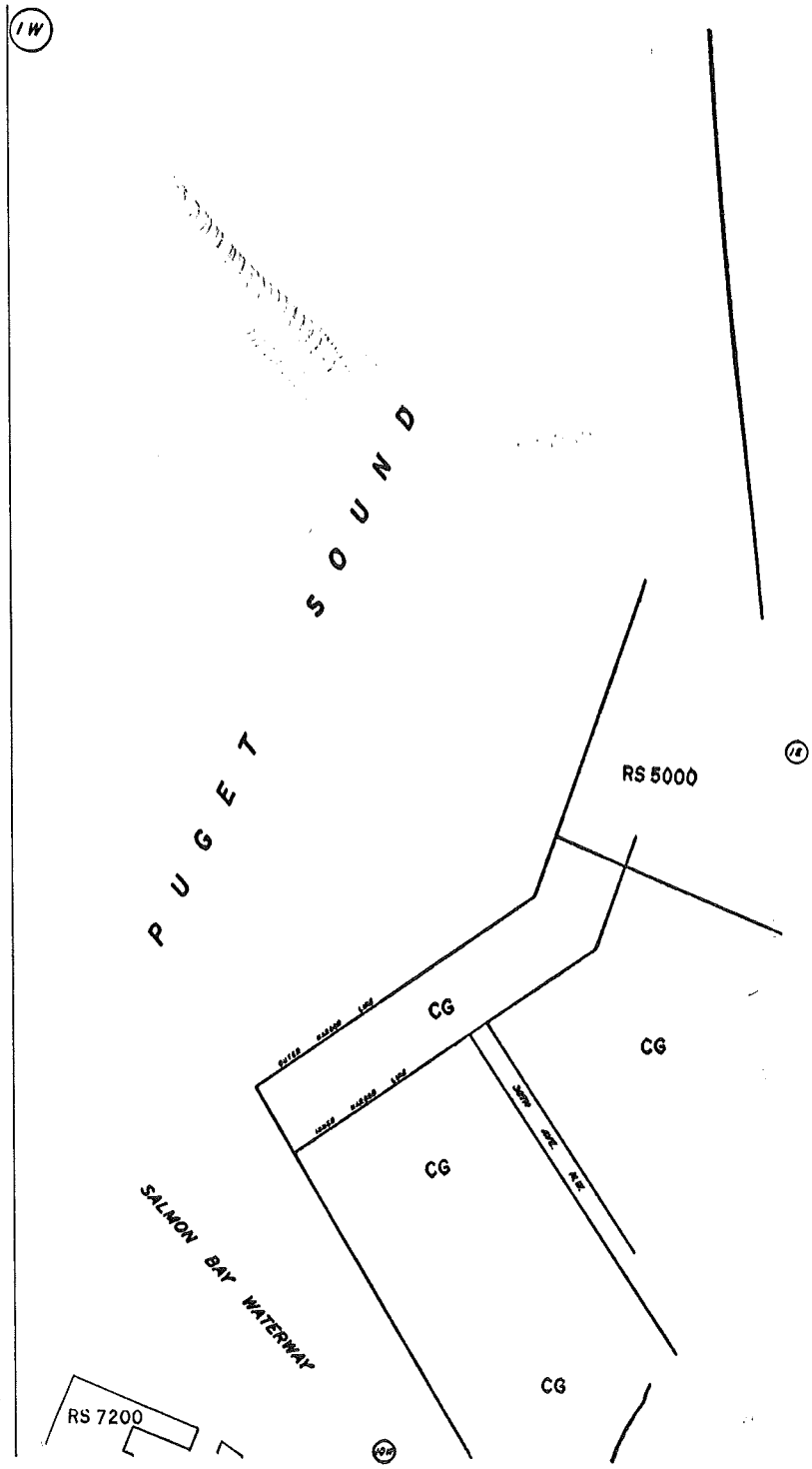

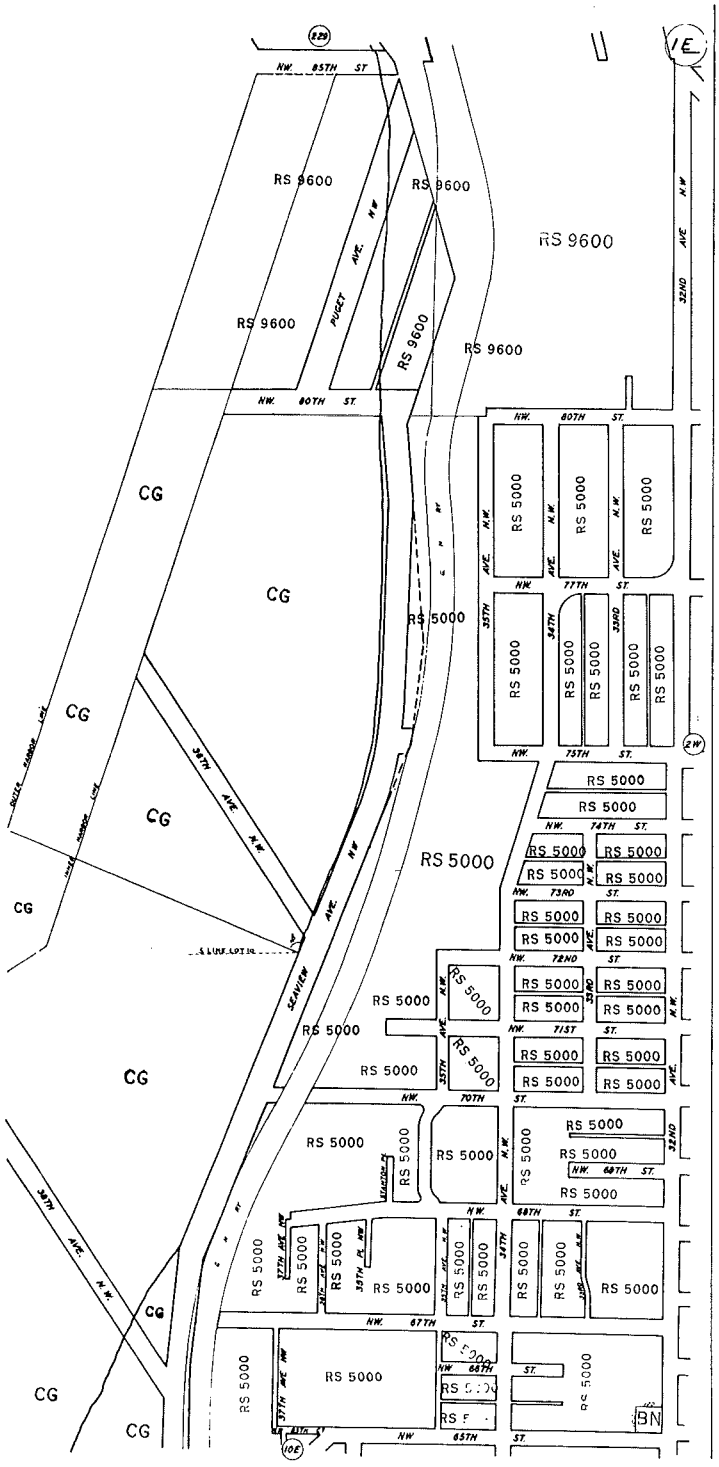

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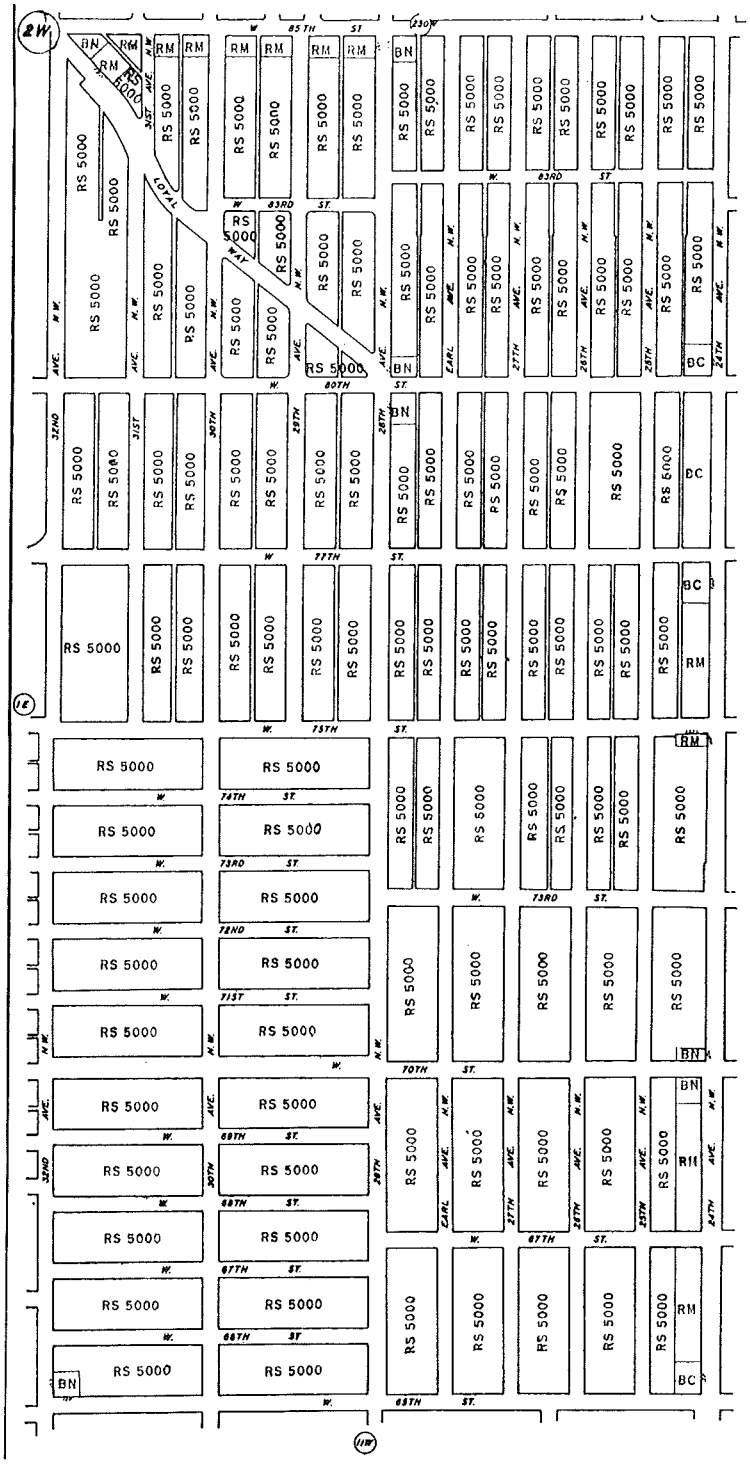

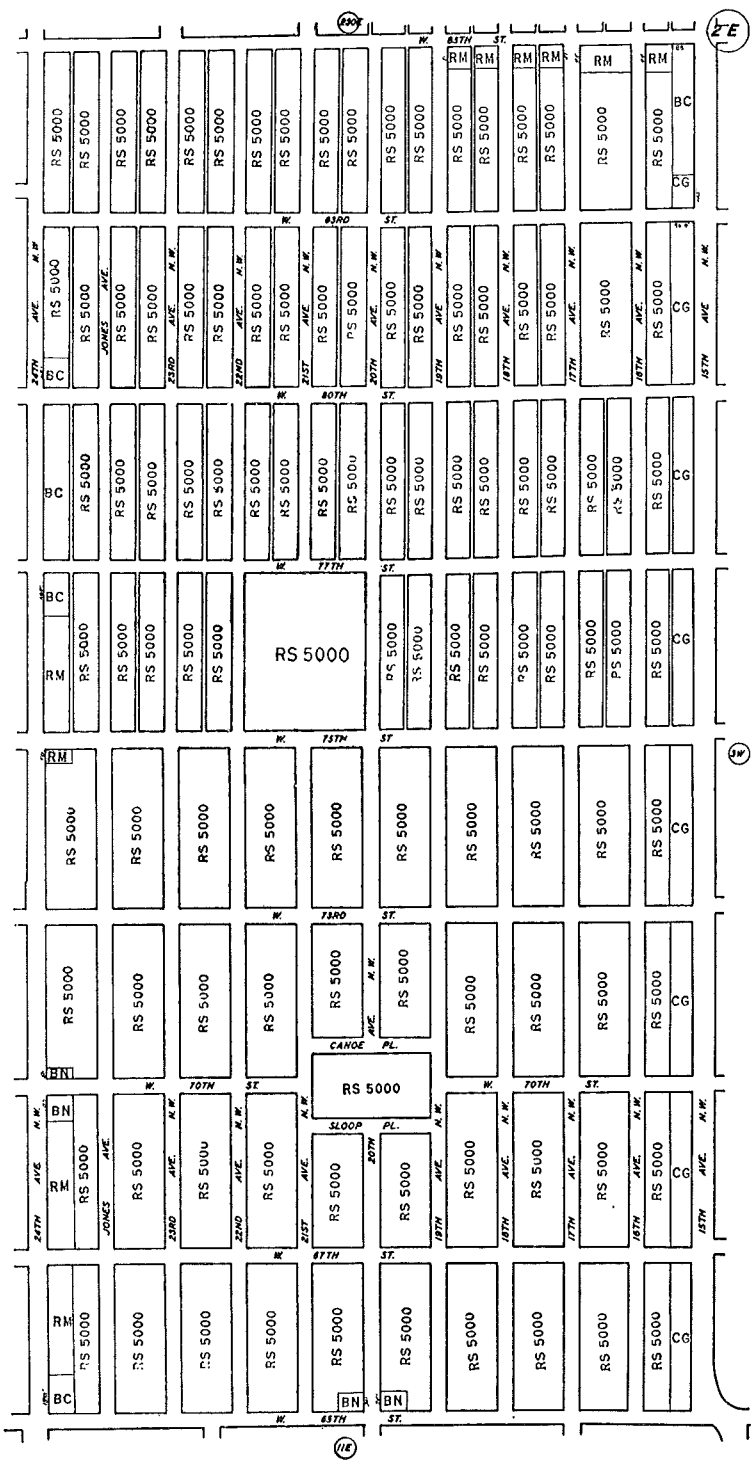

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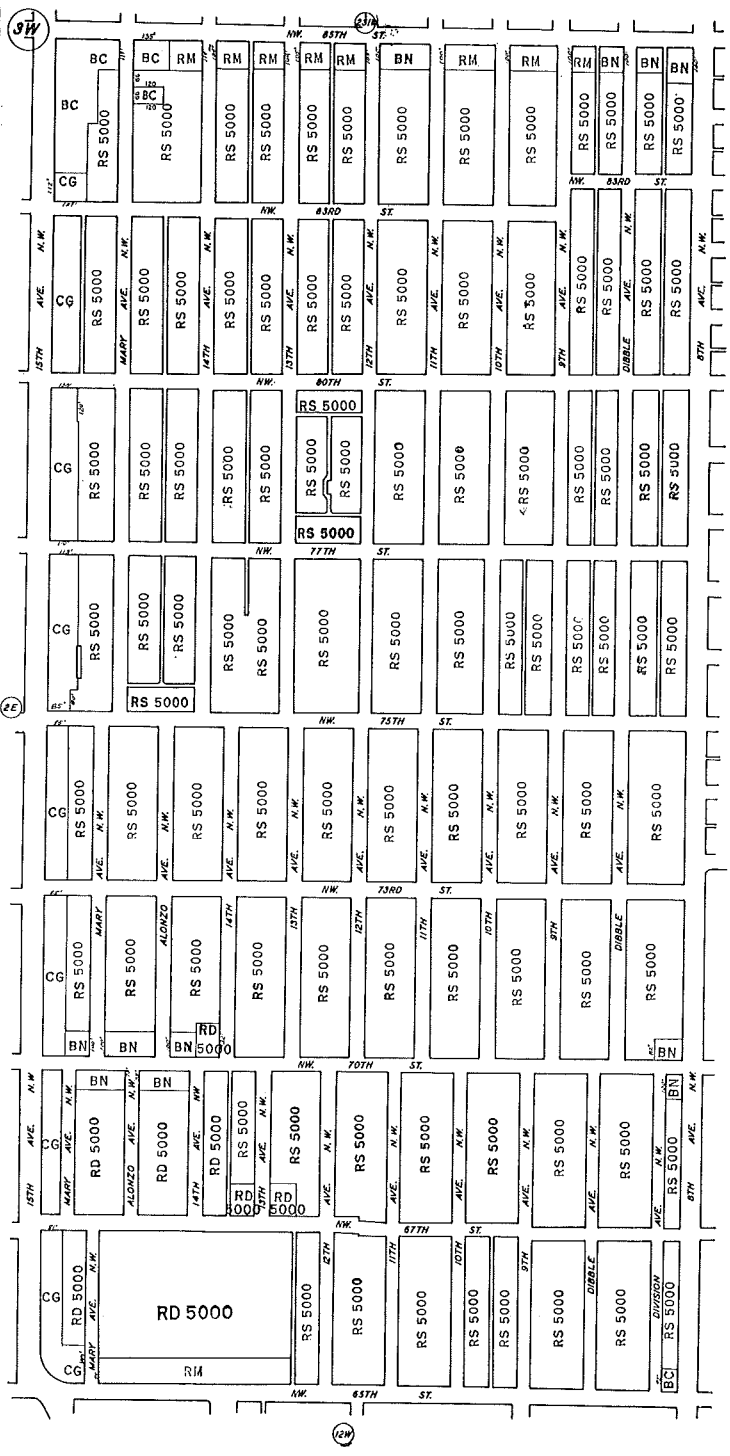

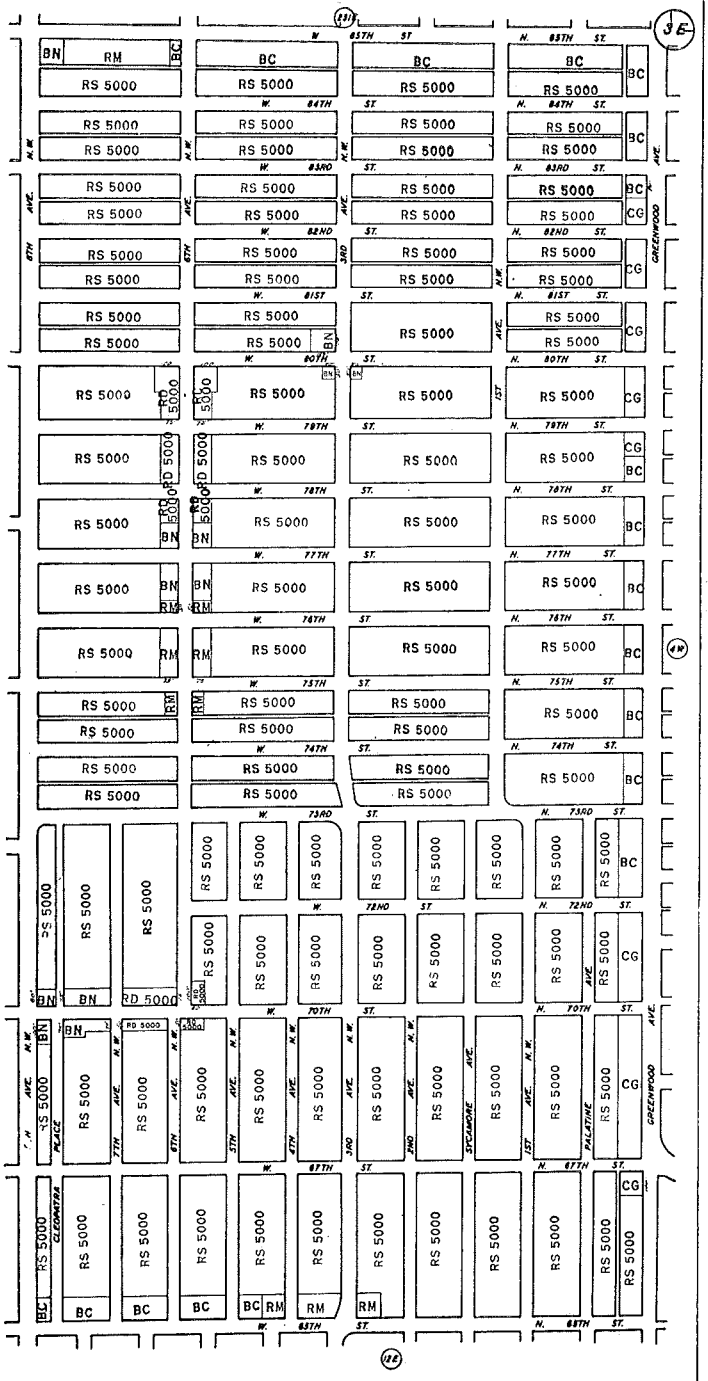

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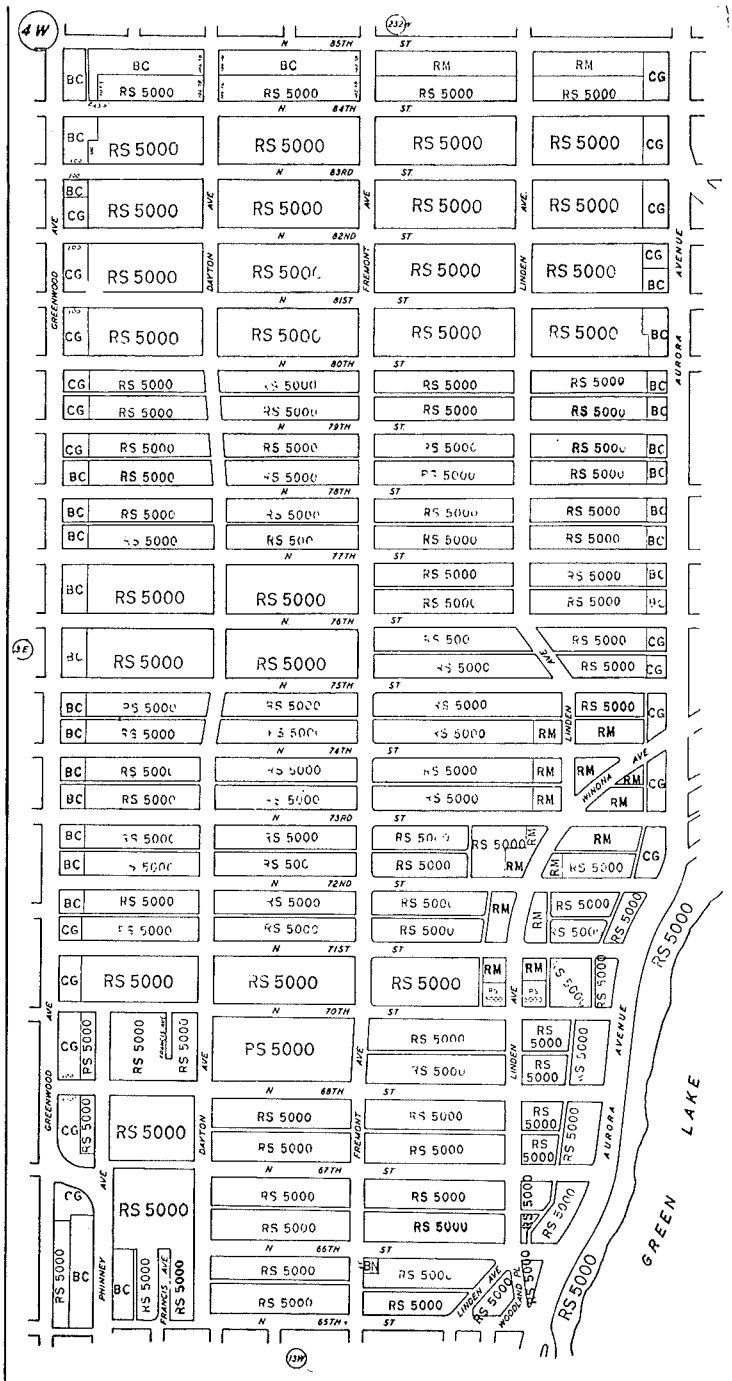

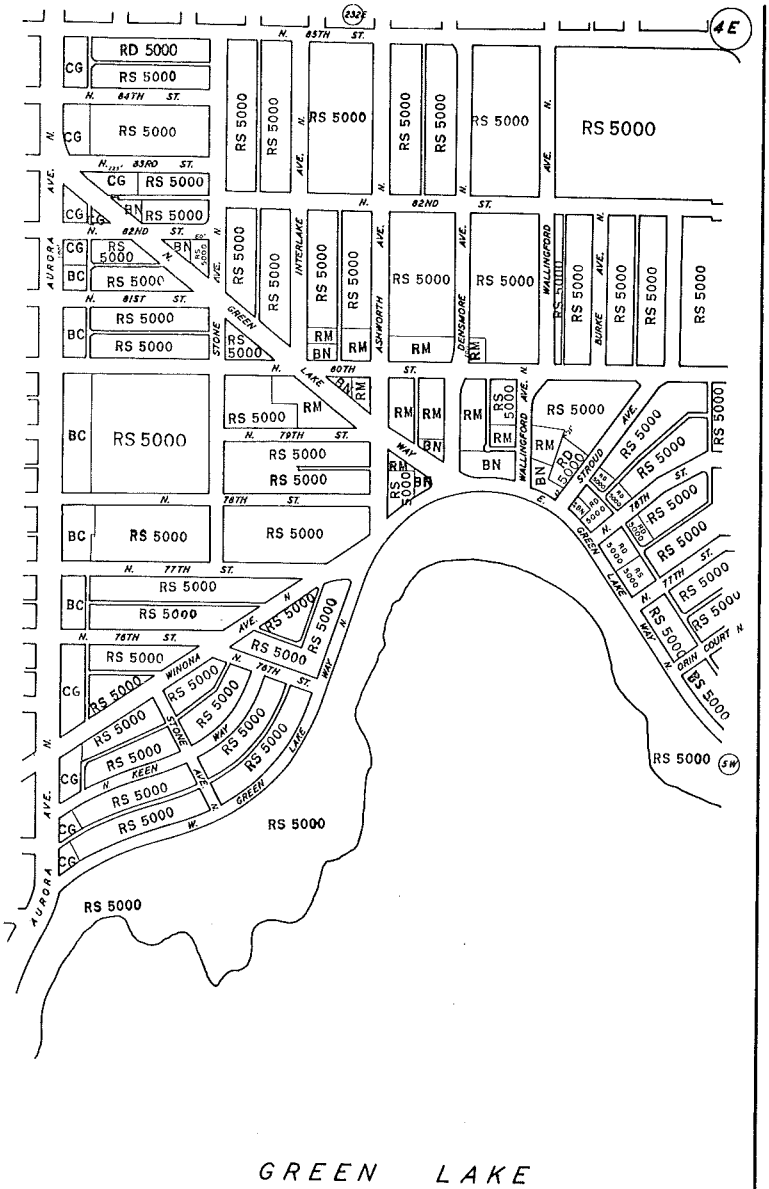

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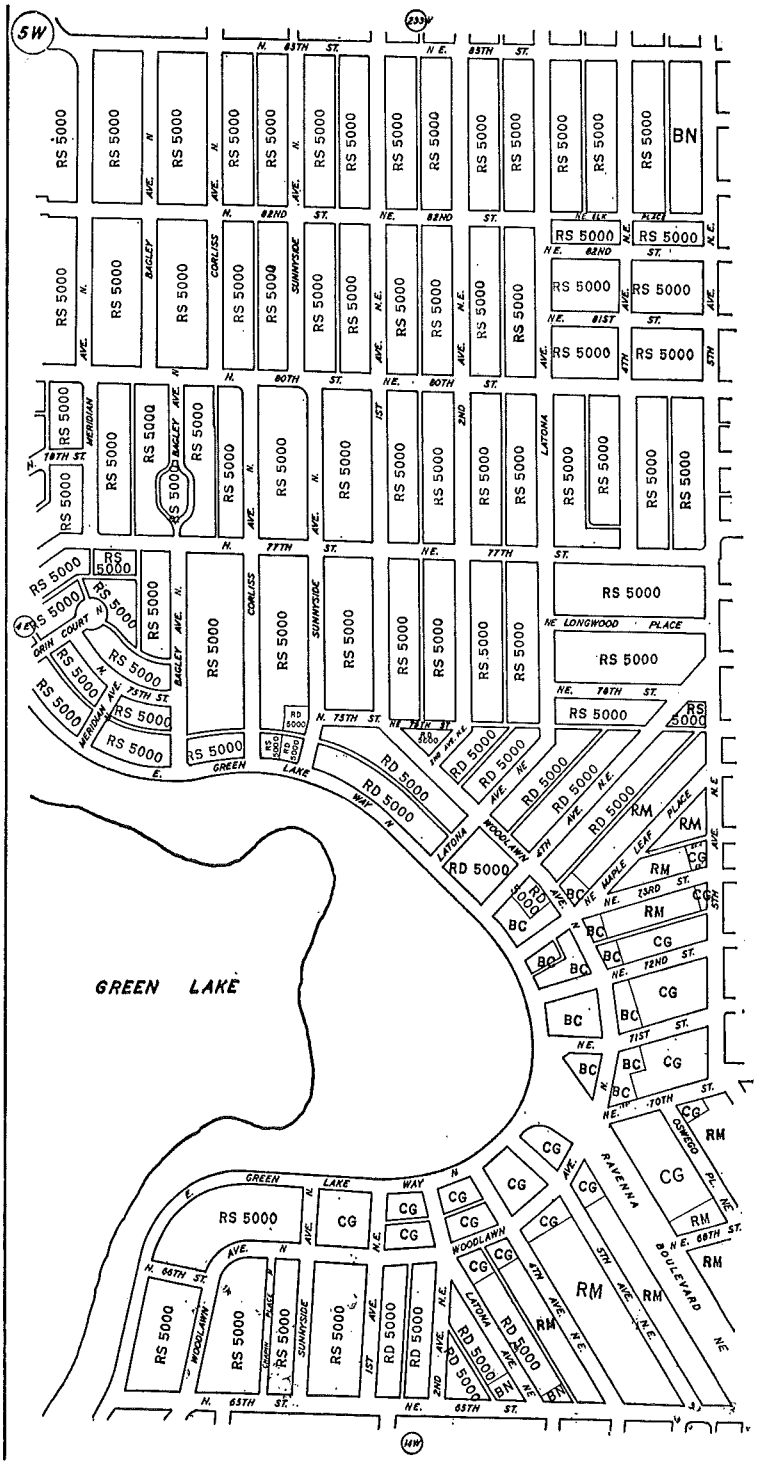

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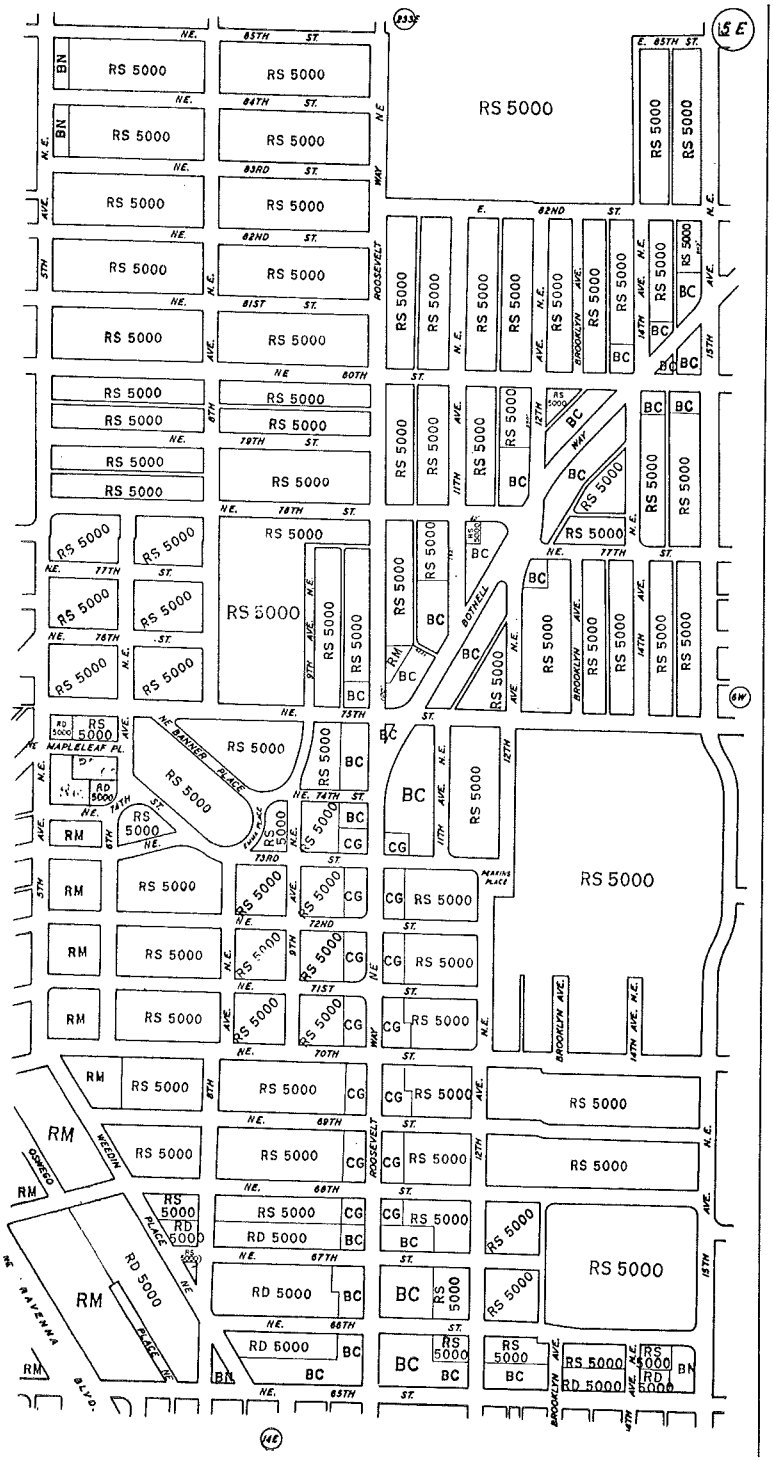

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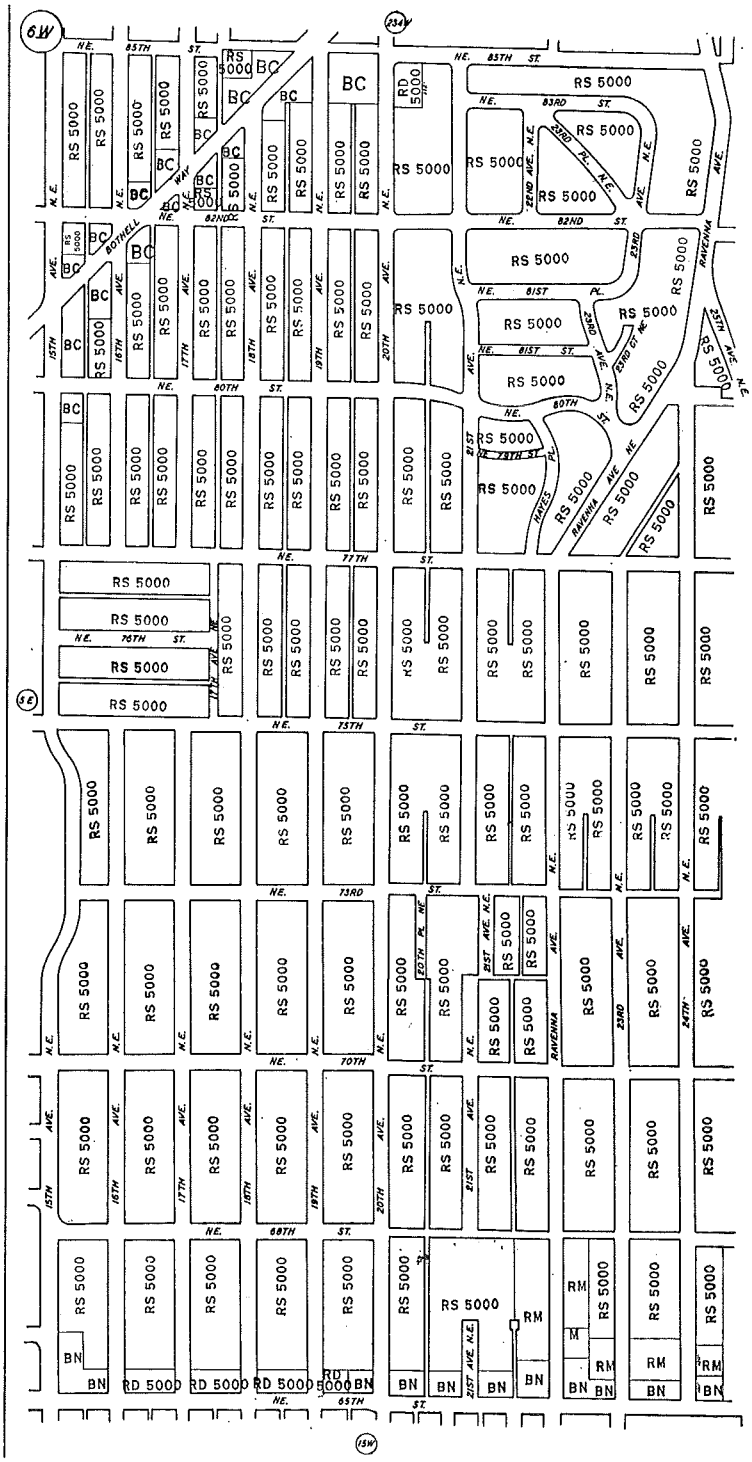

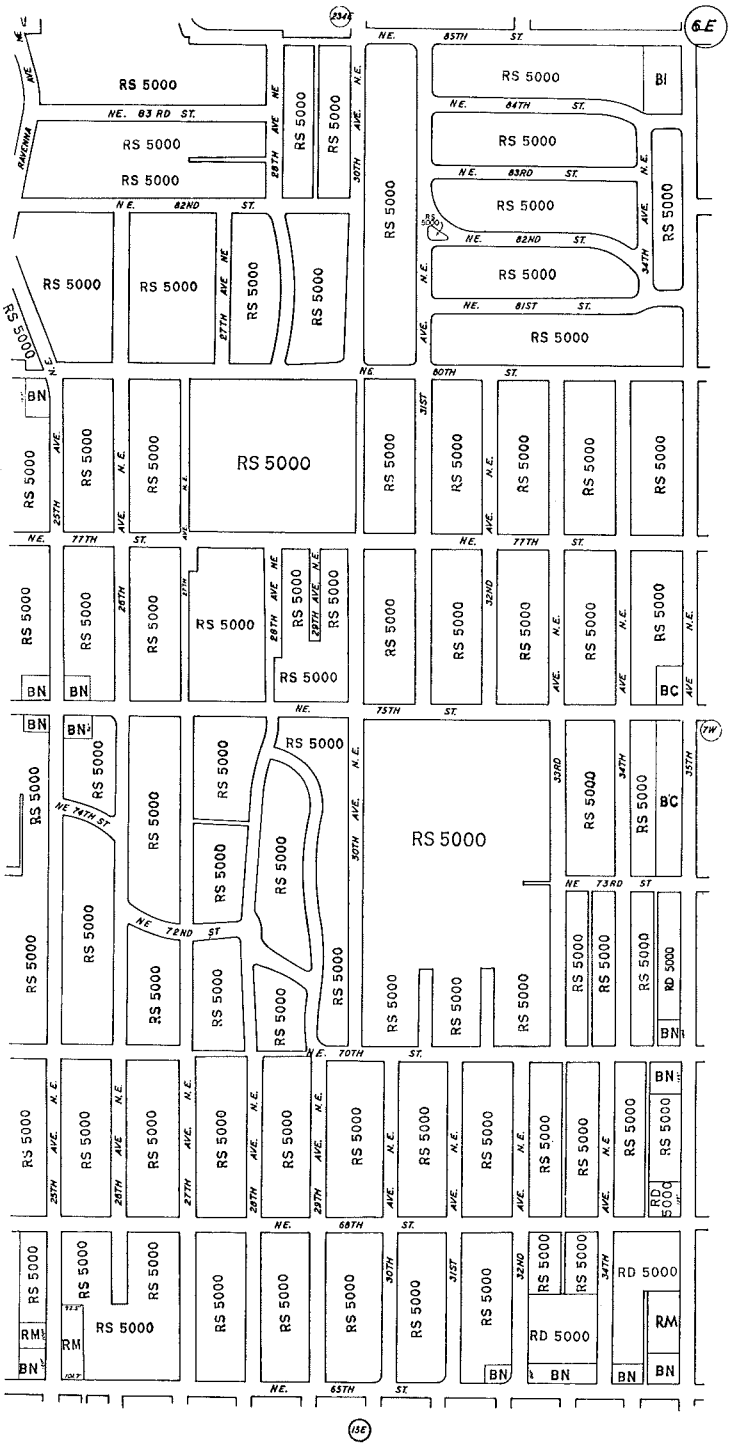

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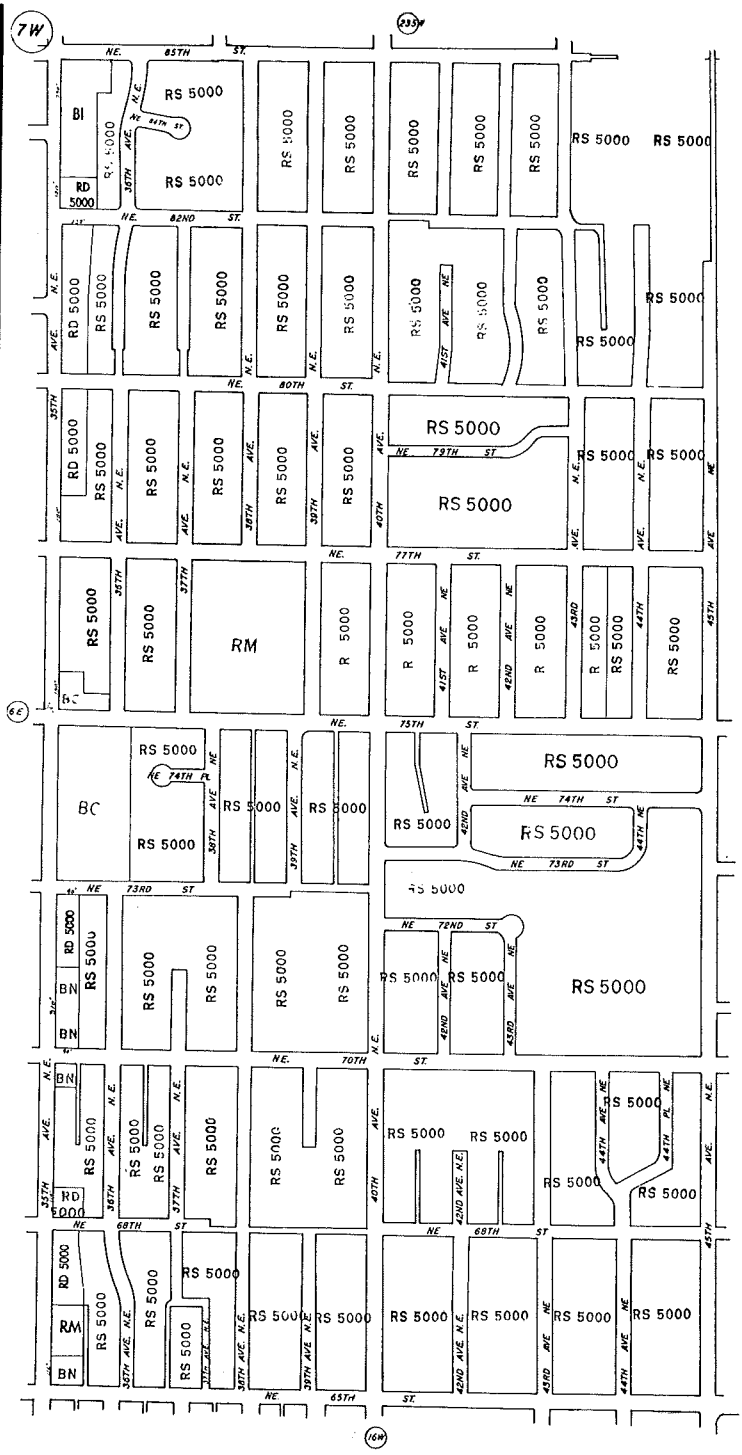

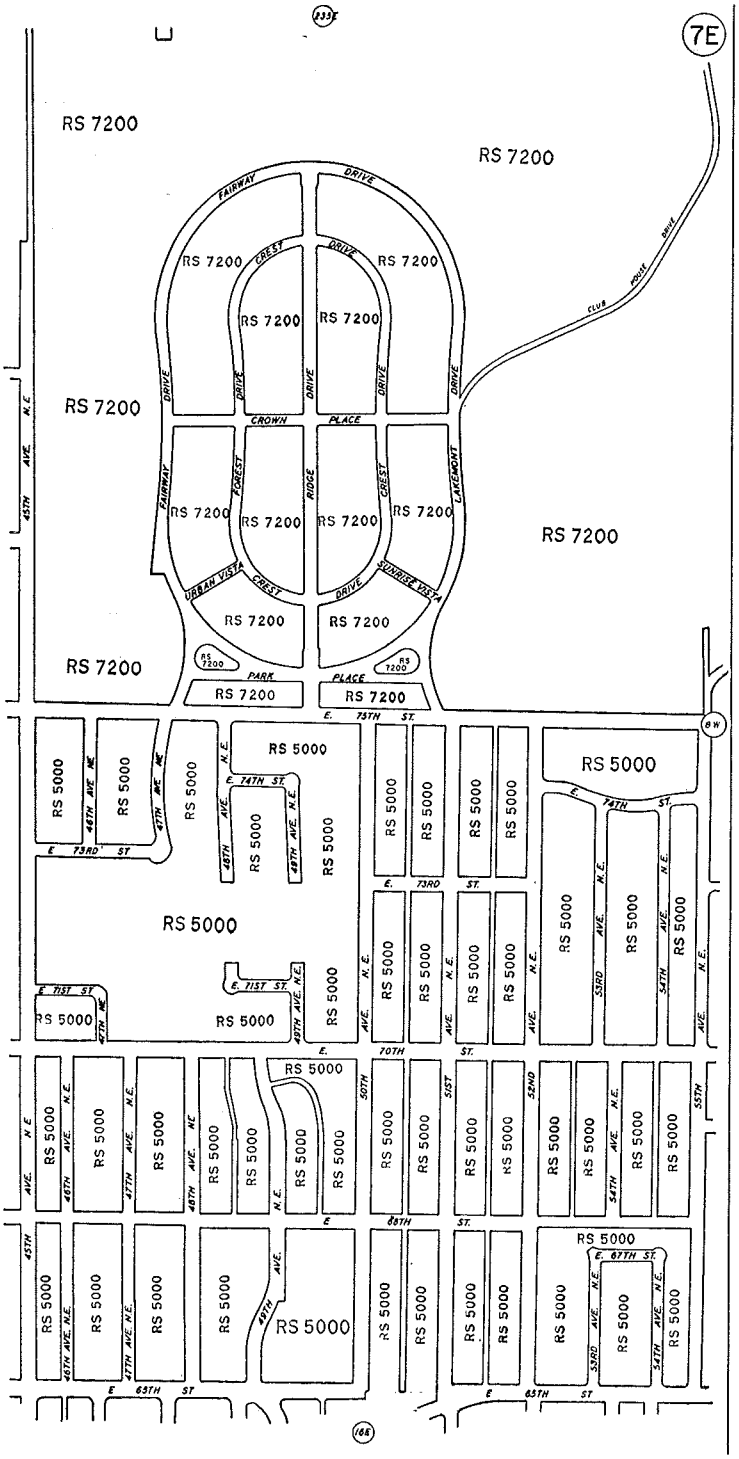

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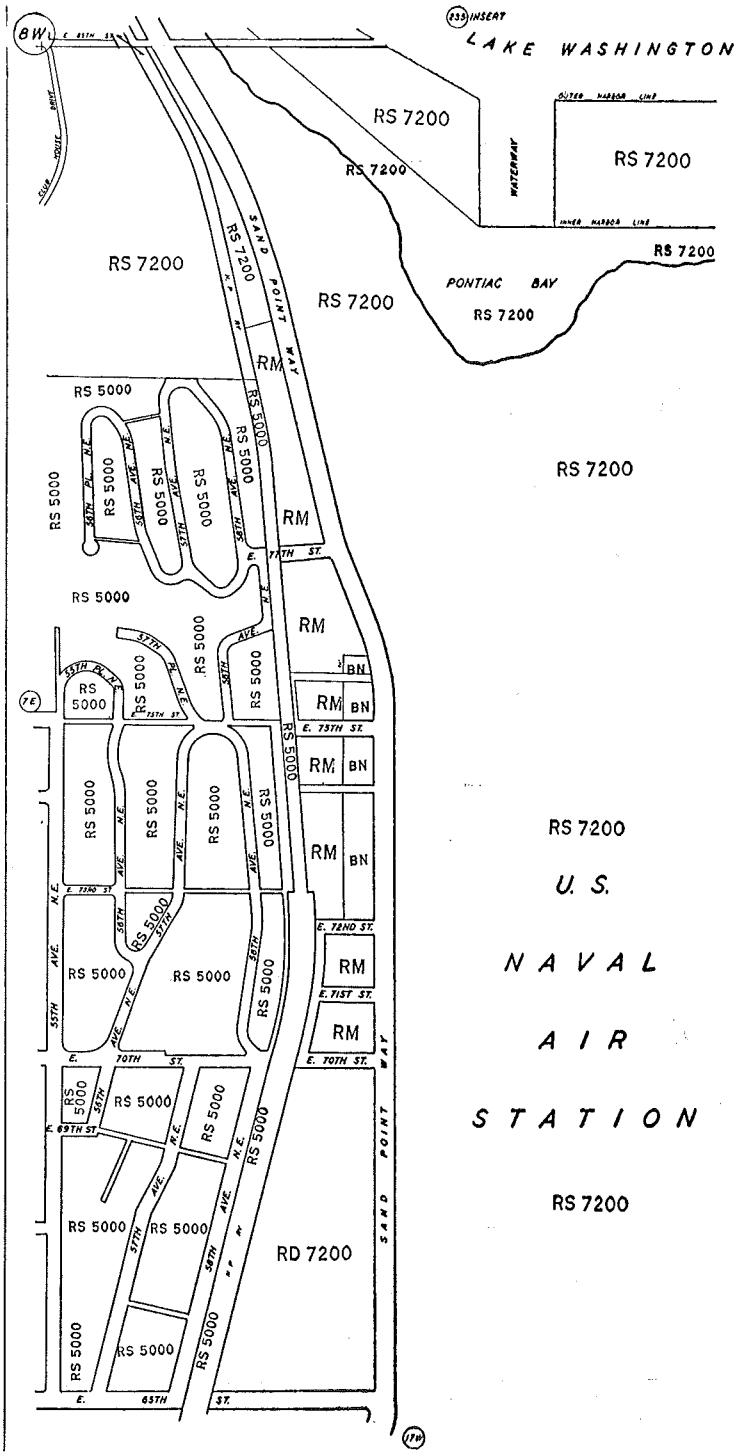

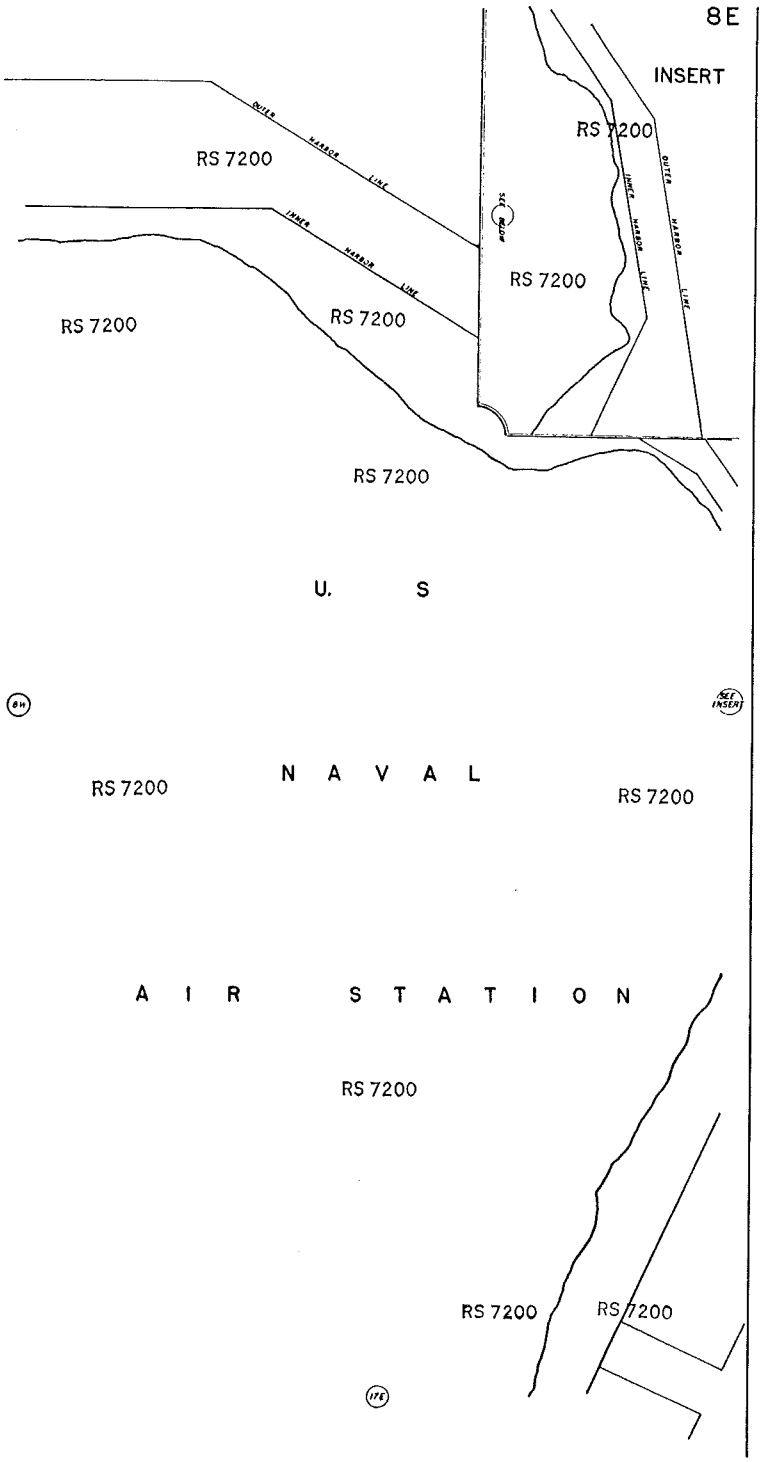

LEGEND

RS 9600— Single Family Residence Low Density Zone.

RS 7200— Single Family Residence Medium Density Zone.

RS 5000— Single Family Residence High Density Zone.

RW— Residence Waterfront Zone.

RD 7200— Duplex Residence Medium Density Zone.

RD 5000— Duplex Residence High Density Zone.

RM— Multiple Residence Low Density Zone.

RMH— Multiple Residence High Density Zone.

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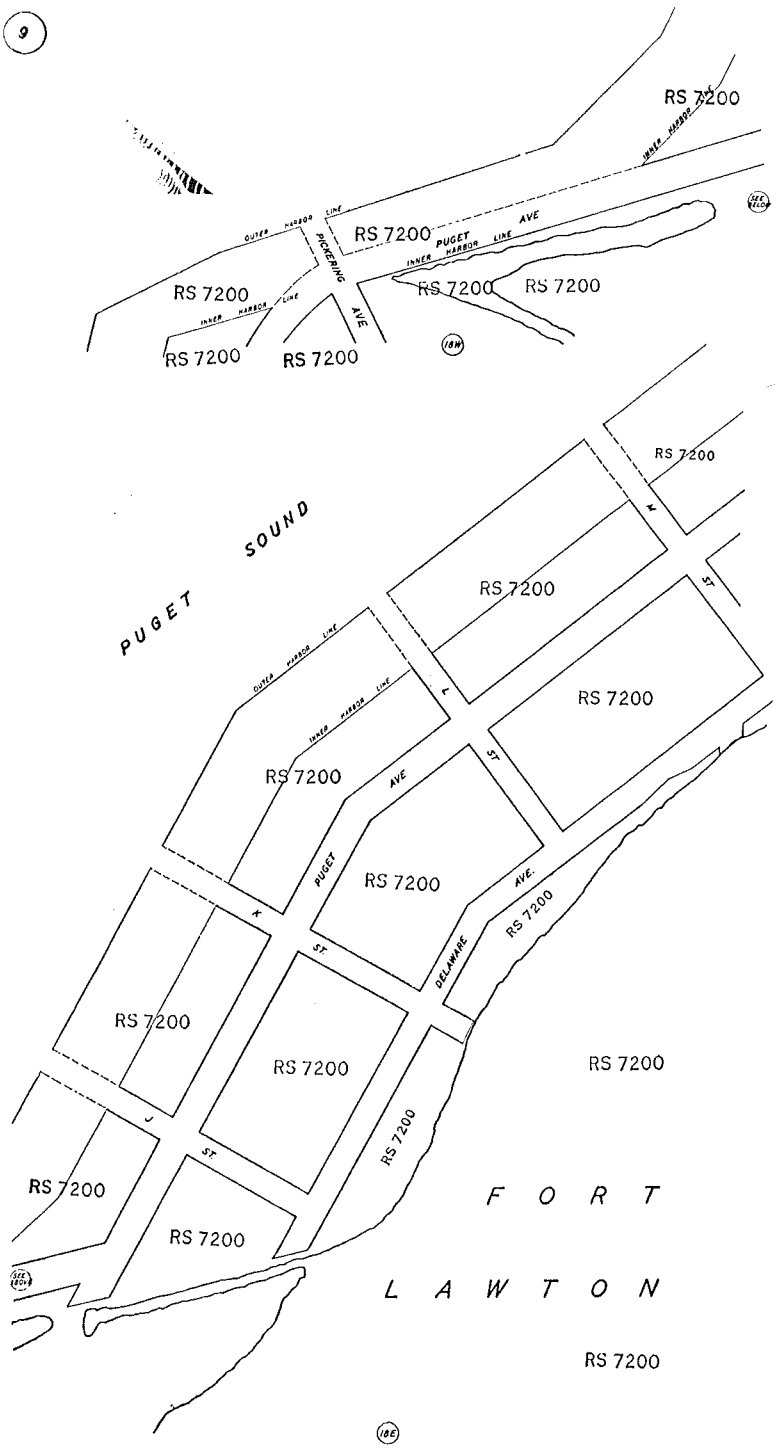

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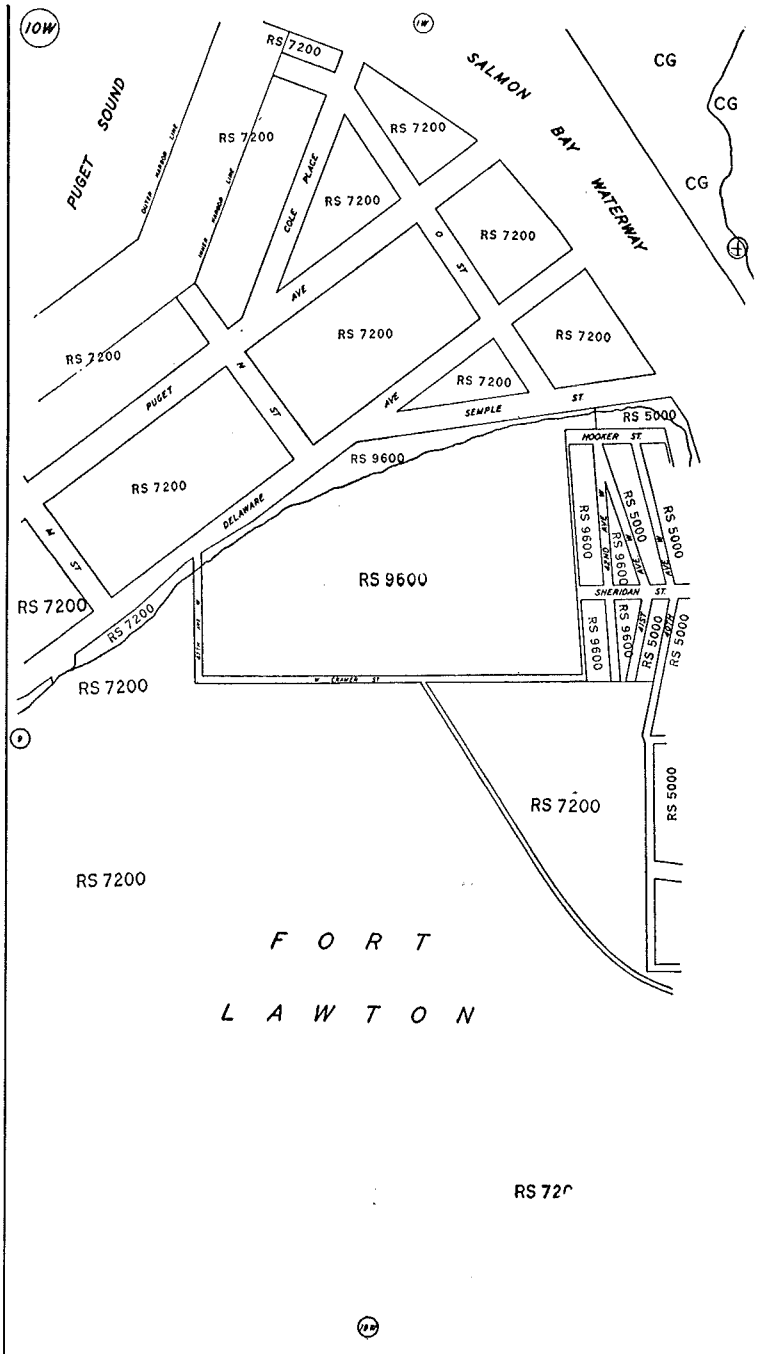

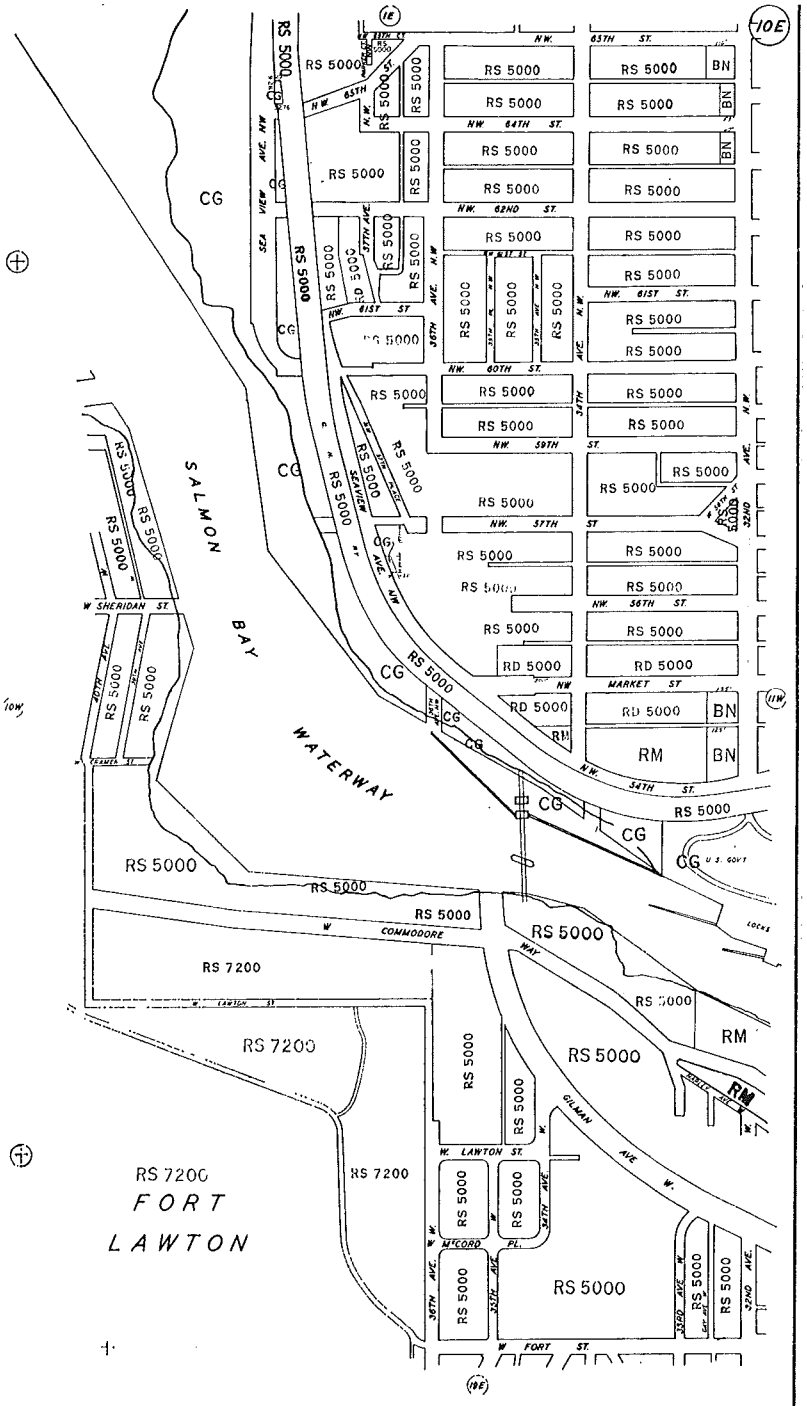

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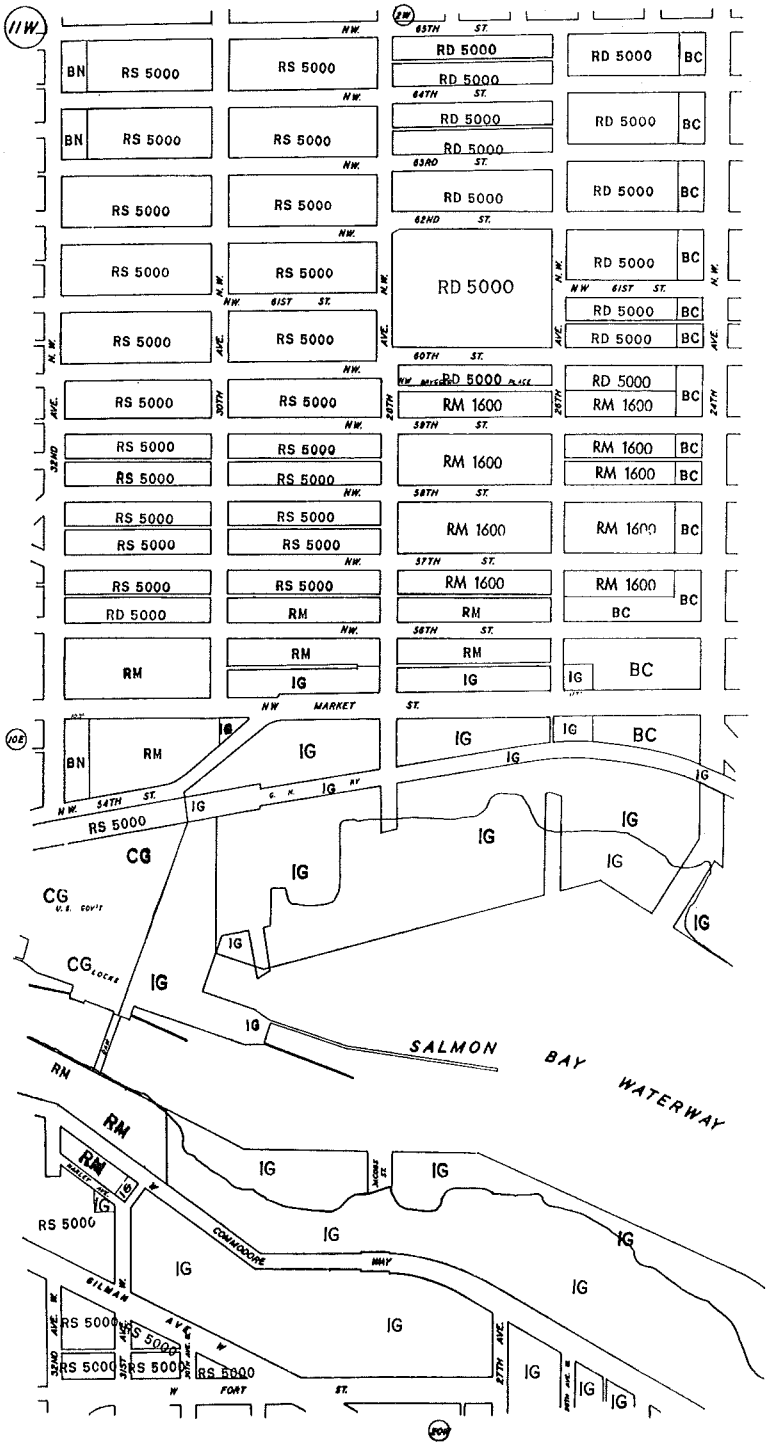

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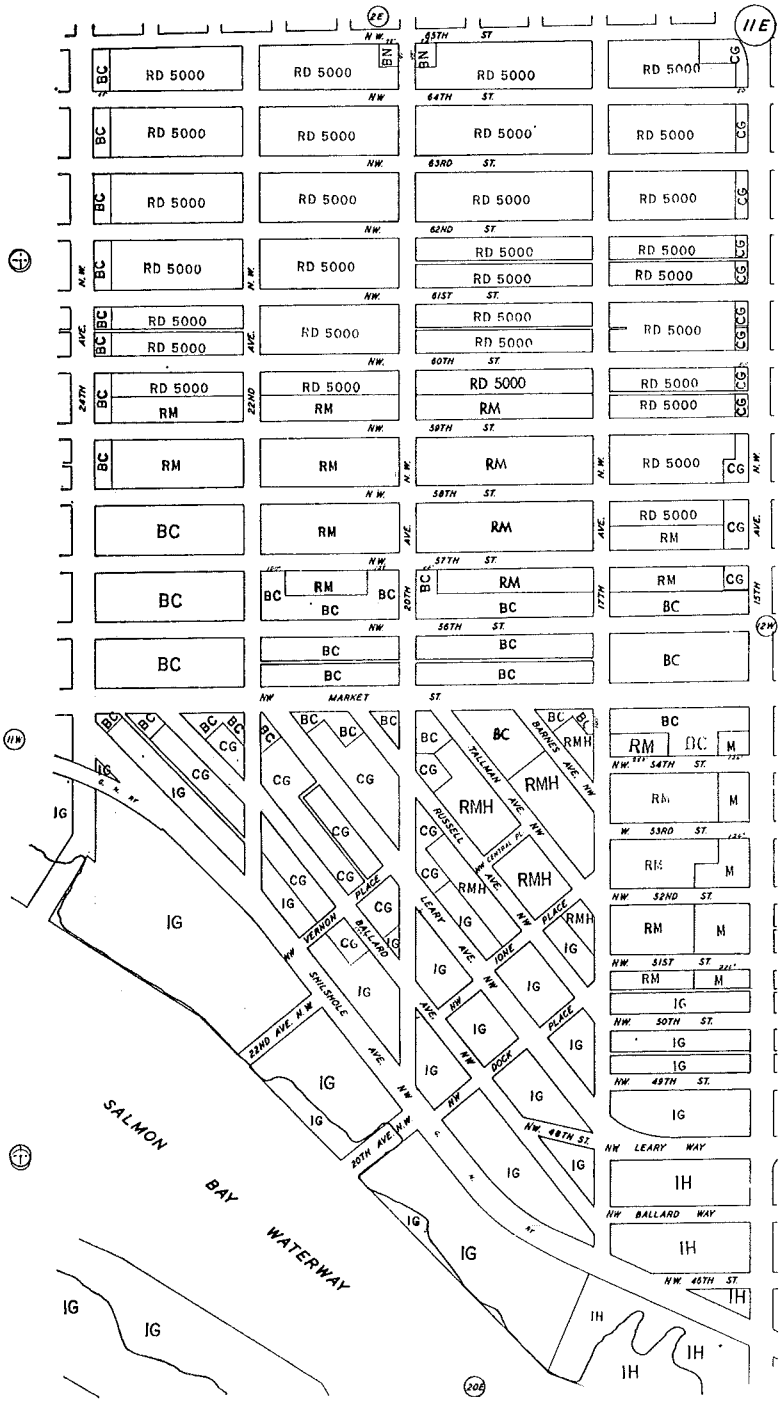

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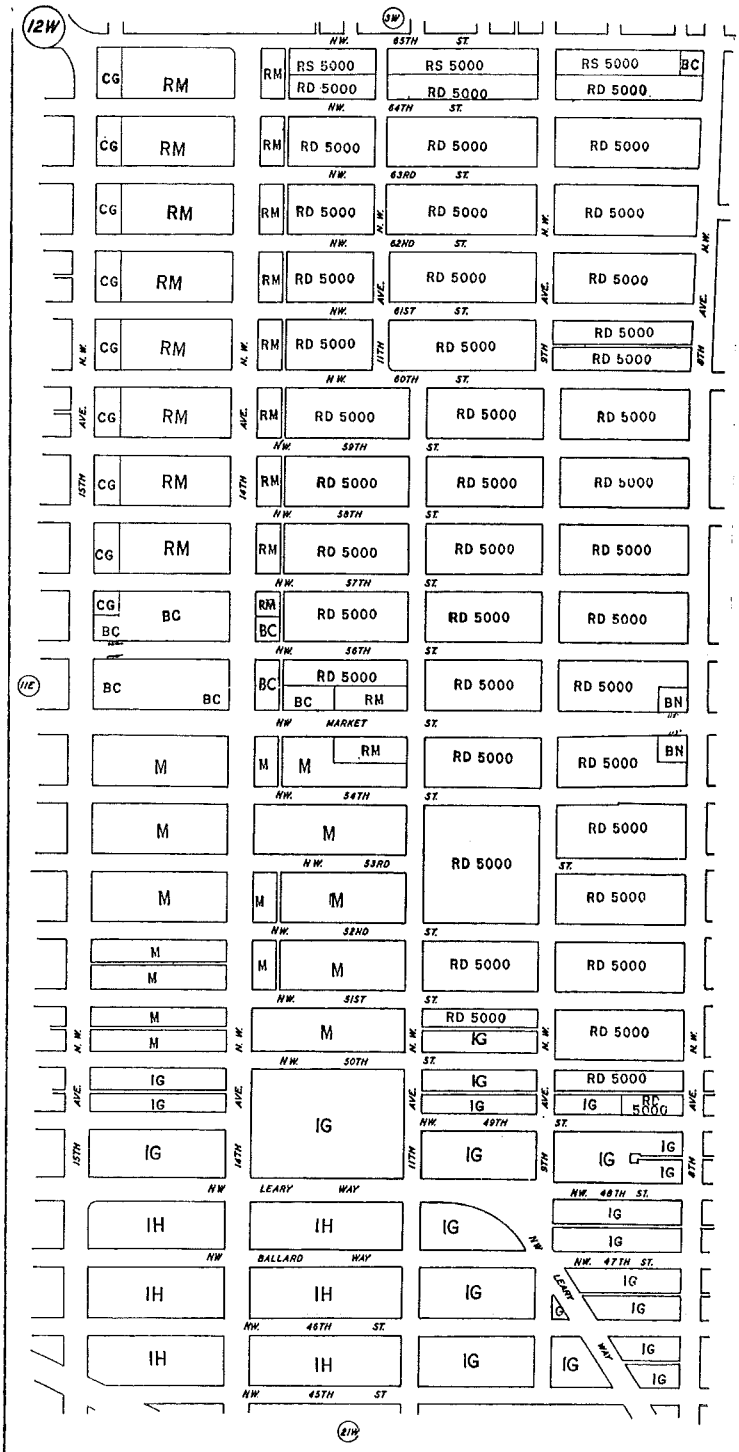

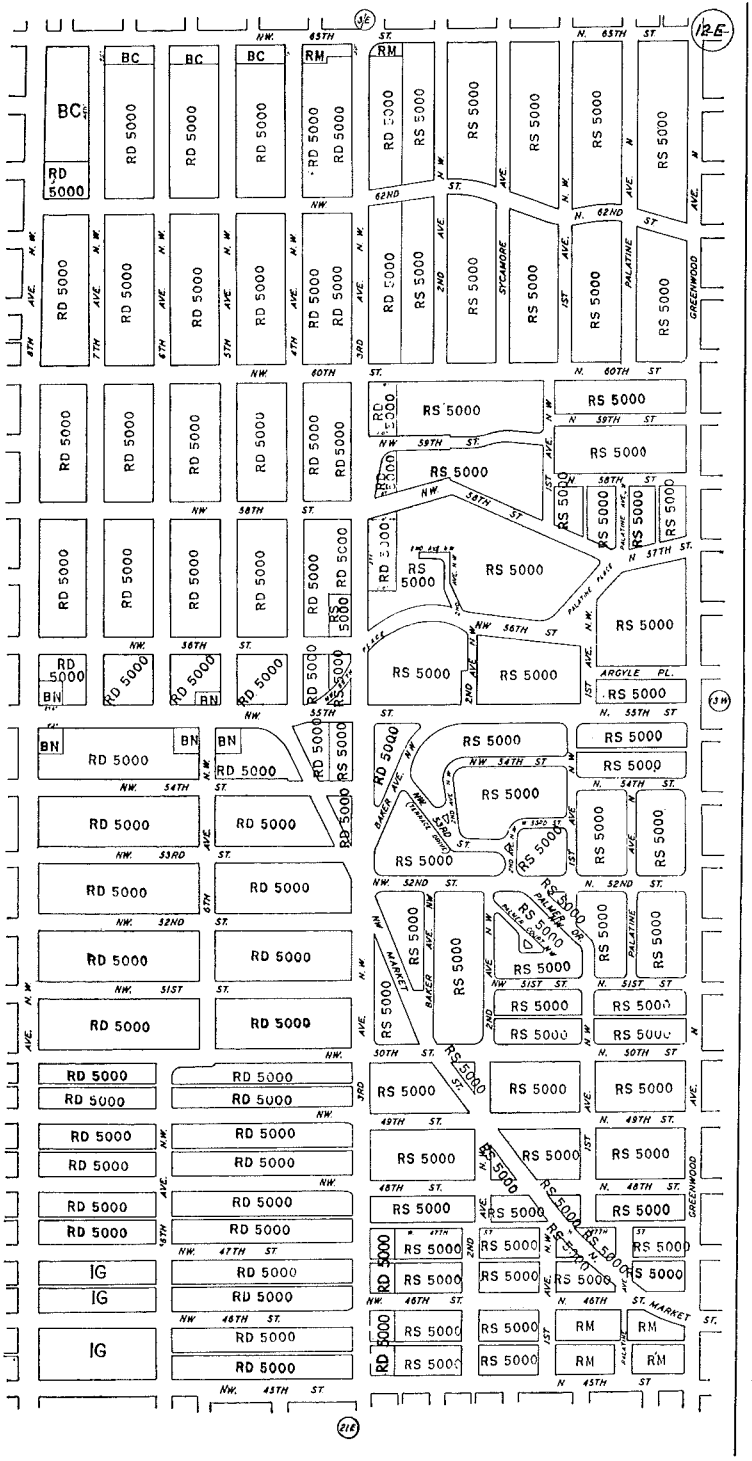

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(SEATTLE 9-15-69)

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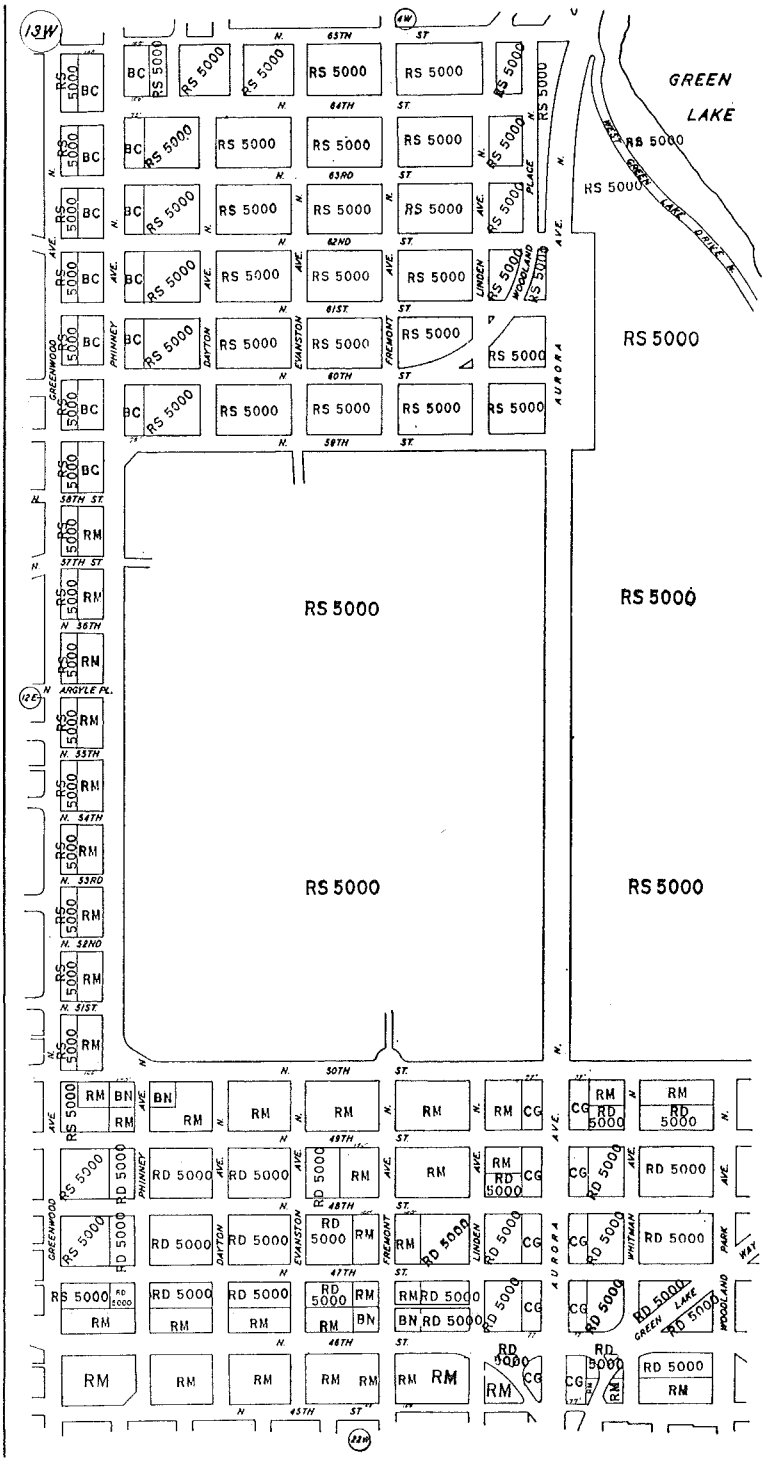

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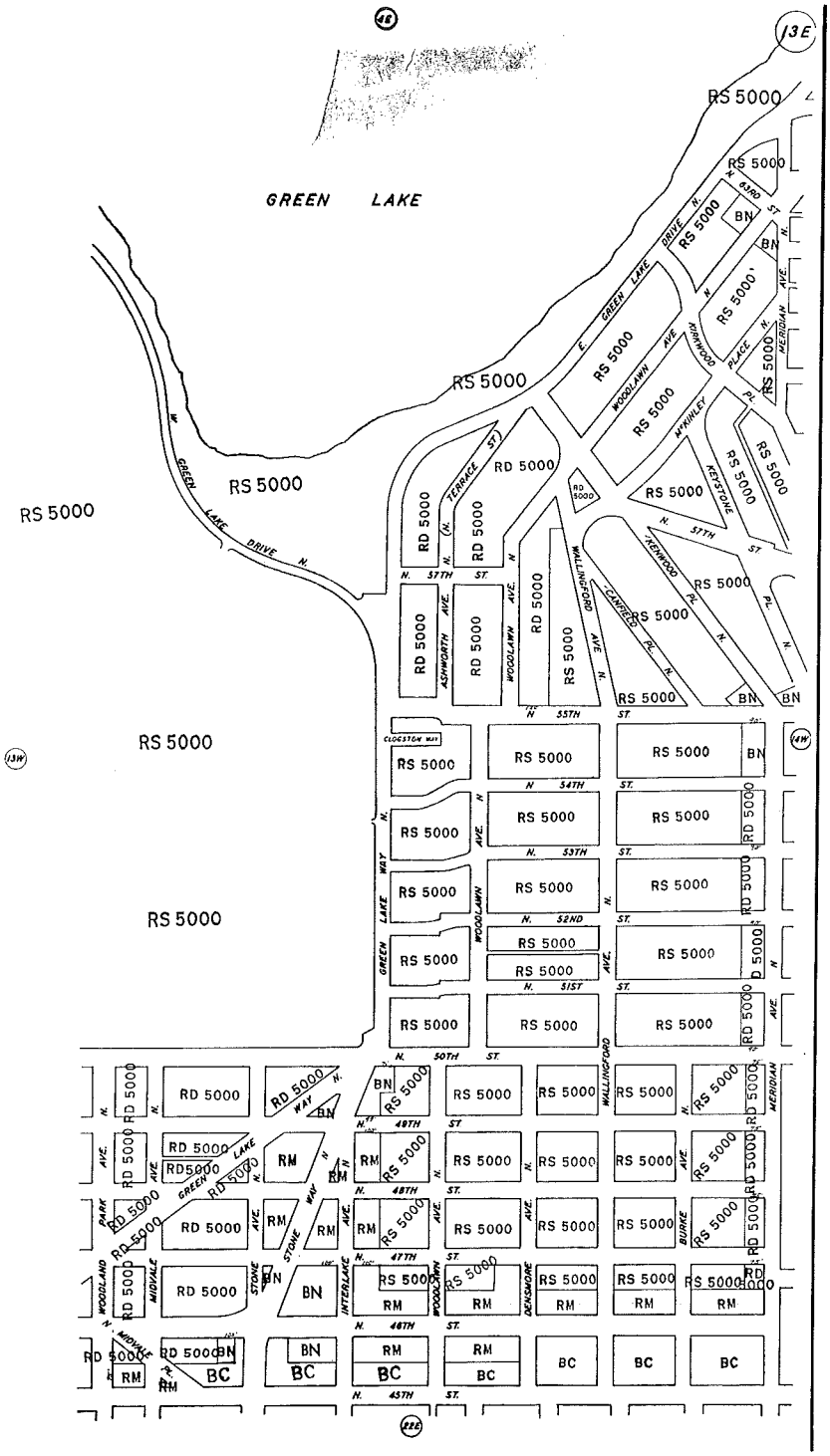

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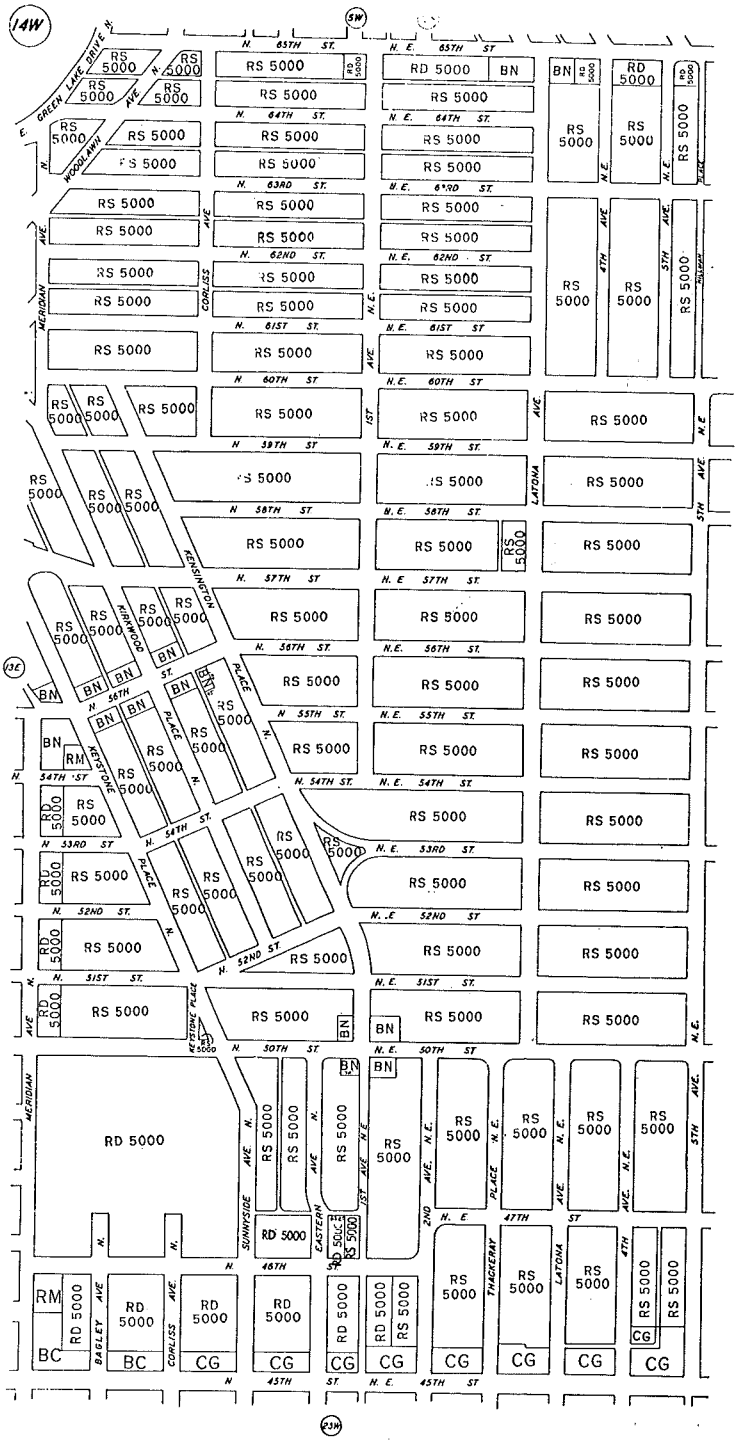

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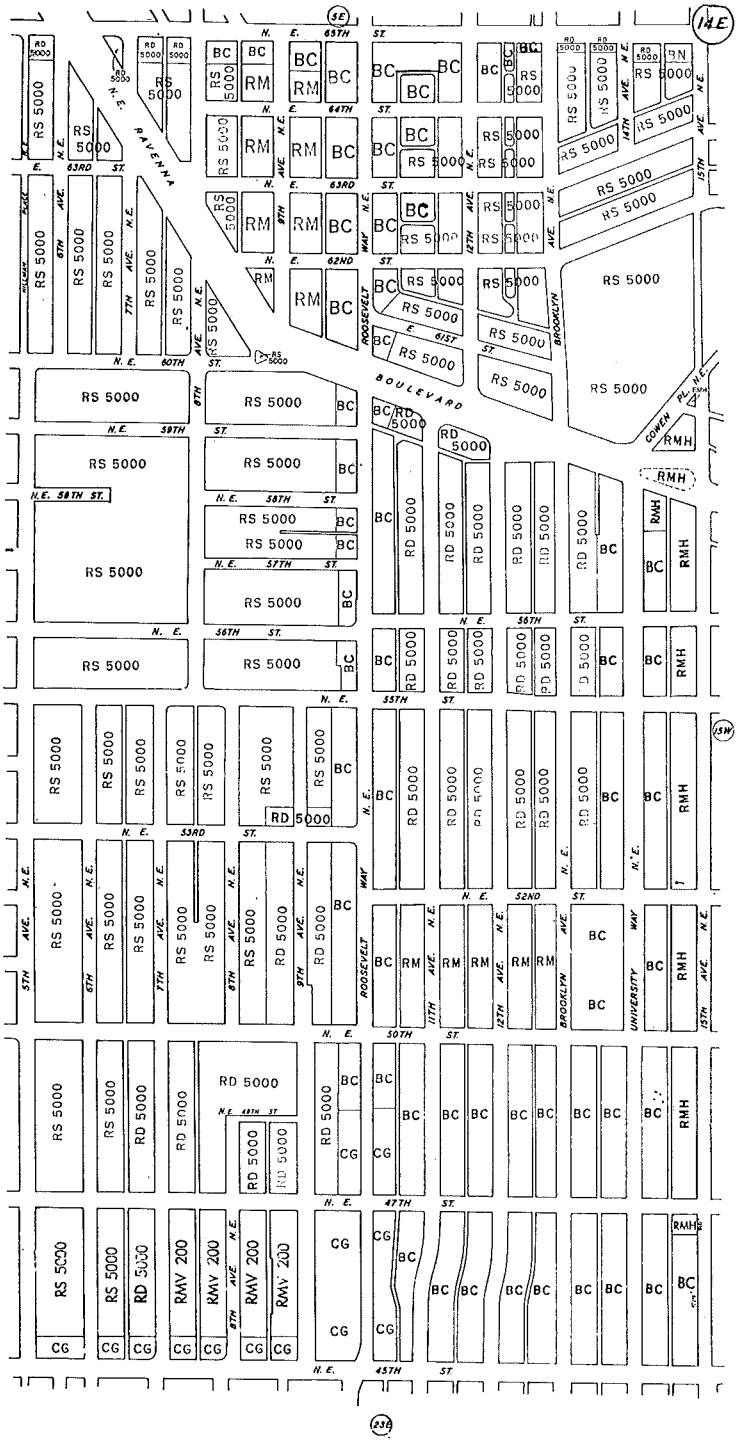

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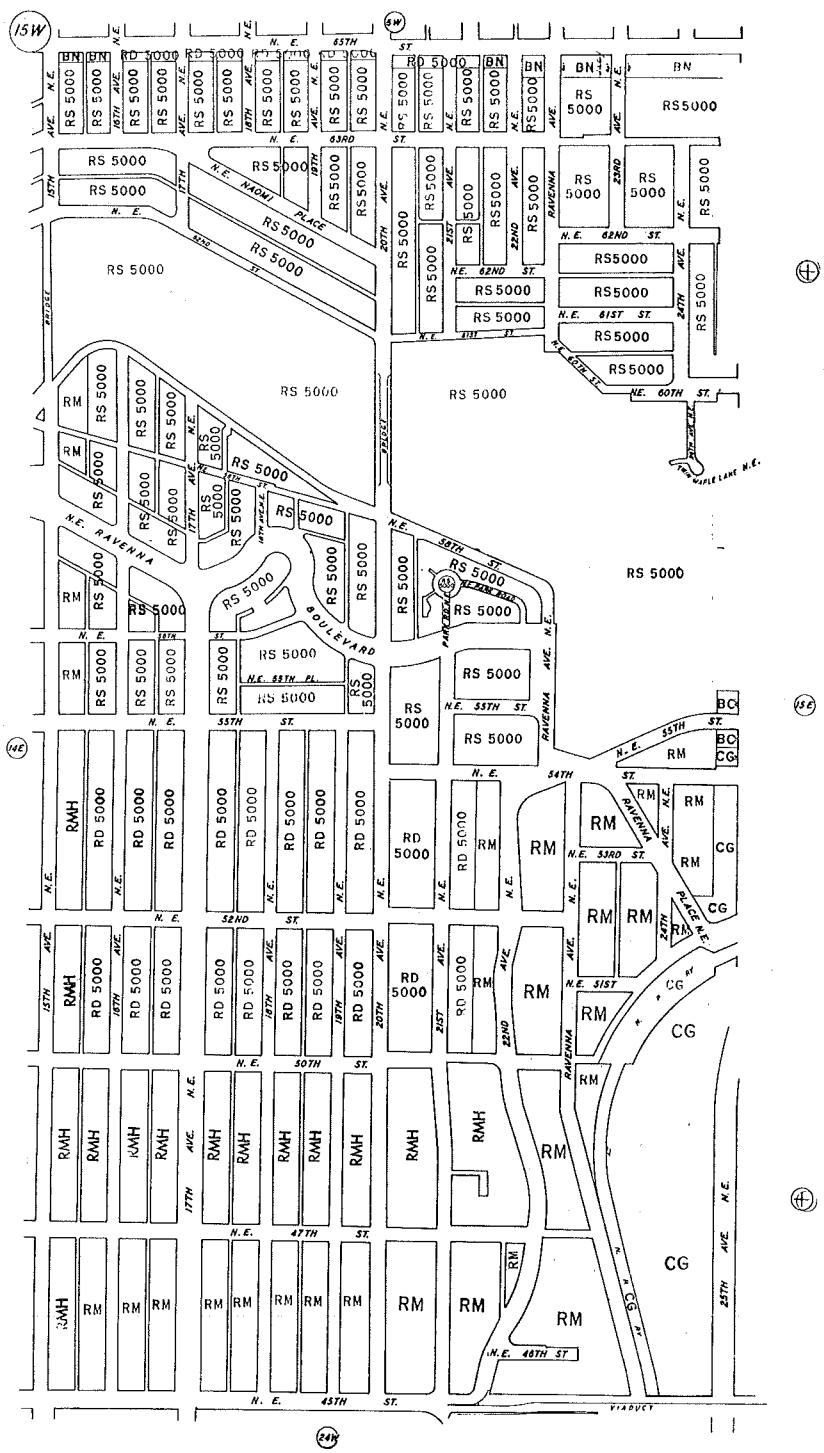

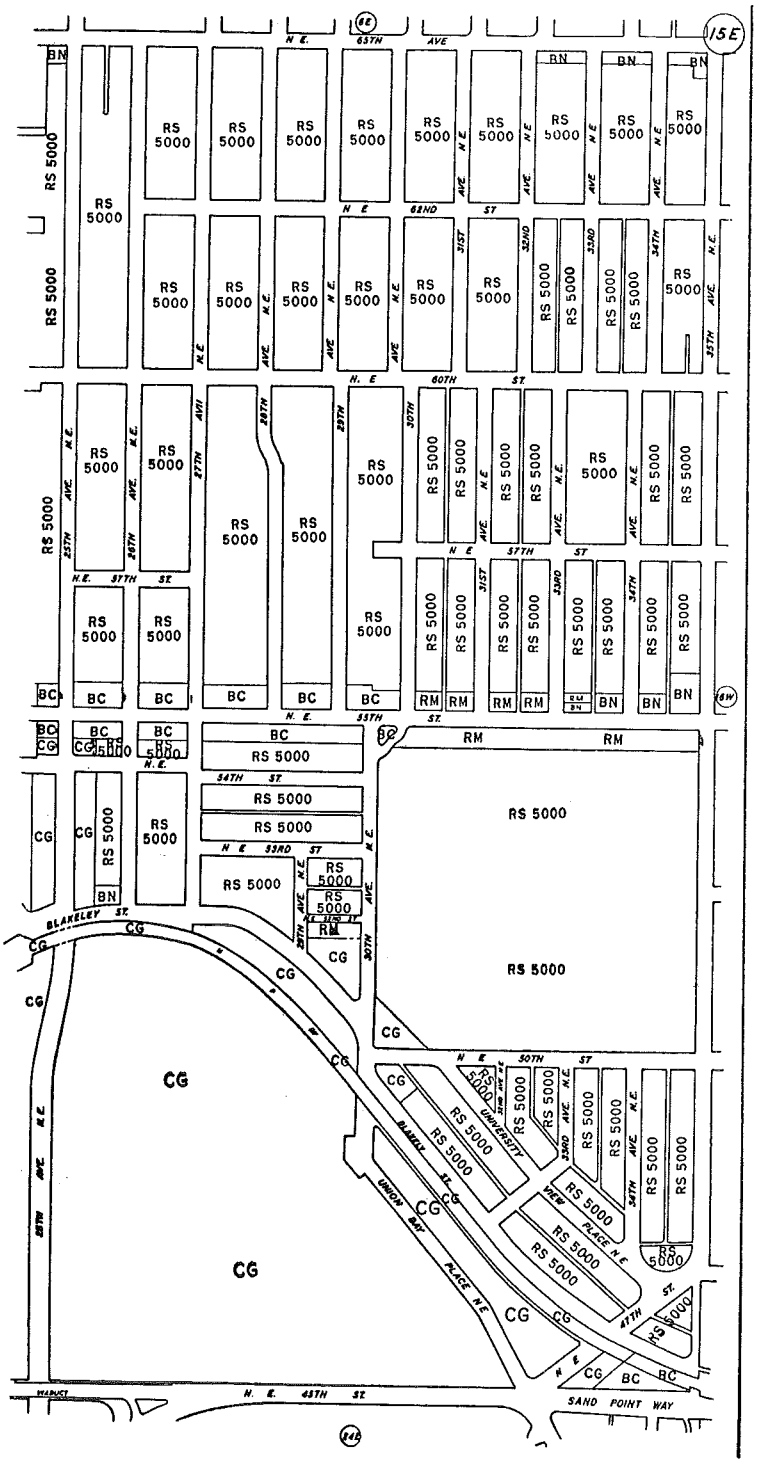

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(SEATTLE 8-23-73)

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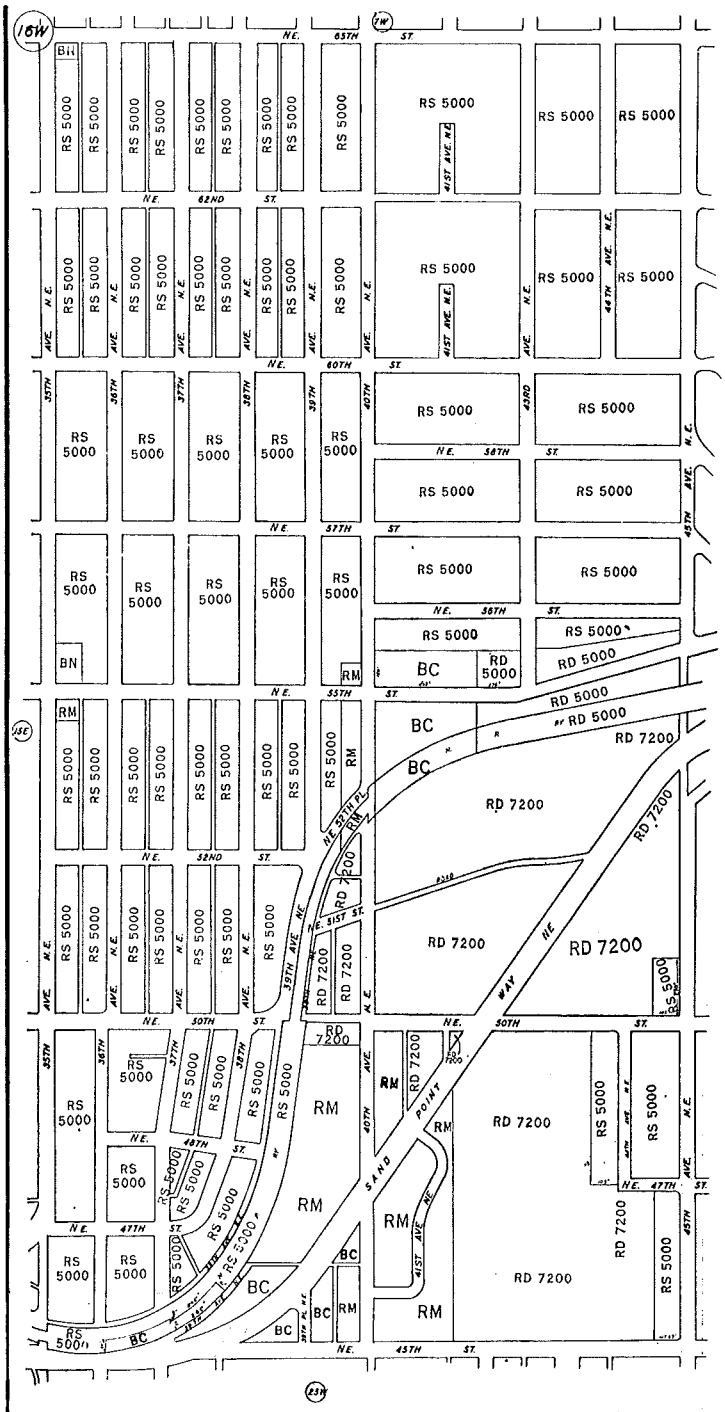

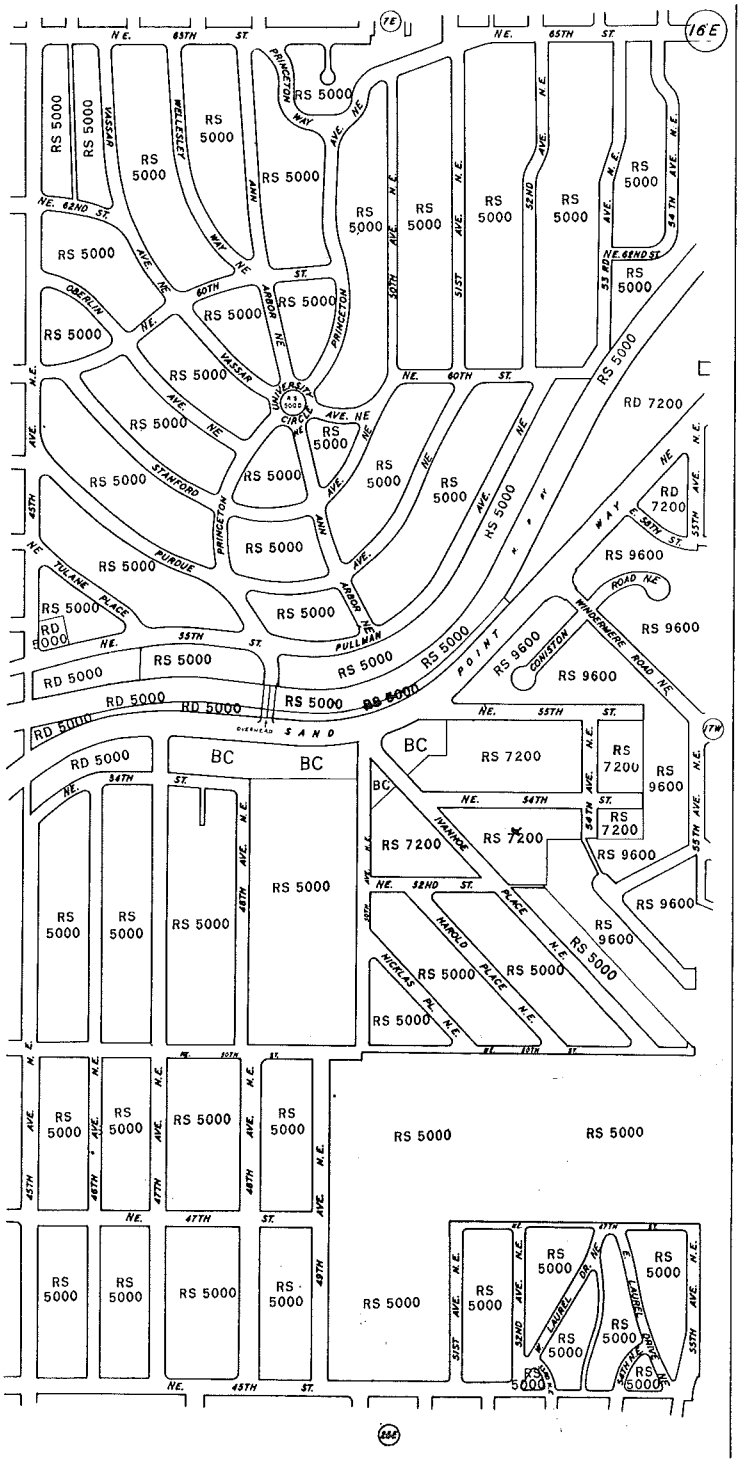

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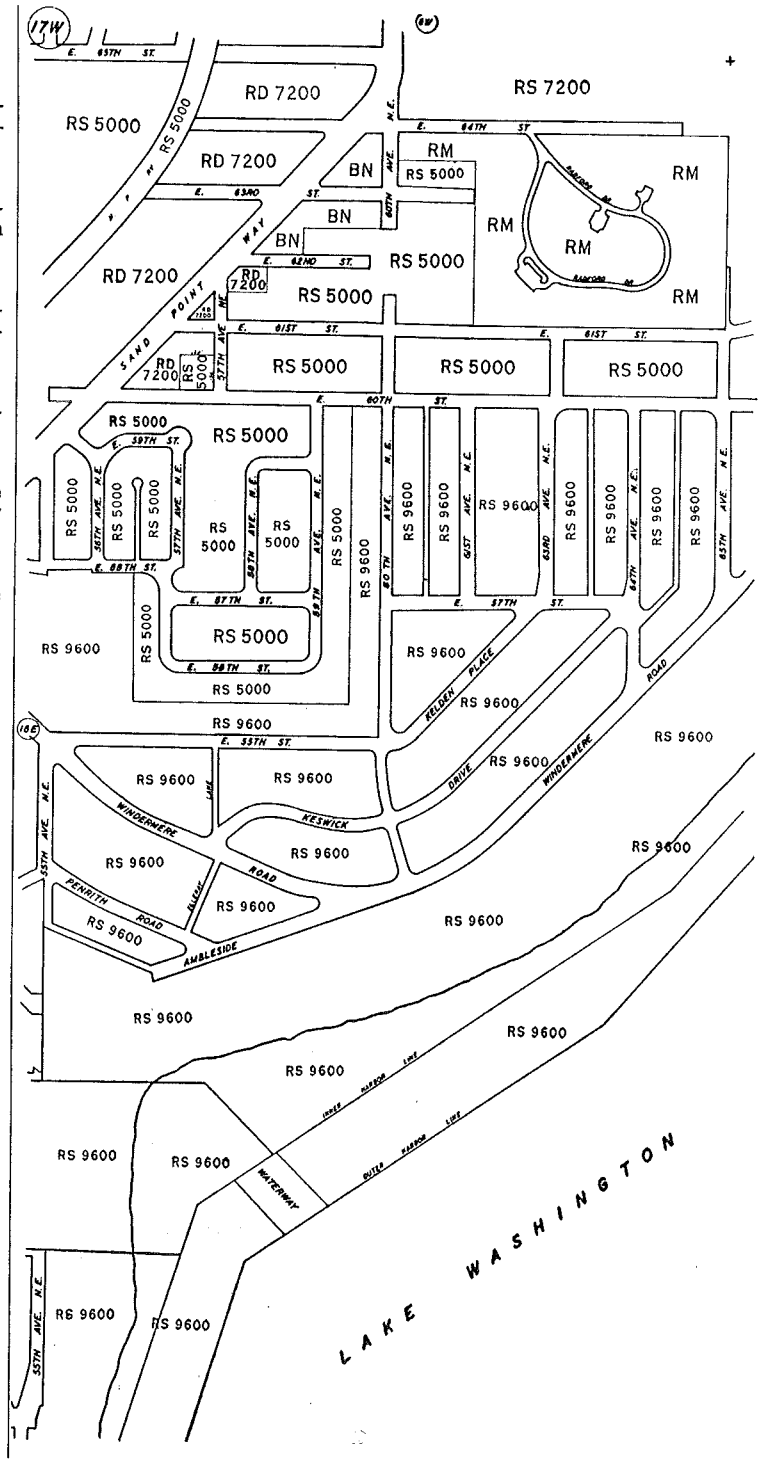

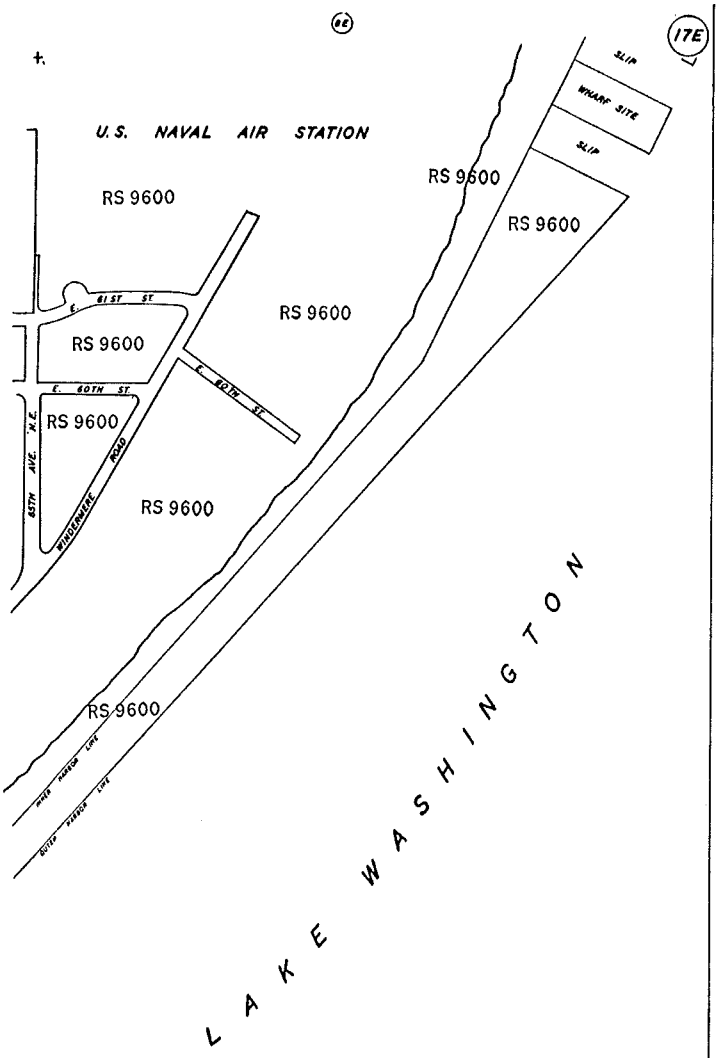

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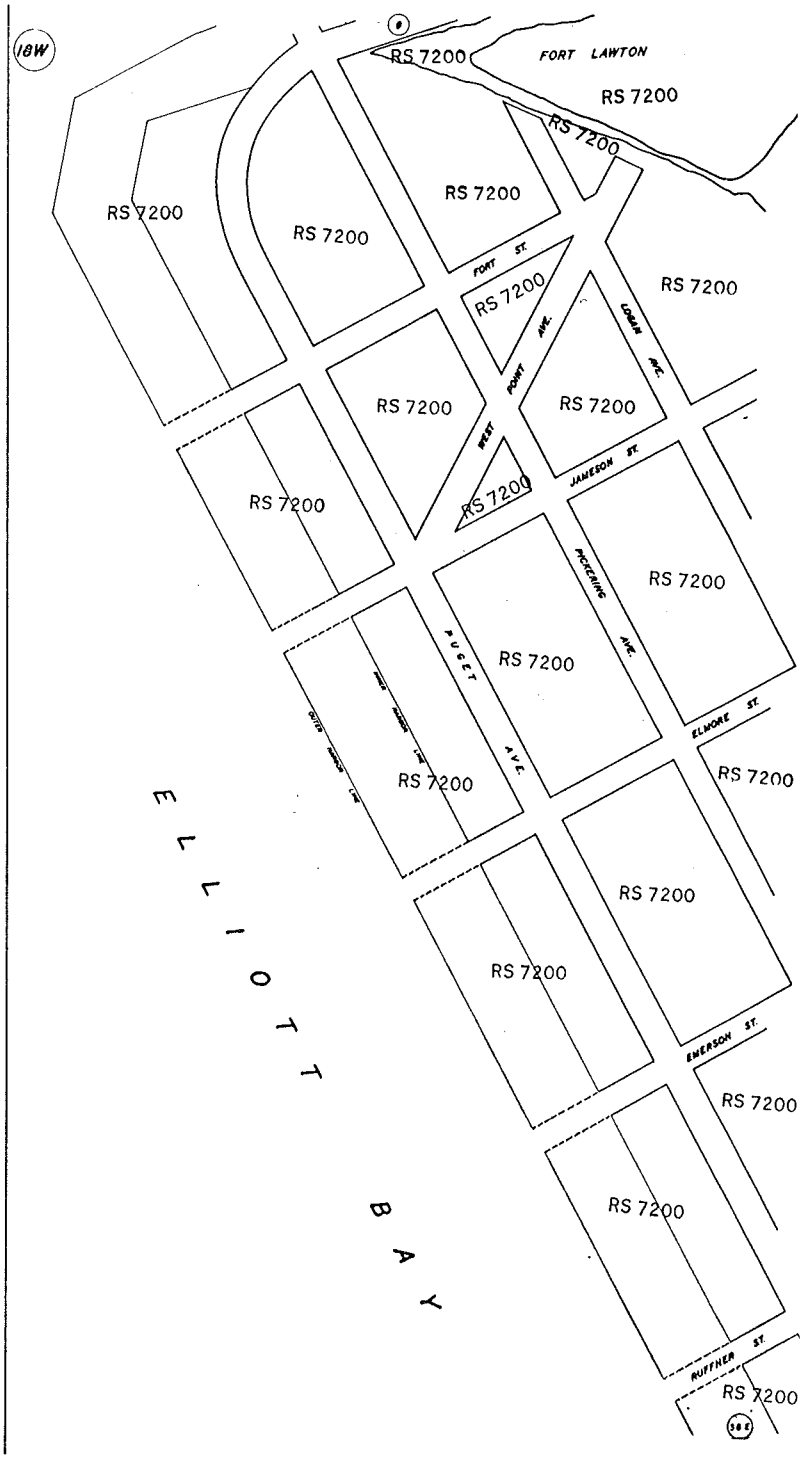

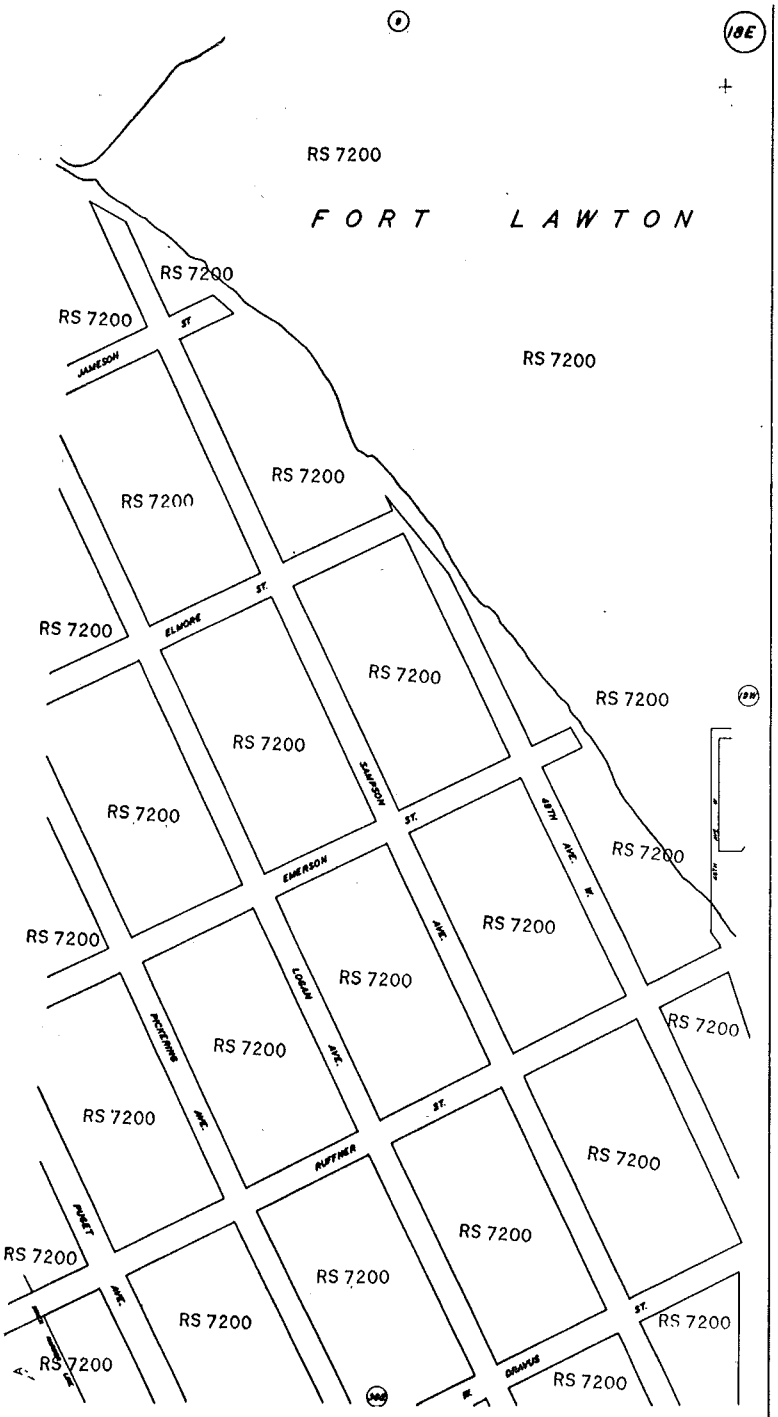

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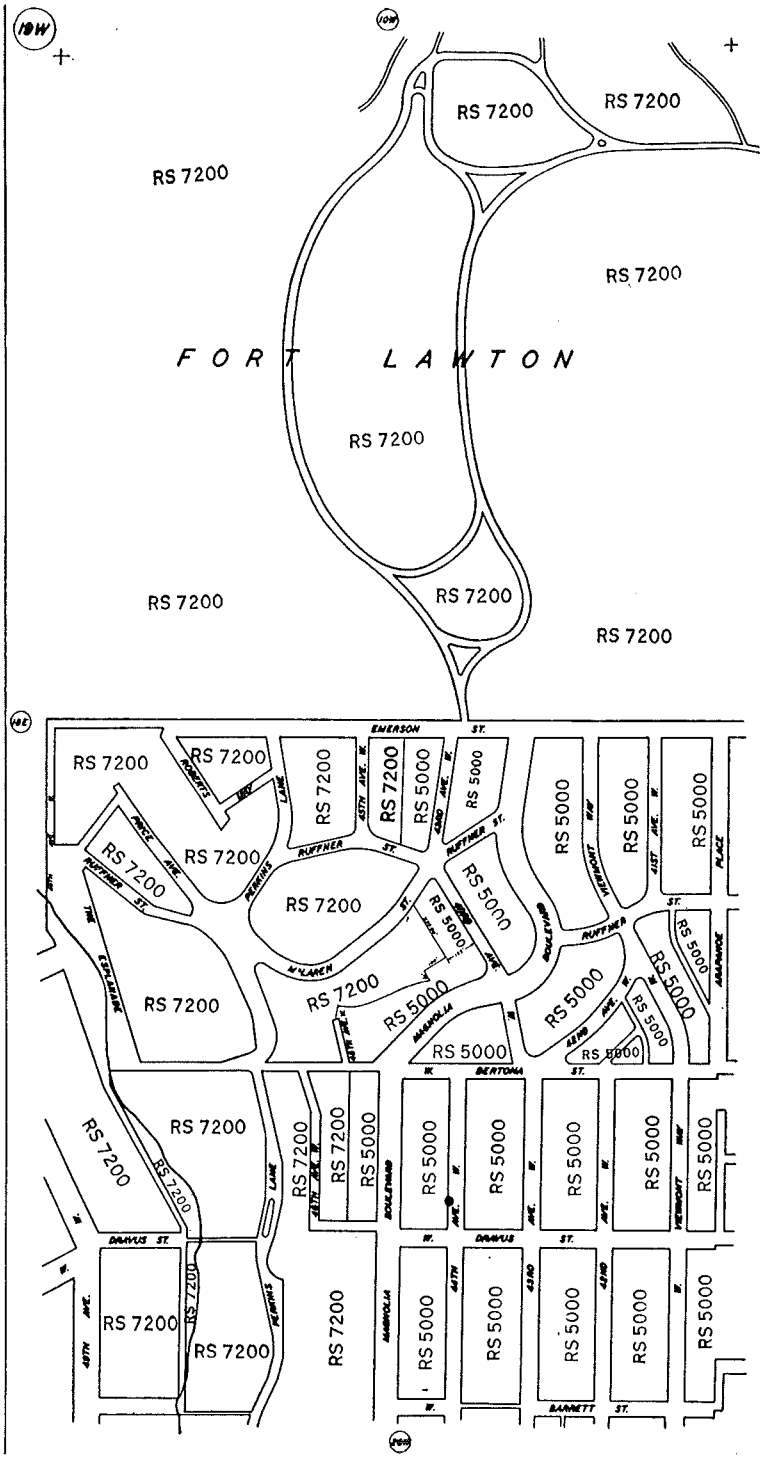

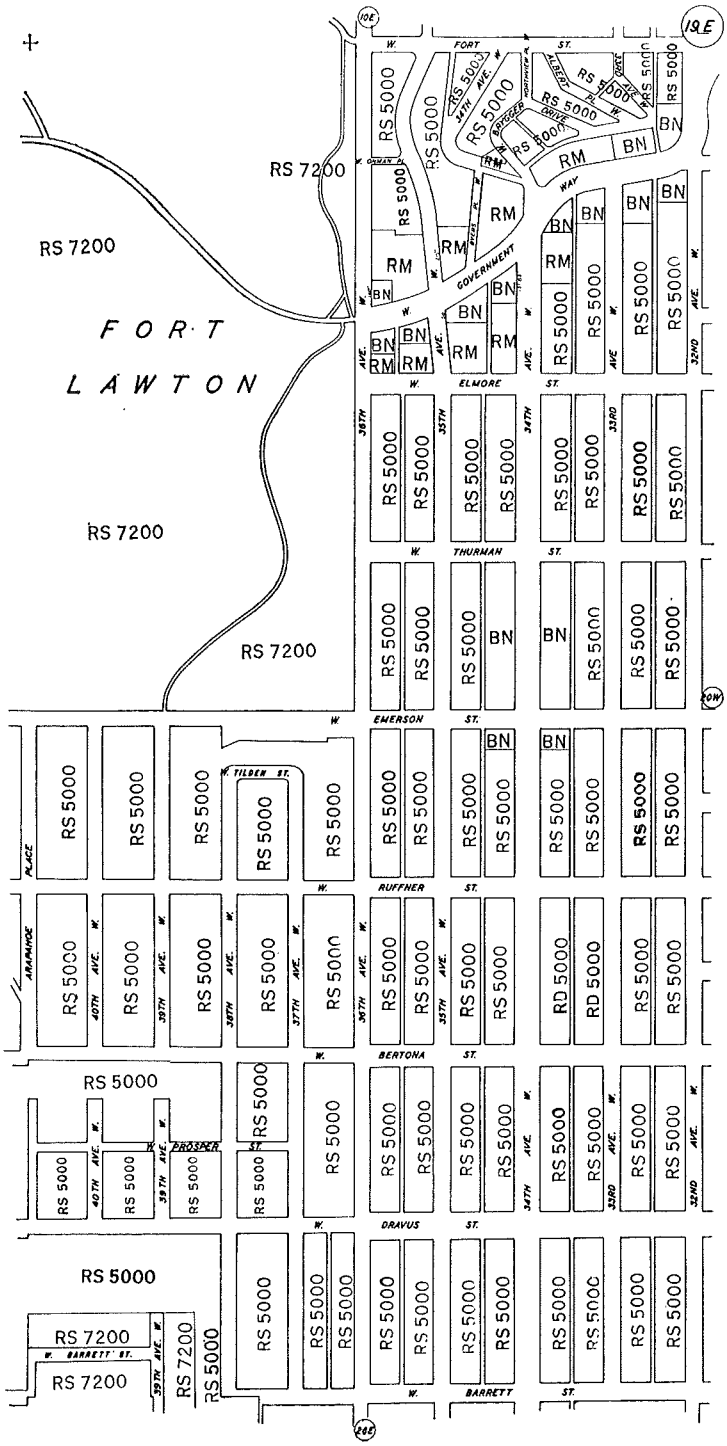

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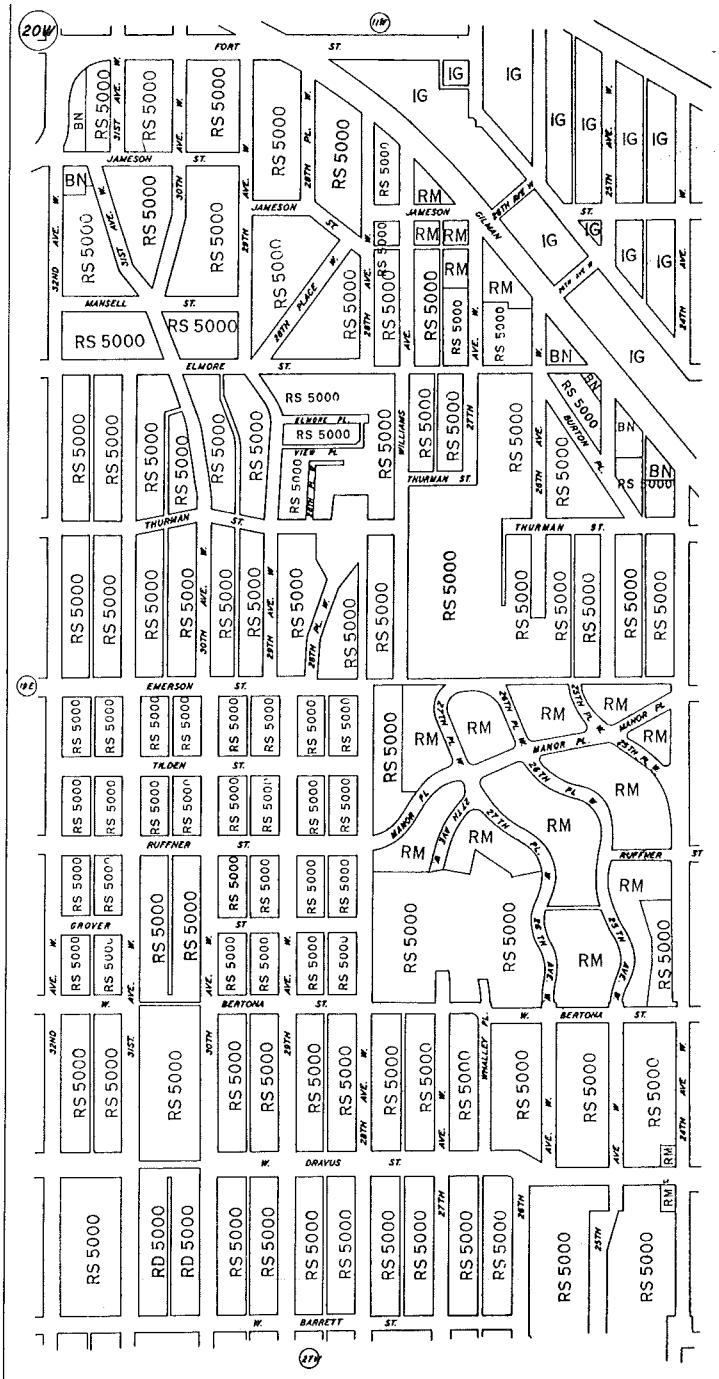

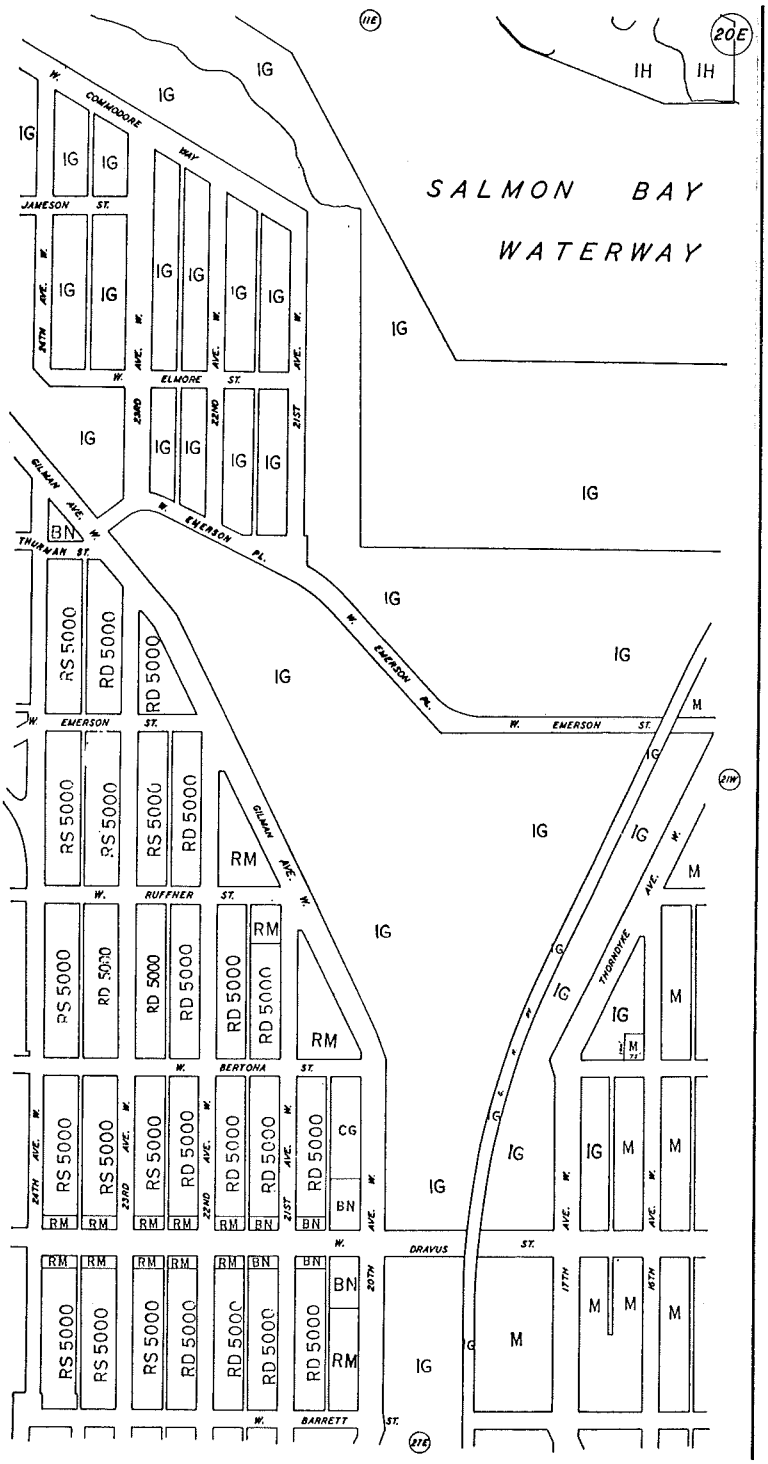

LEGEND

RS 9600— Single Family Residence Low Density Zone.

RS 7200— Single Family Residence Medium Density Zone.

RS 5000— Single Family Residence High Density Zone.

RW— Residence Waterfront Zone.

RD 7200— Duplex Residence Medium Density Zone.

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RM— Multiple Residence Low Density Zone.

RM 1600— Multiple Residence Lowest Density Zone.

RMH— Multiple Residence High Density Zone.

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RMV 150— Multiple Residence Highest Density Variable Height Zone.

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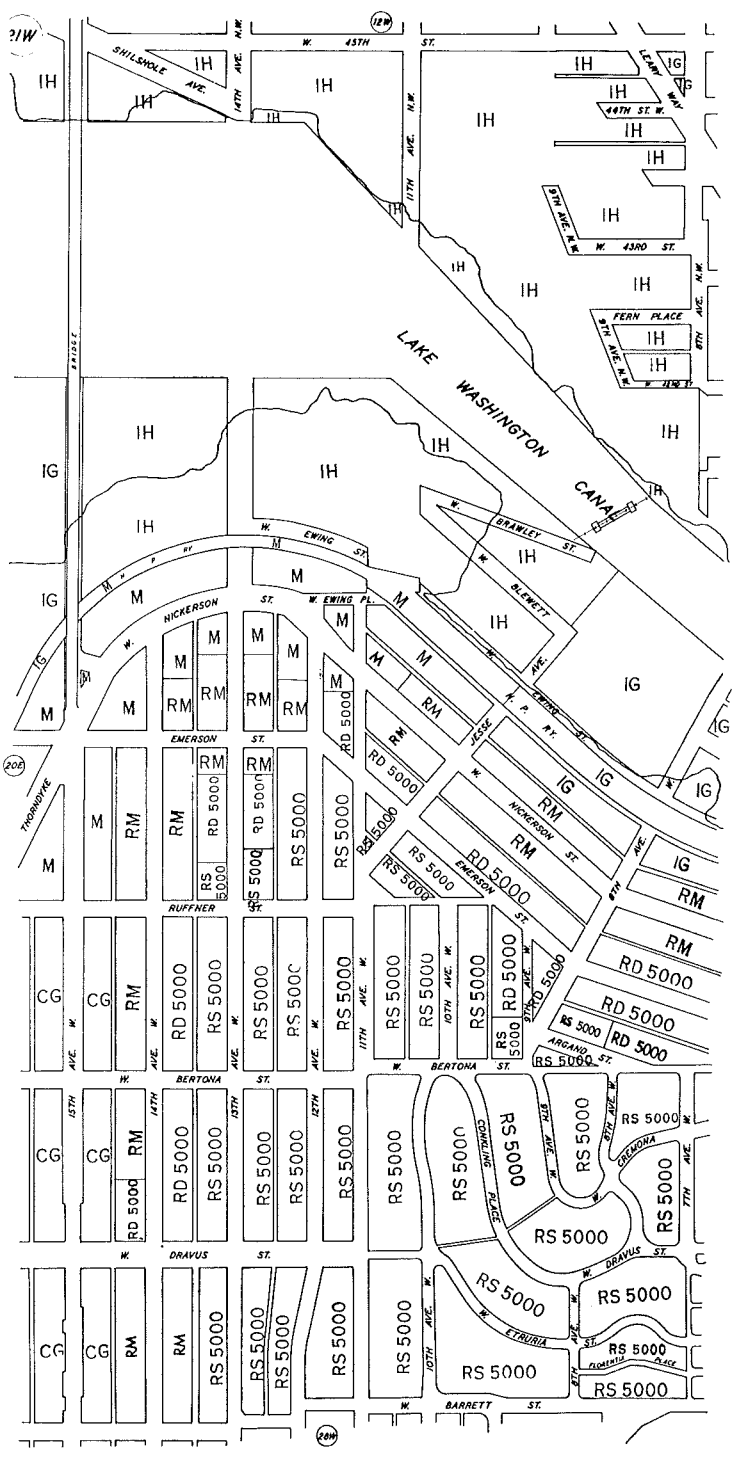

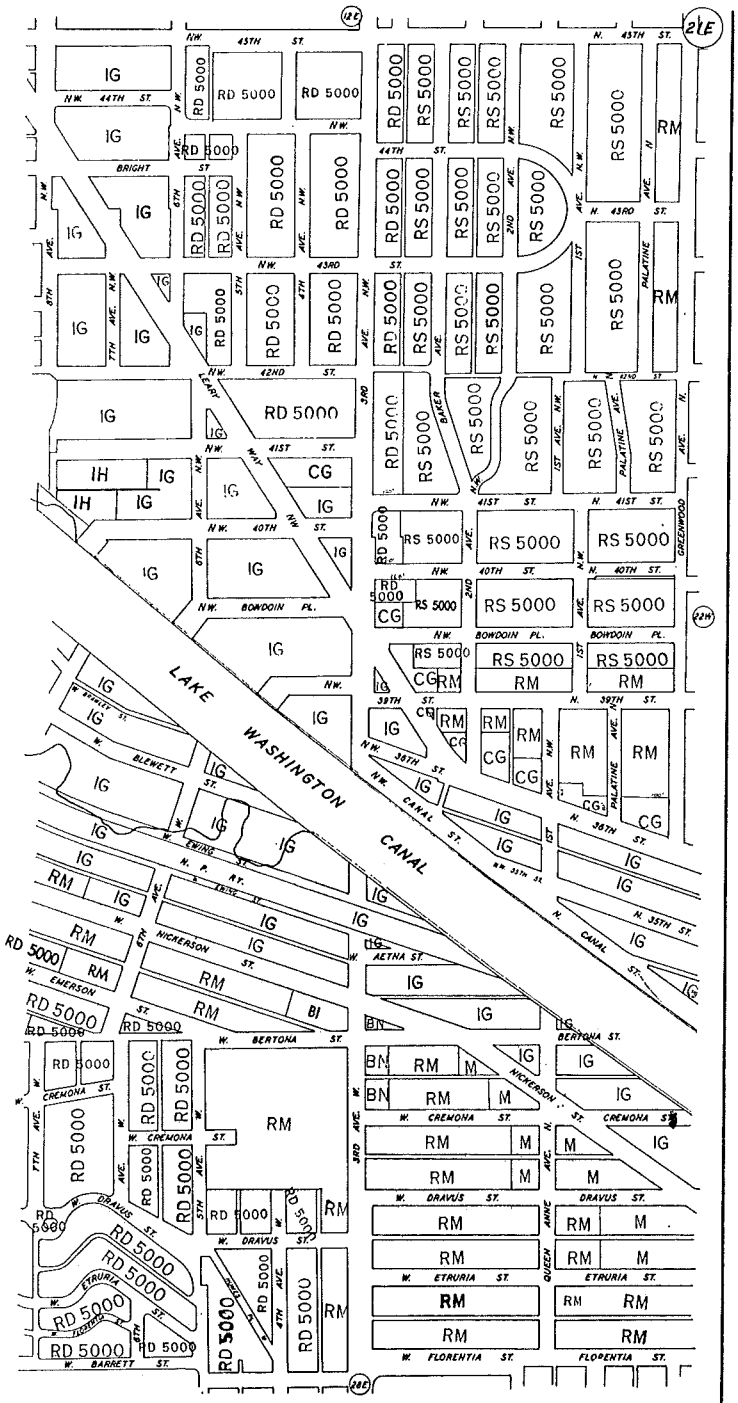

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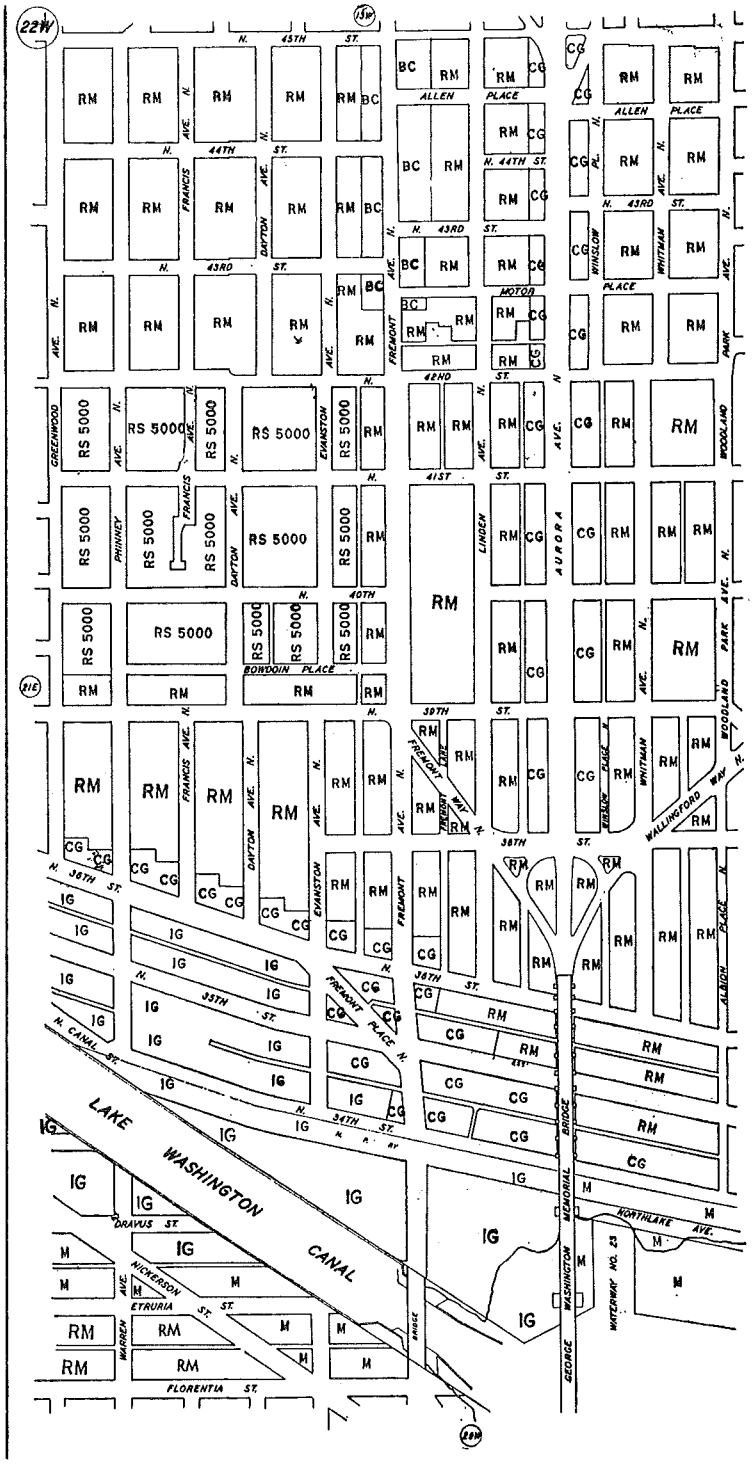

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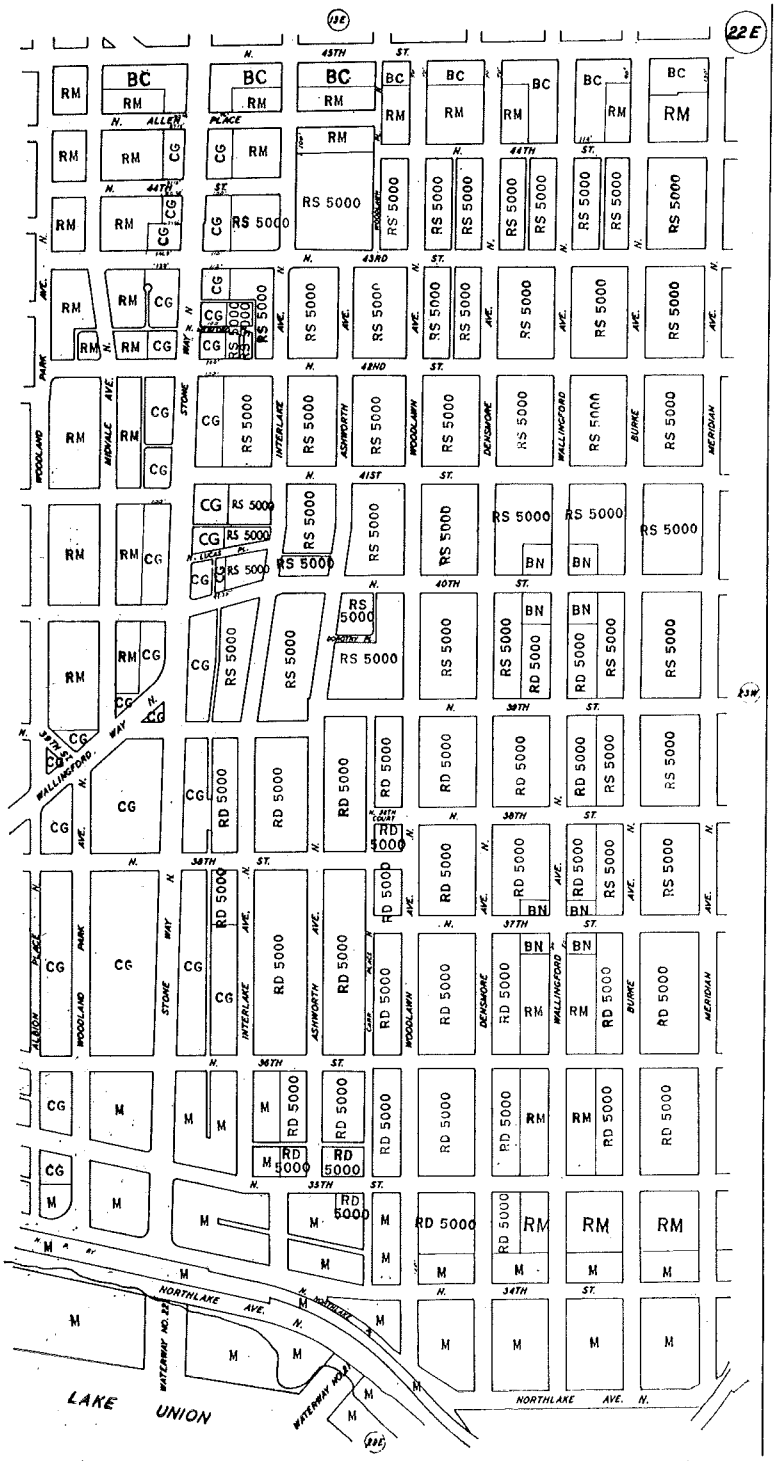

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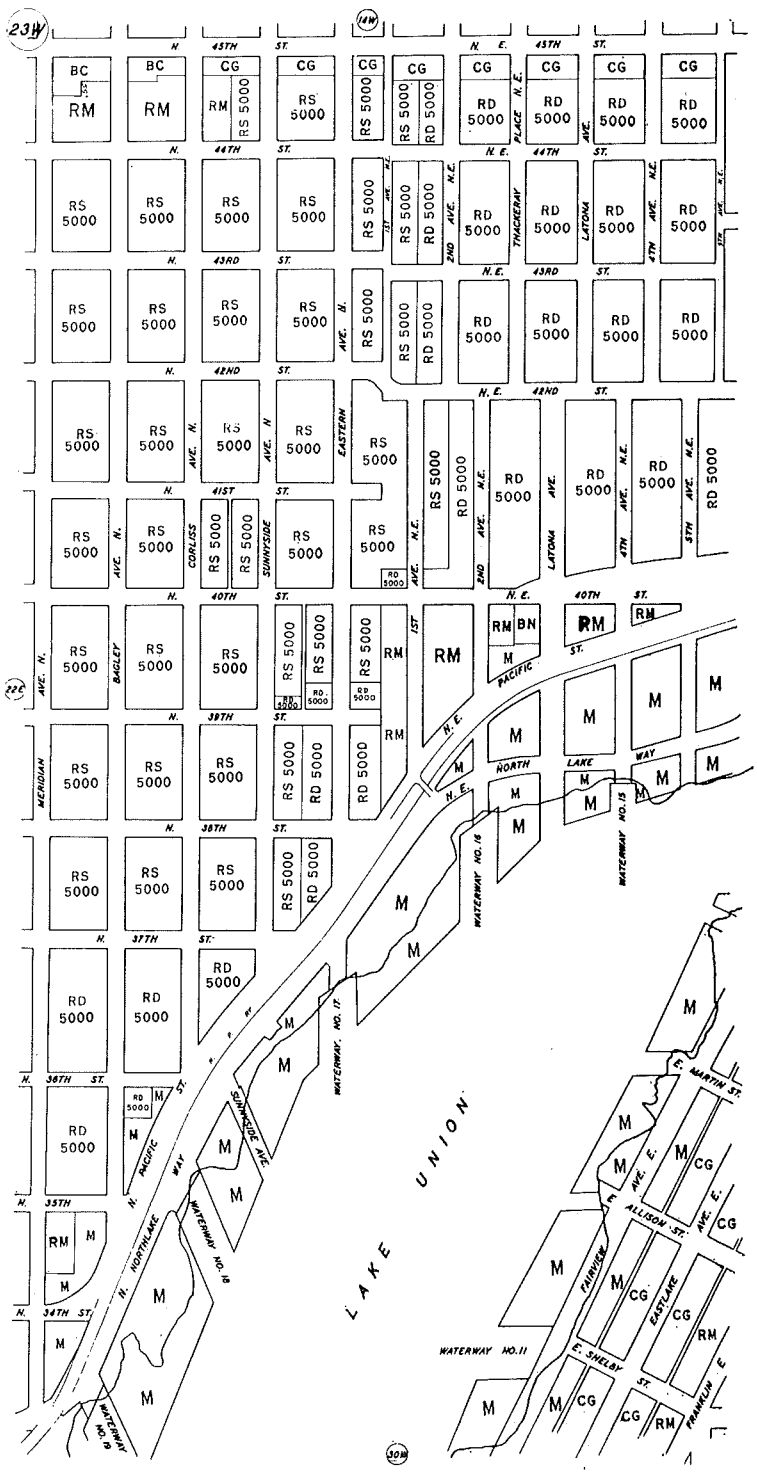

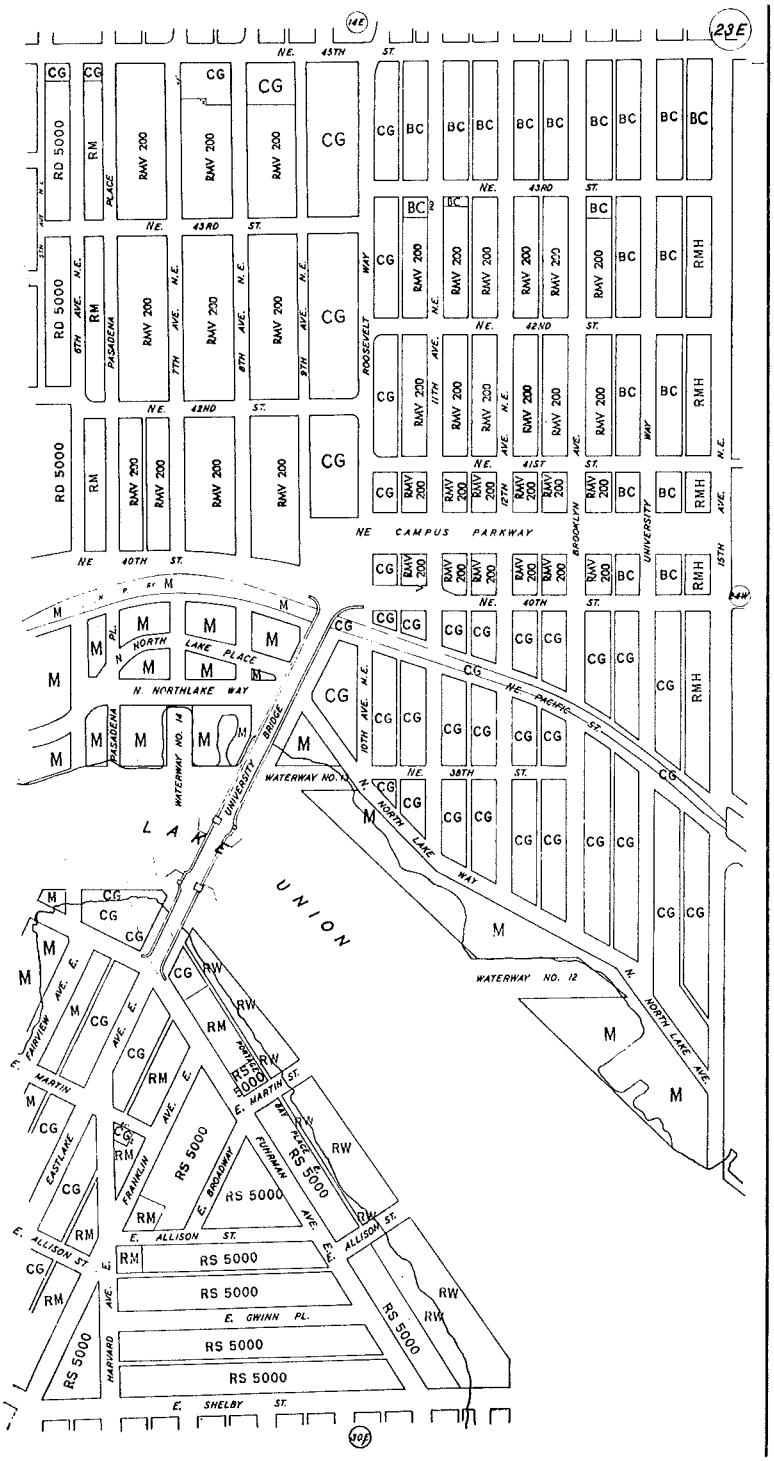

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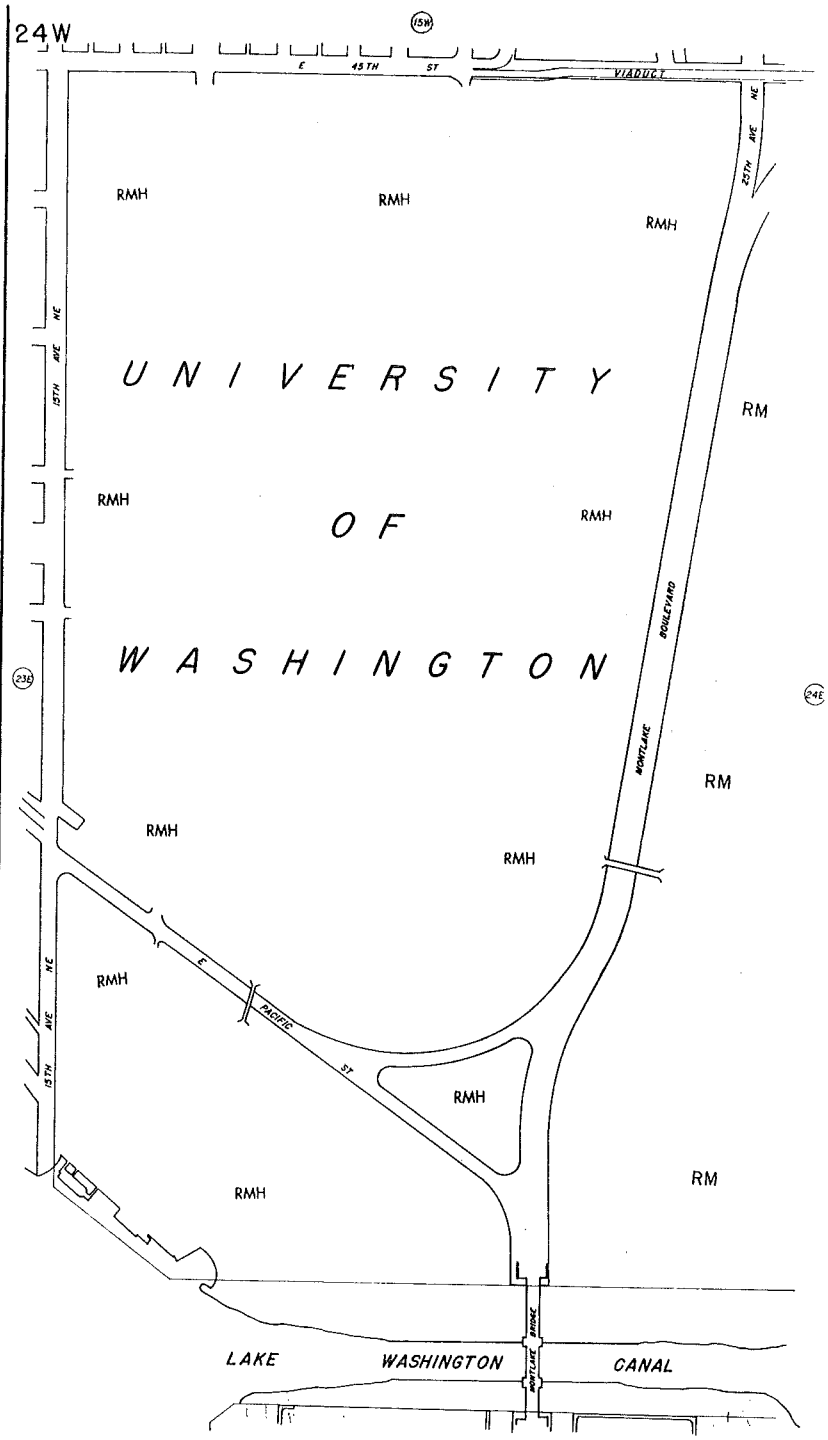

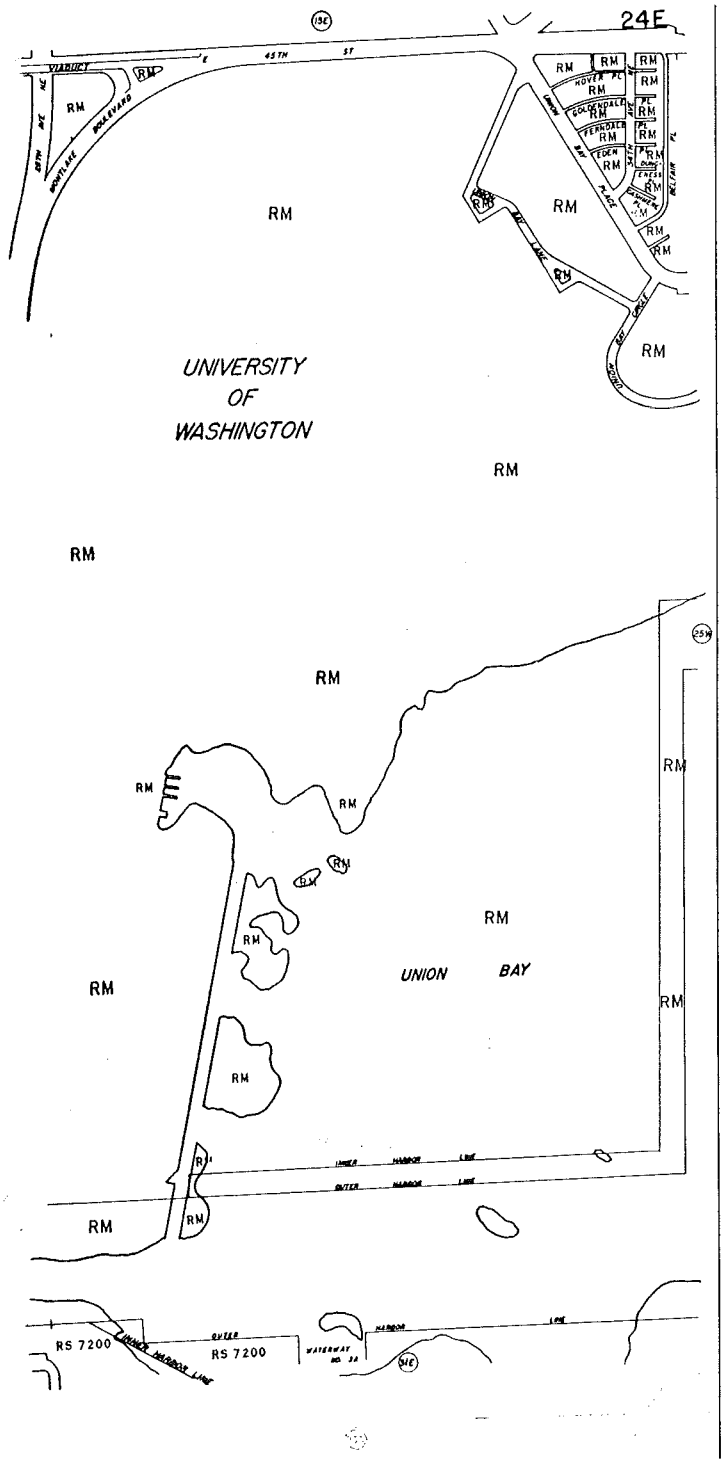

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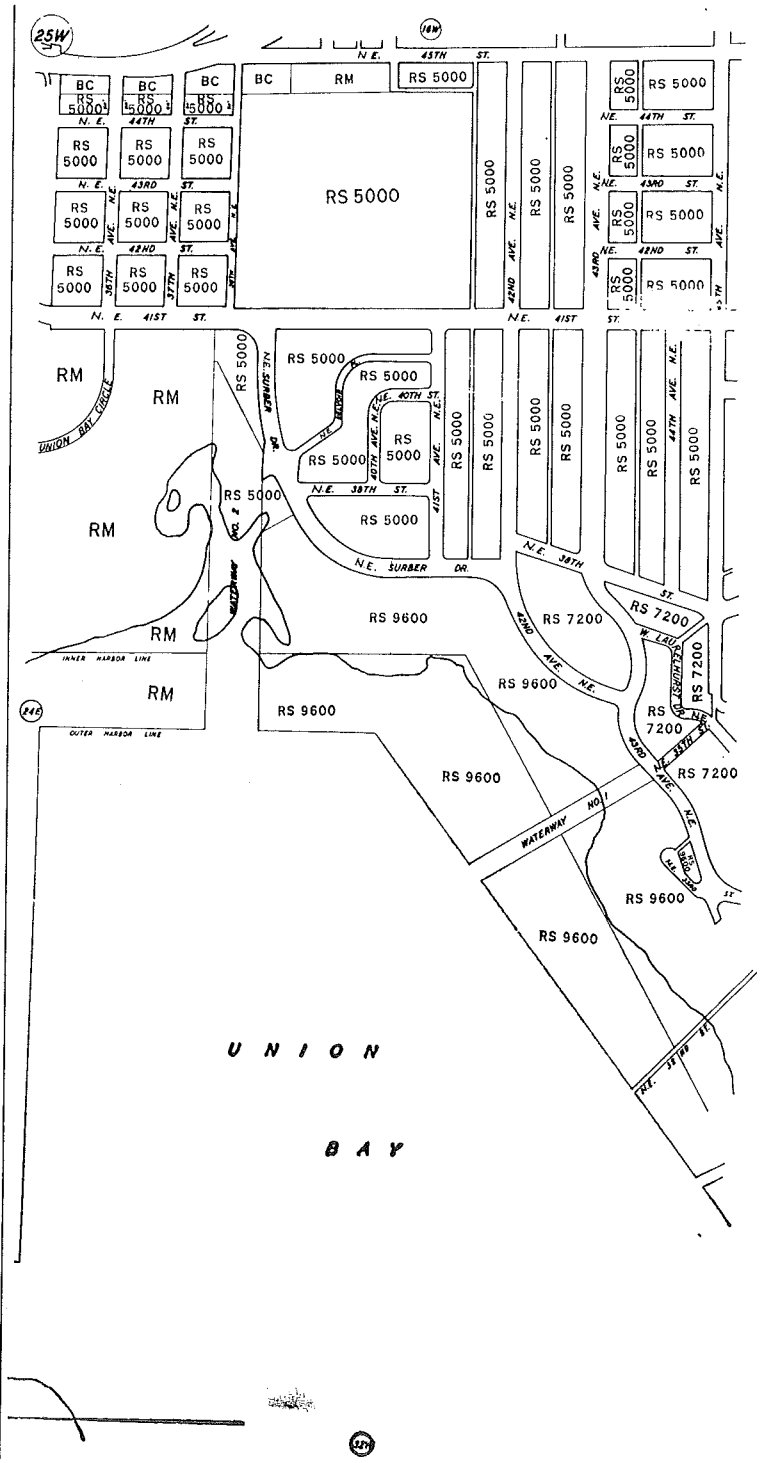

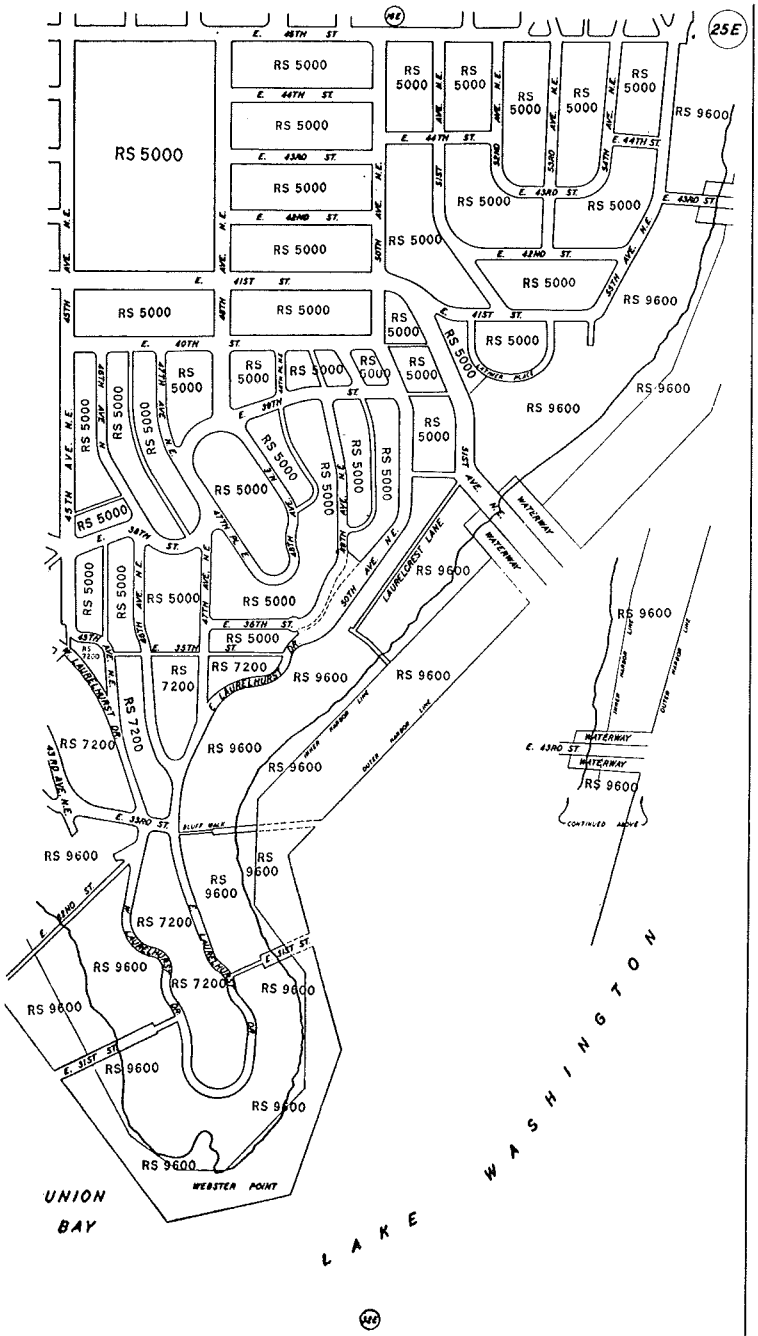

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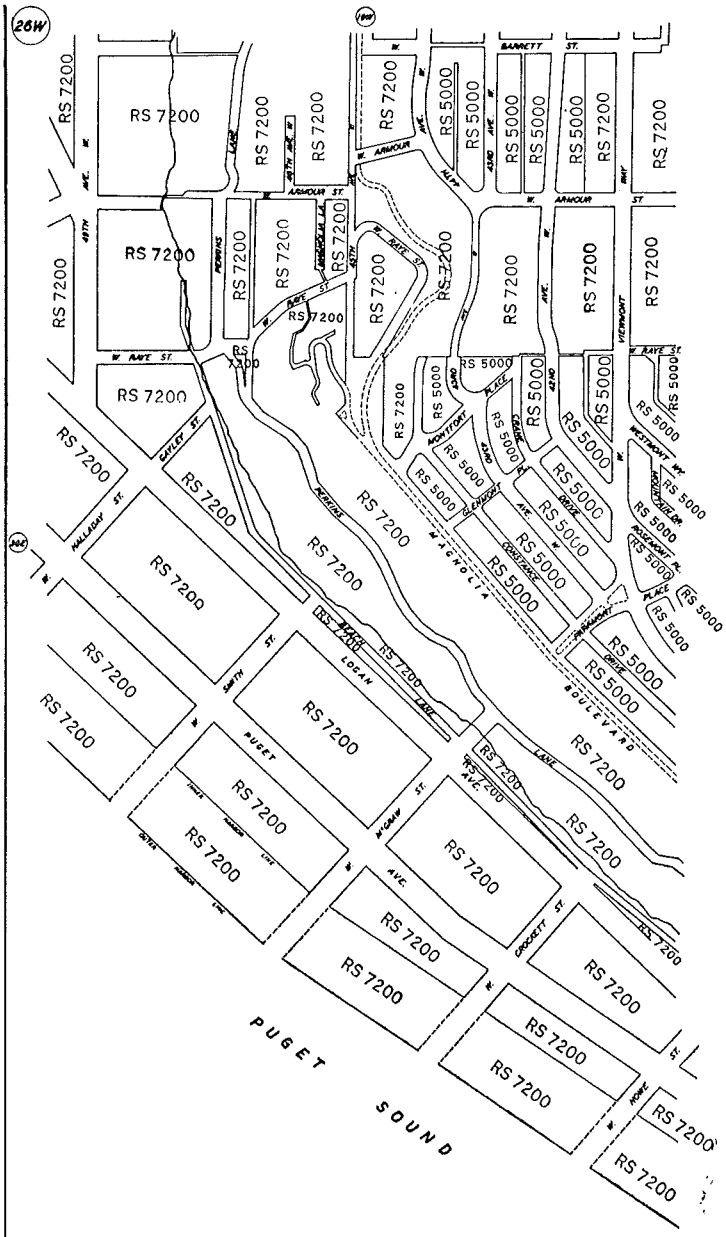

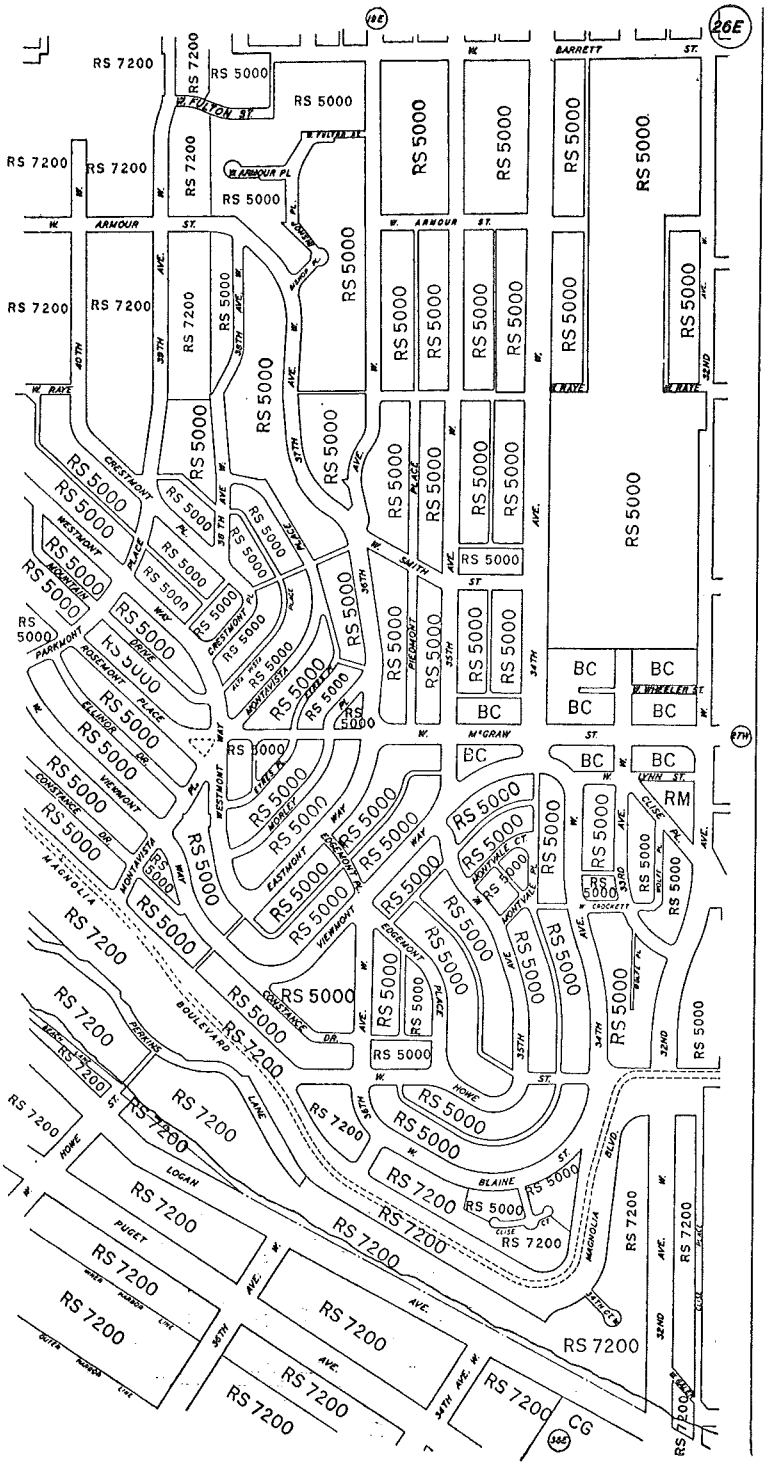

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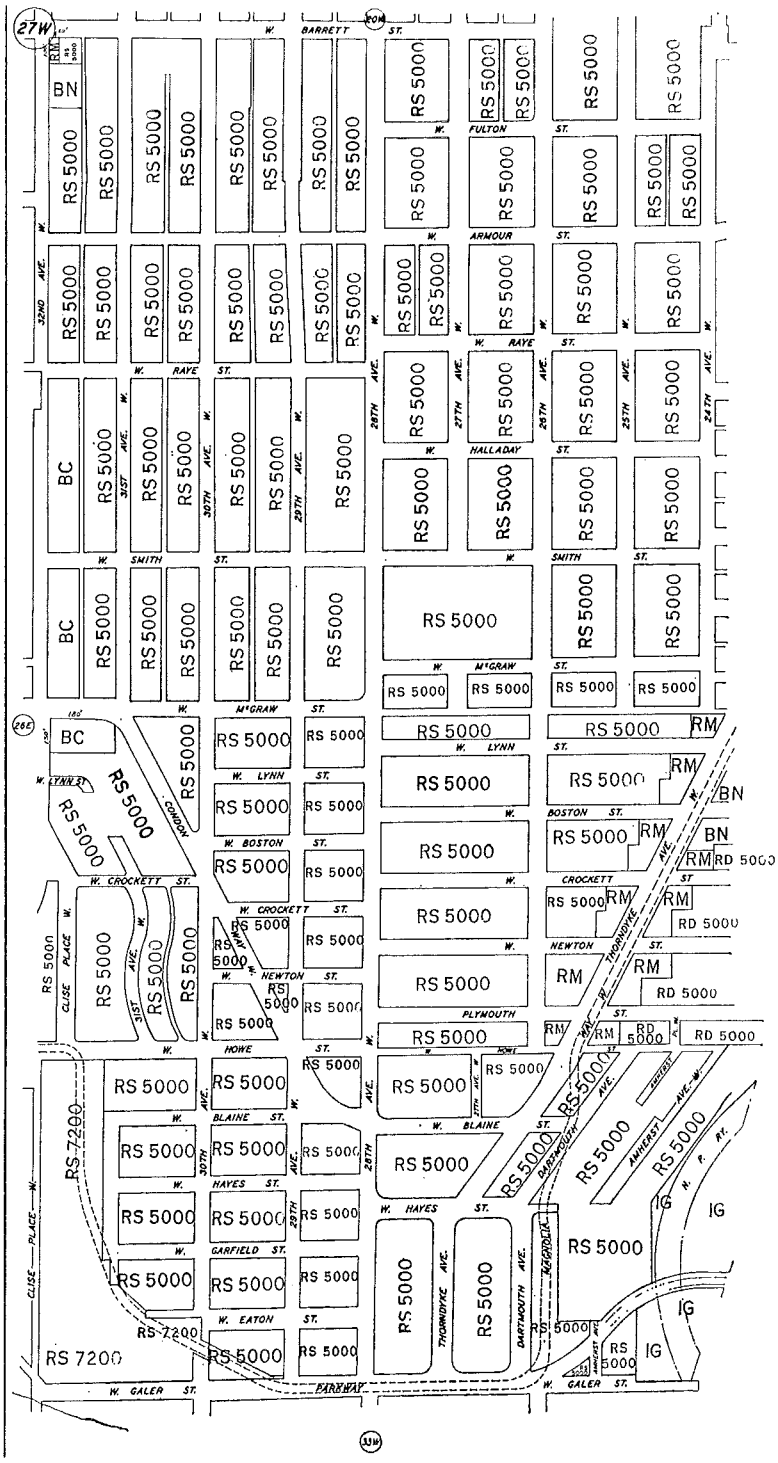

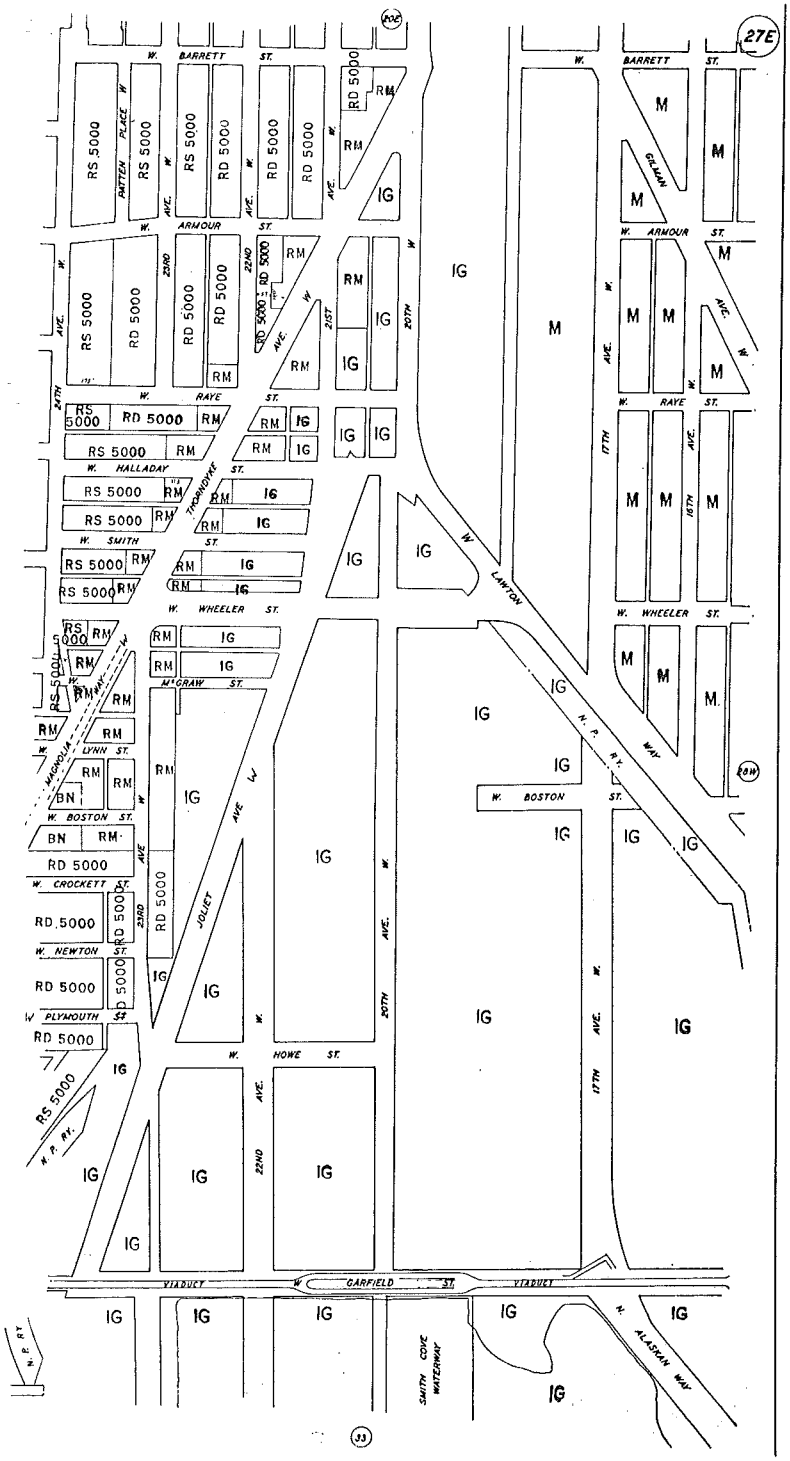

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(SEATTLE 3-15-68)

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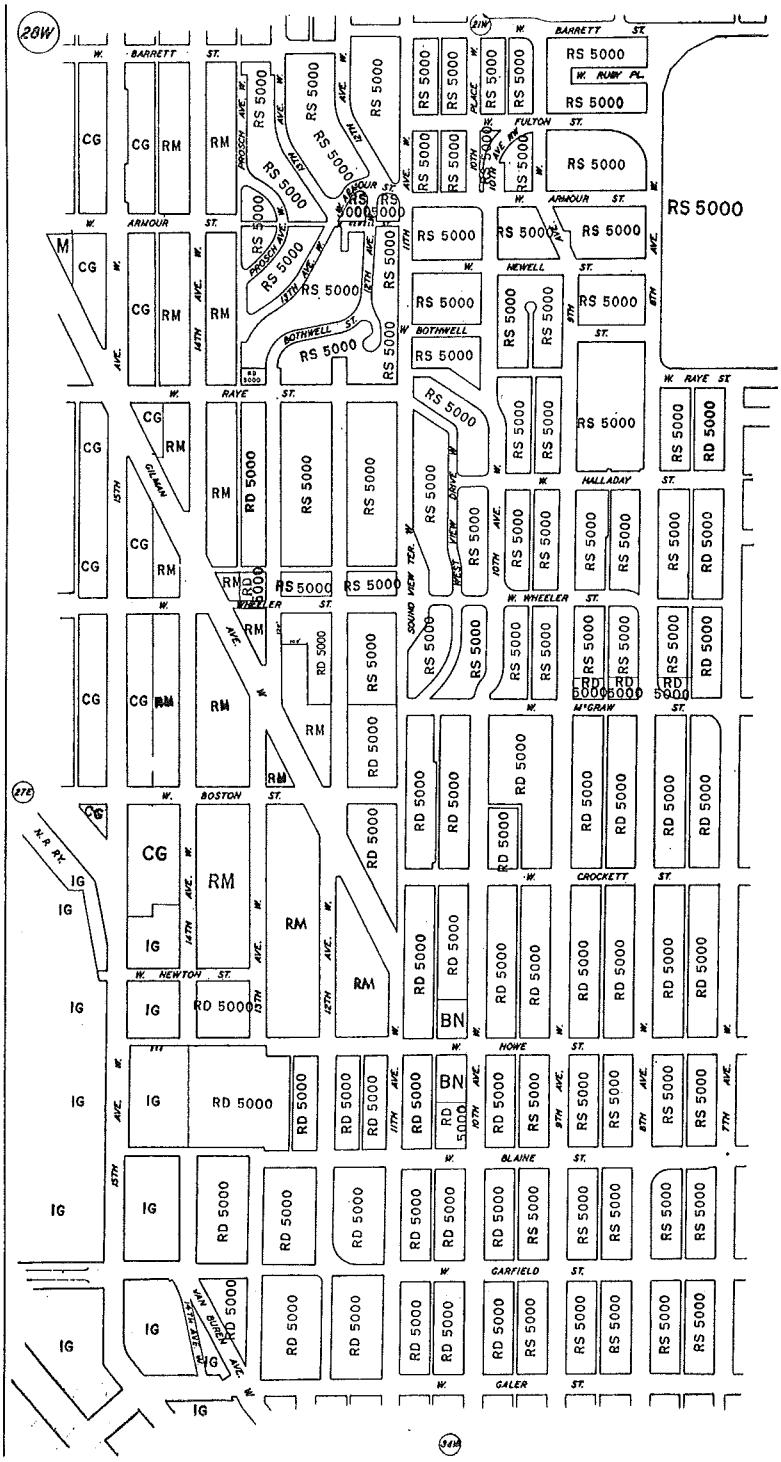

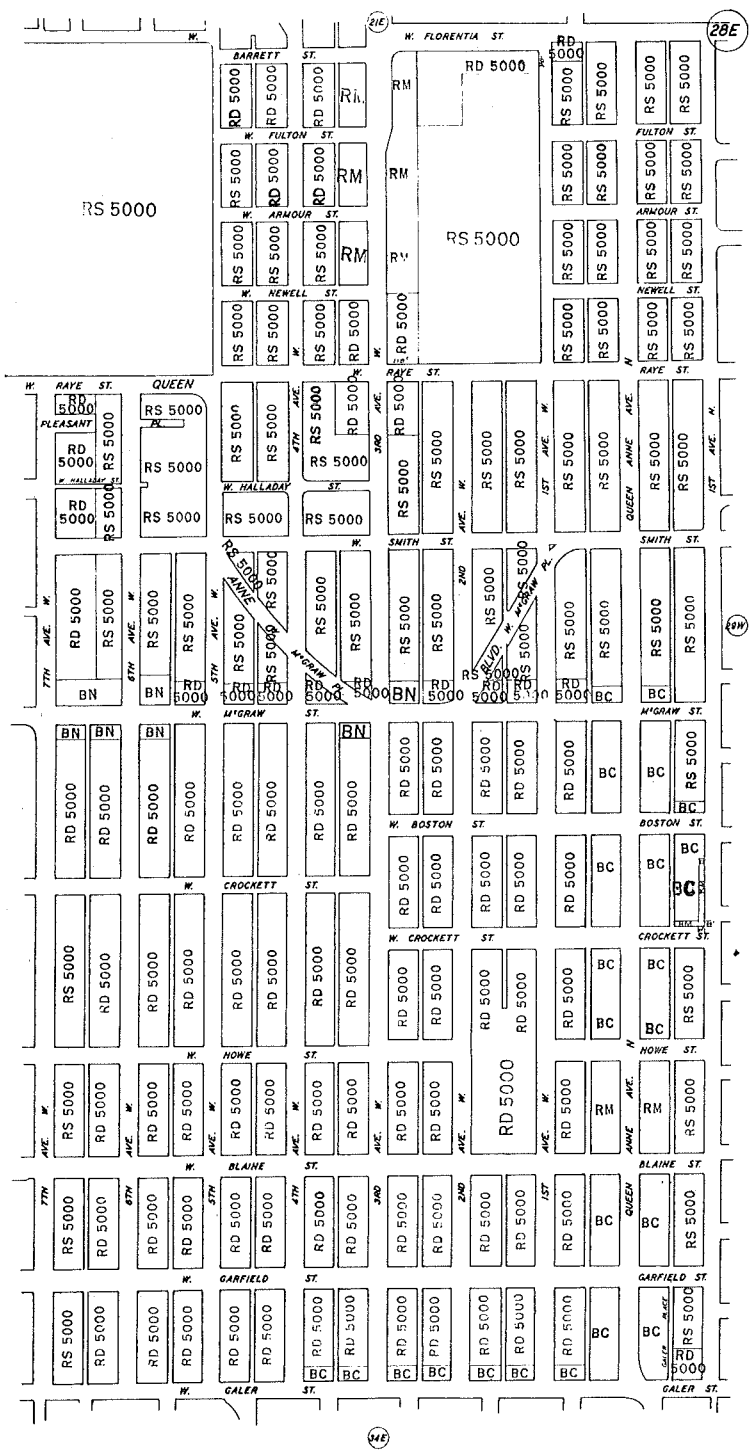

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(SEATTLE 8-21-70)

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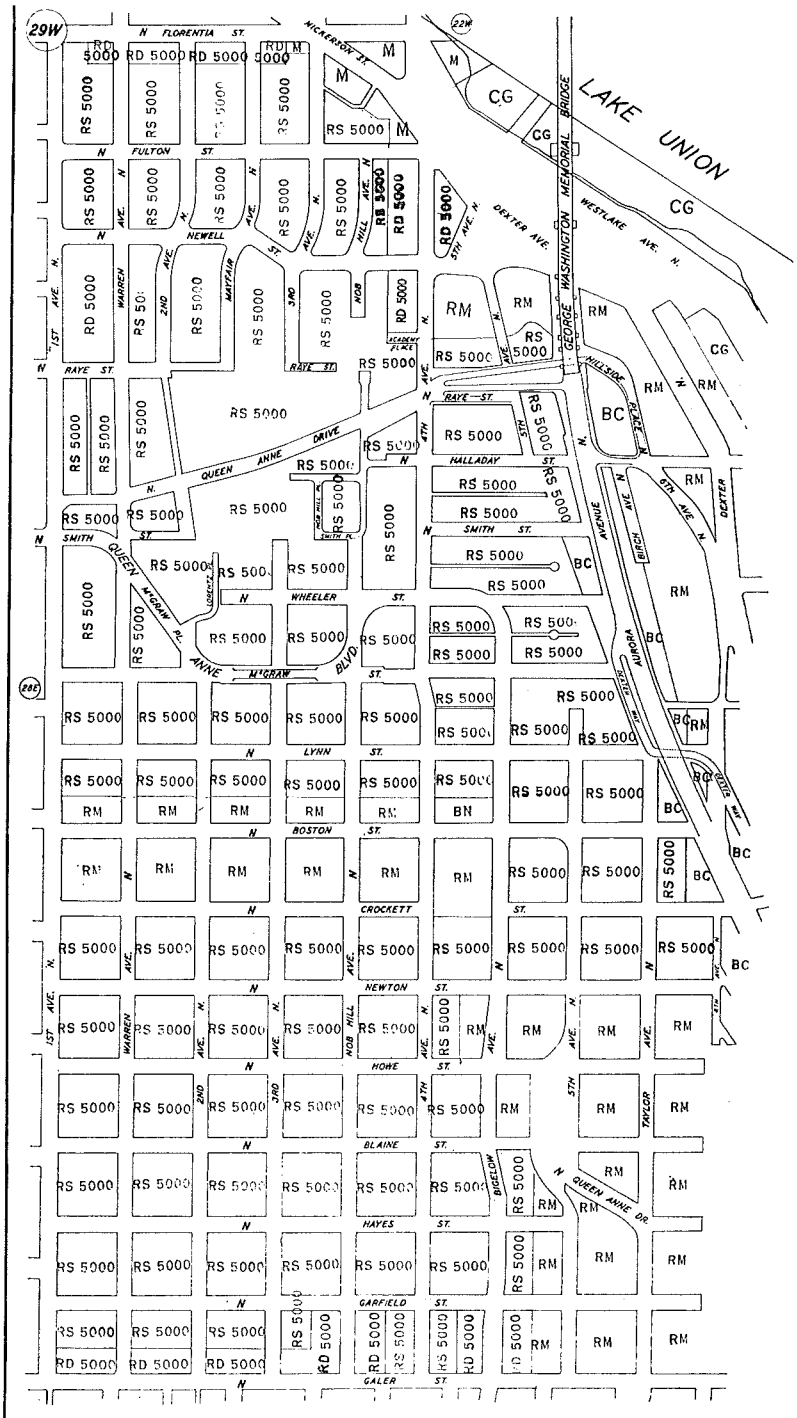

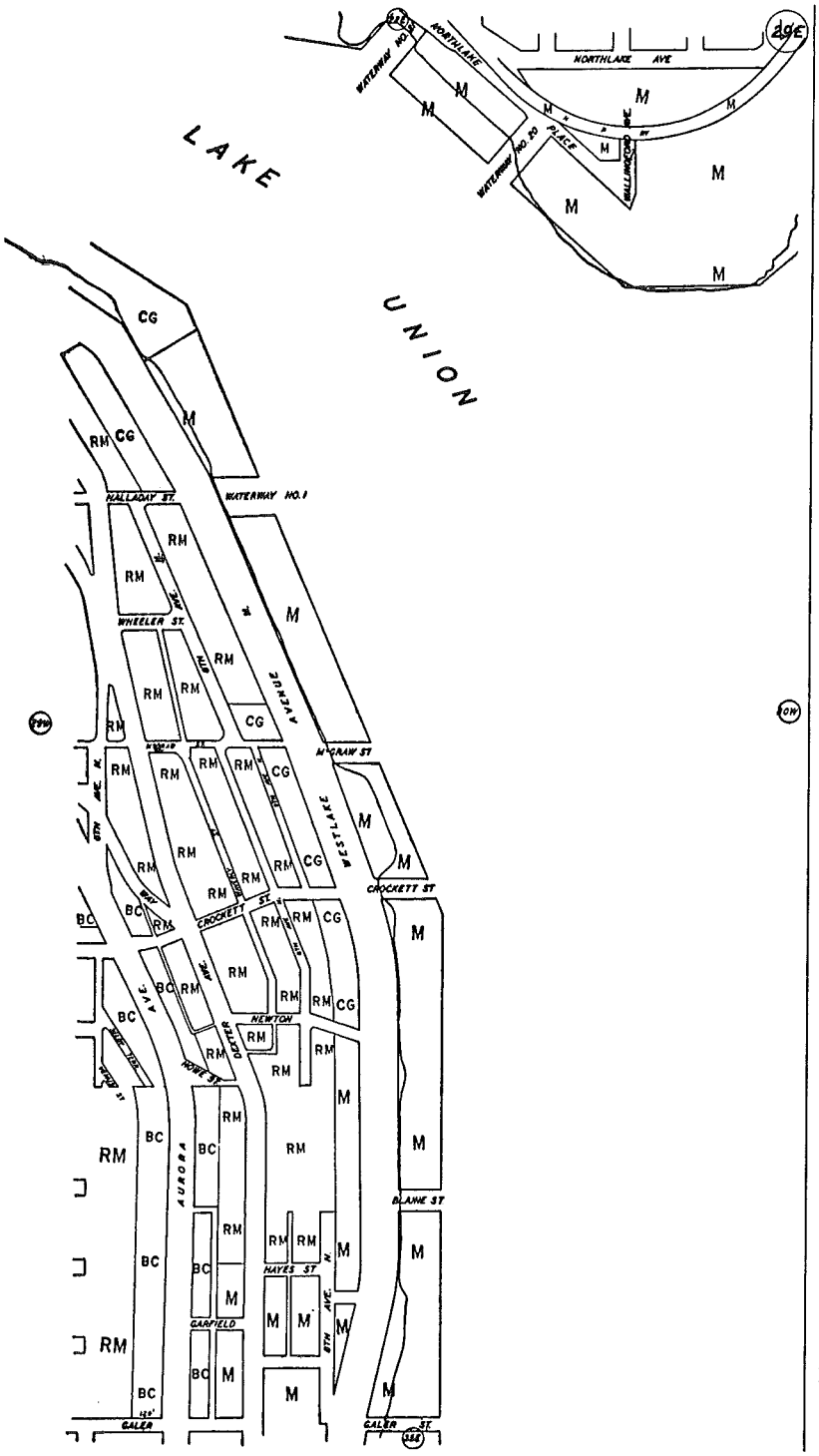

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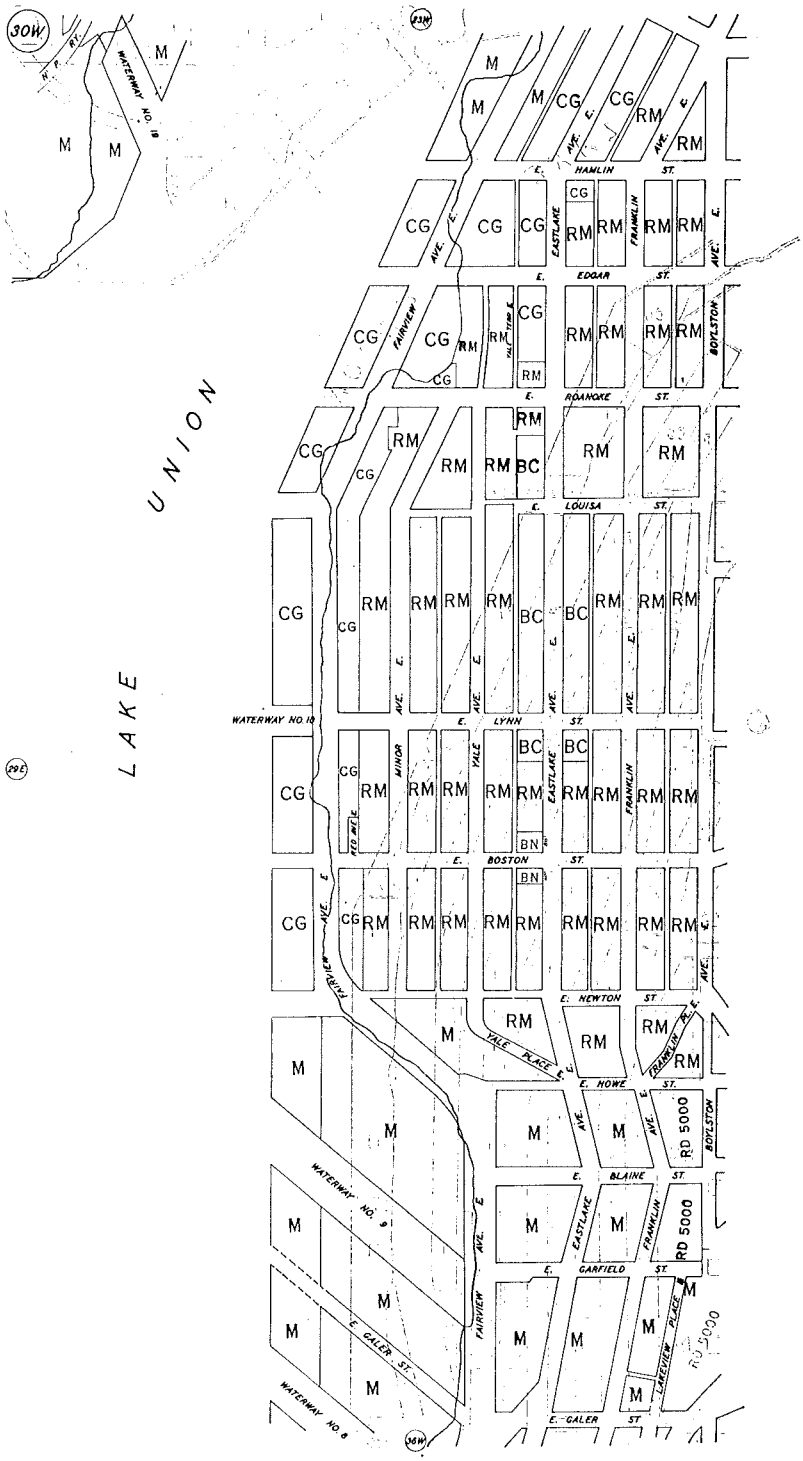

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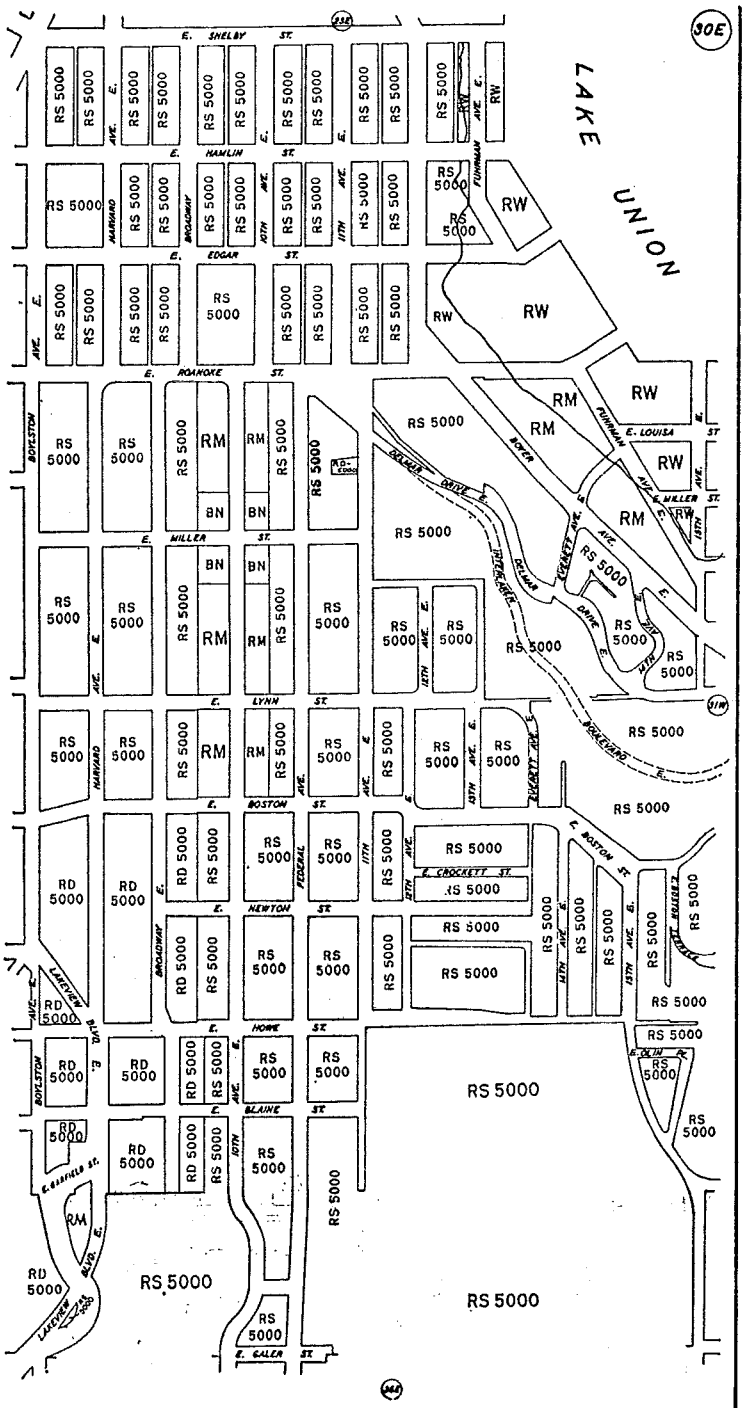

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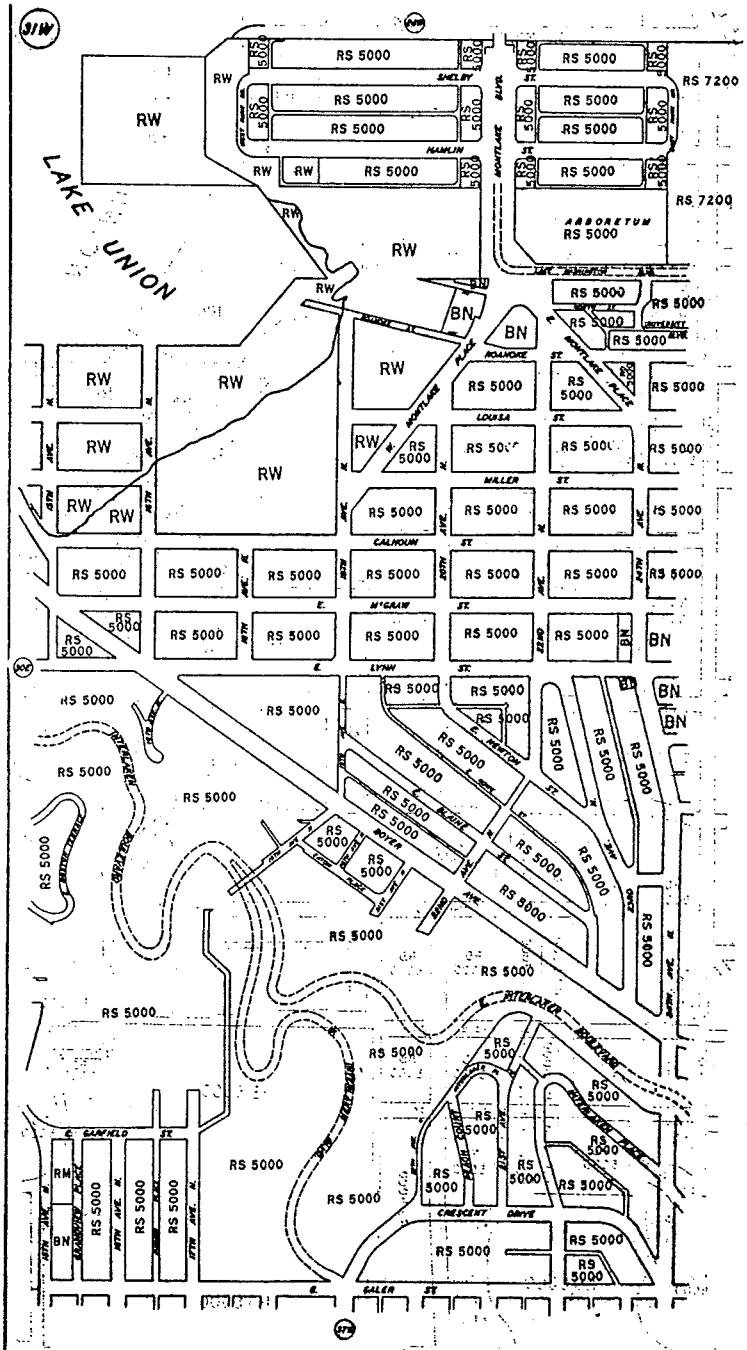
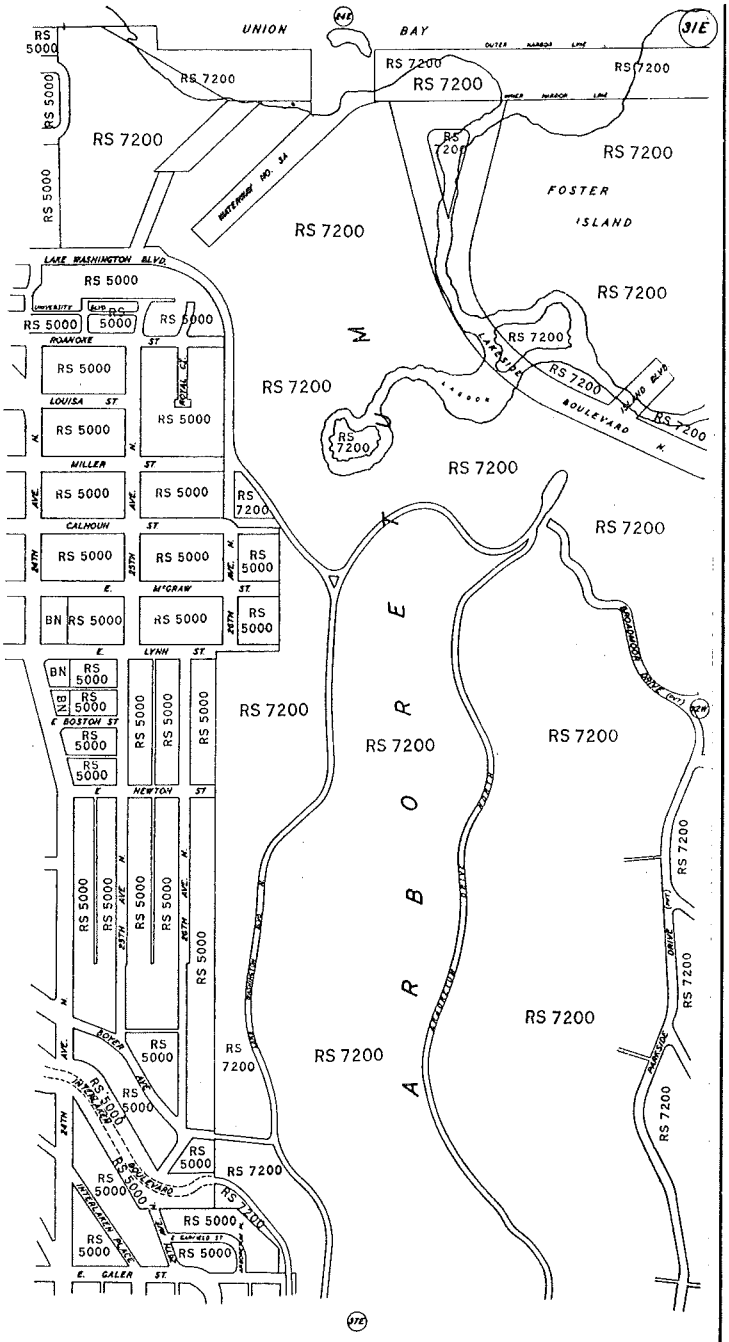


(SEATTLE 8-23-73)



LEGEND

RS 9600— Single Family Residence Low Density Zone.

RS 7200— Single Family Residence Medium Density Zone.

RS 5000— Single Family Residence High Density Zone.

RW— Residence Waterfront Zone.

RD 7200— Duplex Residence Medium Density Zone.

RD 5000 Duplex Residence High Density Zone.

RM— Multiple Residence Low Density Zone.

RM 1600— Multiple Residence Lowest Density Zone.

RMH— Multiple Residence High Density Zone.

RMV 200— Multiple Residence High Density Variable Height Zone.

RMV 150— Multiple Residence Highest Density Variable Height Zone.

BN— Neighborhood Business Zone.

BI— Intermediate Business Zone.

BC— Community Business Zone.

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CM— Metropolitan Commercial Zone.

CMT— Metropolitan Commercial Zone Temporary.

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M— Manufacturing Zone.

IG— General Industrial Zone.

IH— Heavy Industrial Zone.

LEGEND

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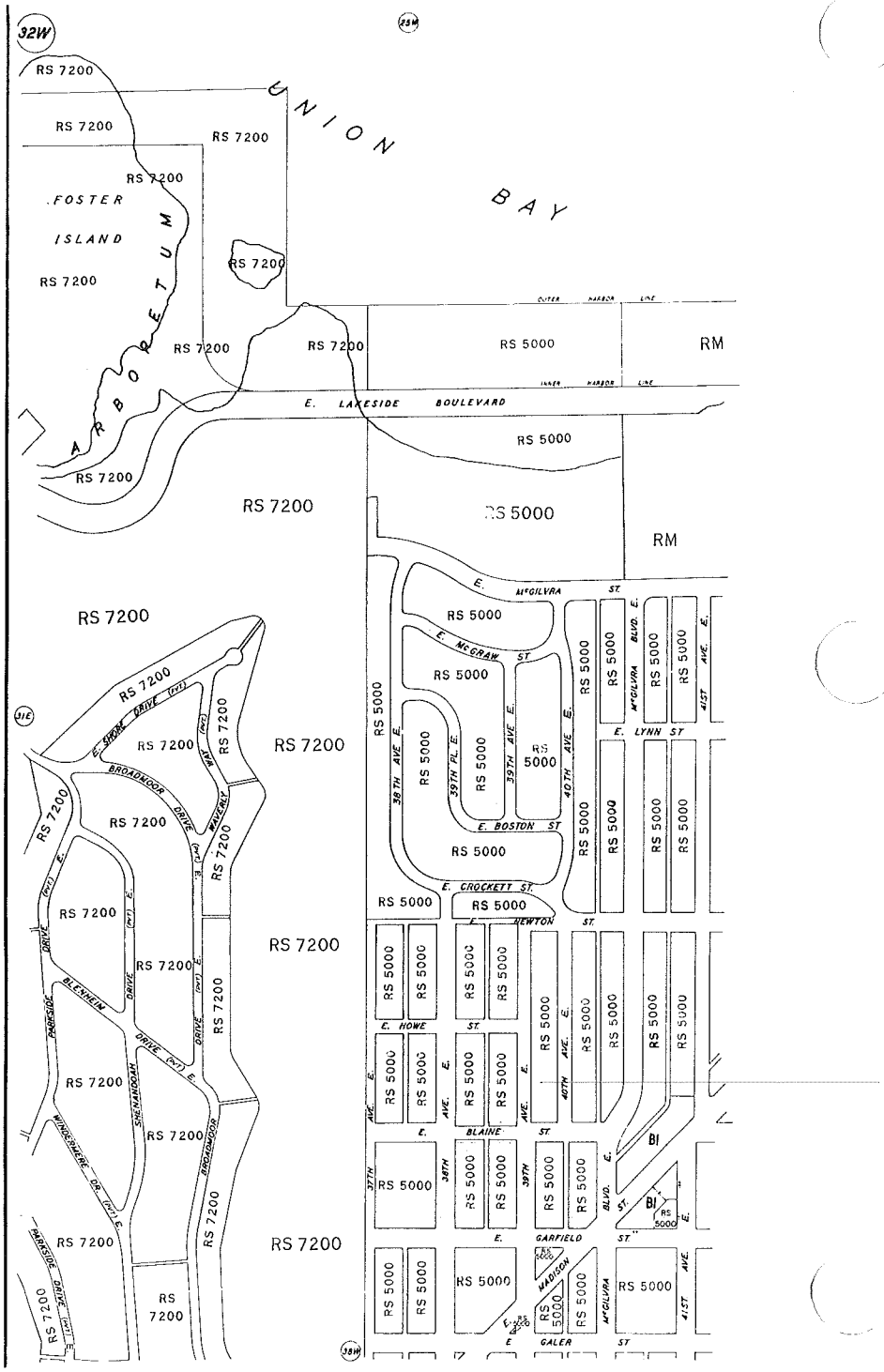

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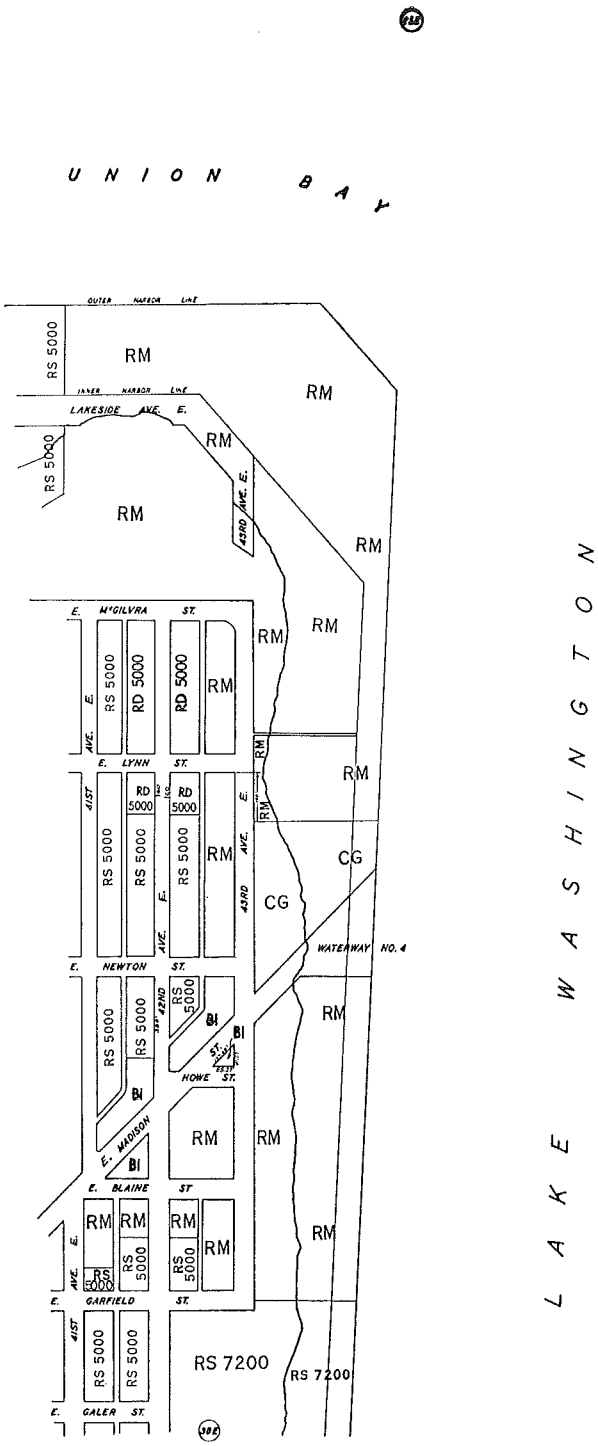

LEGEND

RS 9600— Single Family Residence Low Density Zone.

RS 7200— Single Family Residence Medium Density Zone.

RS 5000— Single Family Residence High Density Zone.

RW— Residence Waterfront Zone.

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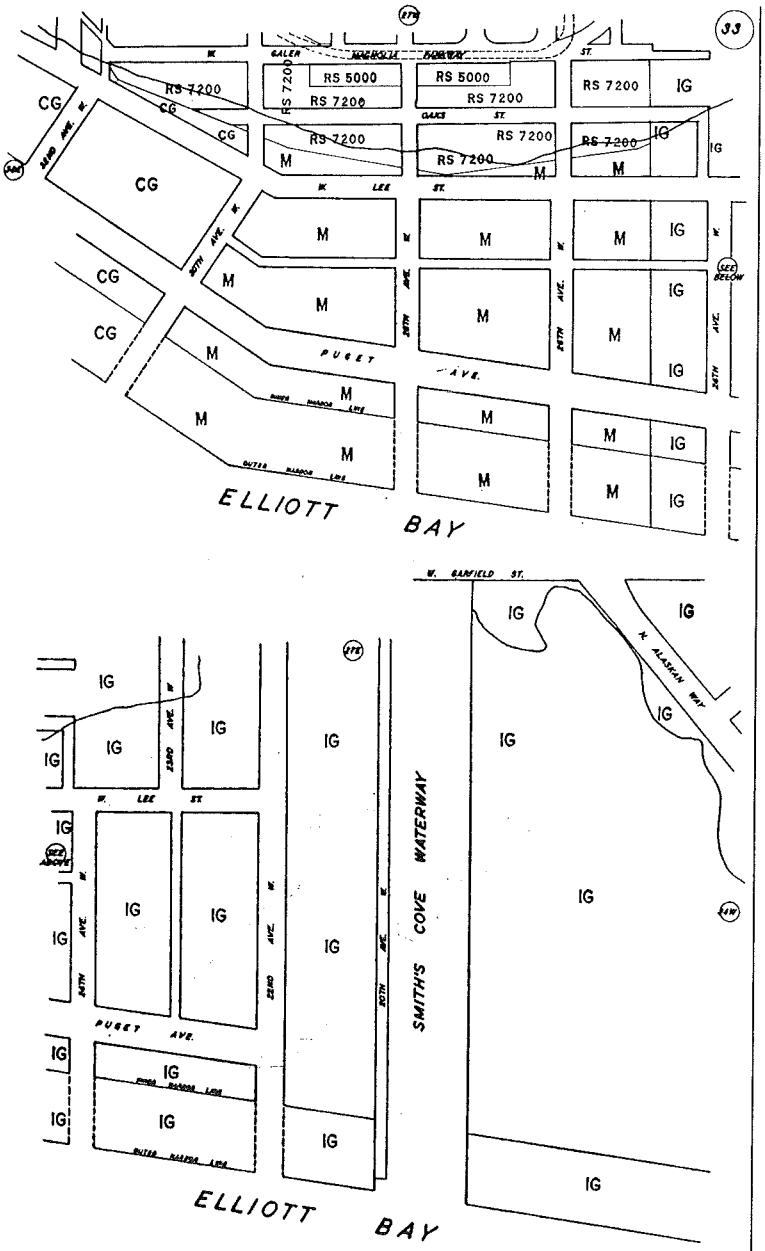
(SEATTLE 8-24-72)



LEGEND

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Single Family Residence Low Density Zone.

RS 7200—
Single Family Residence Medium Density Zone.

RS 5000—
Single Family Residence High Density Zone.

RW—
Residence Waterfront Zone.

RD 7200—
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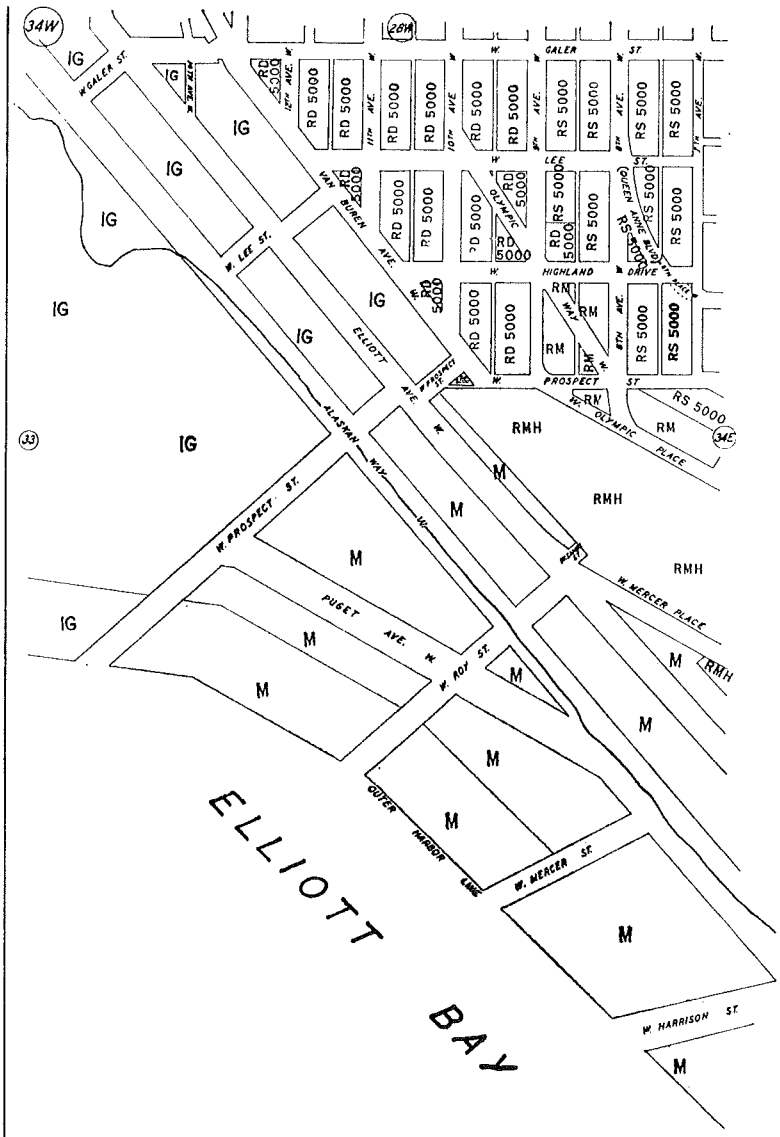

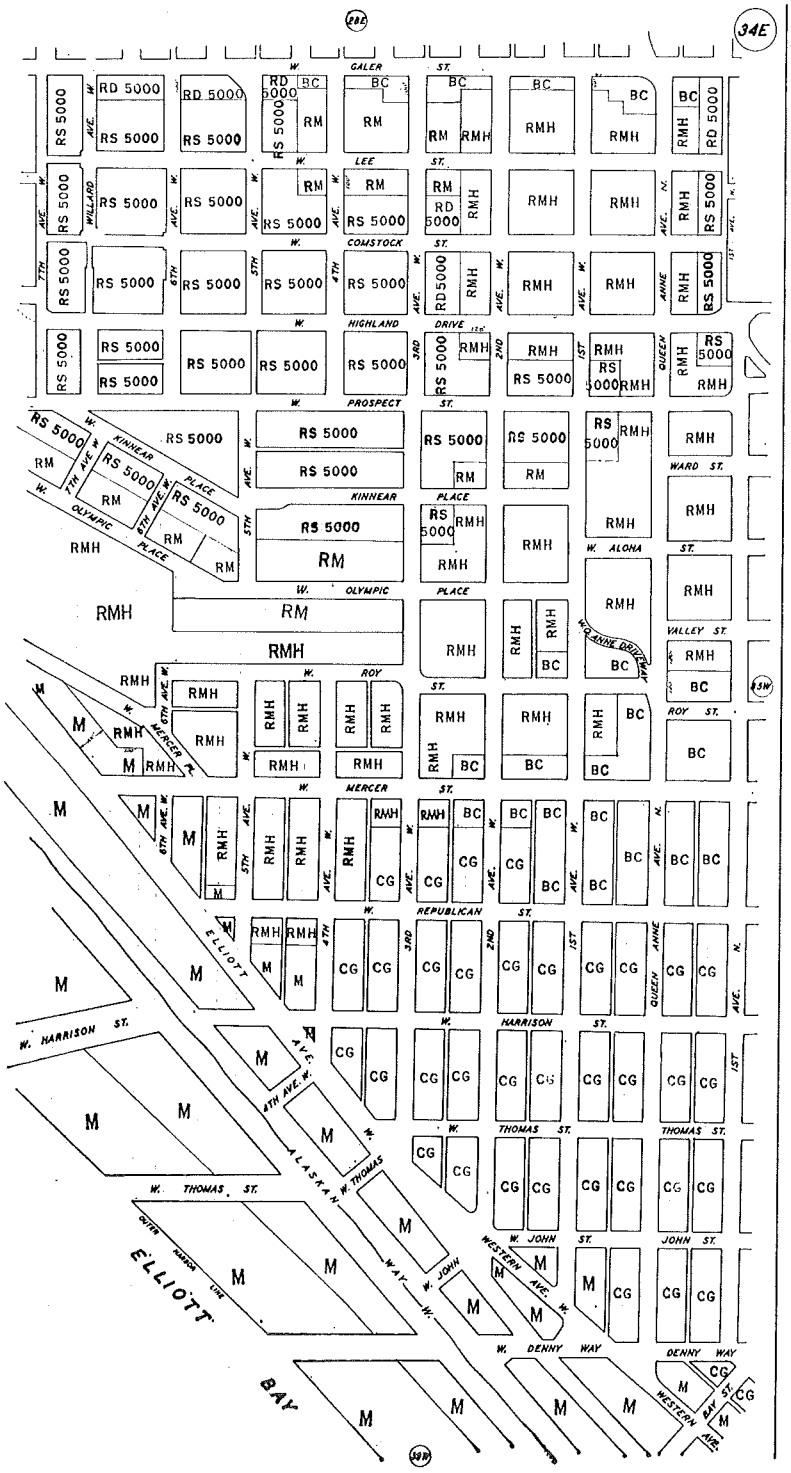

LEGEND

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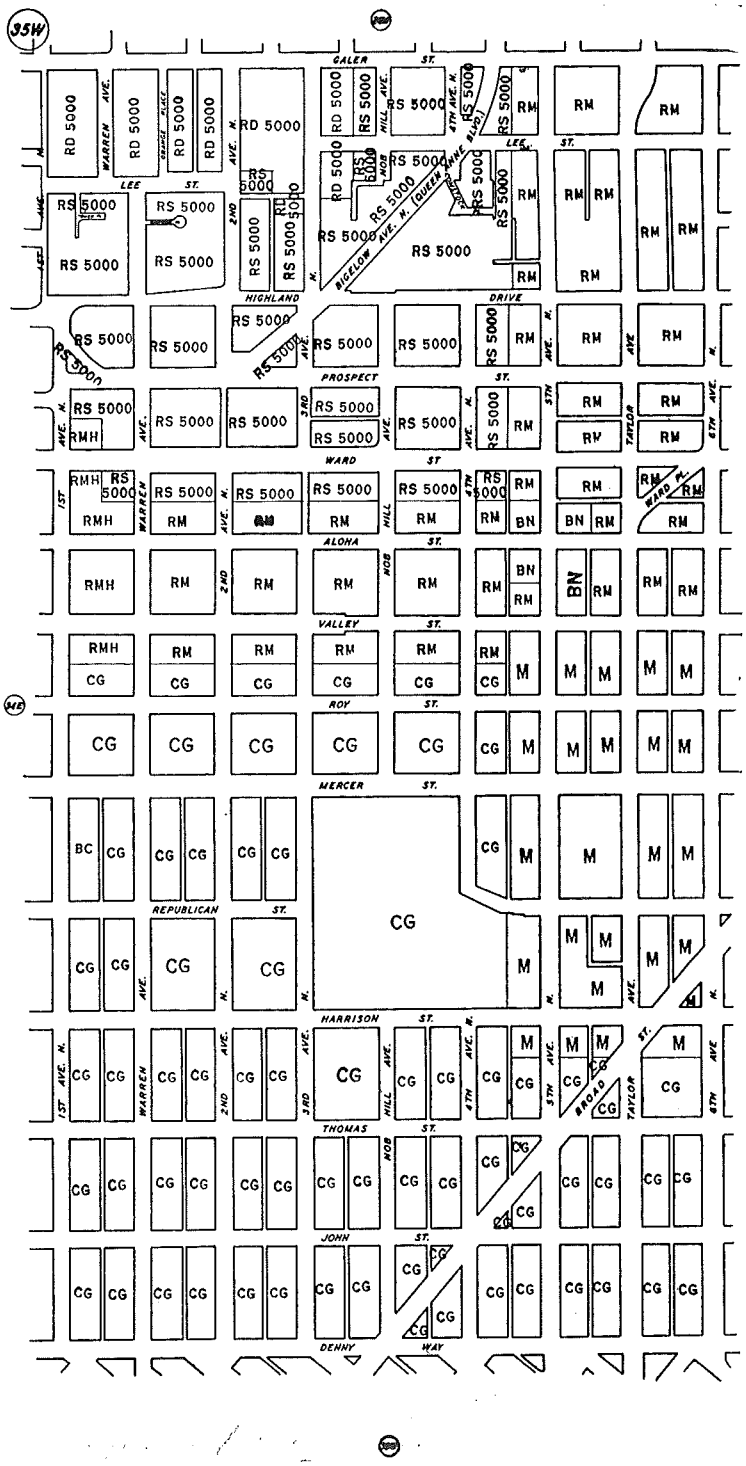

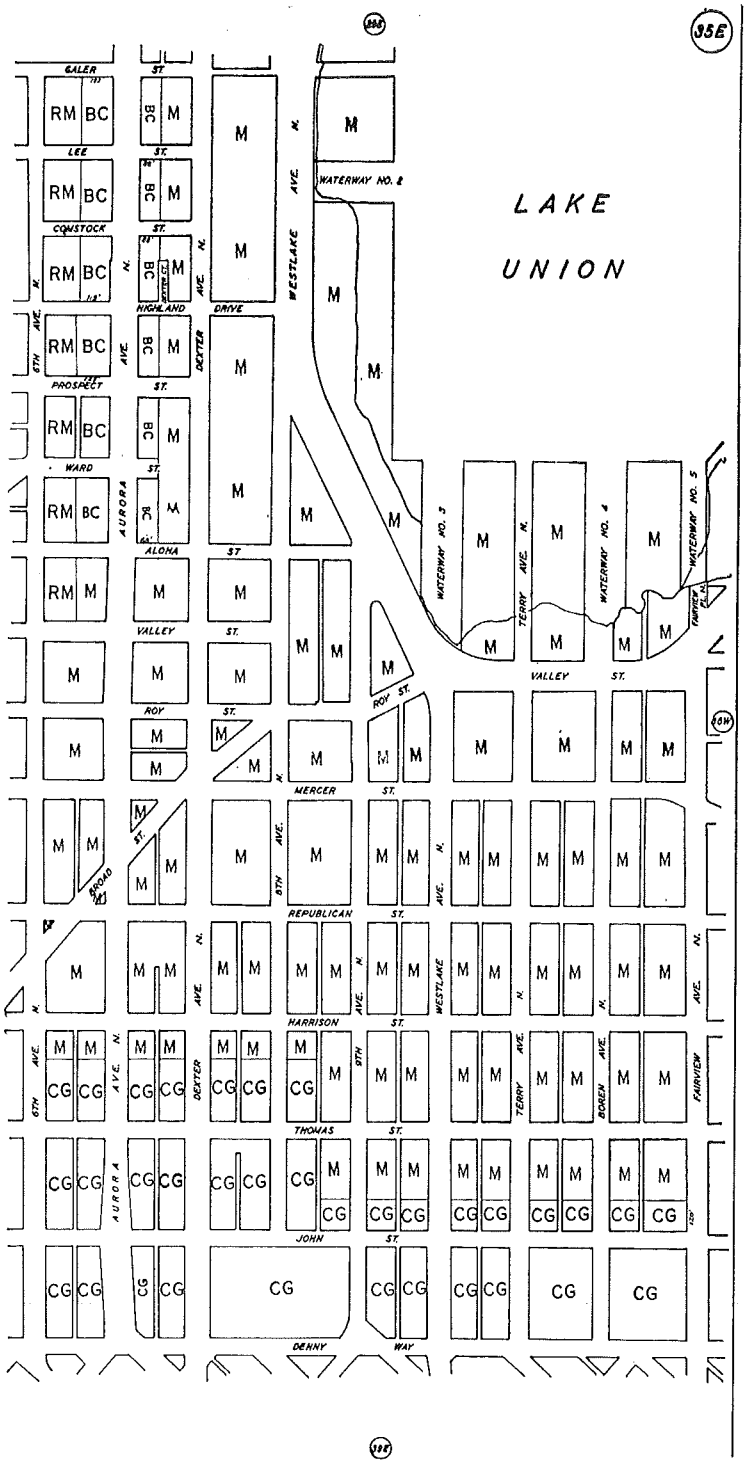

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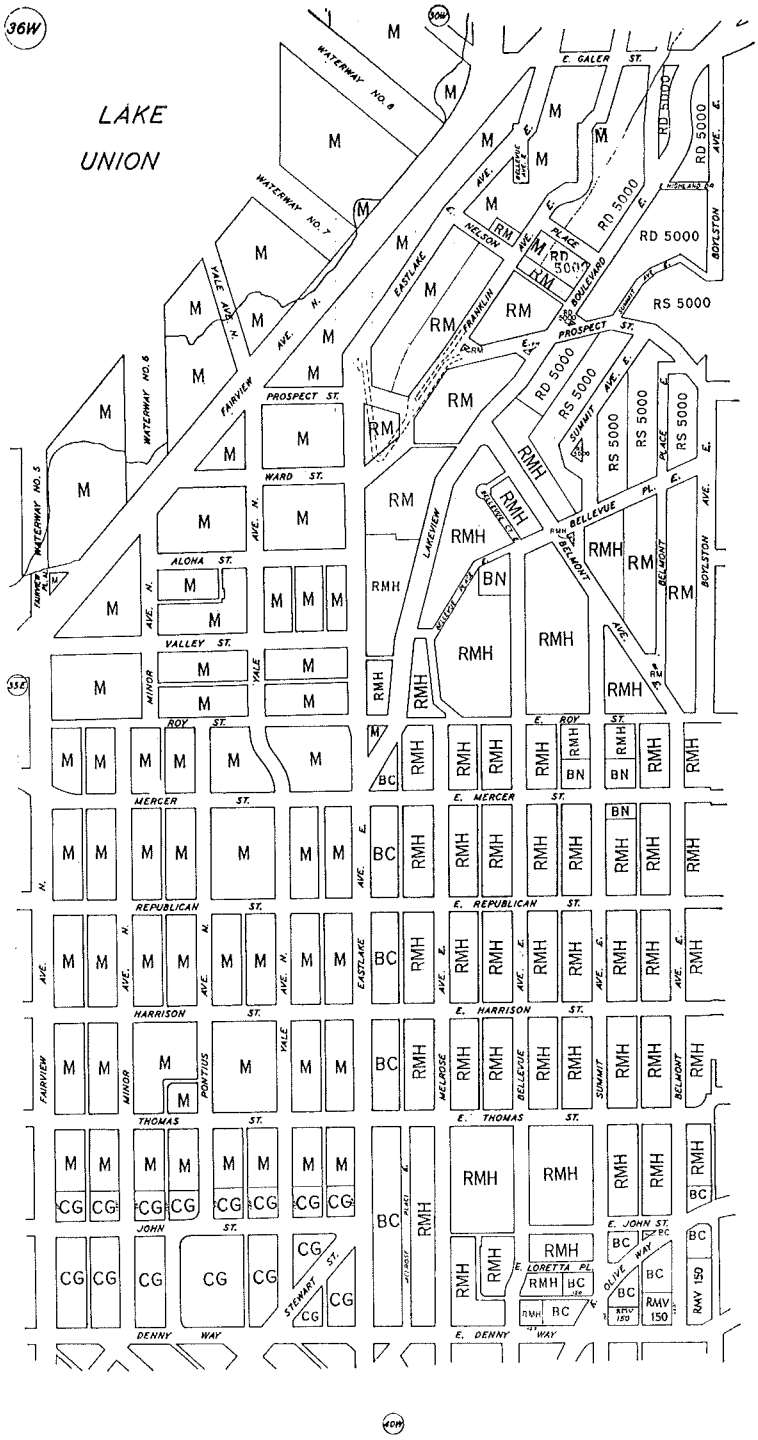

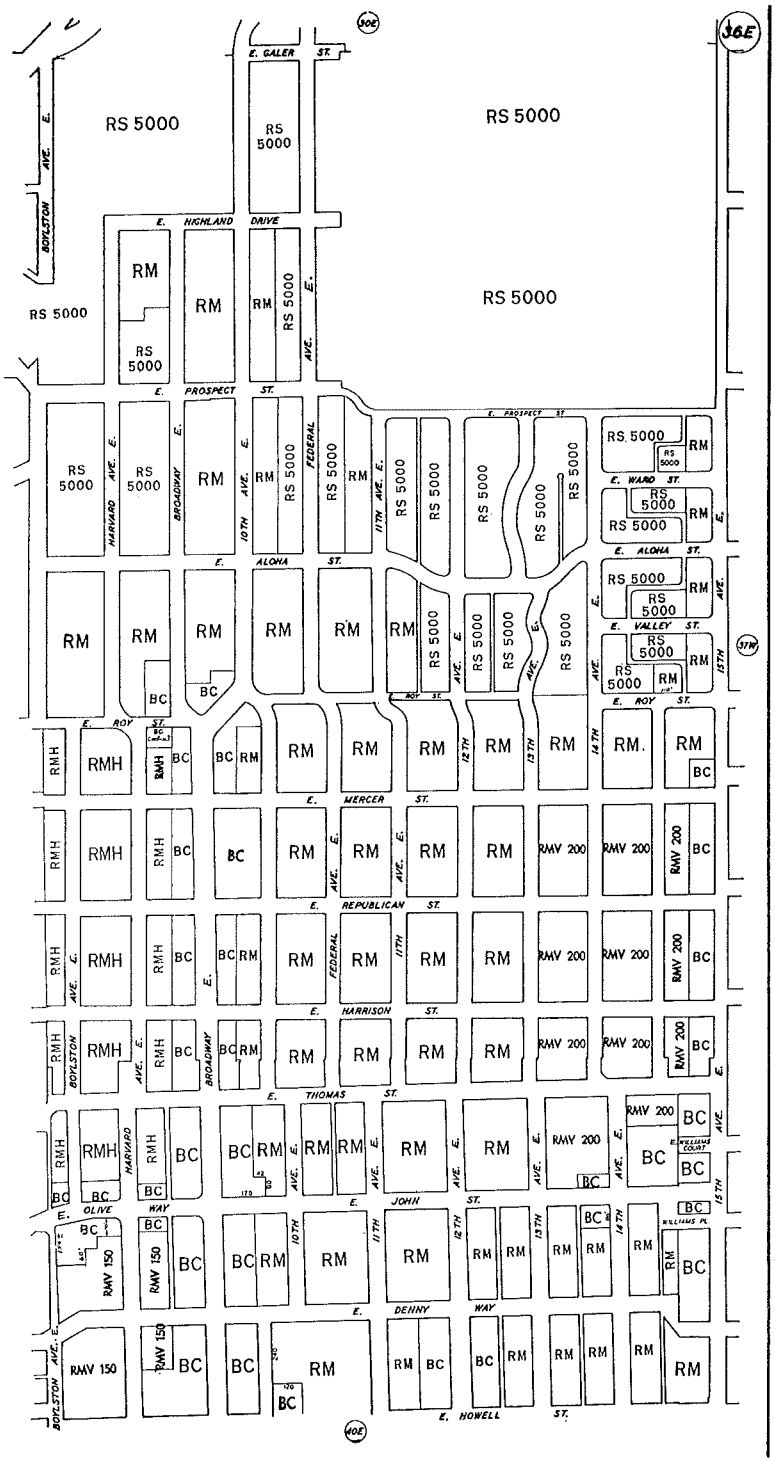

LEGEND

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RW— Residence Waterfront Zone.

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RM 1600— Multiple Residence Lowest Density Zone.

RMH— Multiple Residence High Density Zone.

RMV 200— Multiple Residence High Density Variable Height Zone.

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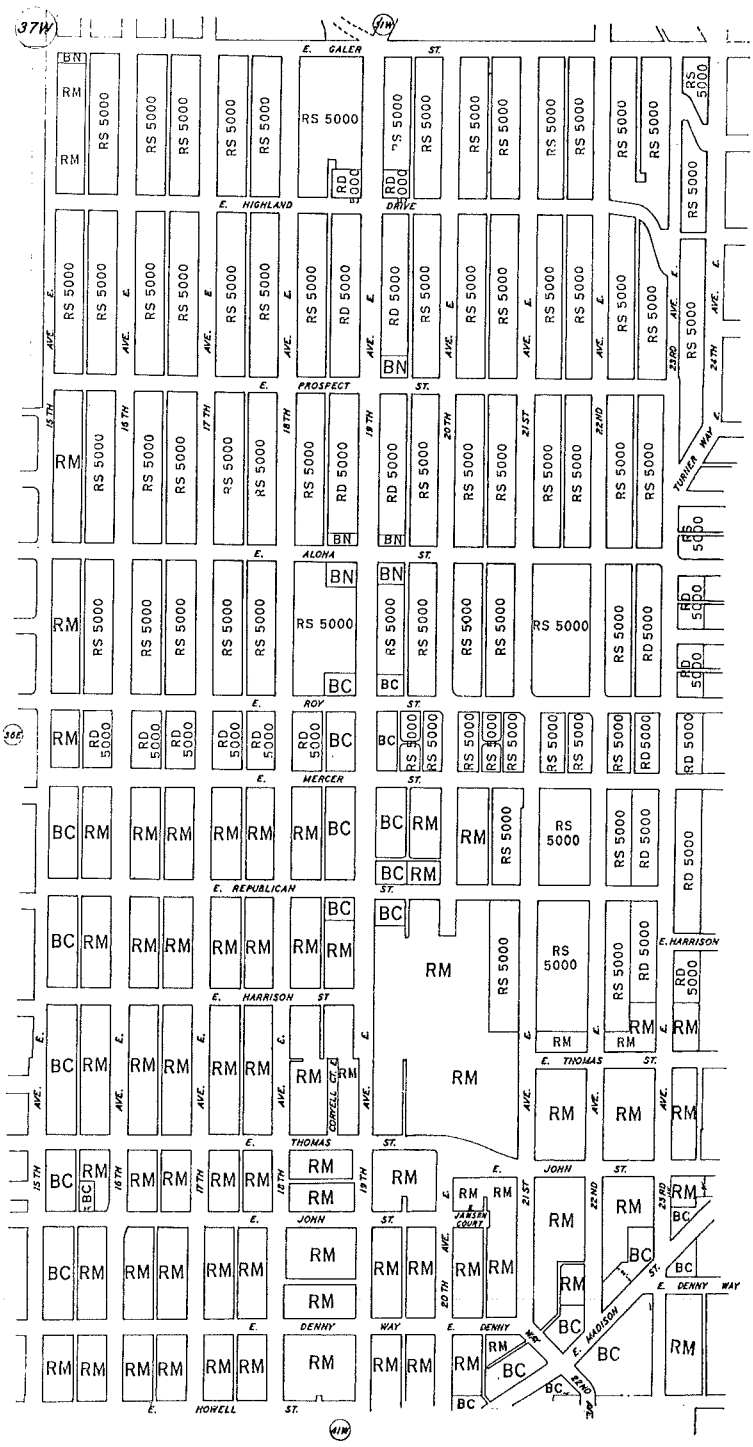

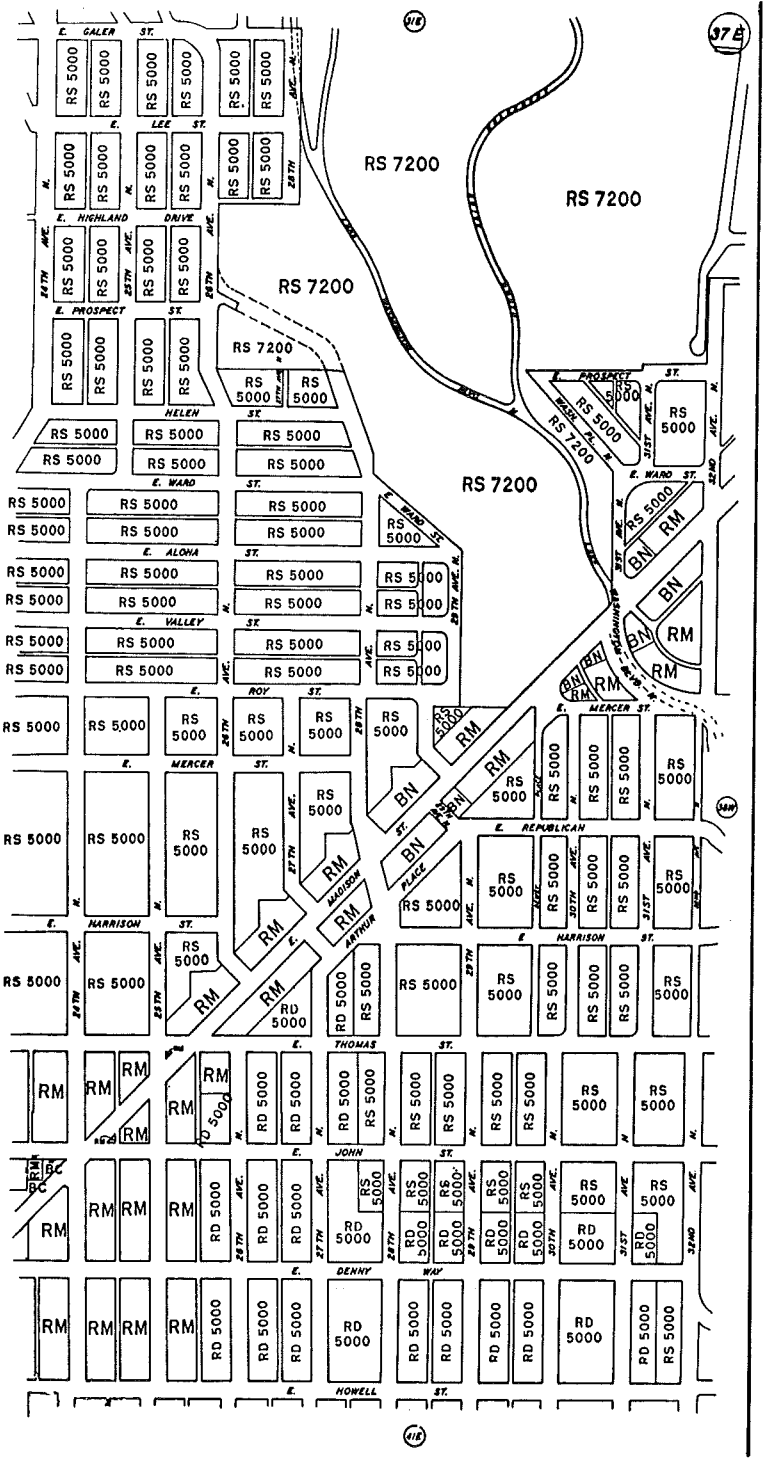

LEGEND

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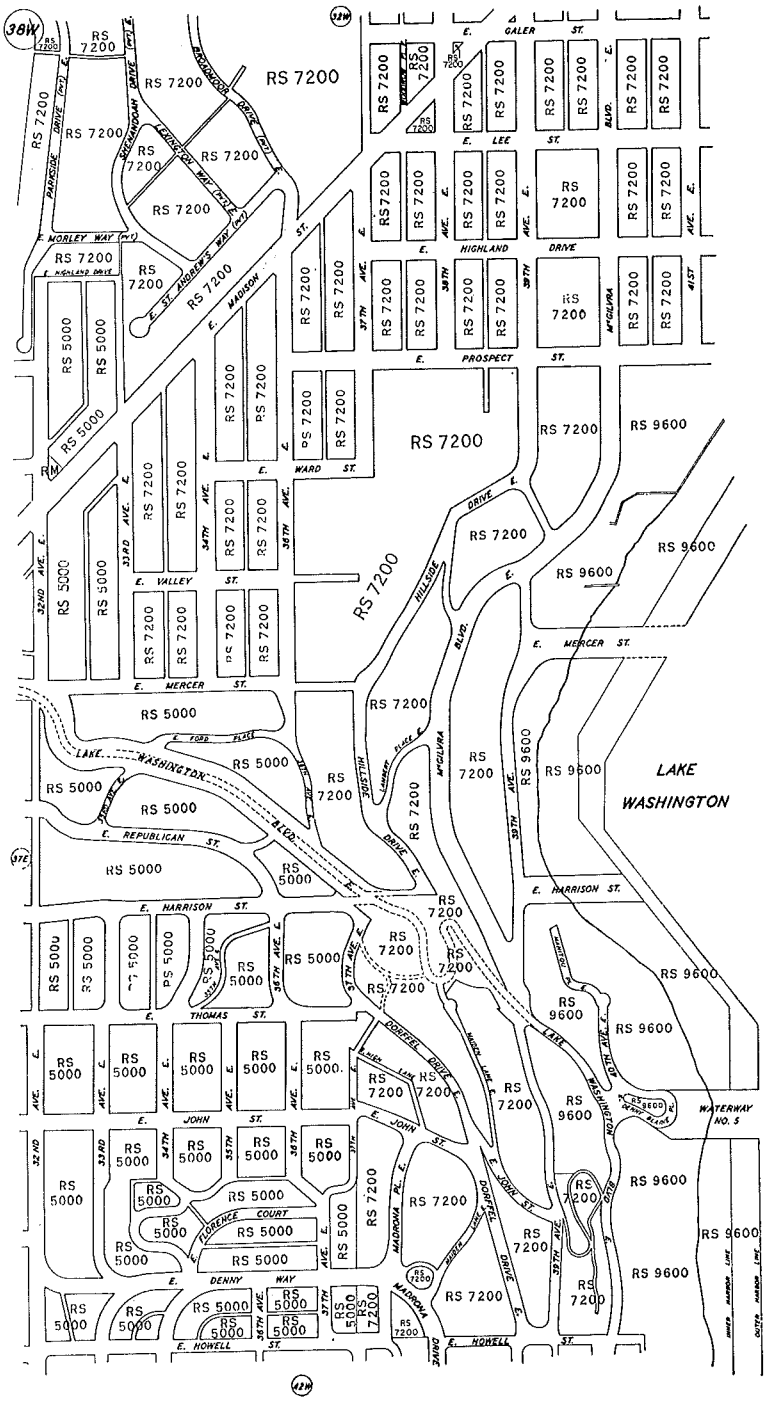

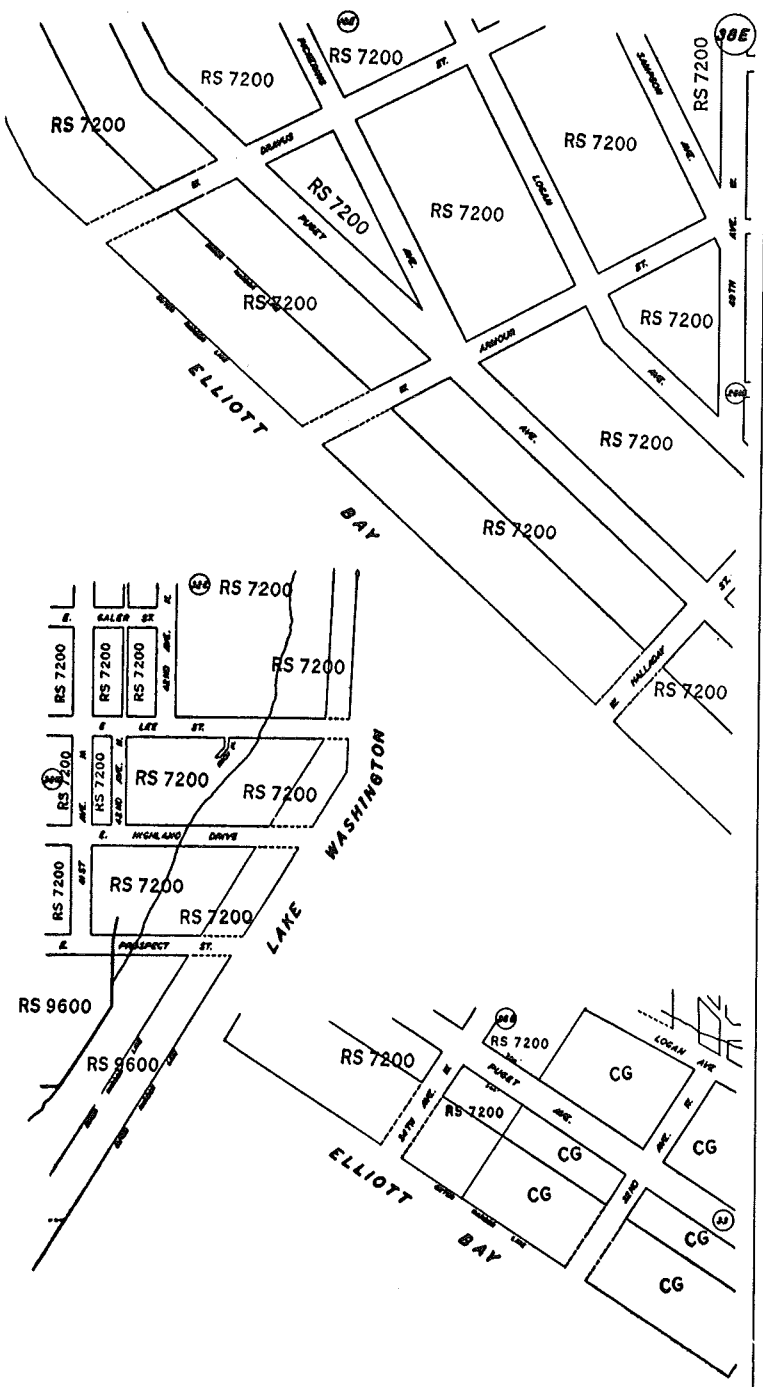

LEGEND

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Single Family Residence Low Density Zone.

RS 7200—
Single Family Residence Medium Density Zone.

RS 5000—
Single Family Residence High Density Zone.

RW—
Residence Waterfront Zone.

RD 7200—
Duplex Residence Medium Density Zone.

RD 5000—
Duplex Residence High Density Zone.

RM—
Multiple Residence Low Density Zone.

RMH—
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BN—
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LEGEND

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RW—
Residence Waterfront Zone.

RD 7200—
Medium Density Duplex Residence Zone.

RD 5000—
Duplex Residence High Density Zone.

RM—
Multiple Residence Low Density Zone.

RMH—
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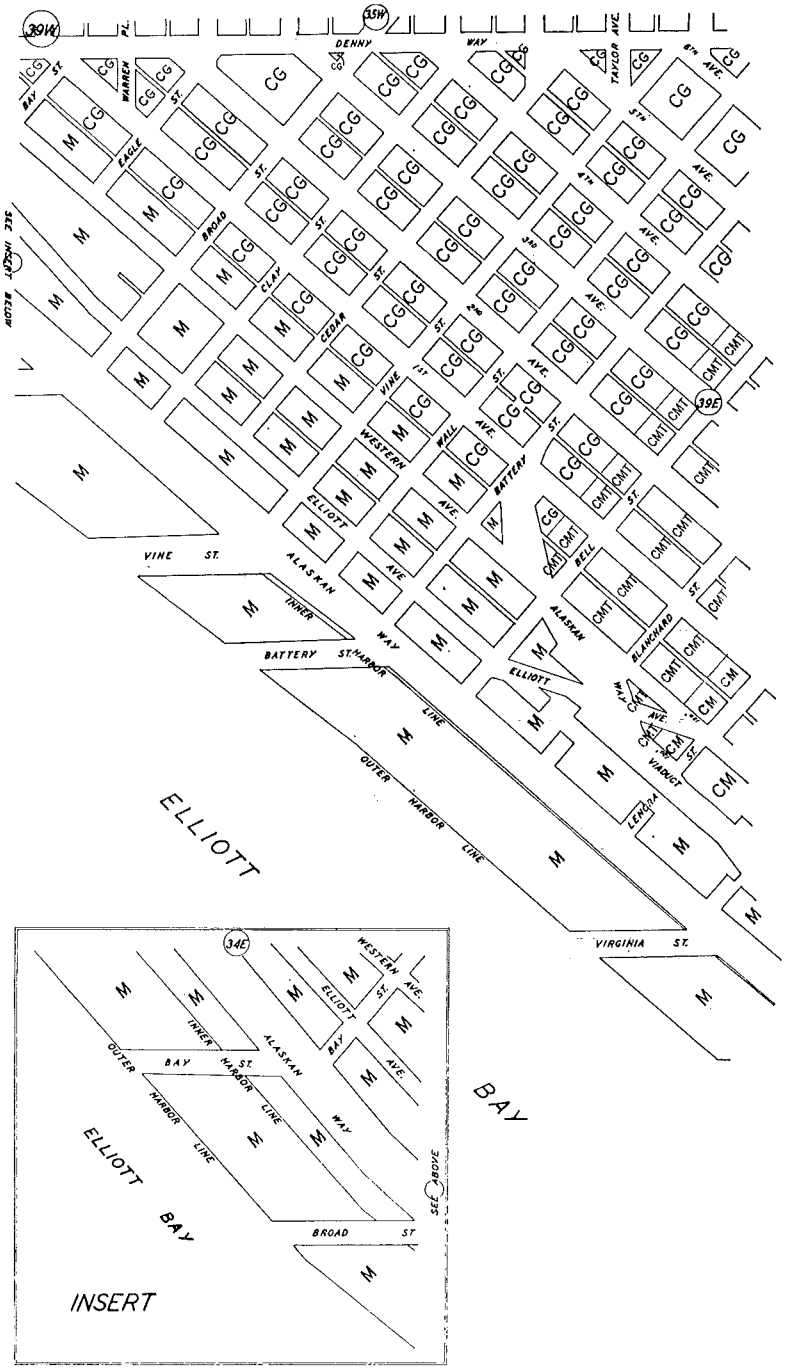

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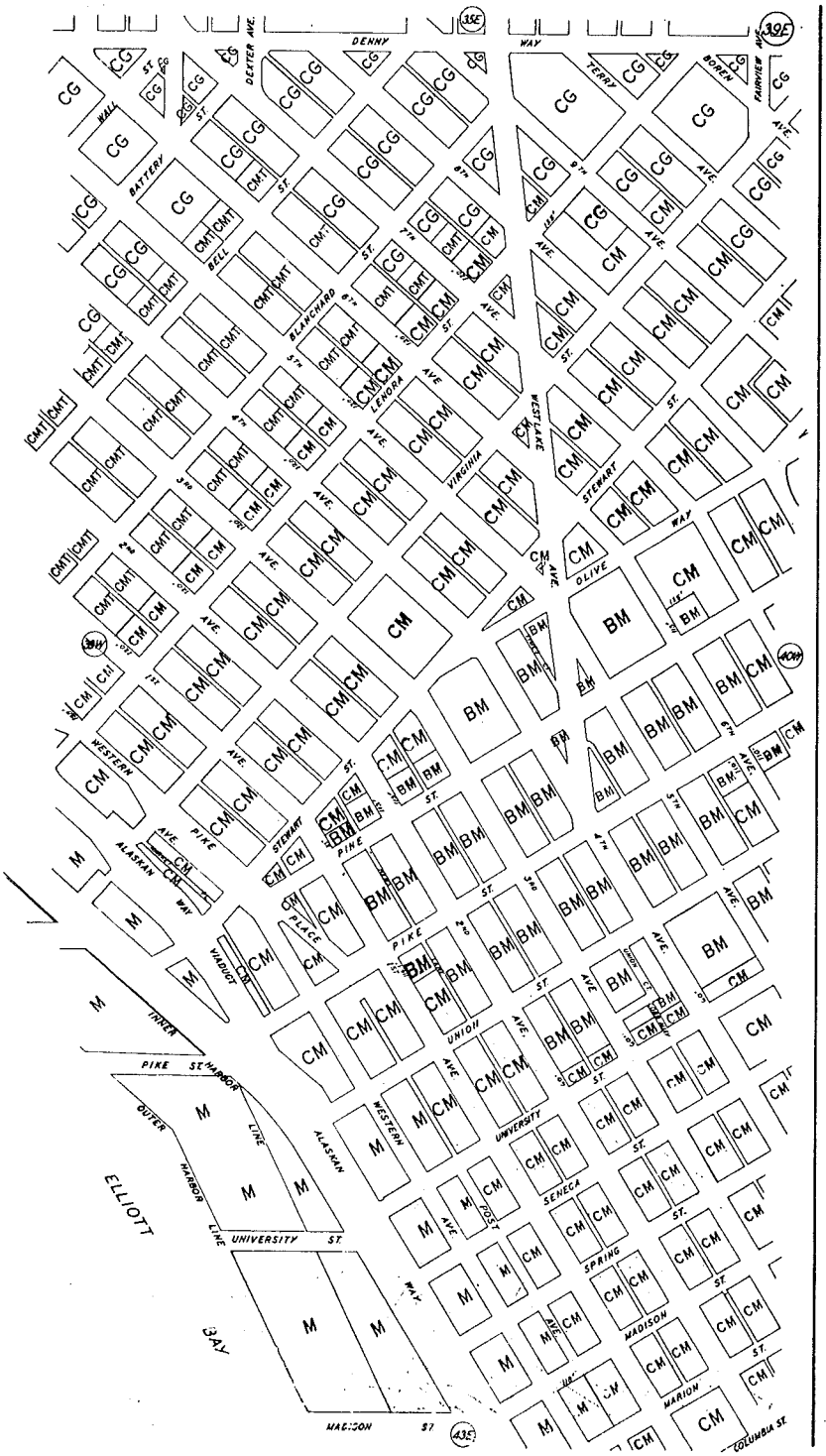

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RM 1600—
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RMH—
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RMV 200—
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RMV 150—
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(SEATTLE 8-19-71)

LEGEND

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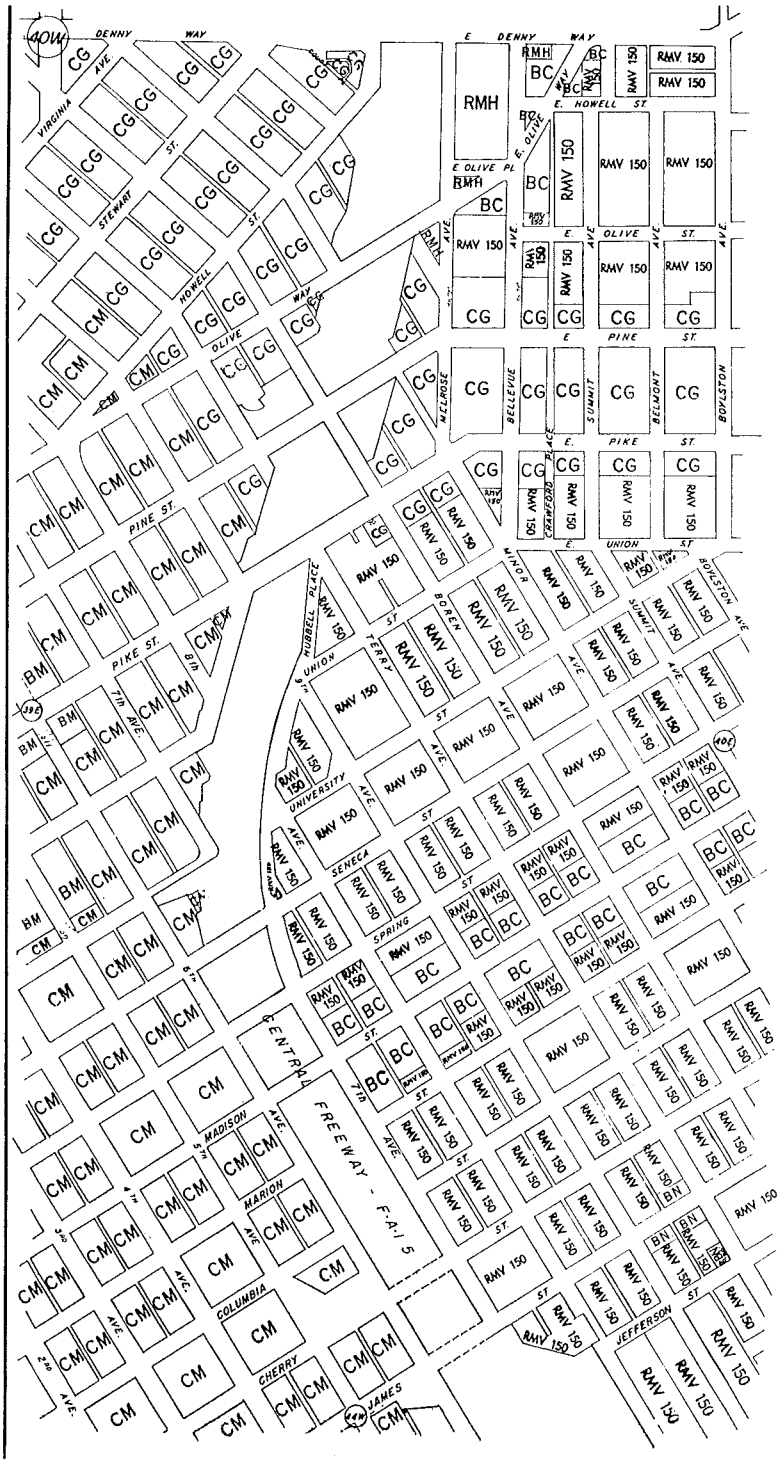

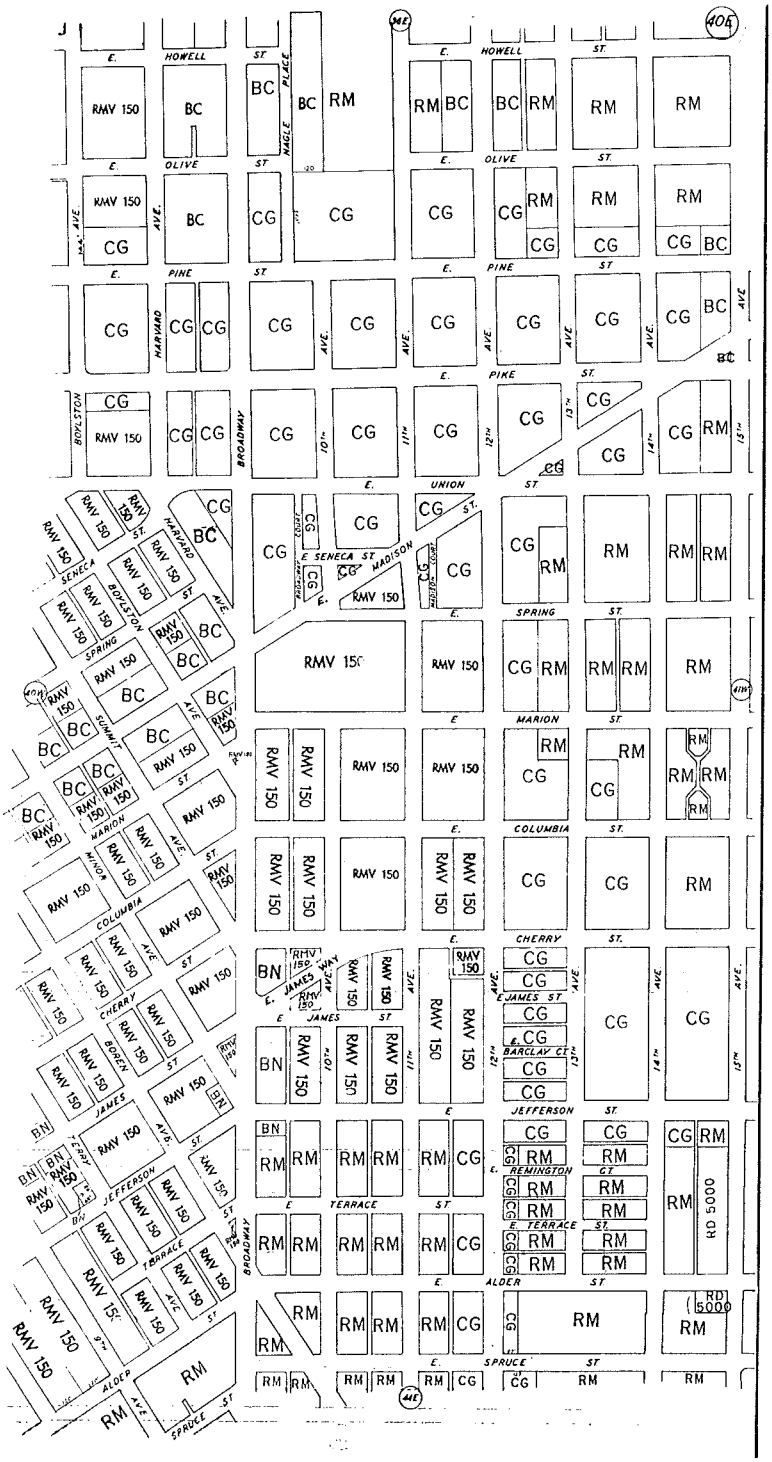

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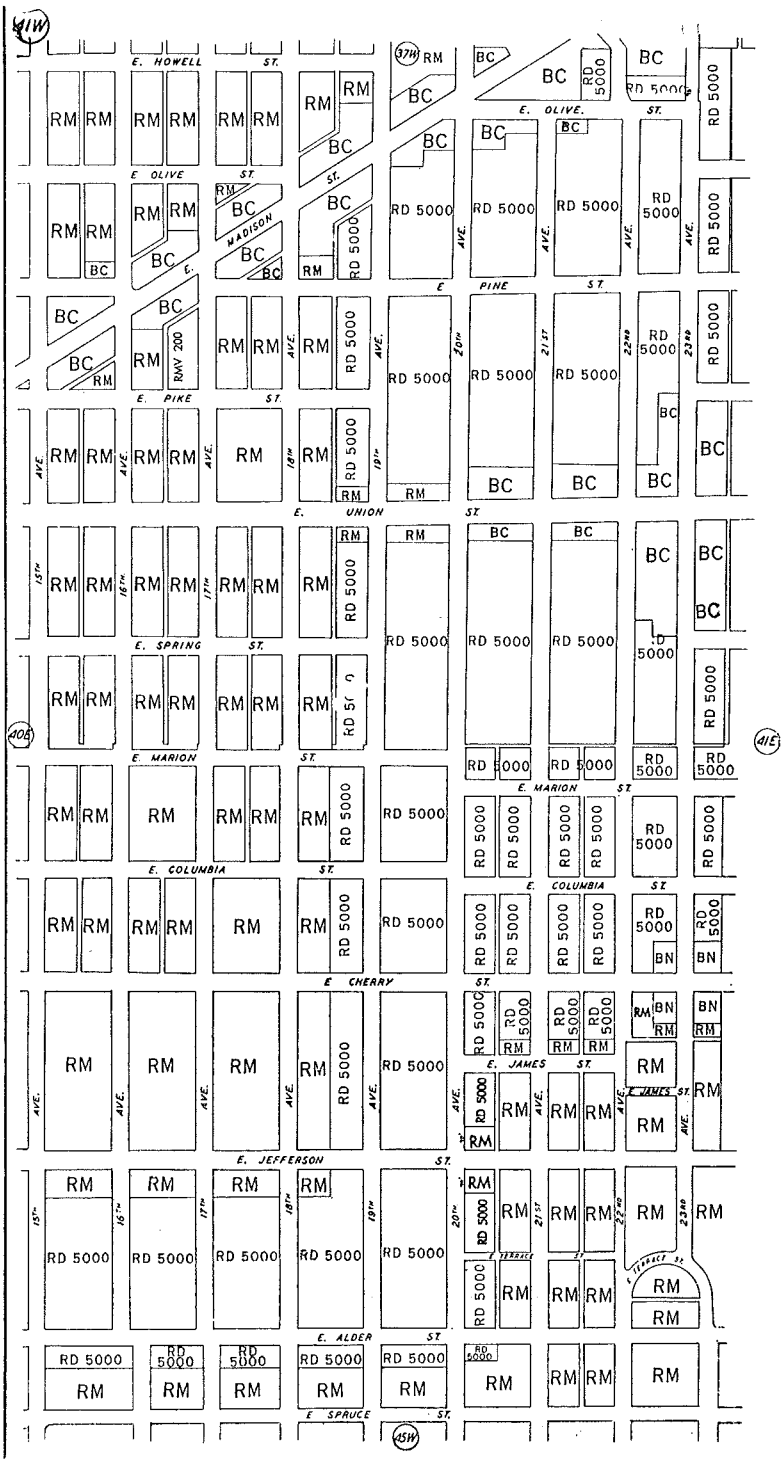

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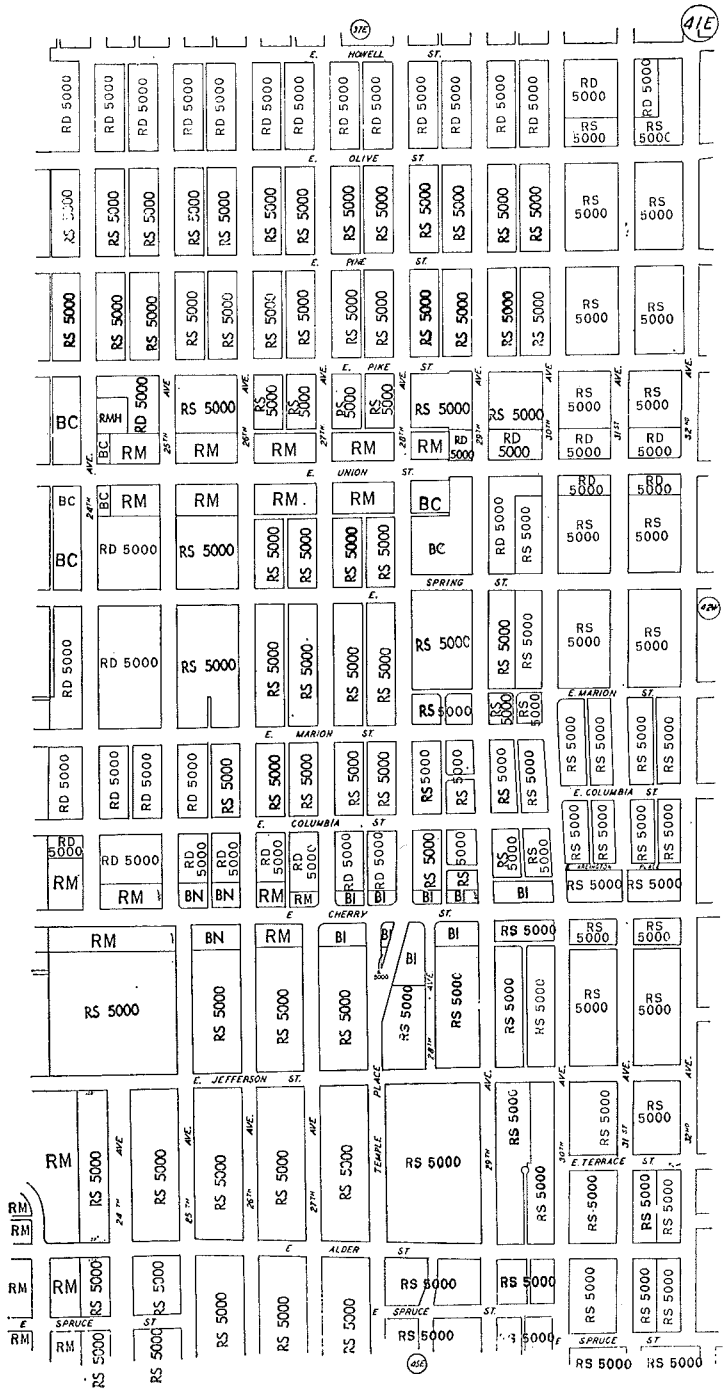

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LEGEND

RS 9600— Single Family Residence Low Density Zone.

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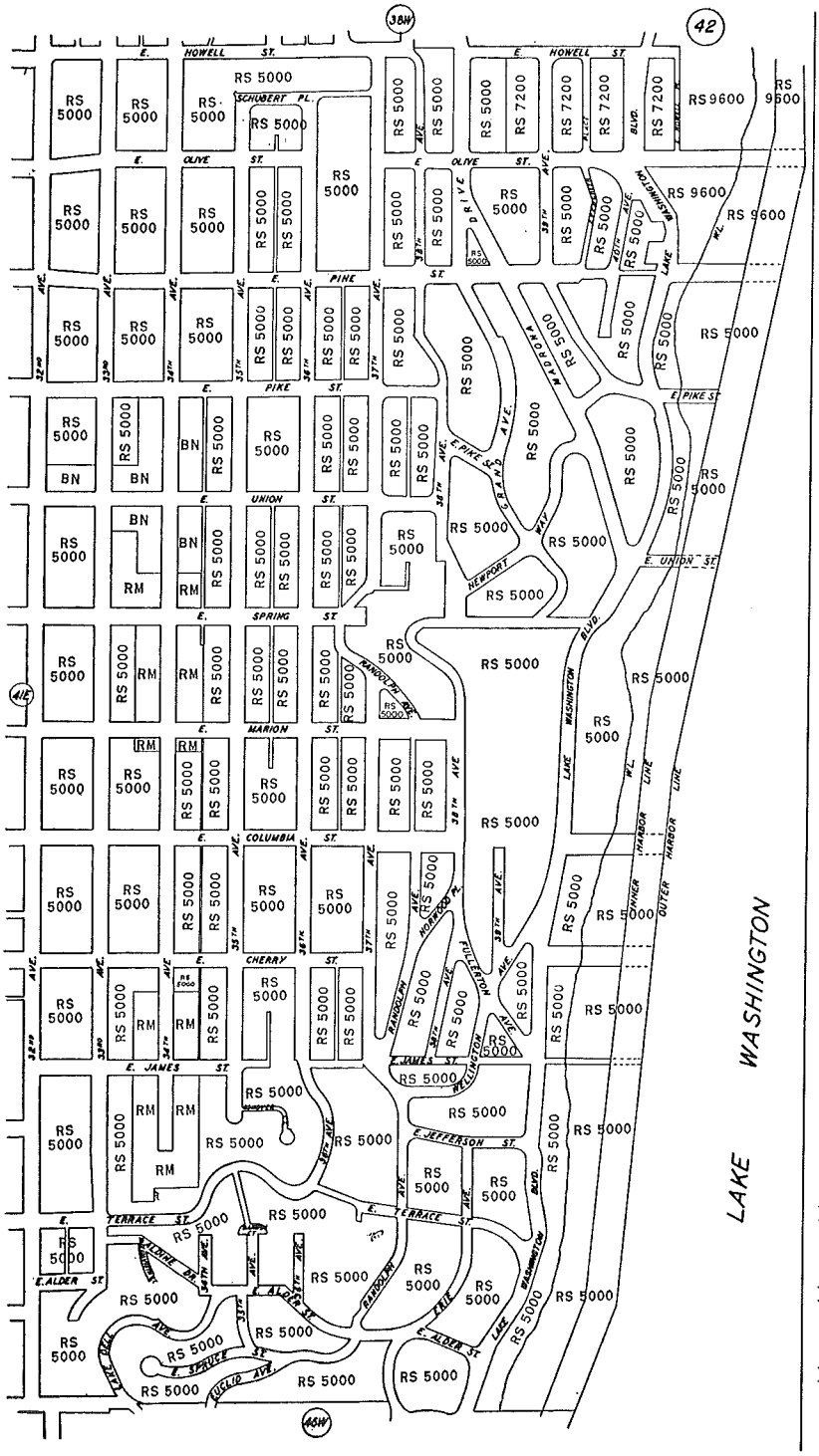

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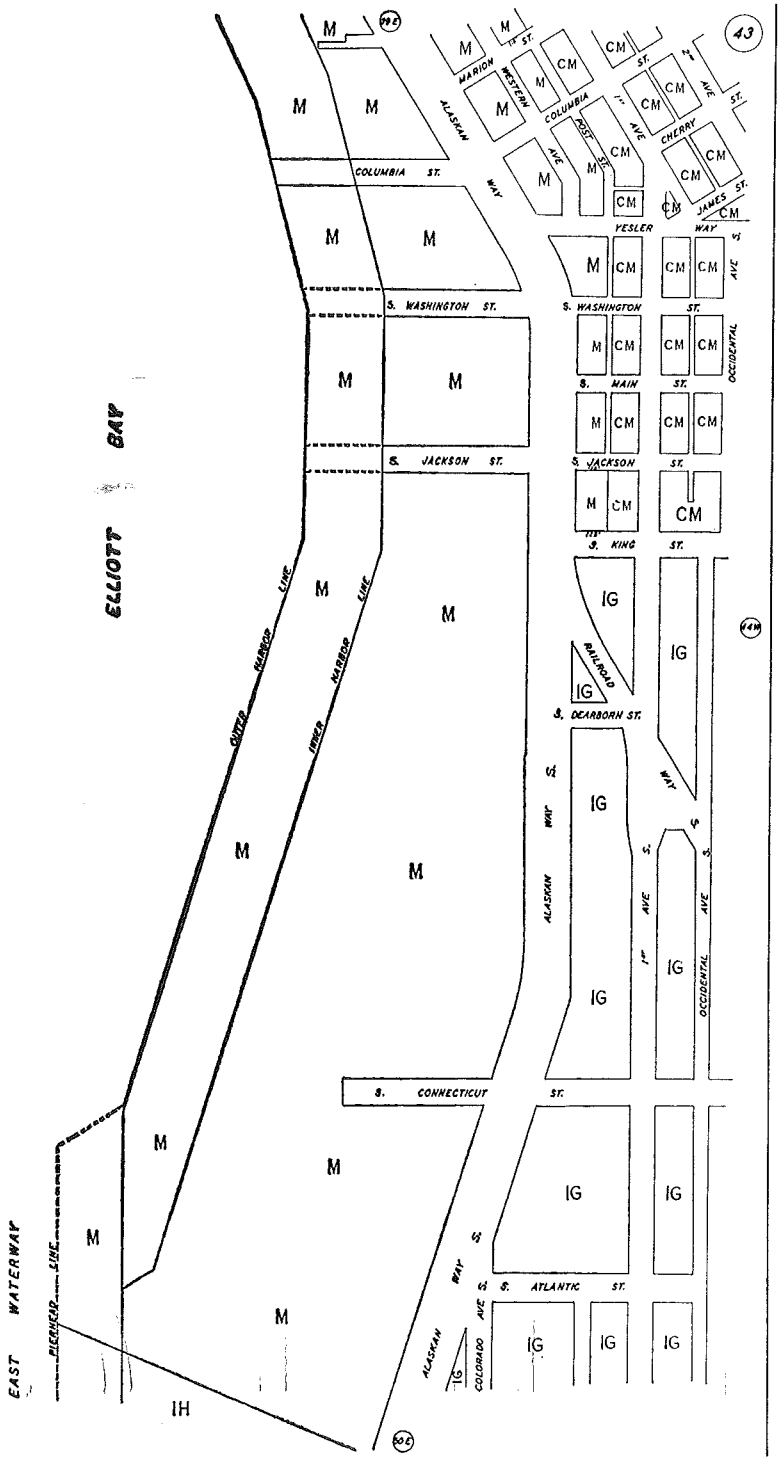

LEGEND

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RW— Residence Waterfront Zone.

RD 7200— Duplex Residence Medium Density Zone.

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RMH— Multiple Residence High Density Zone.

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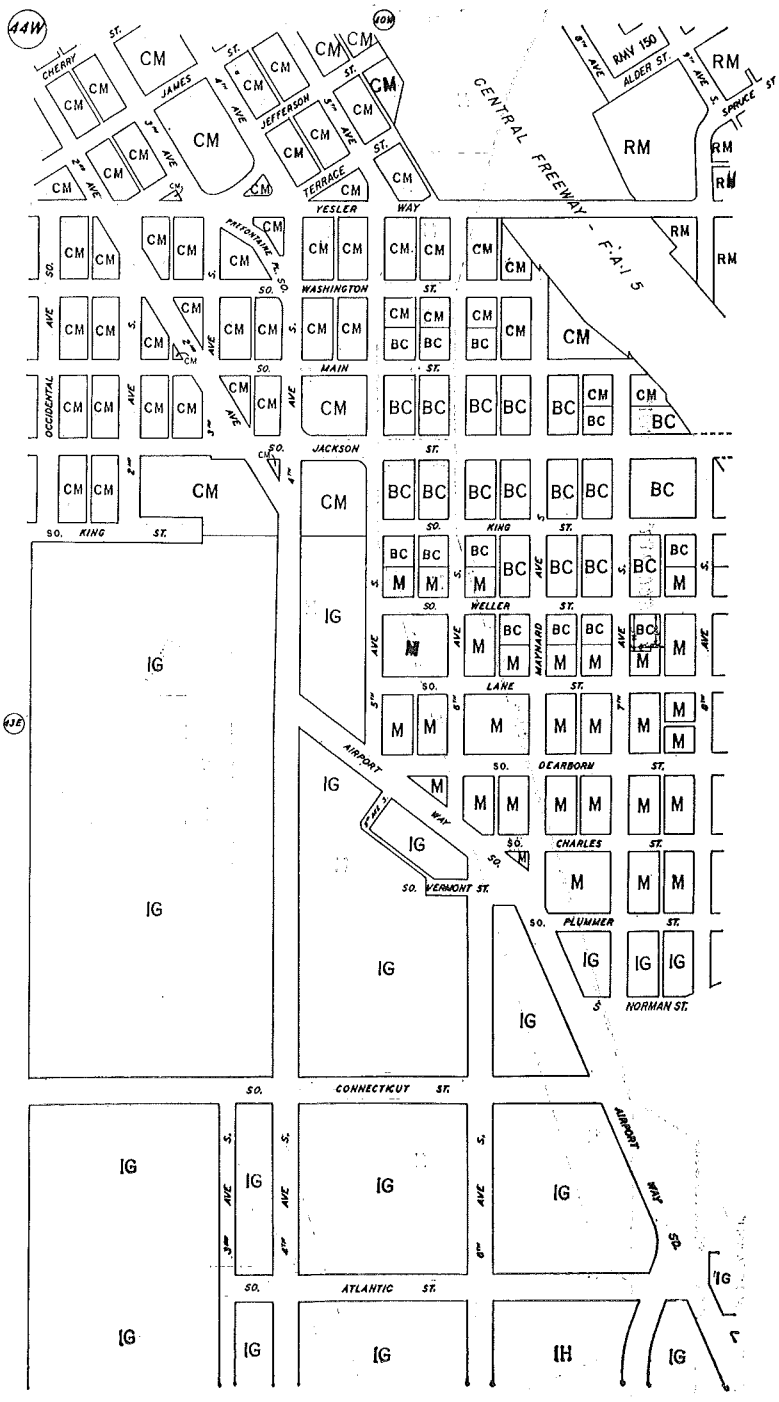

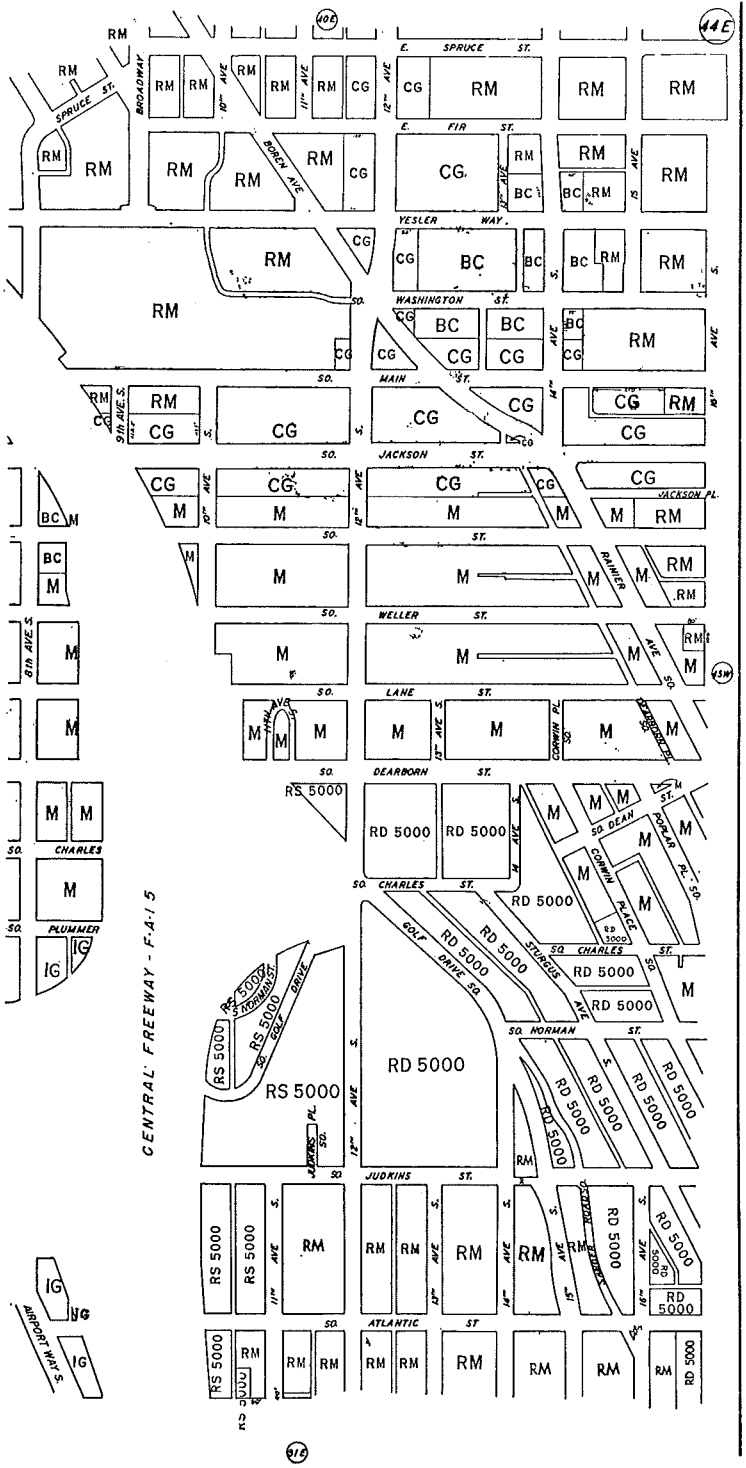

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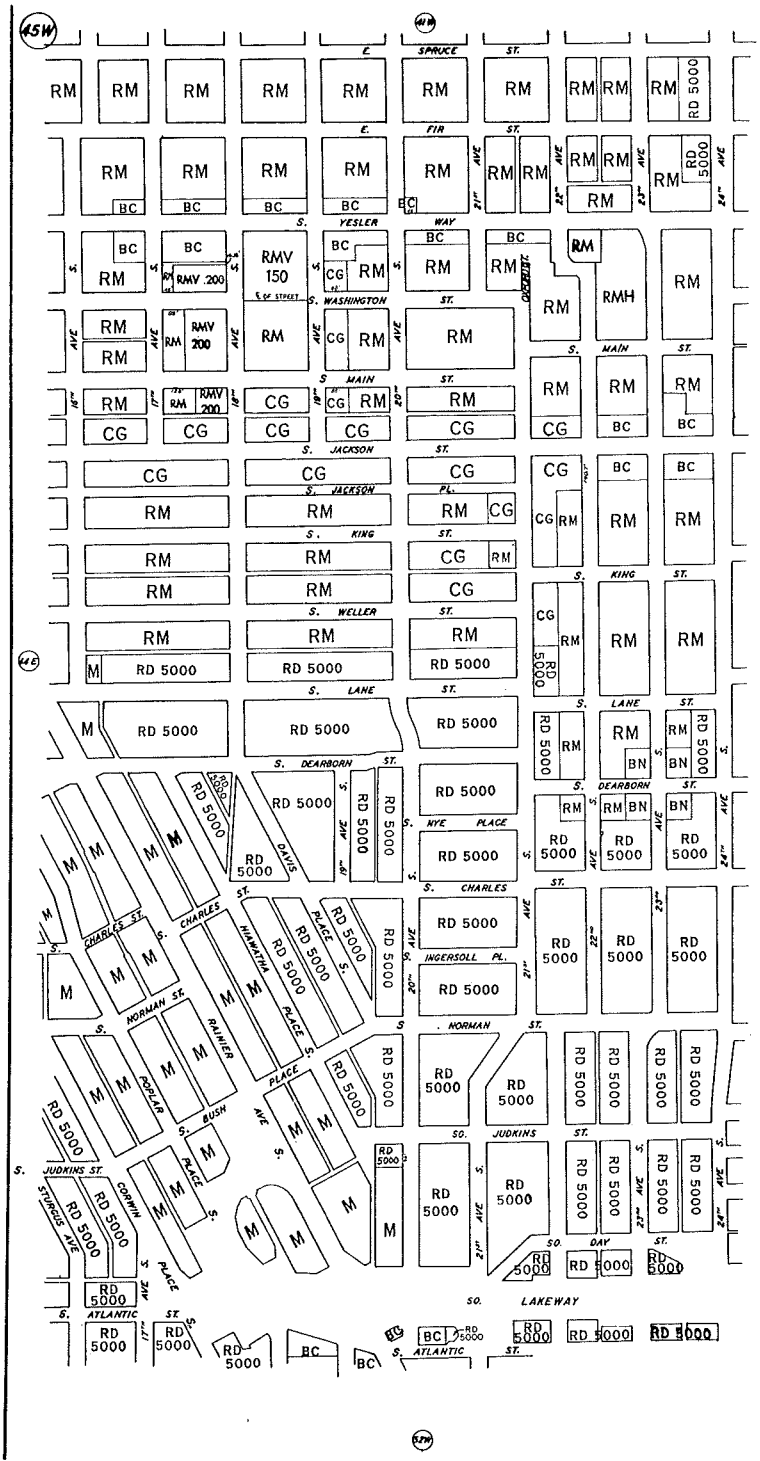

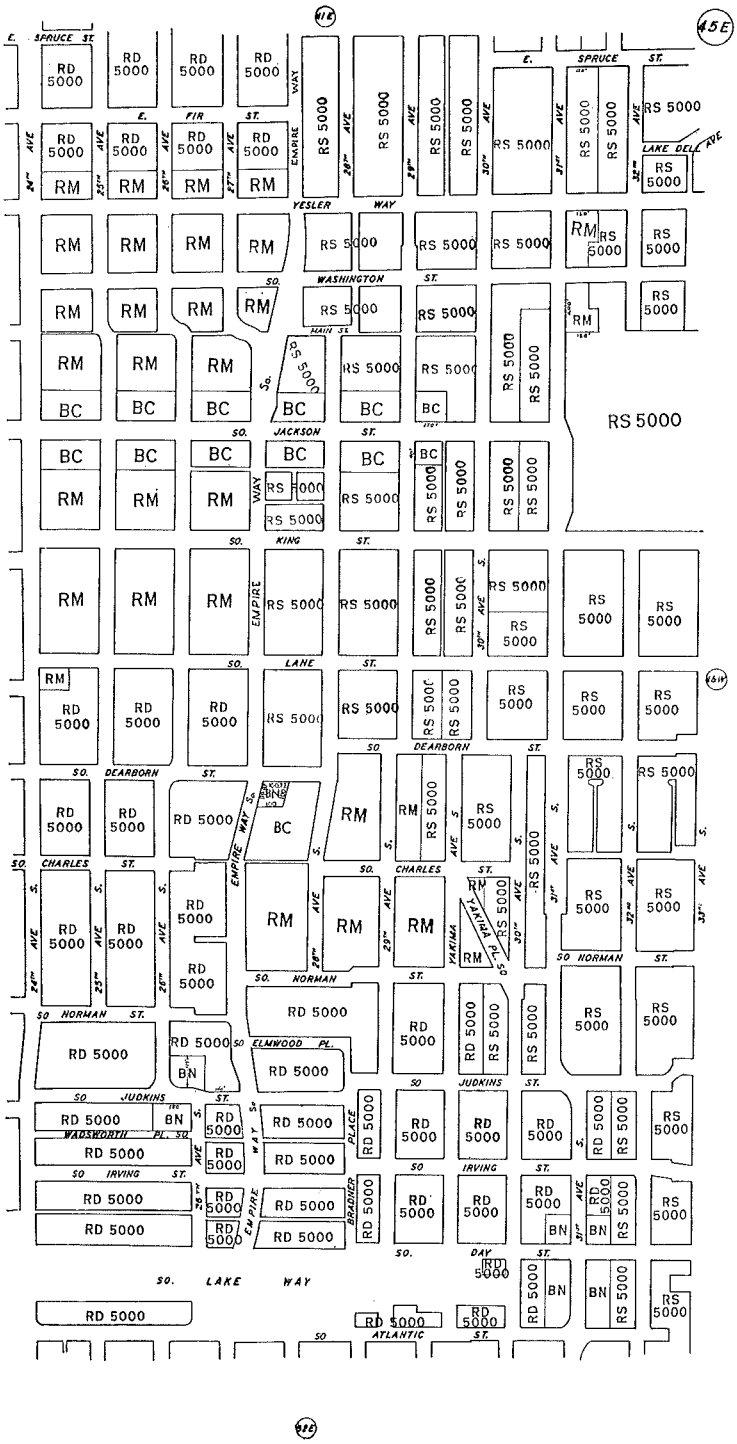

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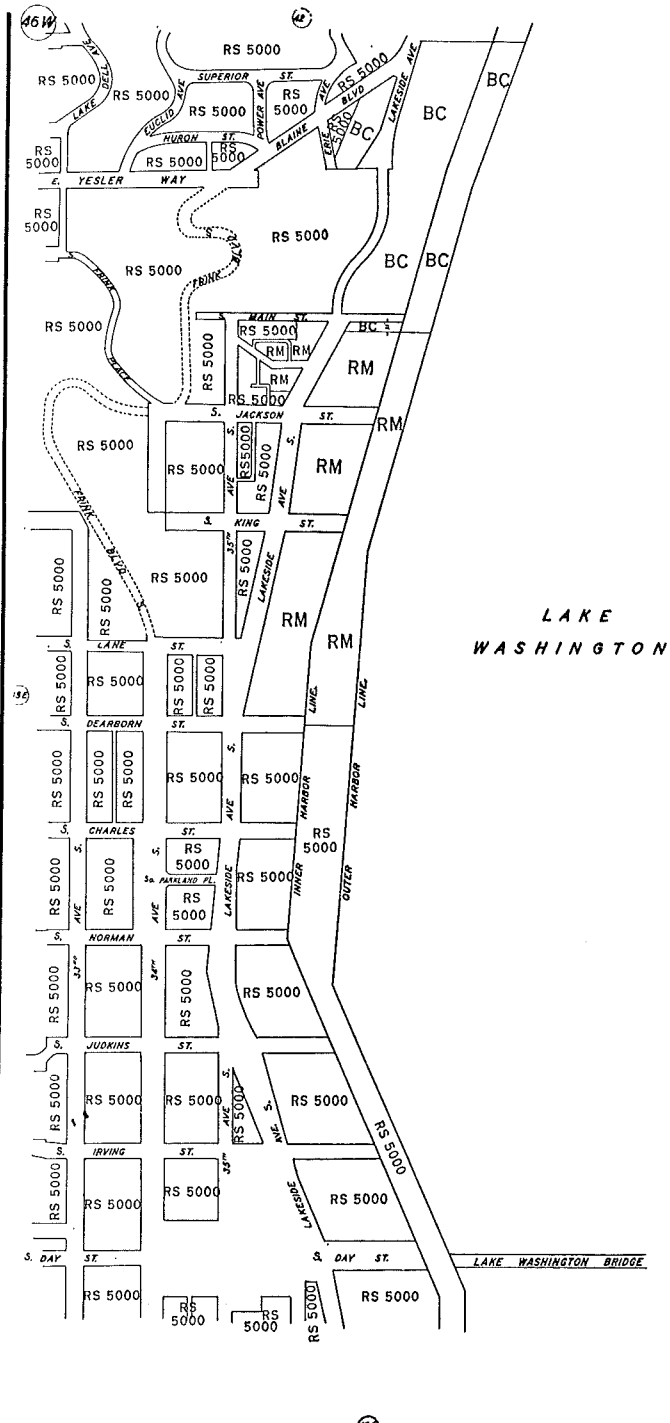

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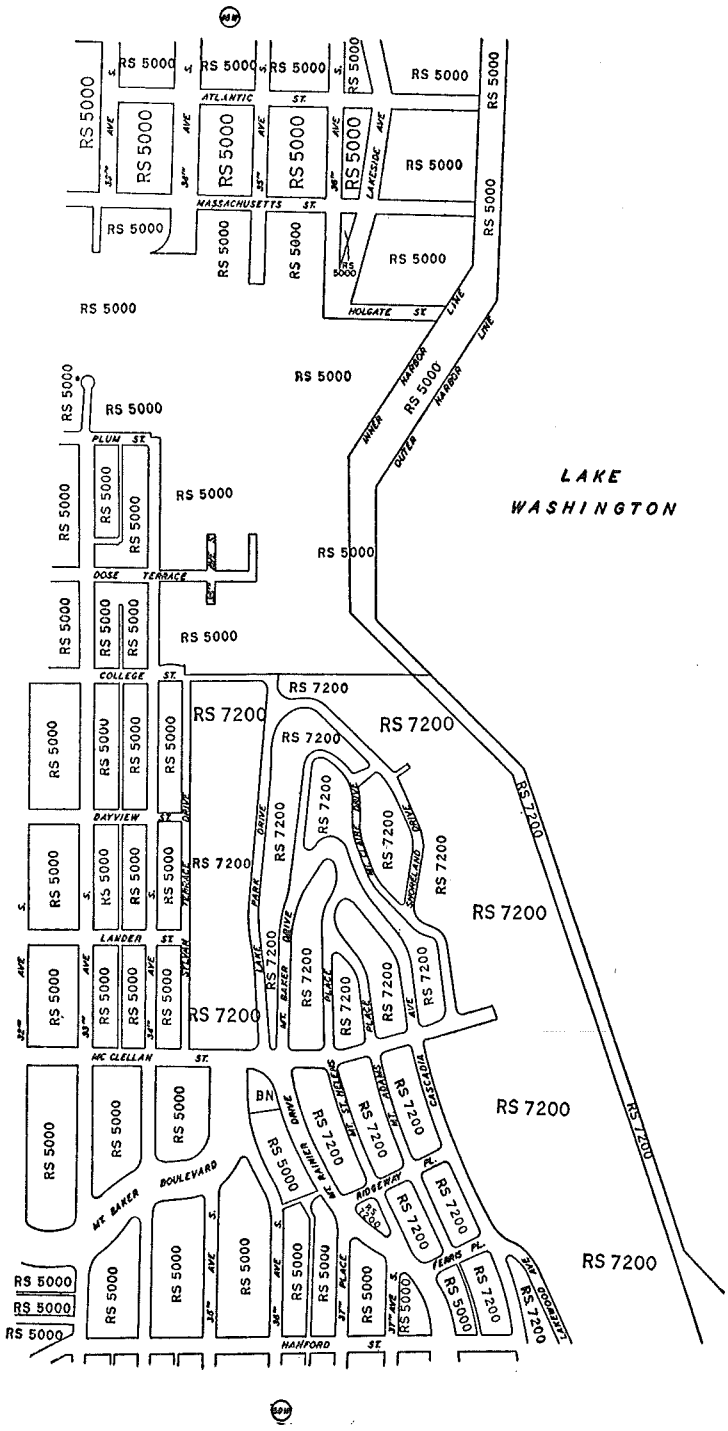

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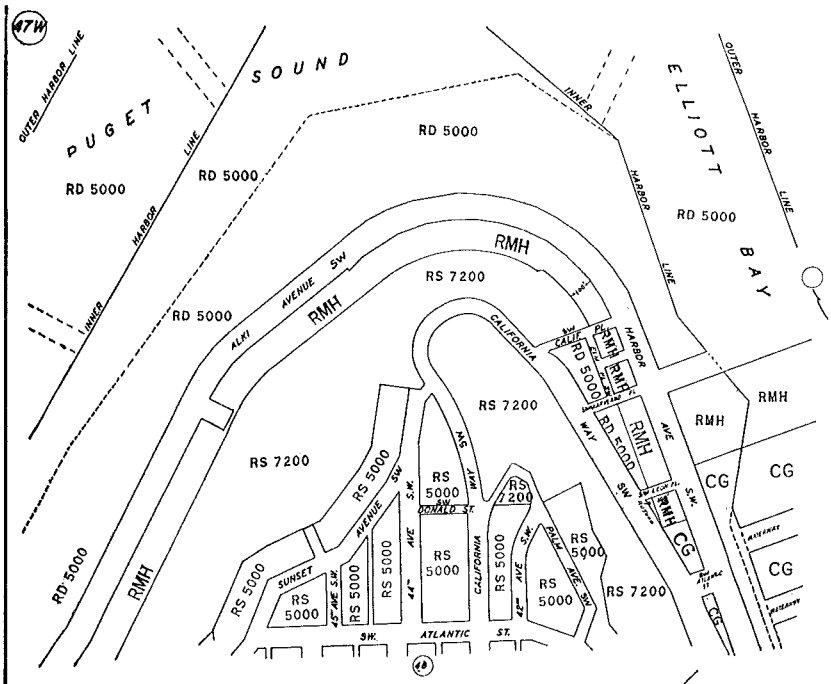

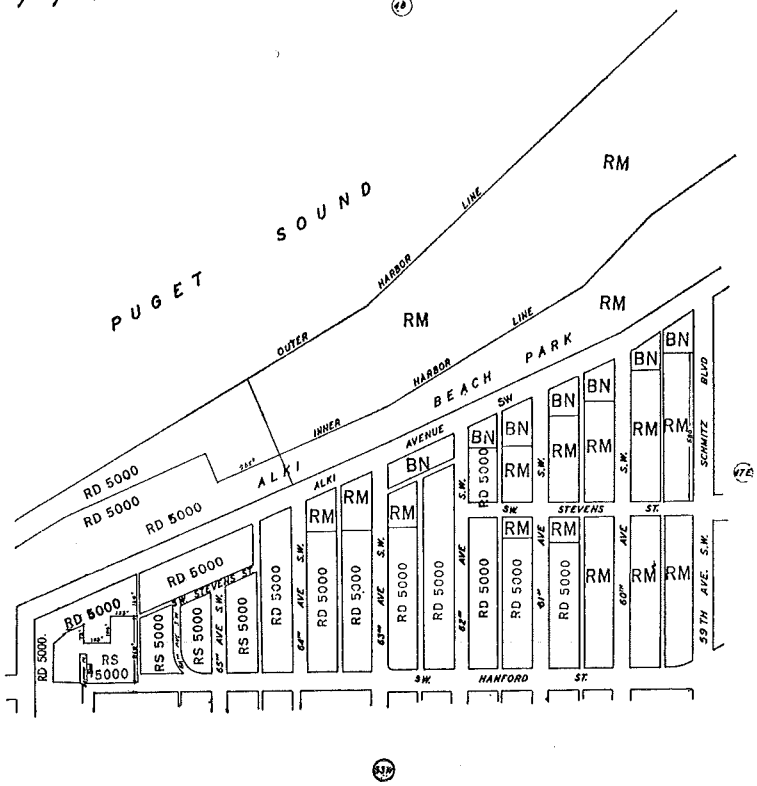

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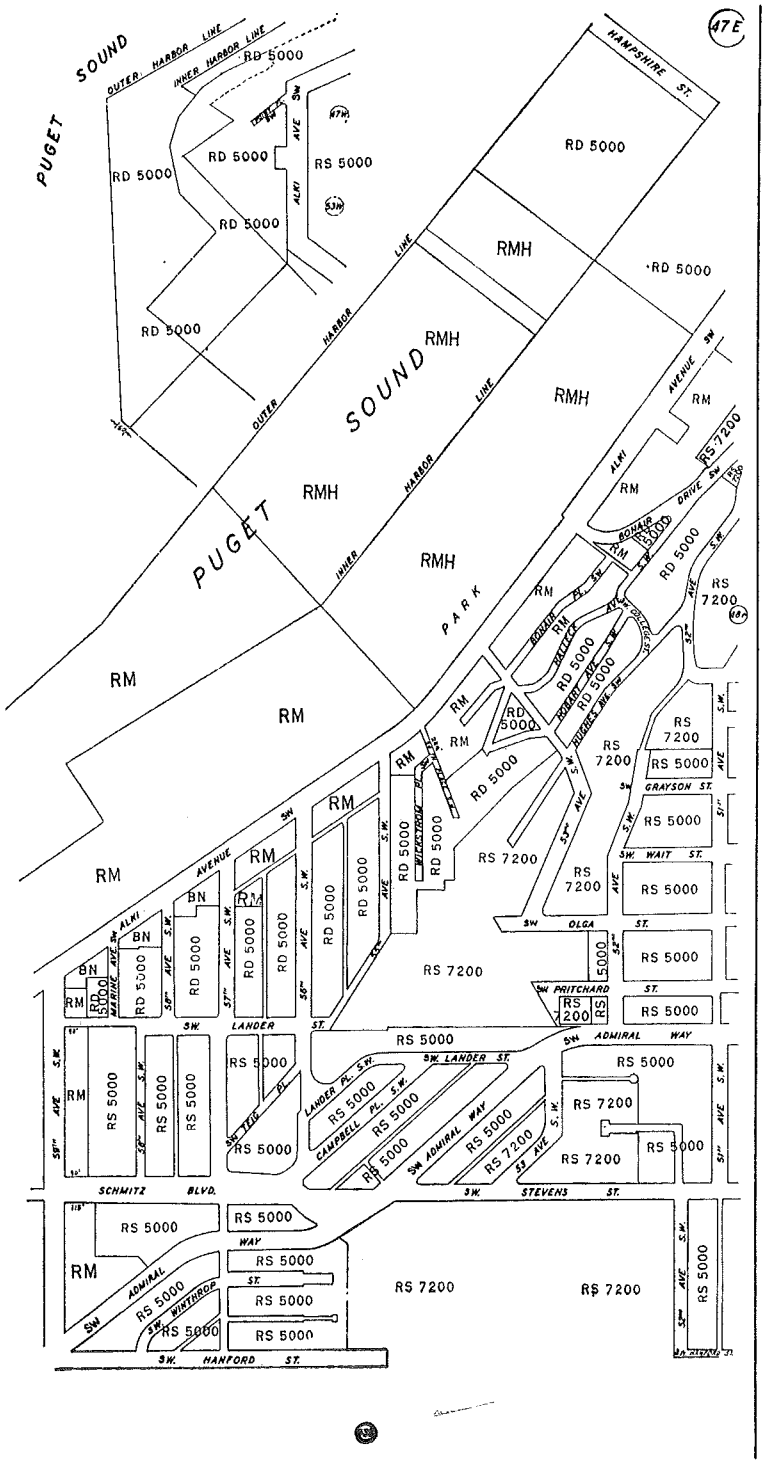

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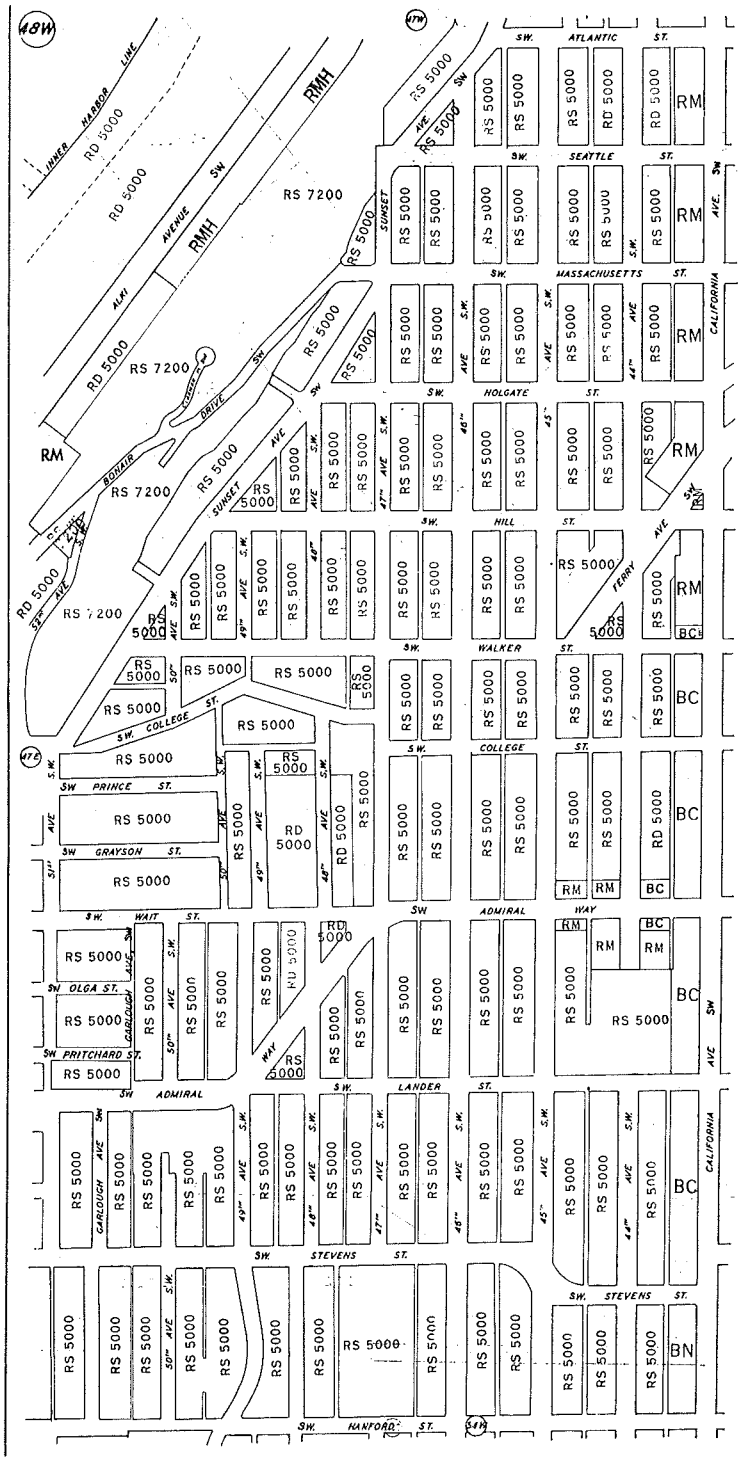

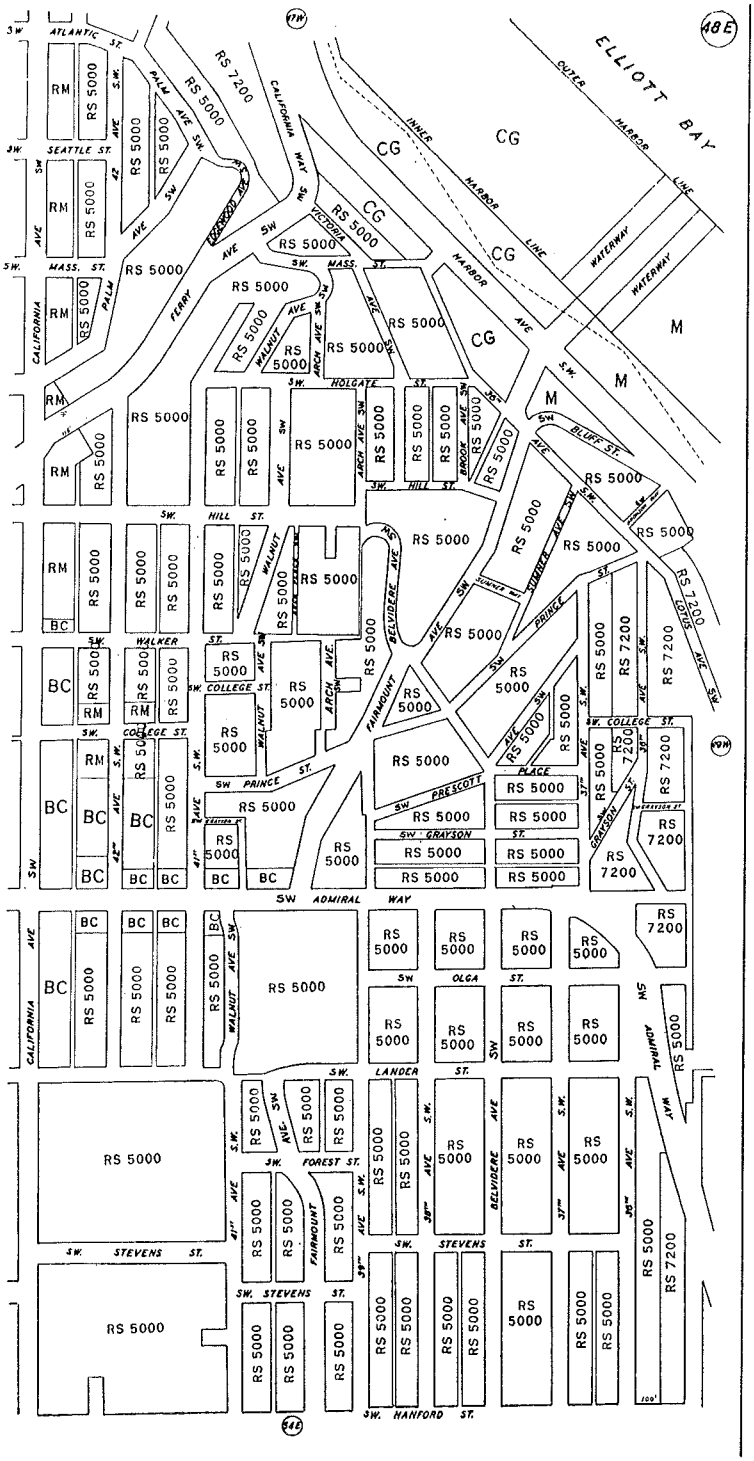

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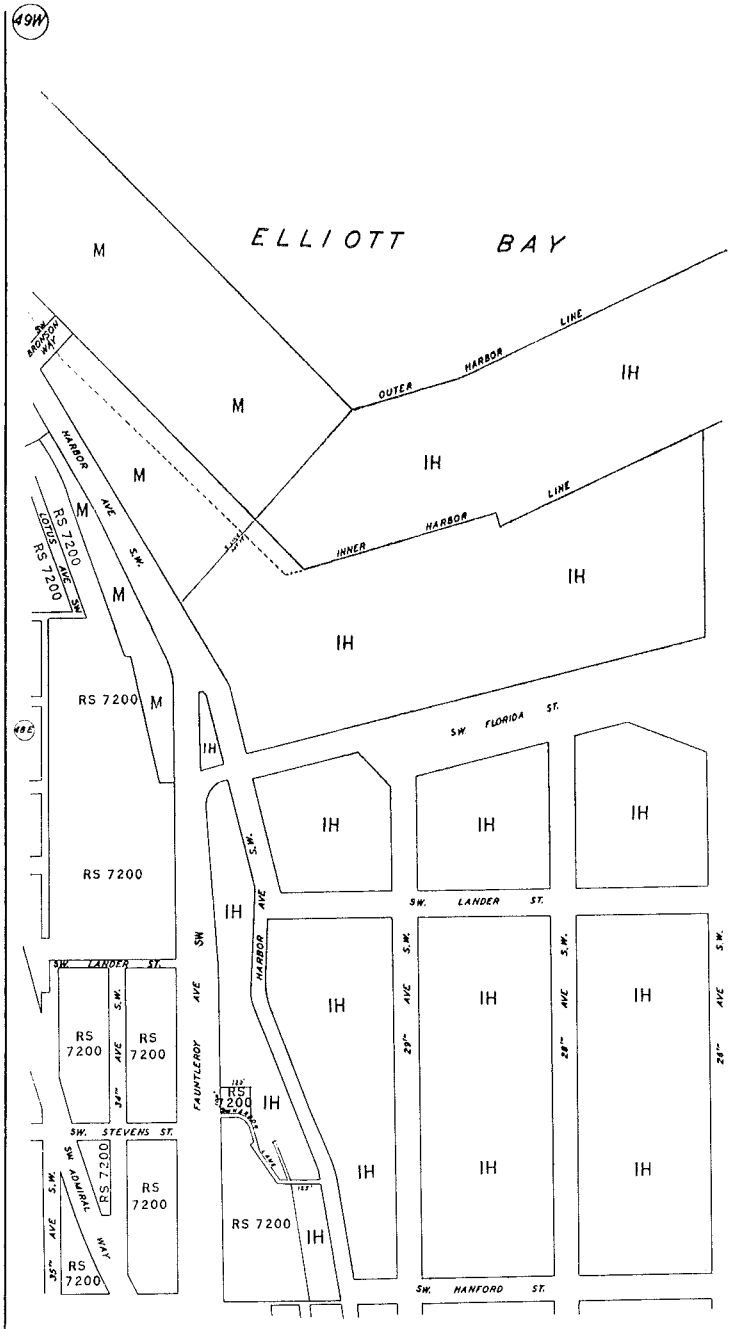

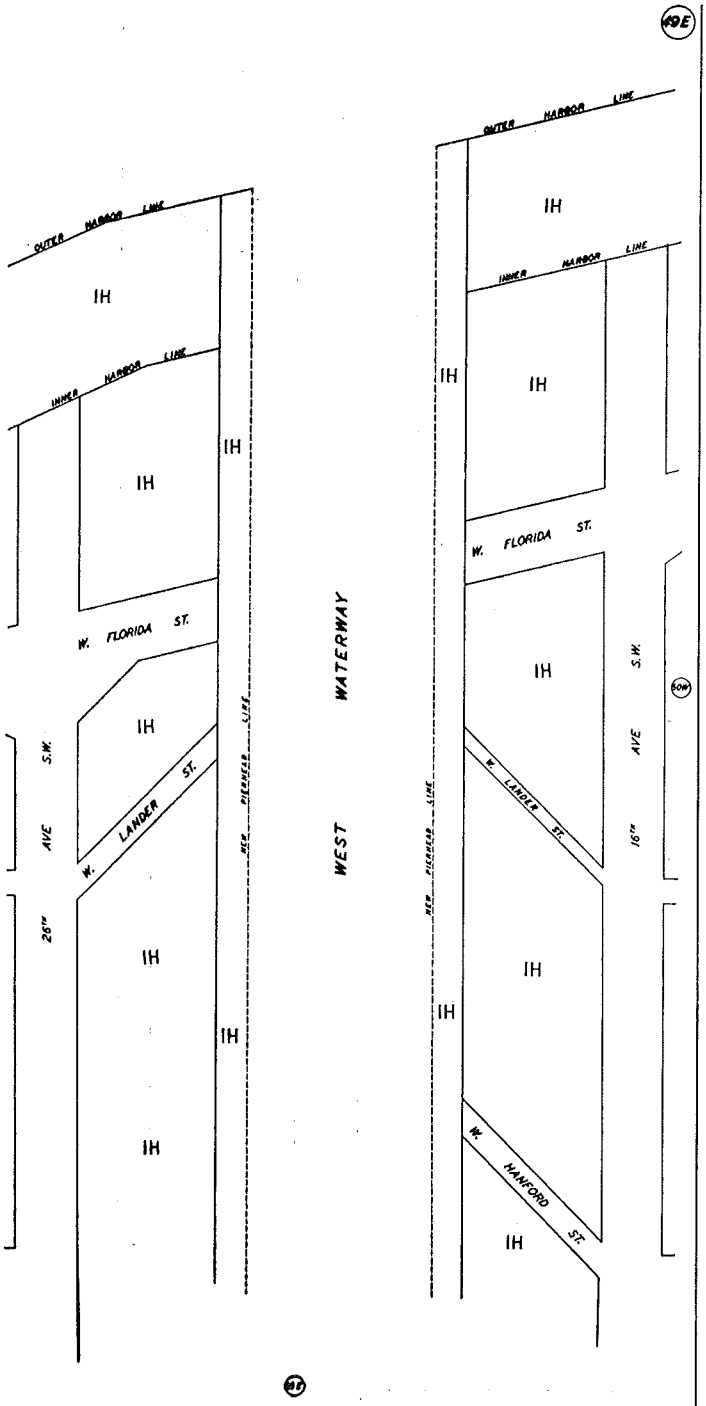

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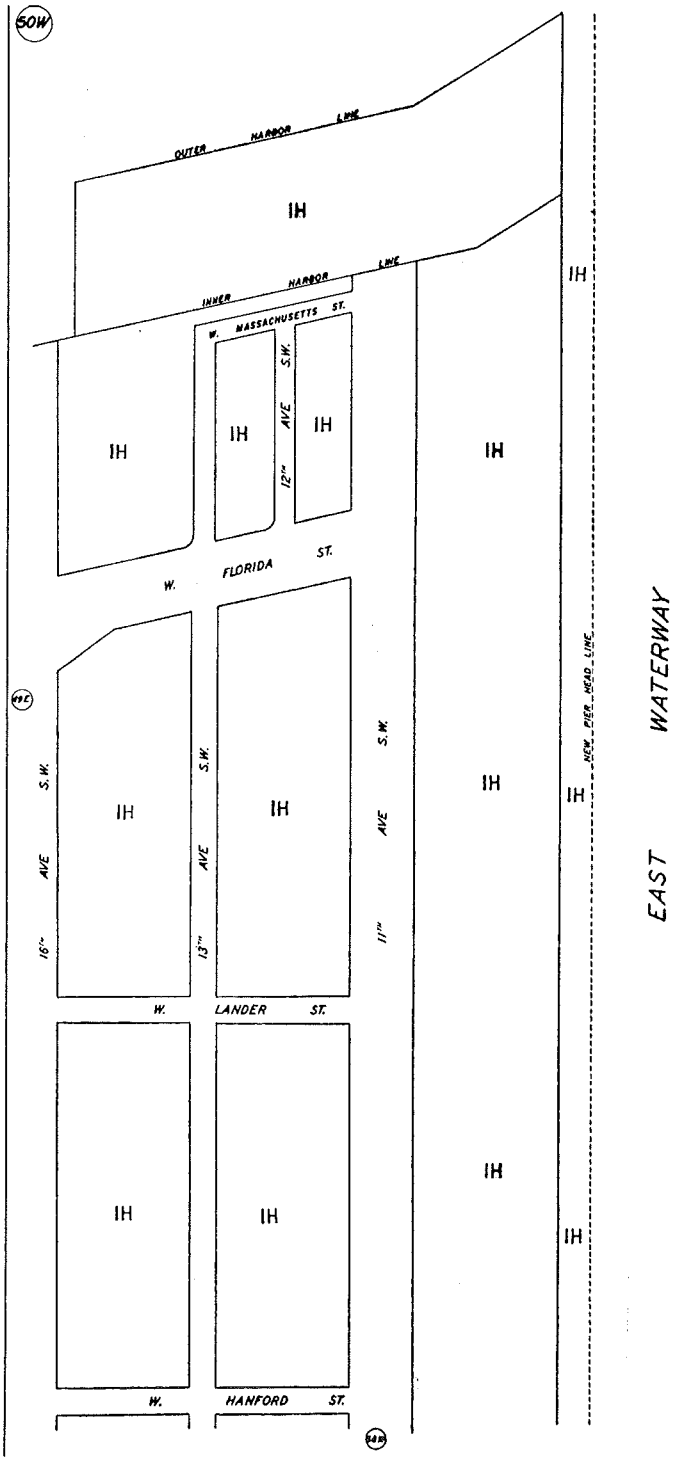

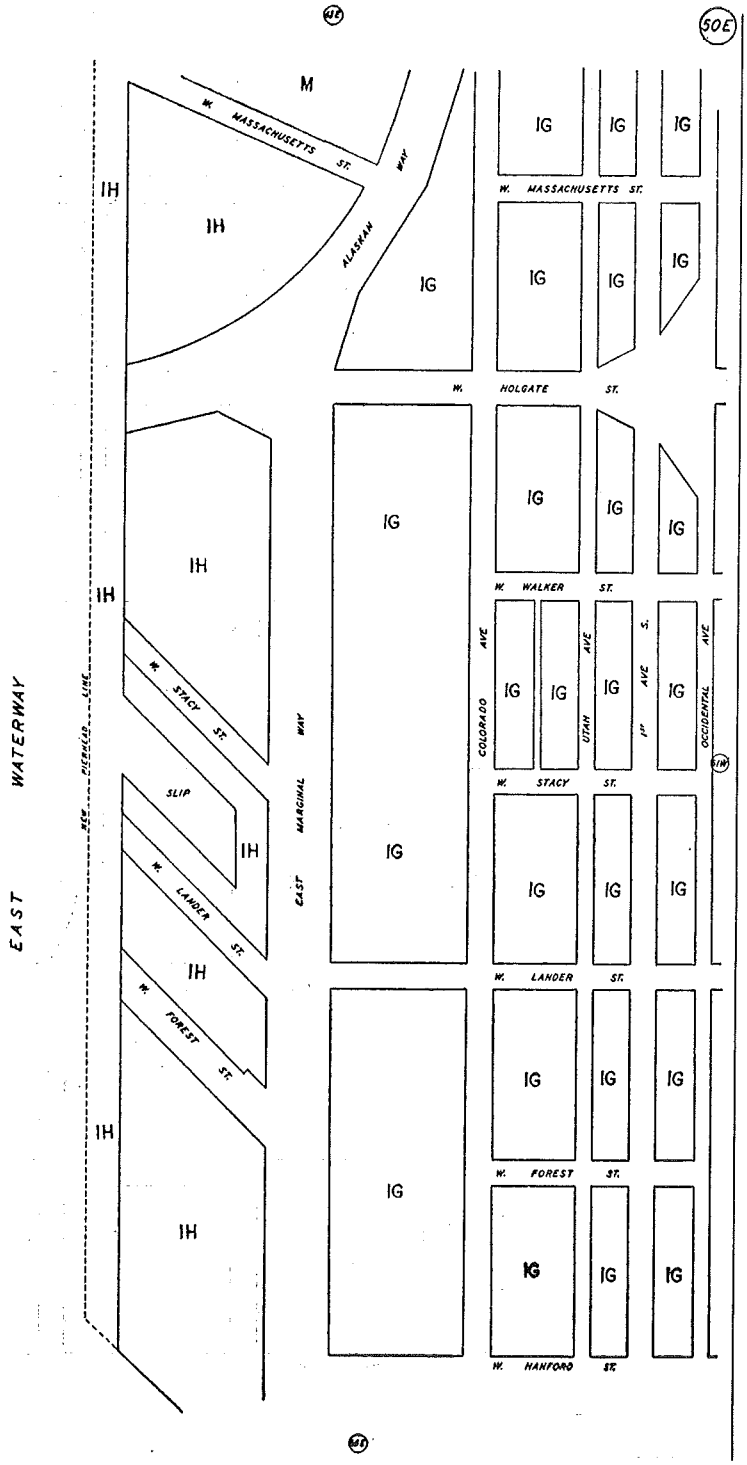

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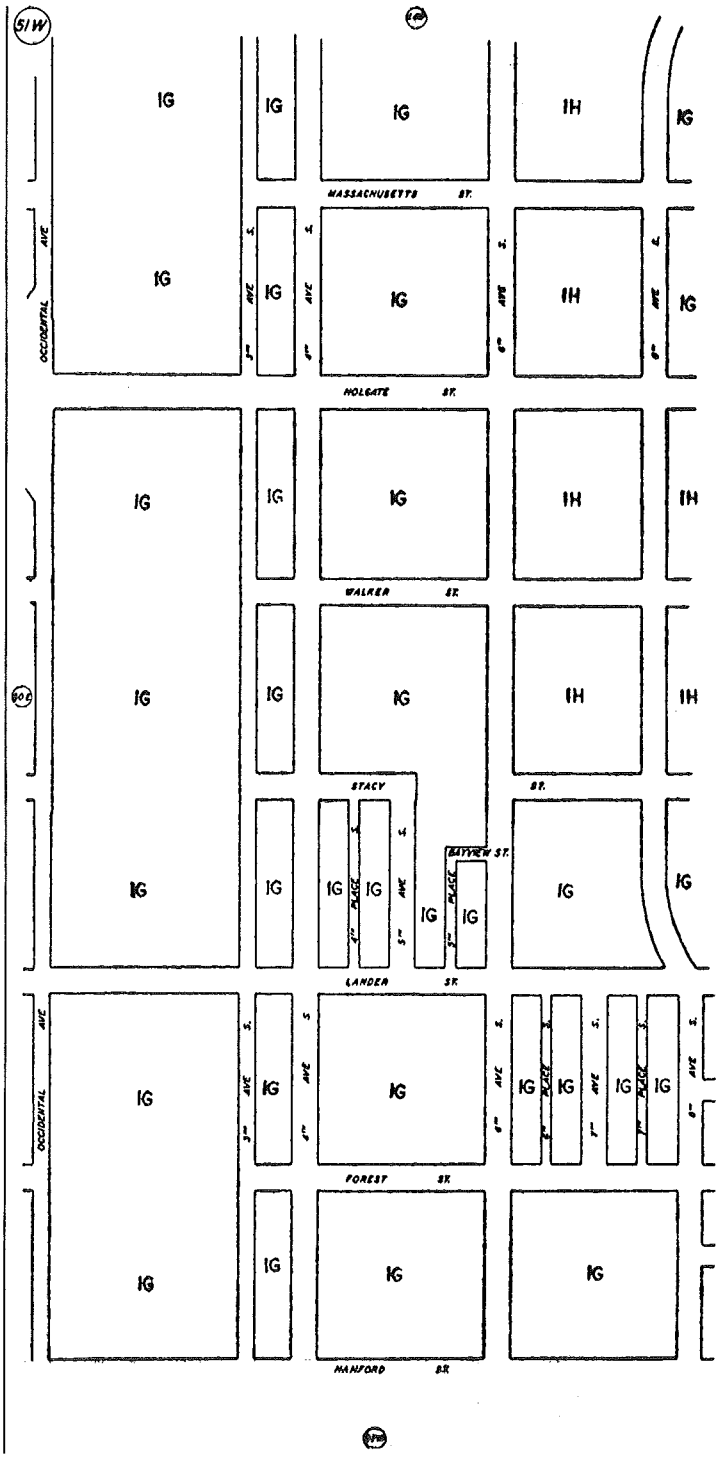

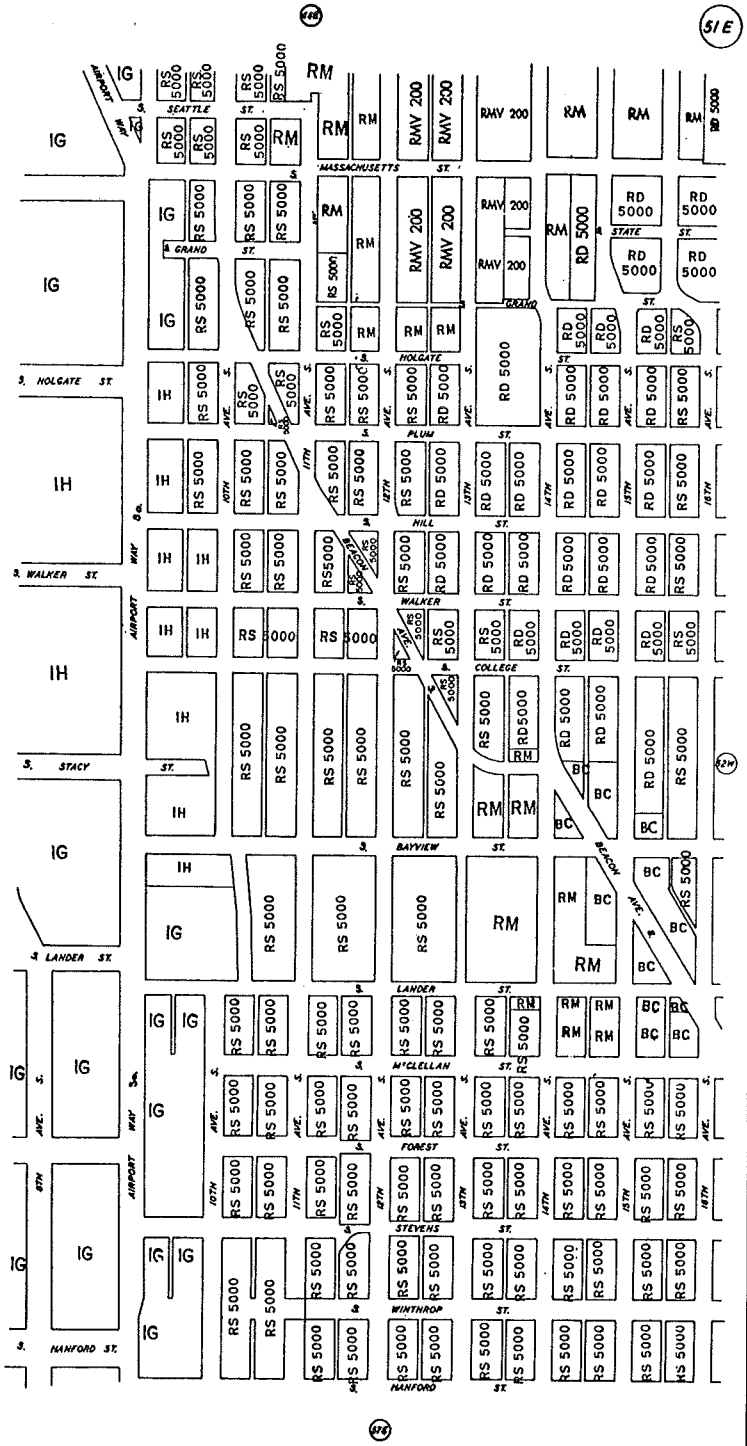

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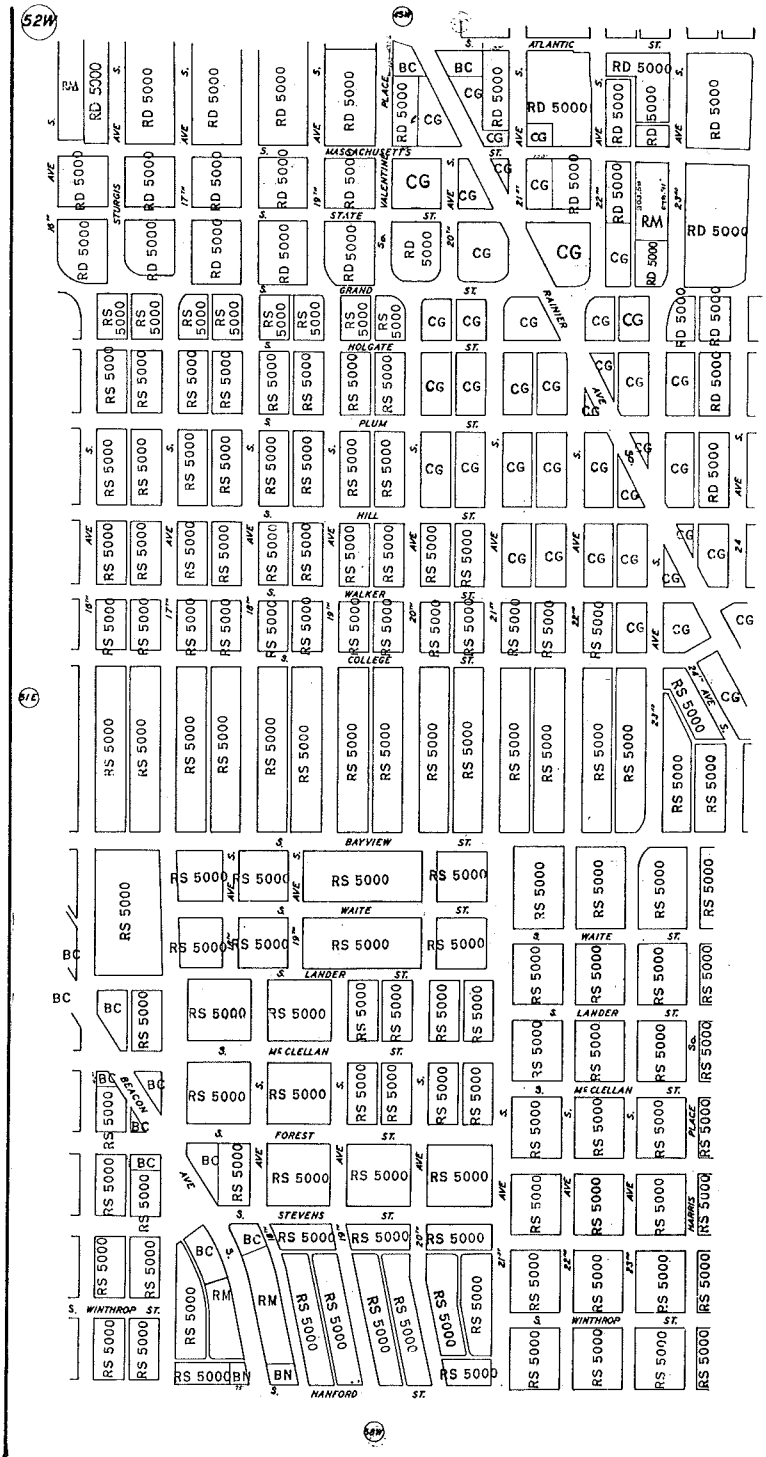

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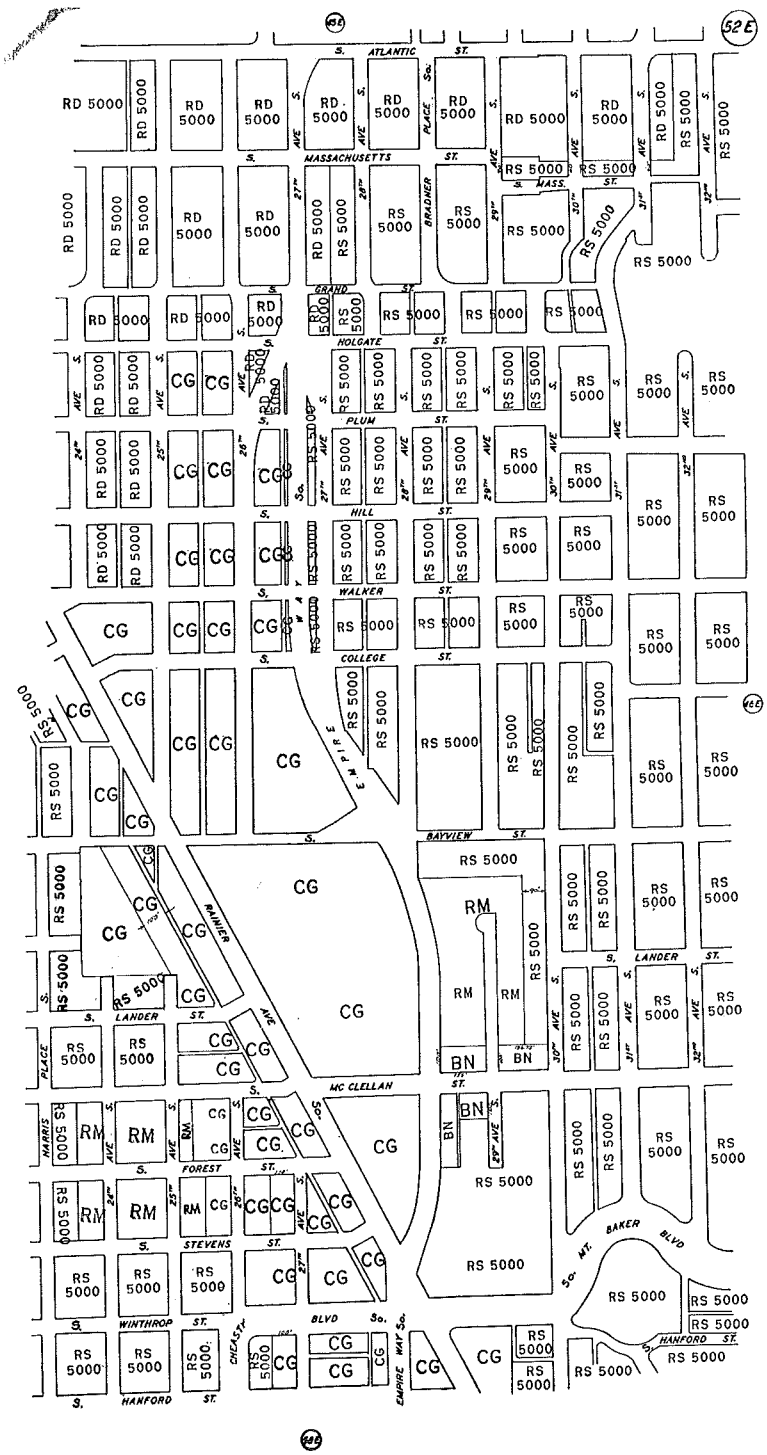

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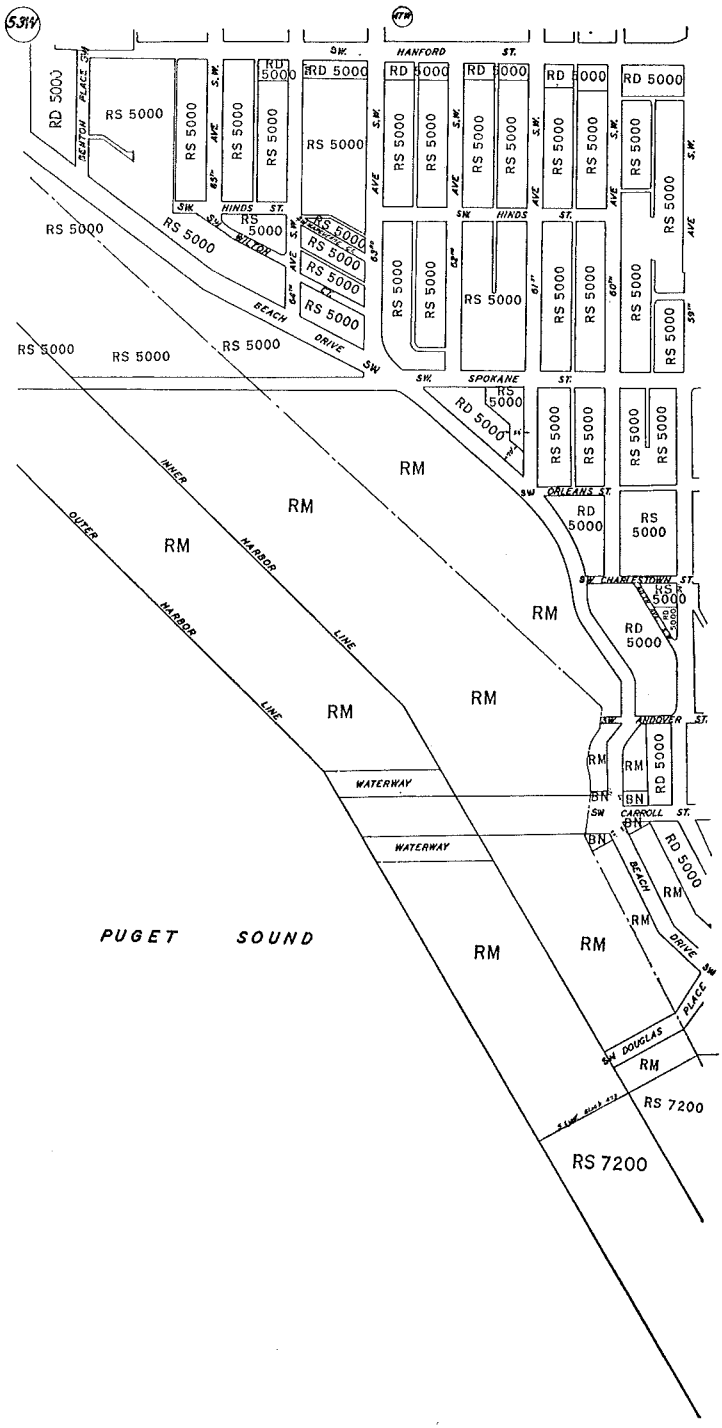

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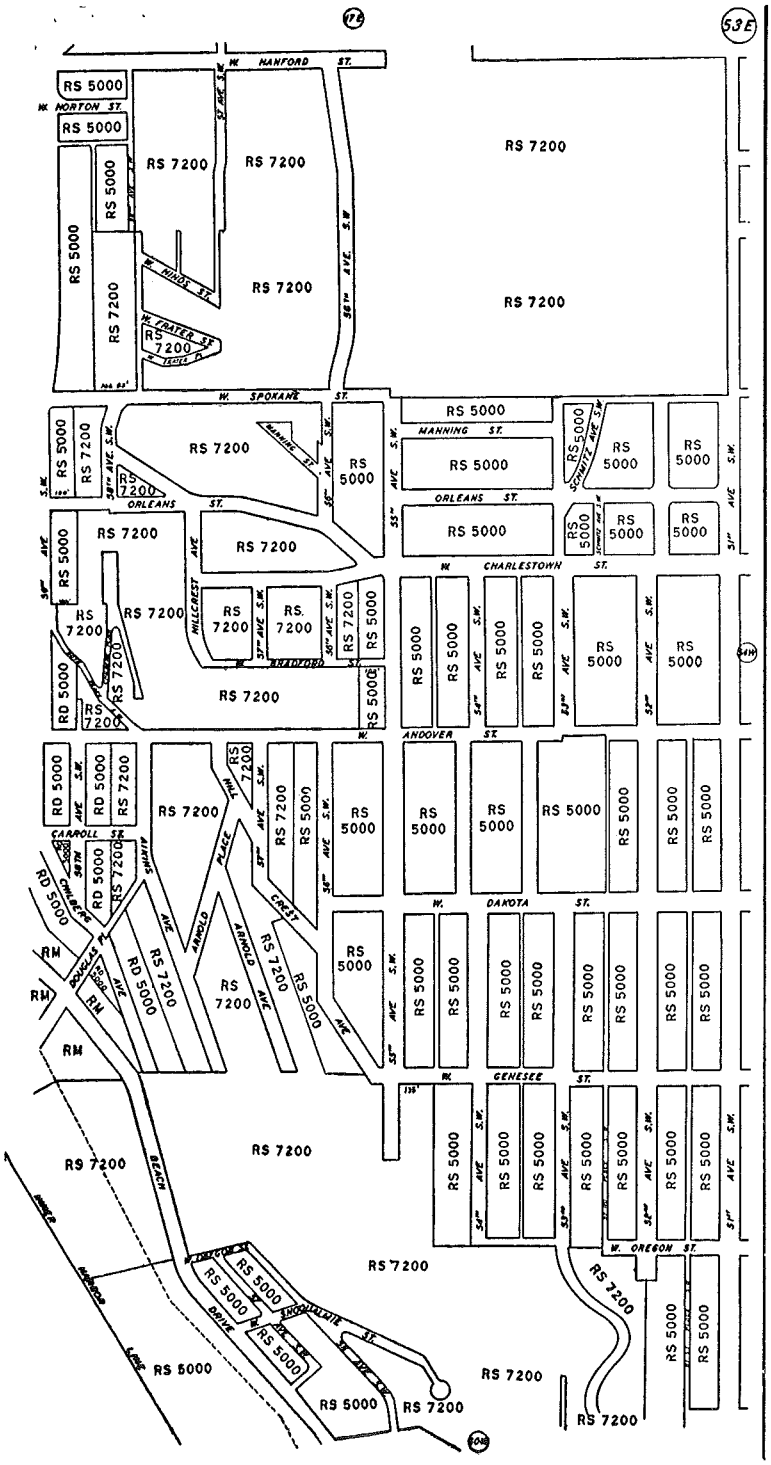

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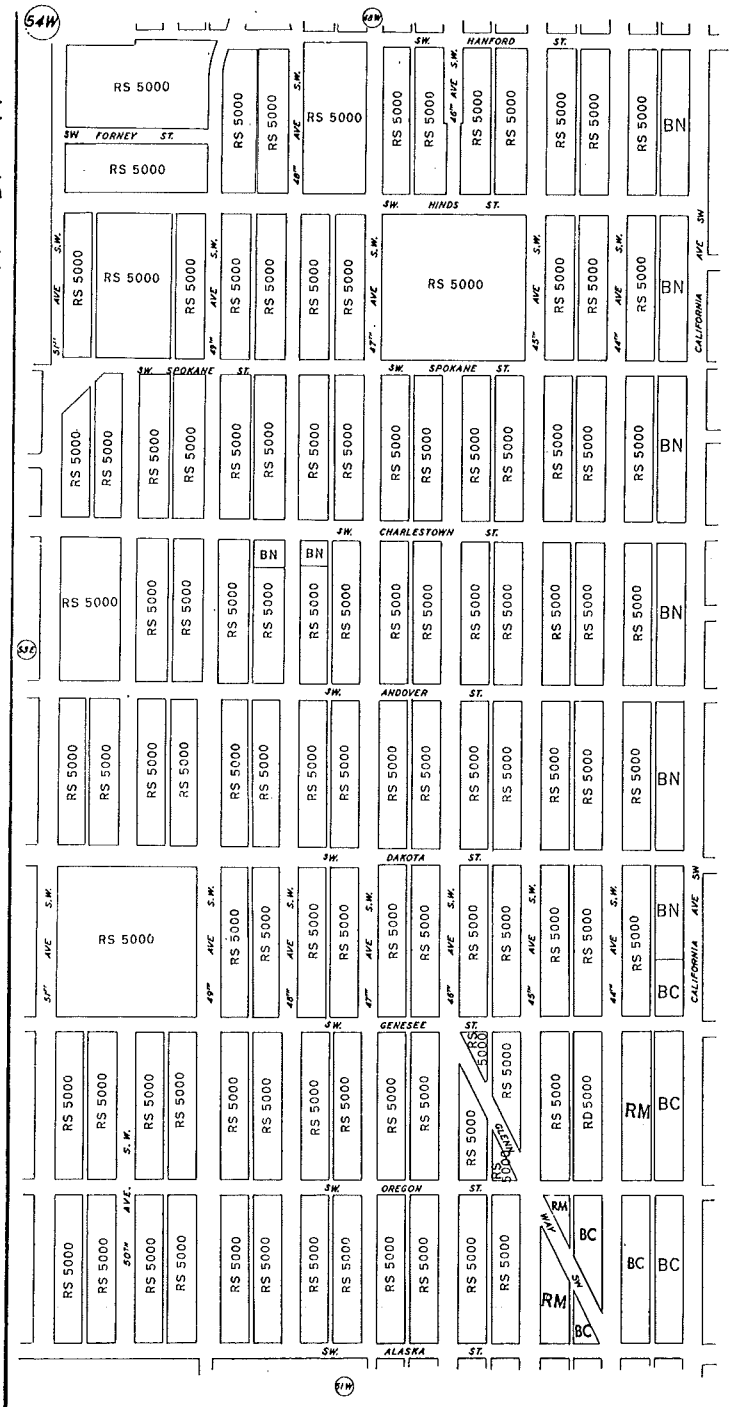

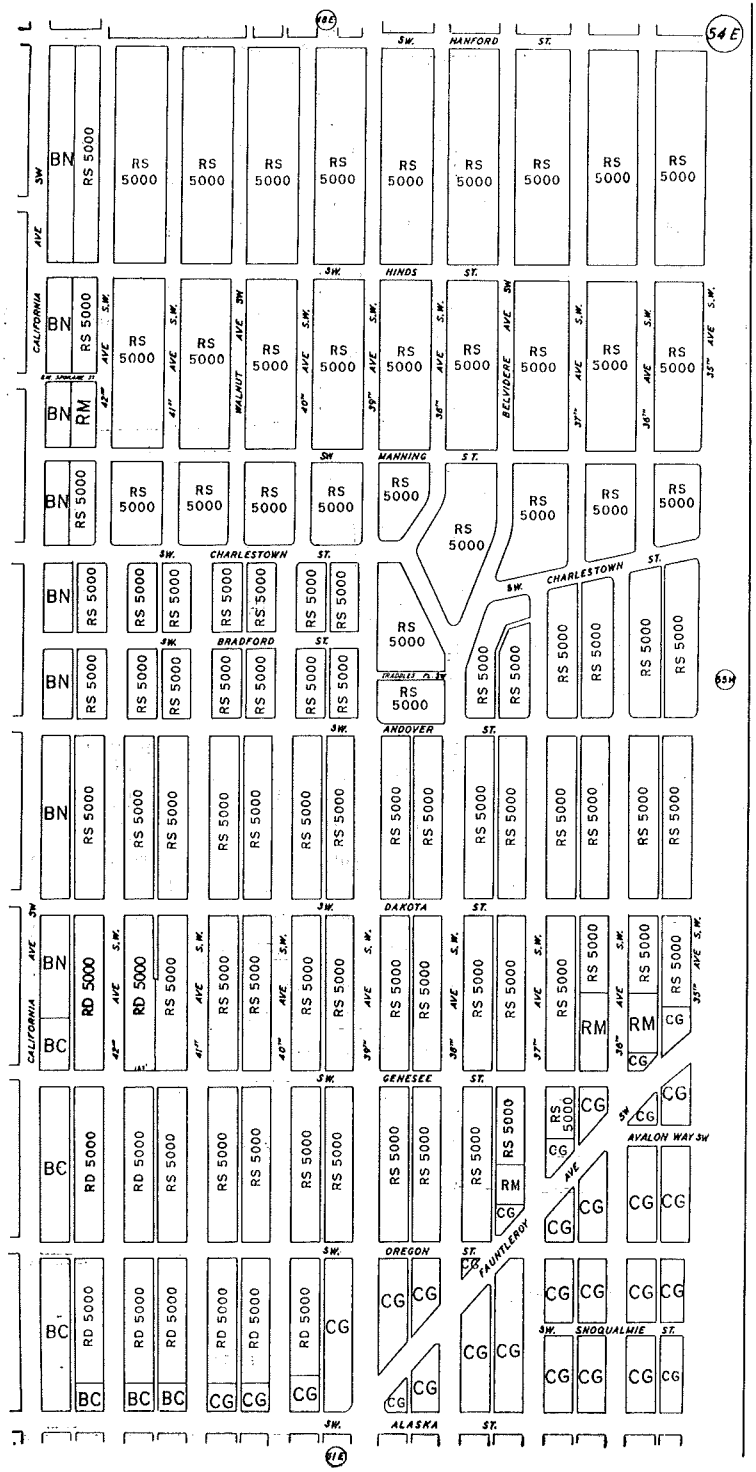

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BC—
Community Business Zone.

BM—
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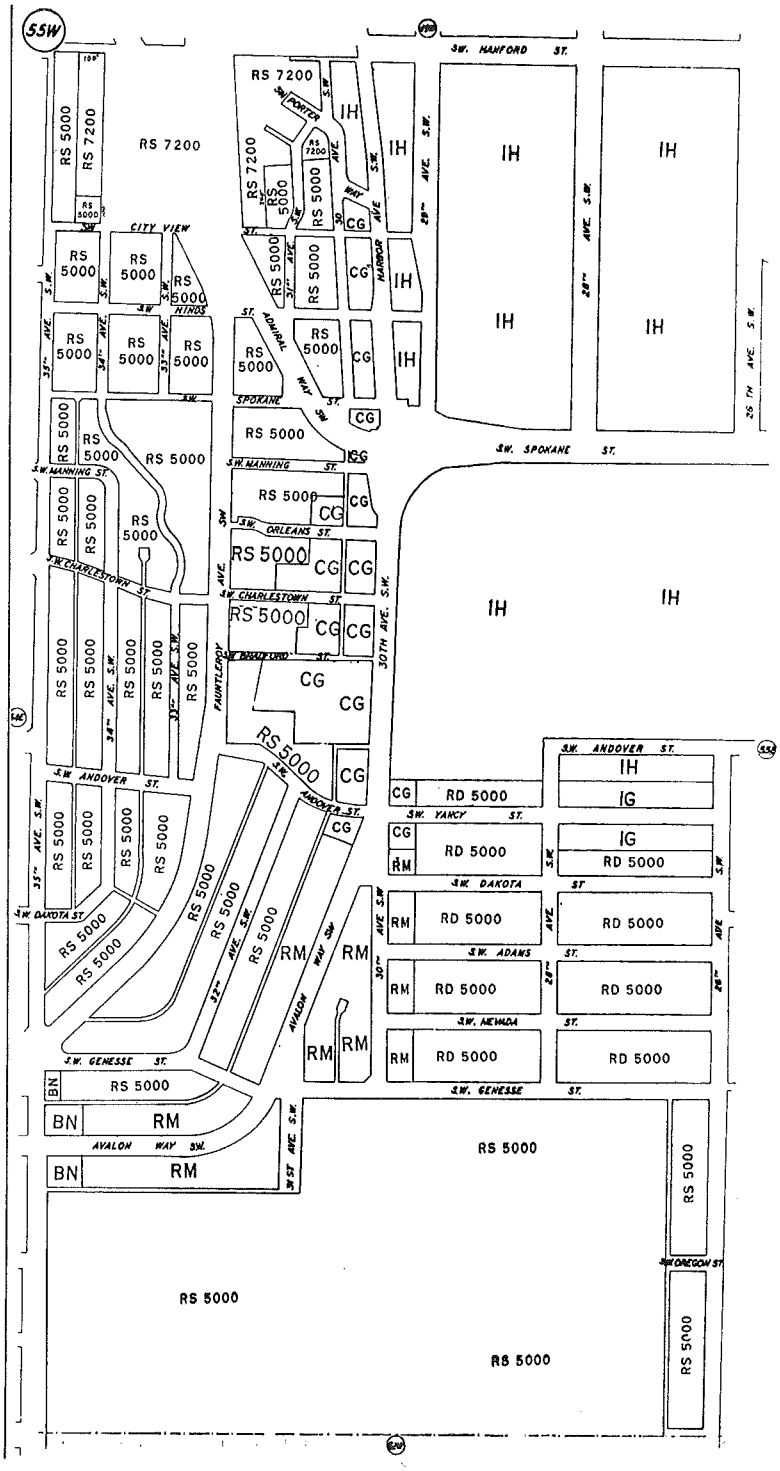
CM—
Metropolitan Commercial Zone.

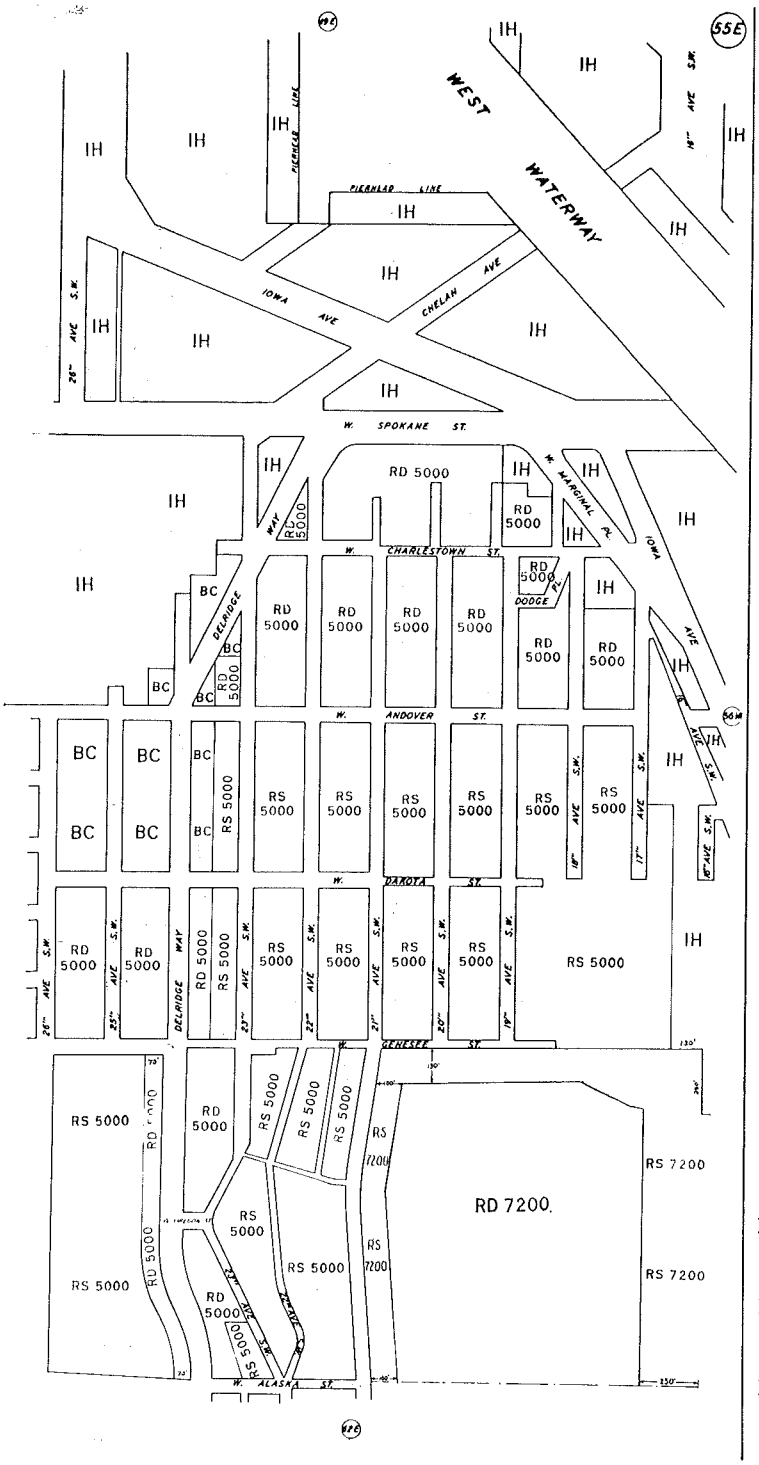
CG—
General Commercial Zone.

M—
Manufacturing Zone.

IG—
General Industrial Zone.

IH—
Heavy Industrial Zone.





LEGEND

RS 9600
Single Family Residence Low Density Zone.

RS 7200—
Single Family Residence Medium Density Zone.

RS 5000—
Single Family Residence High Density Zone.

RW—
Residence Waterfront Zone.

RD 7200—
Duplex Residence Medium Density Zone.

RD 5000—
Duplex Residence High Density Zone.

RM—
Multiple Residence Low Density Zone.

RMH—
Multiple Residence High Density Zone.

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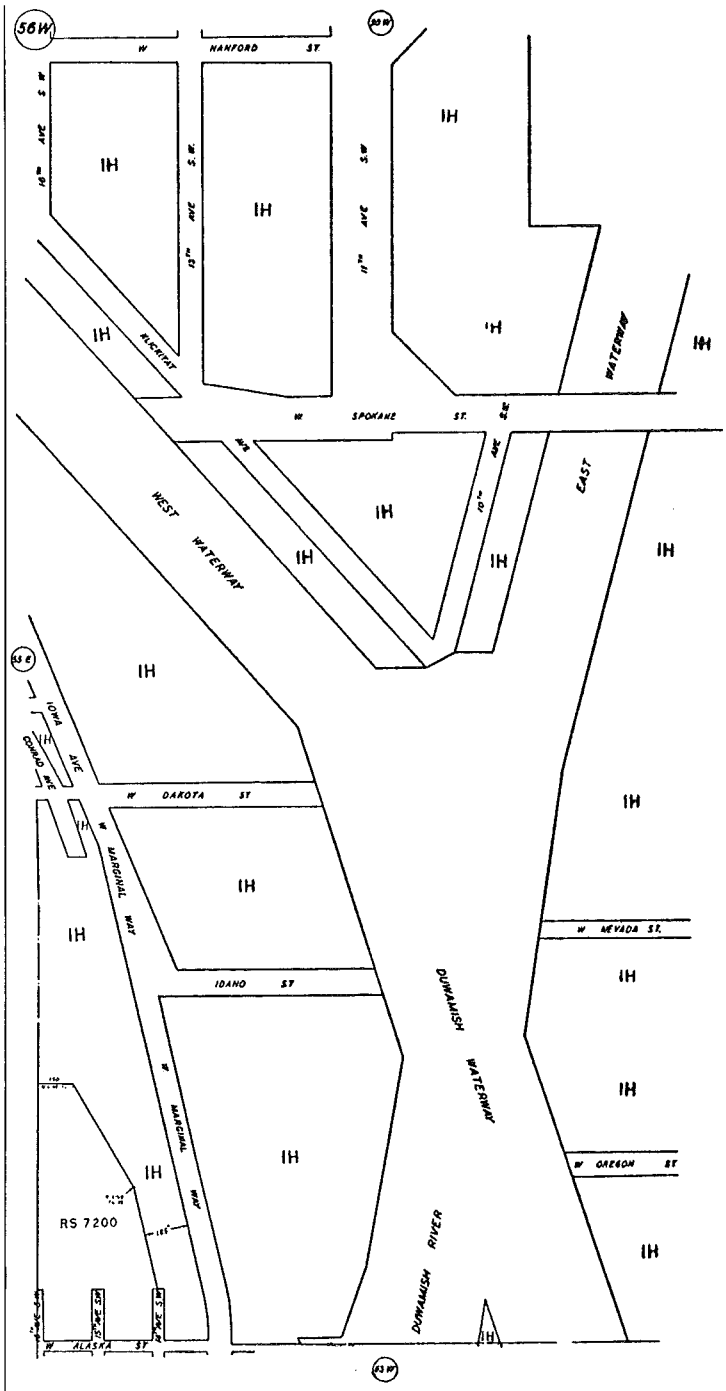

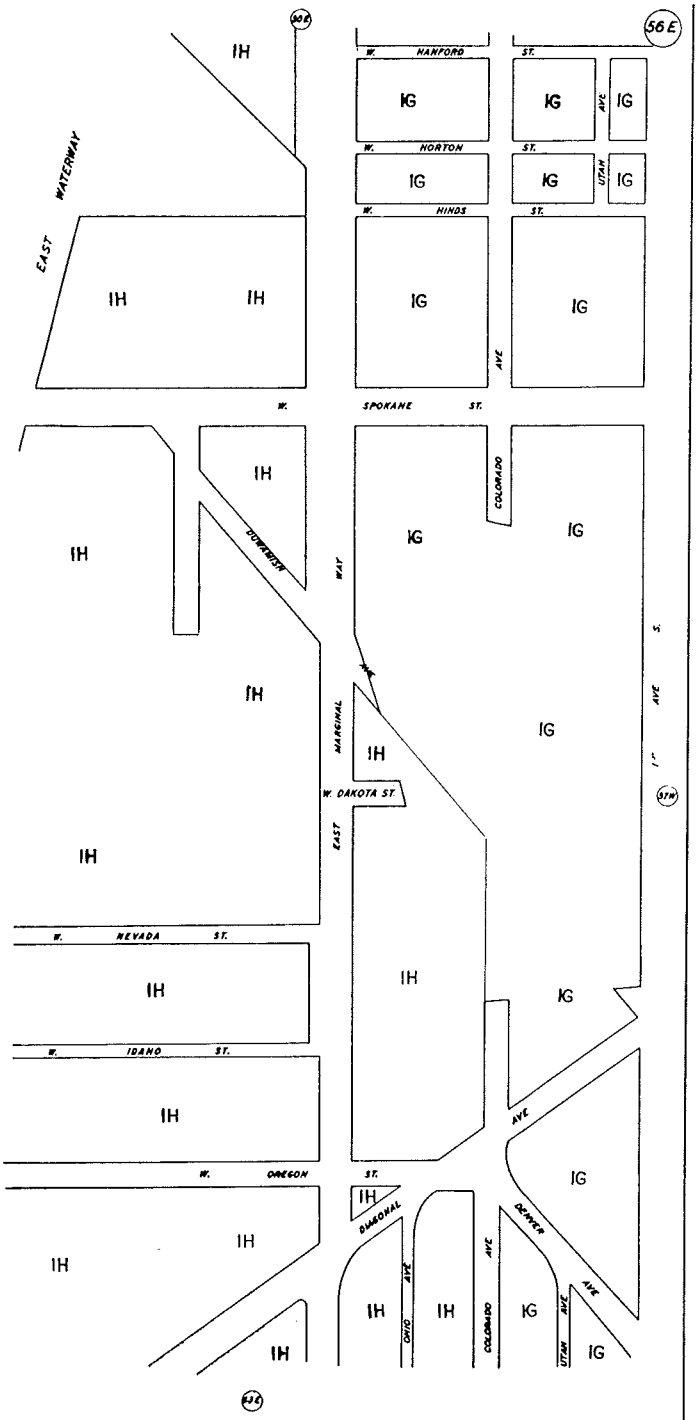

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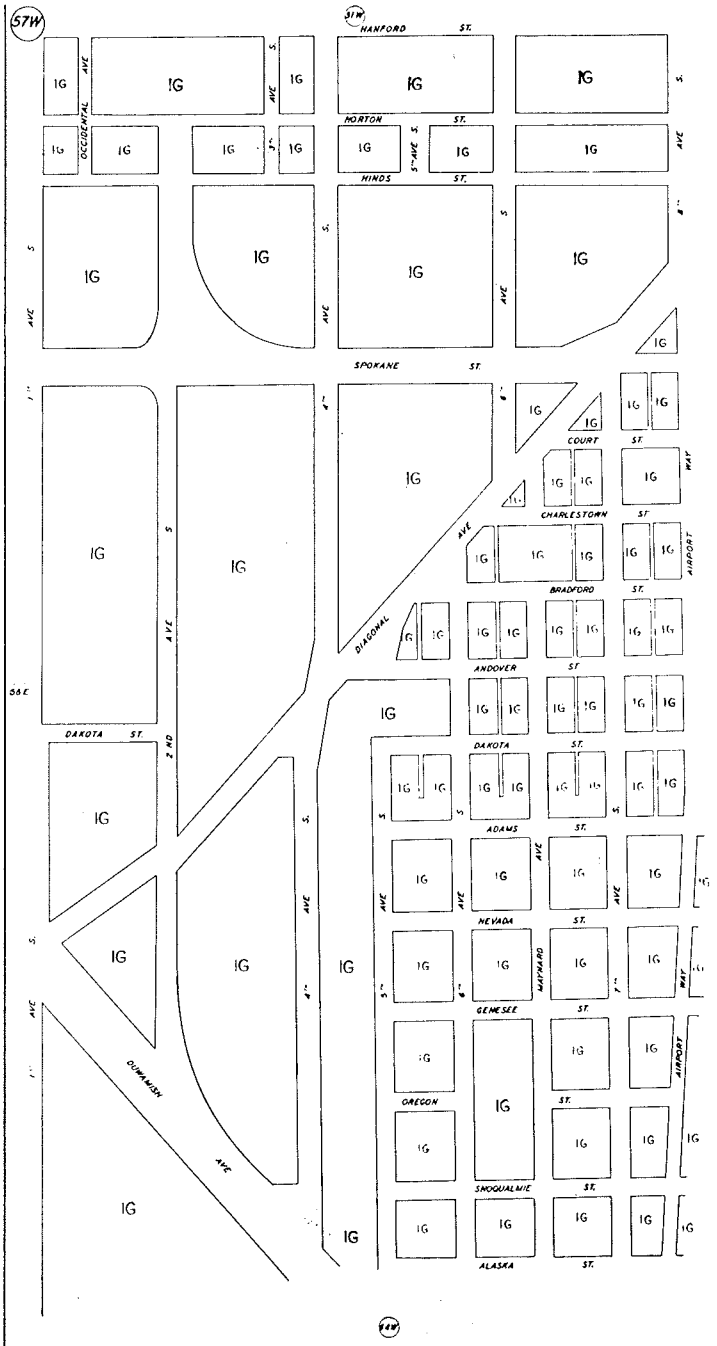

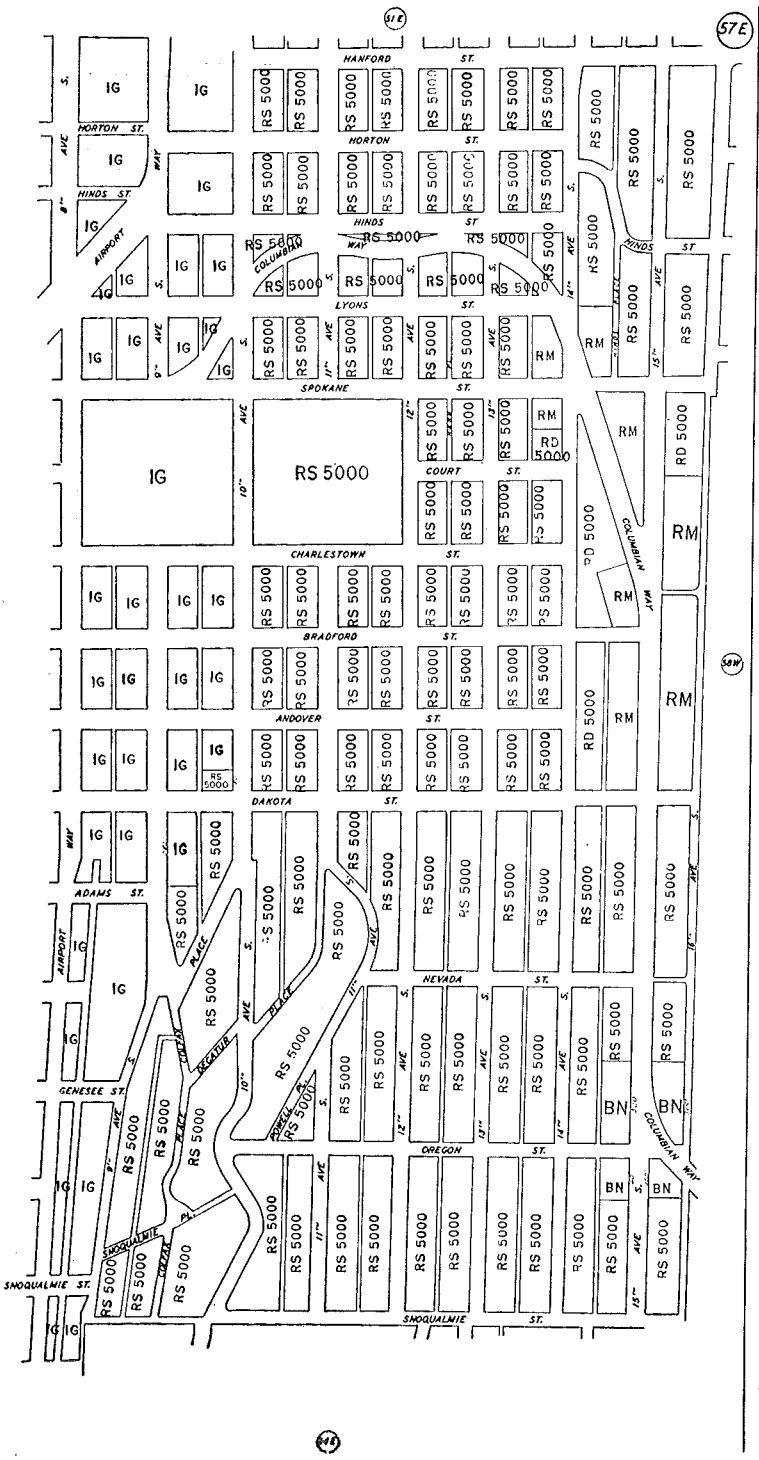

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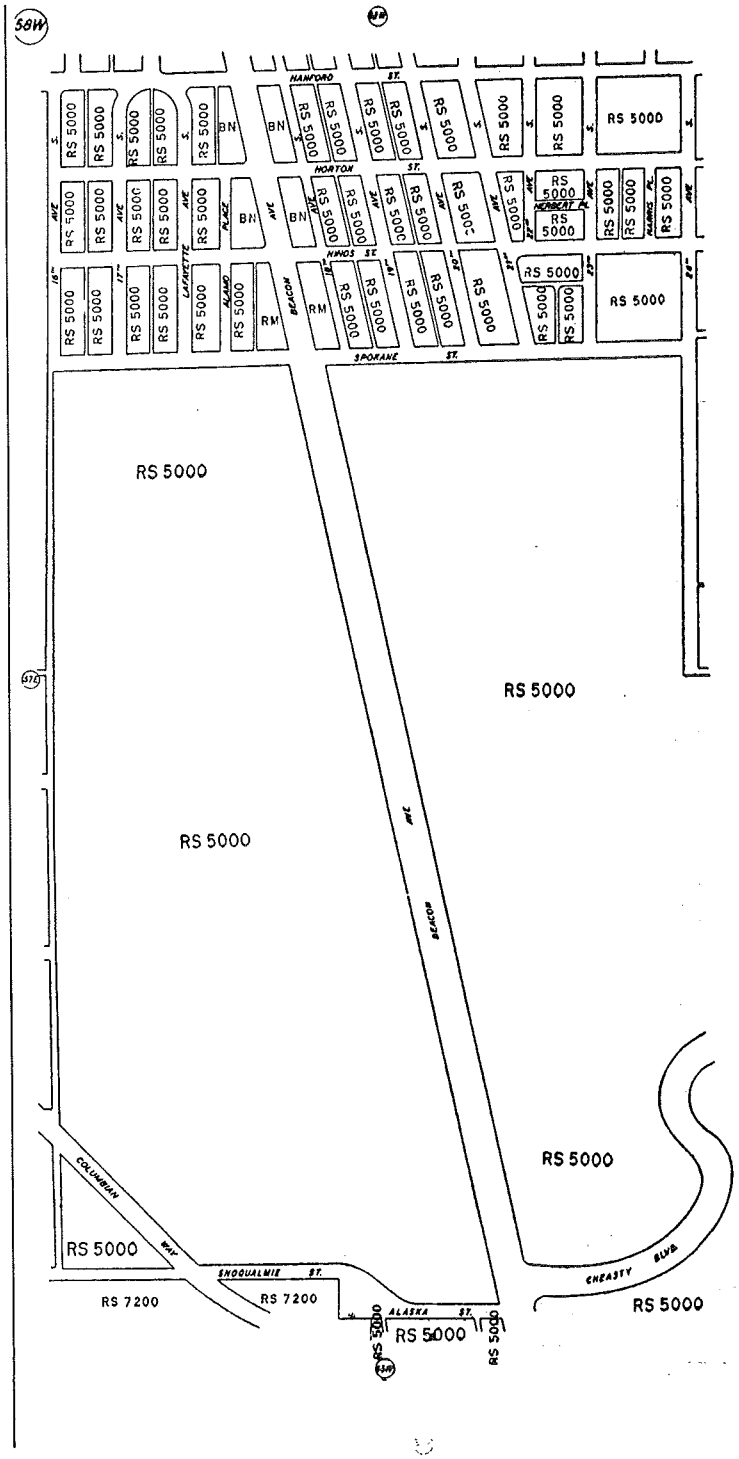

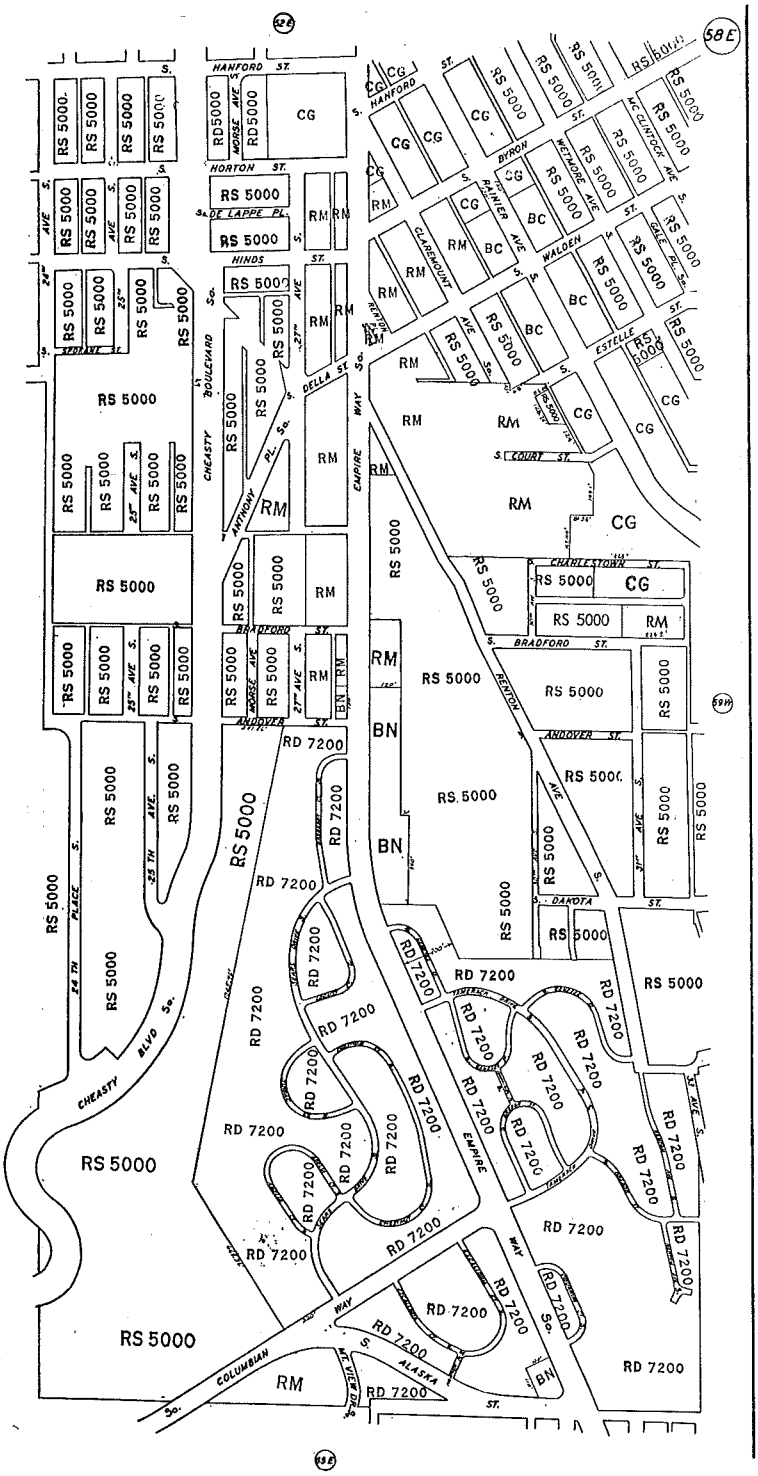

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RM— Multiple Residence Low Density Zone.

RM 1600— Multiple Residence Lowest Density Zone.

RMH— Multiple Residence High Density Zone.

RMV 200— Multiple Residence High Density Variable Height Zone.

RMV 150— Multiple Residence Highest Density Variable Height Zone.

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BI— Intermediate Business Zone.

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CMT— Metropolitan Commercial Zone Temporary.

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(SEATTLE 8-21-70)

LEGEND

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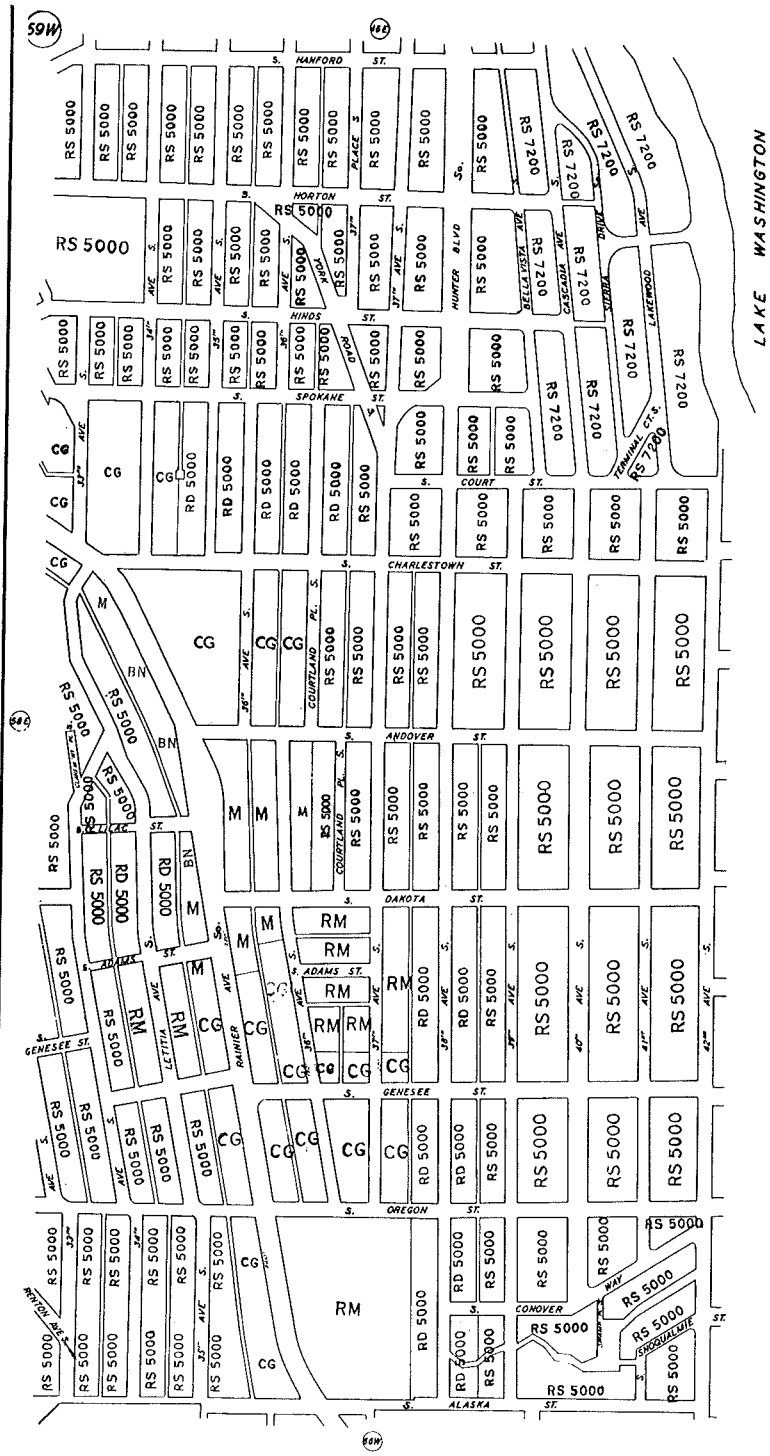

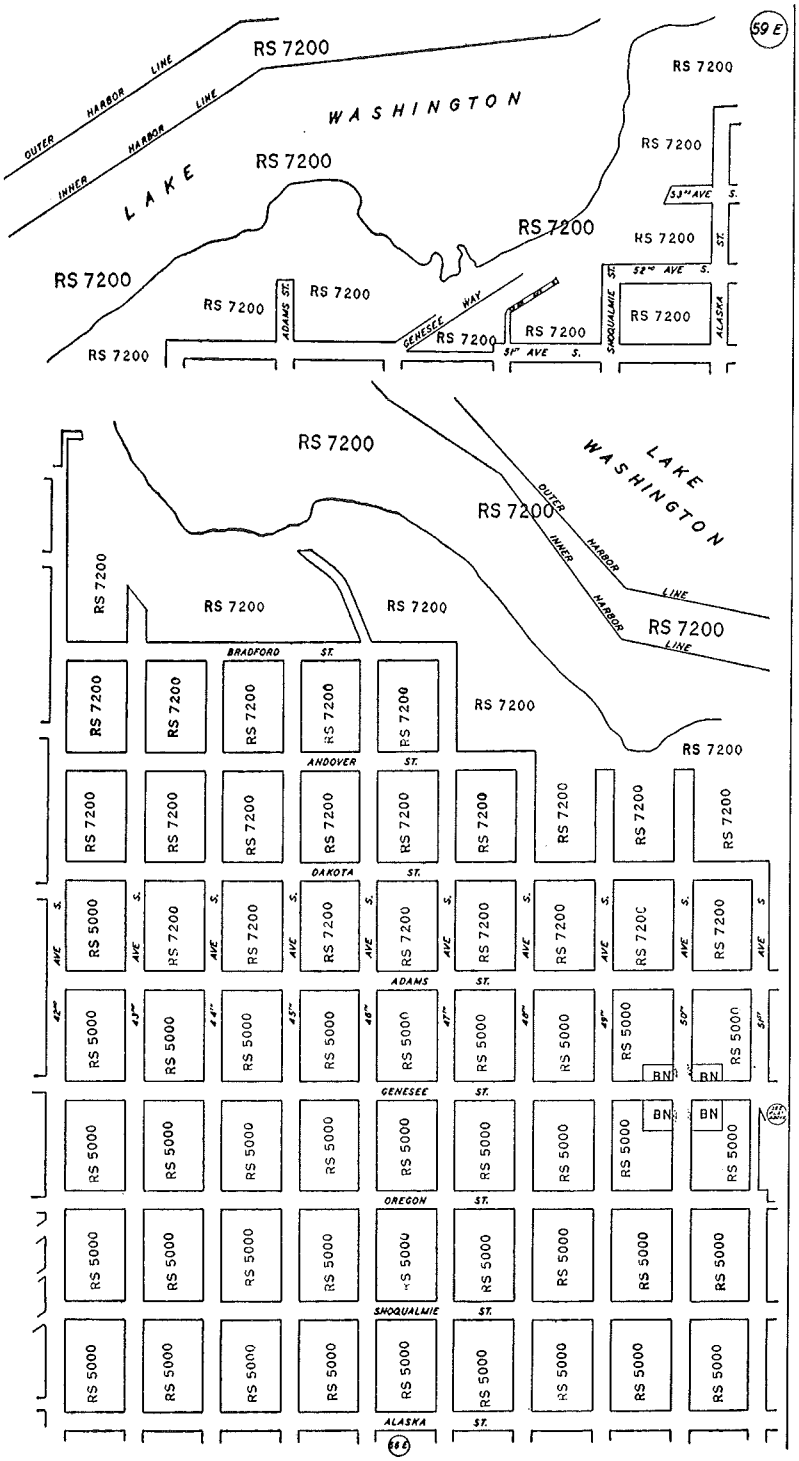

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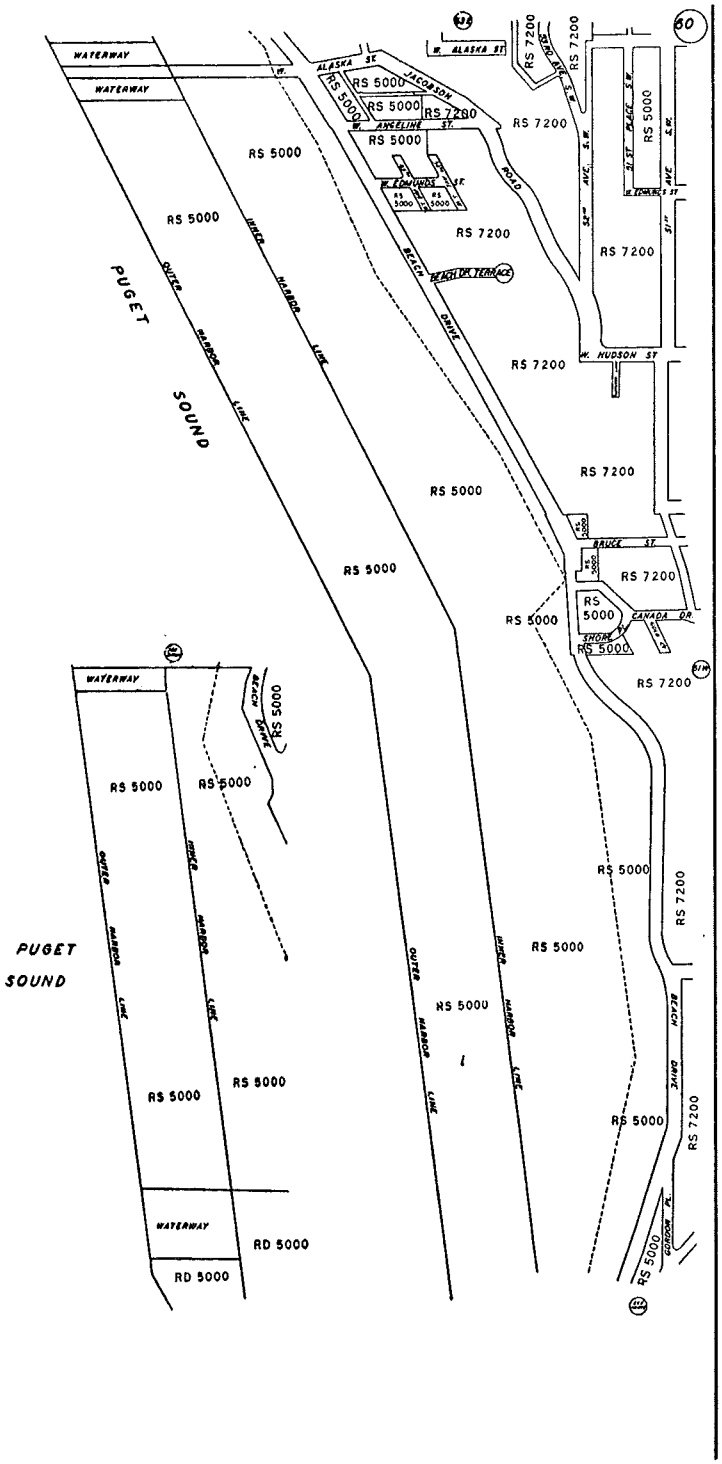

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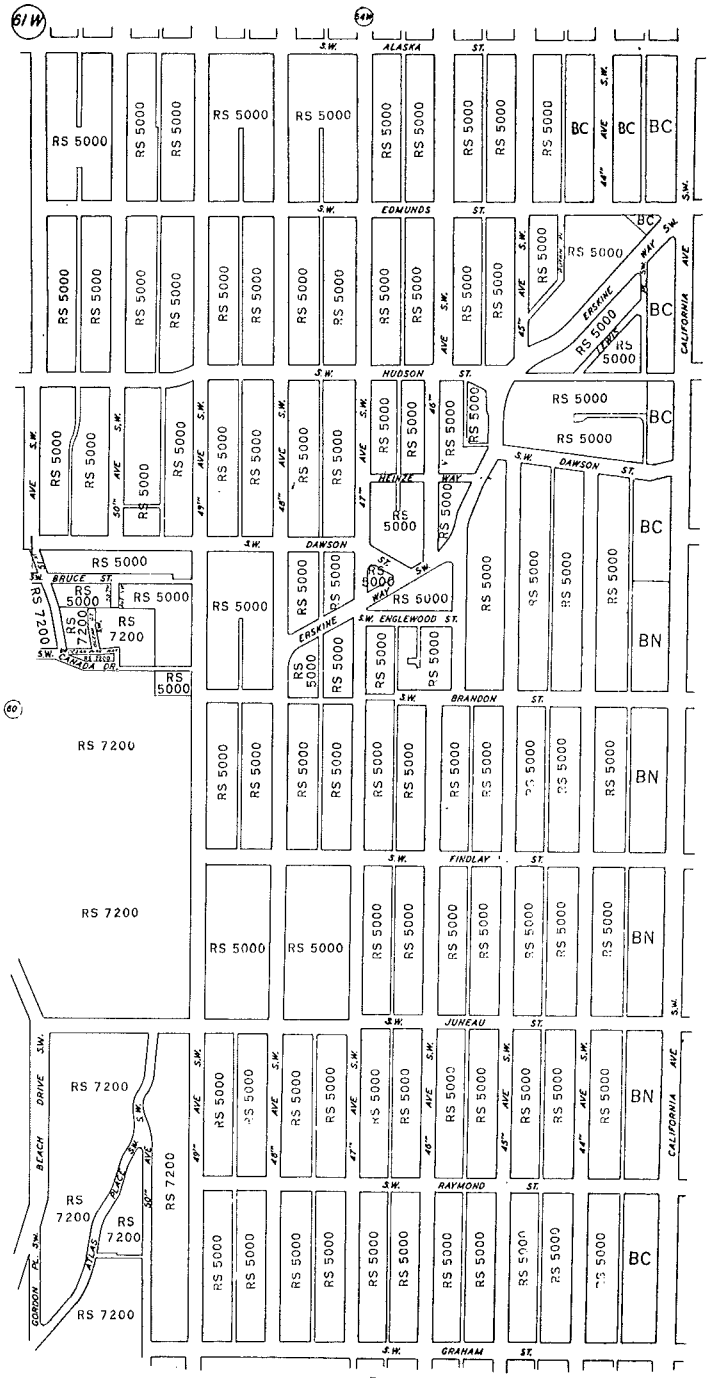

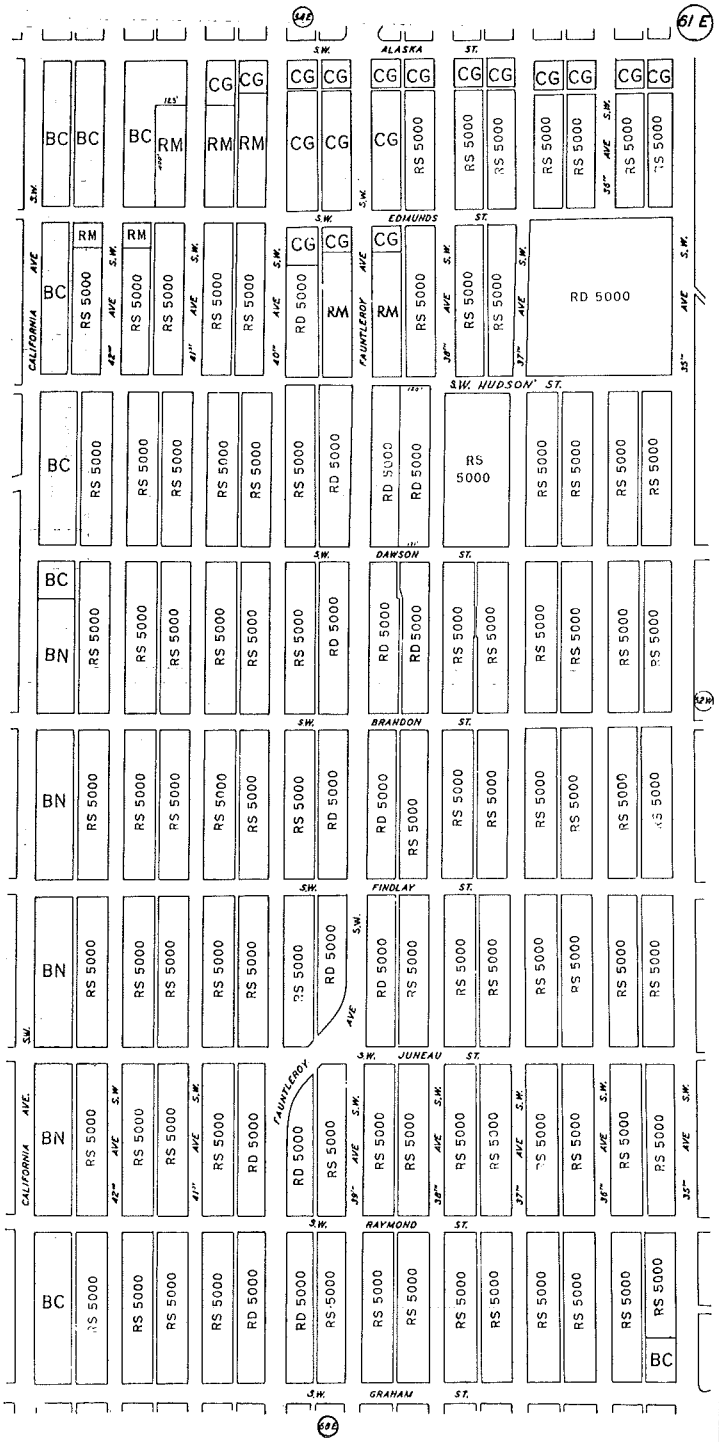

LEGEND

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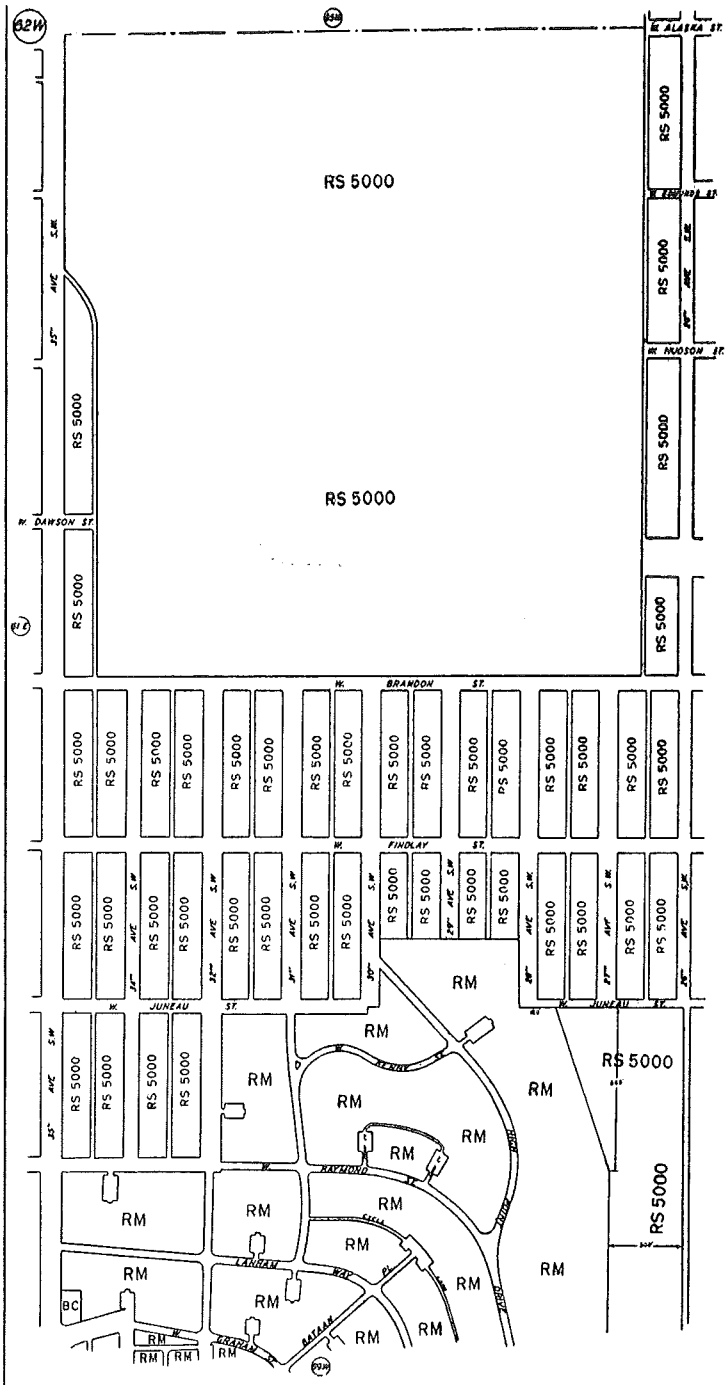

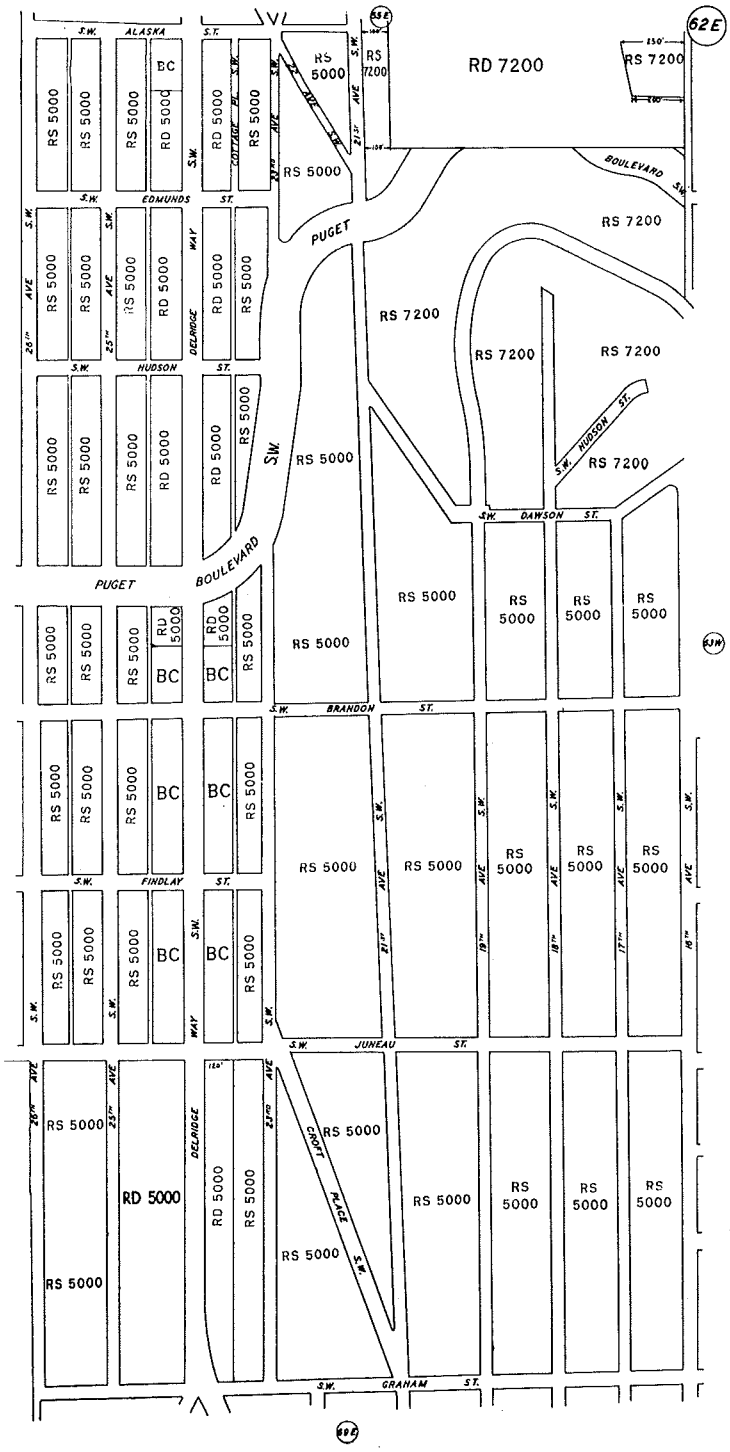

LEGEND

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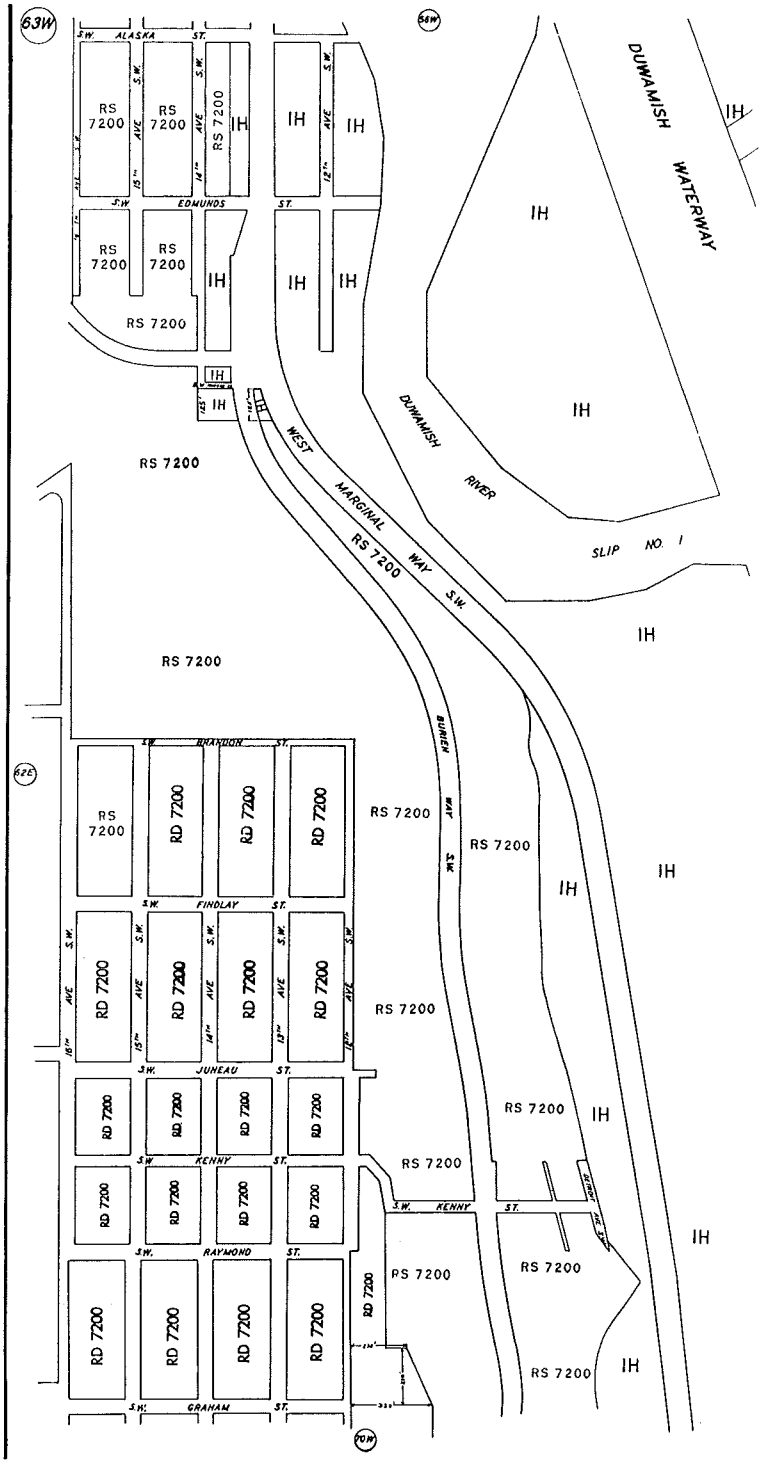

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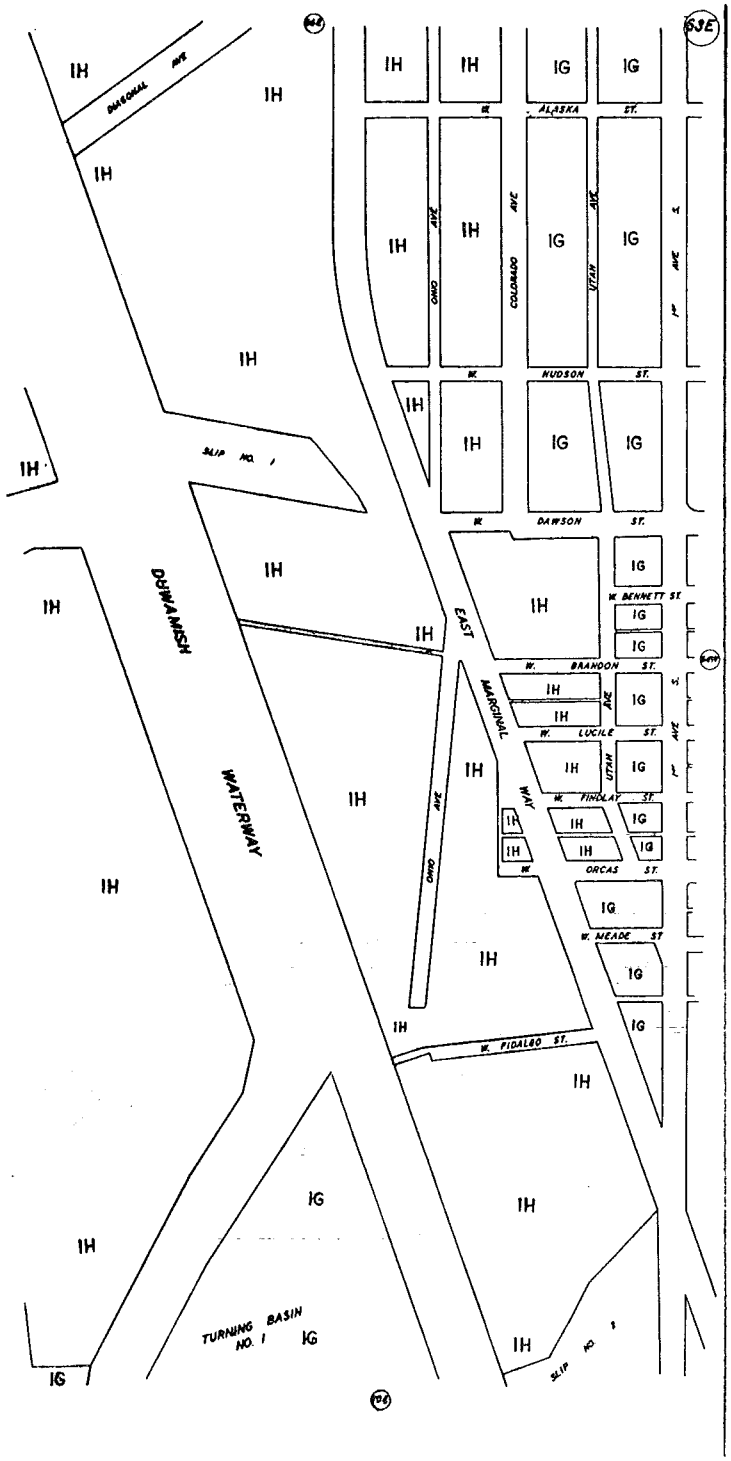

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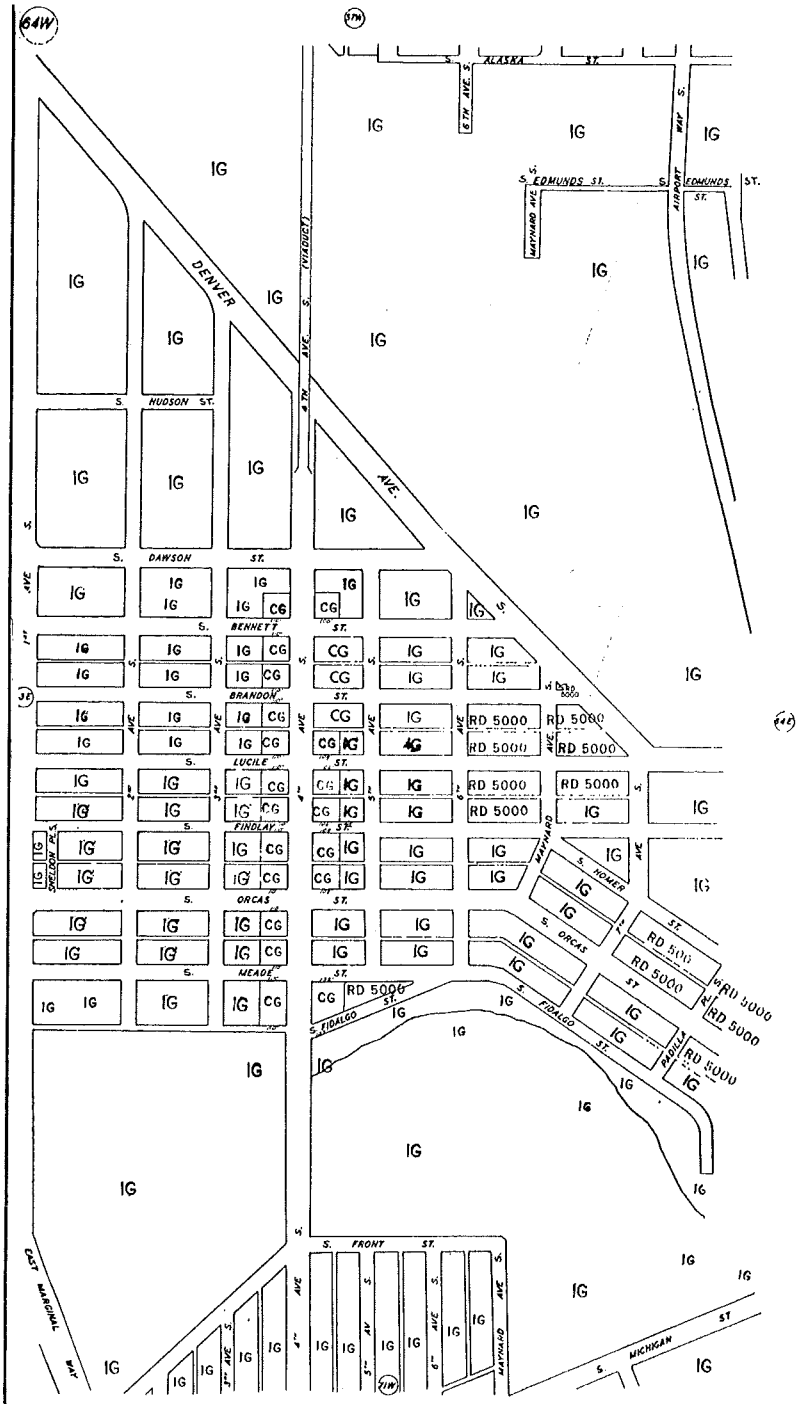

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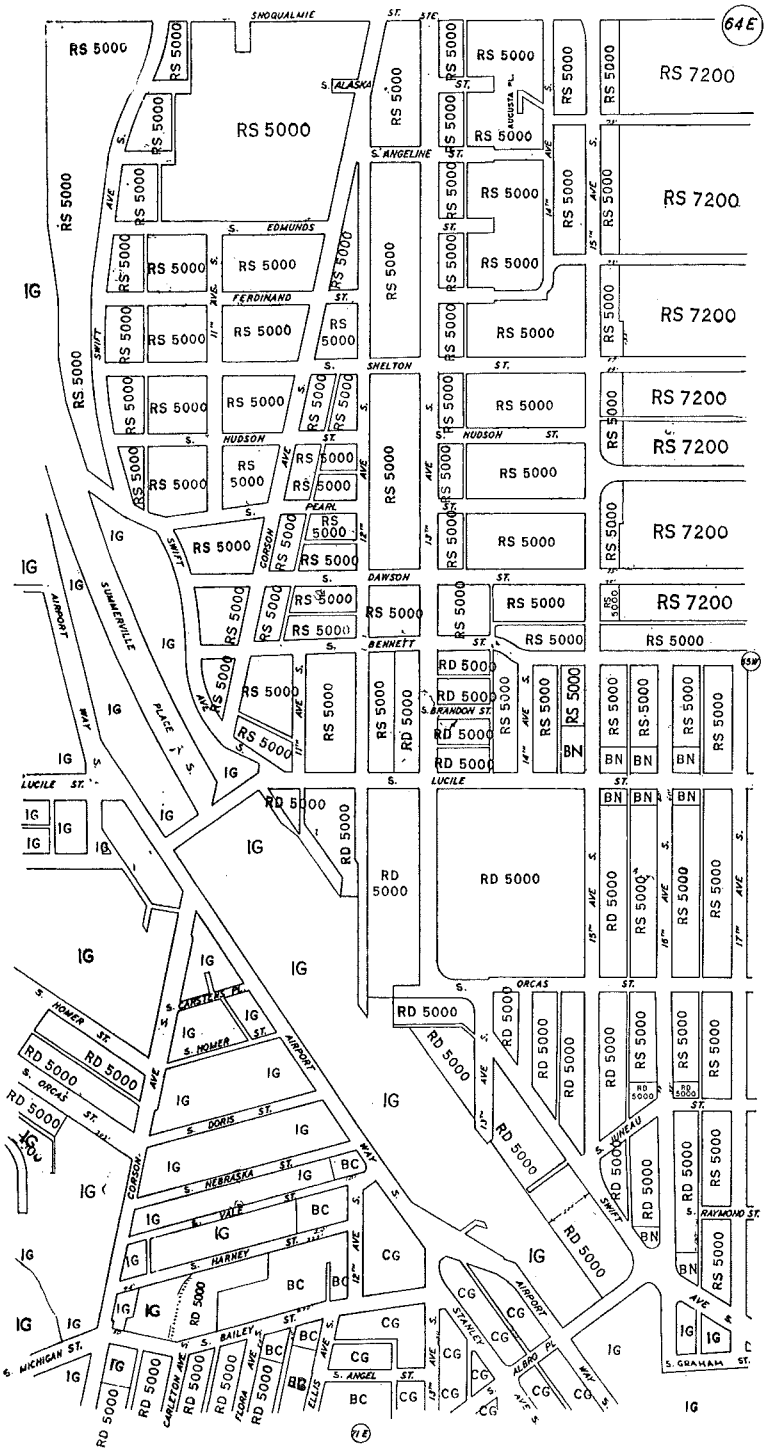

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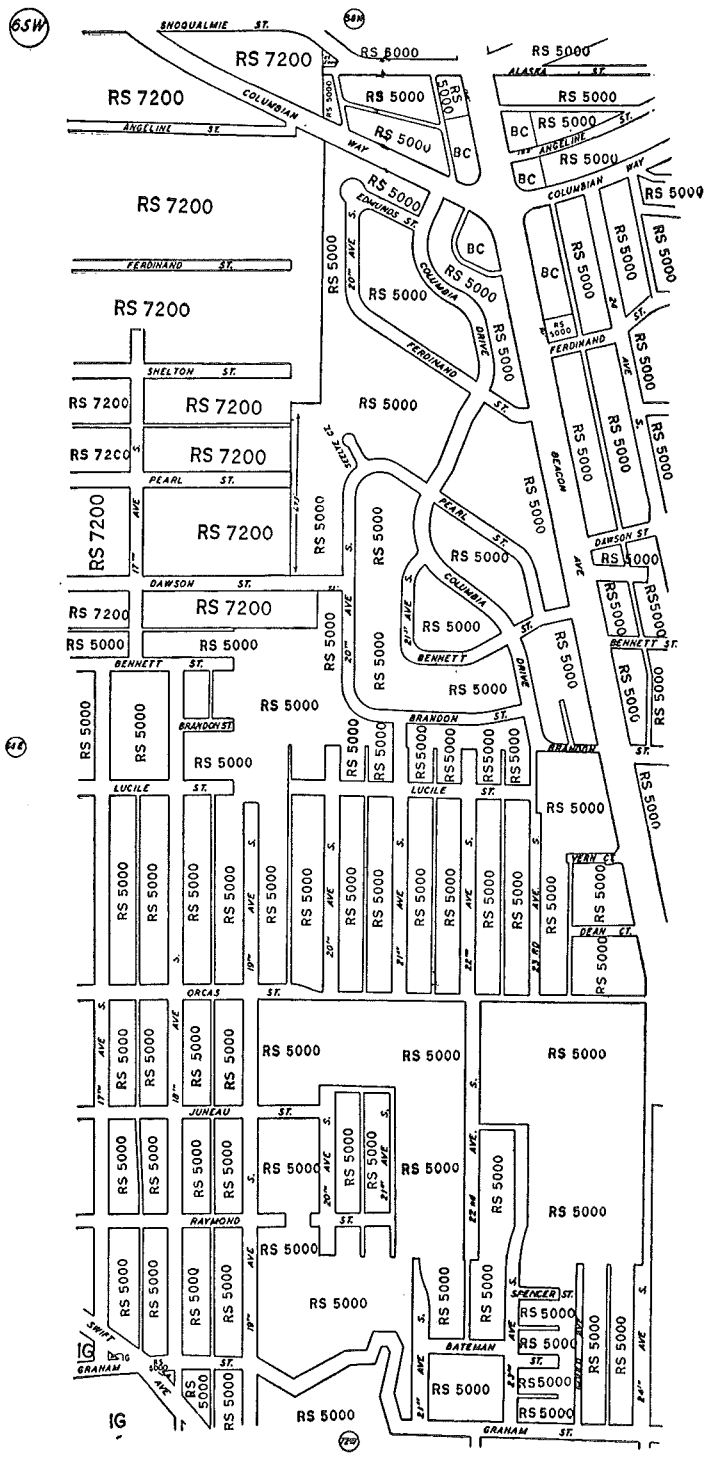

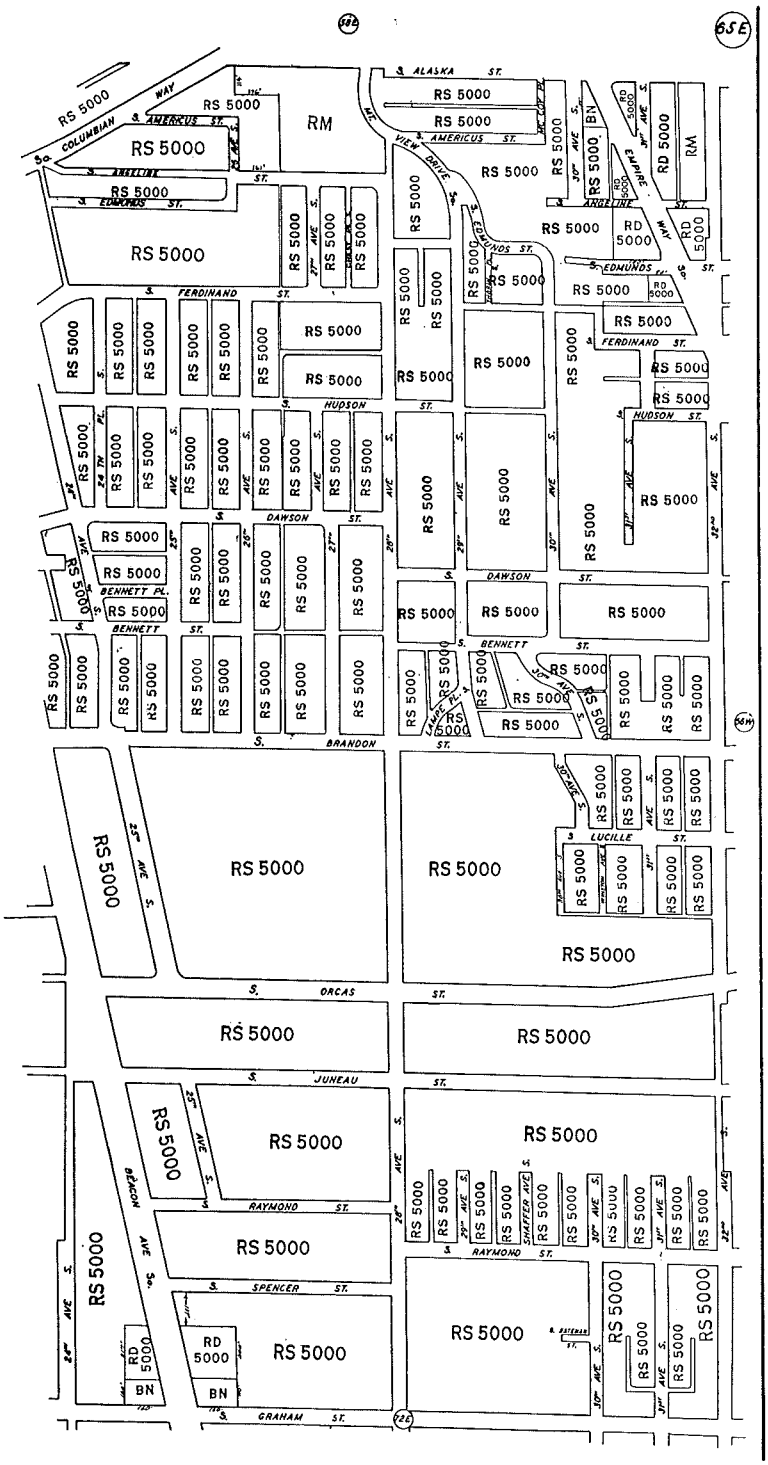

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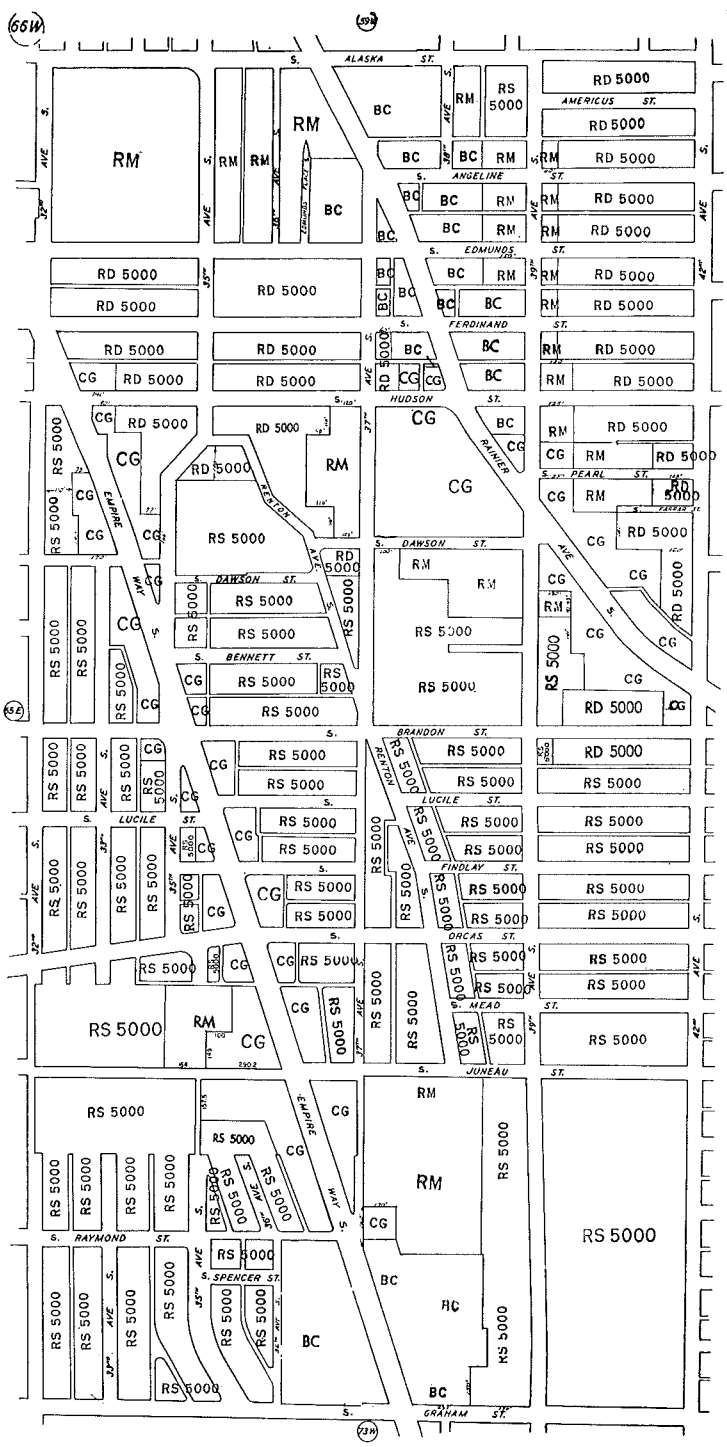

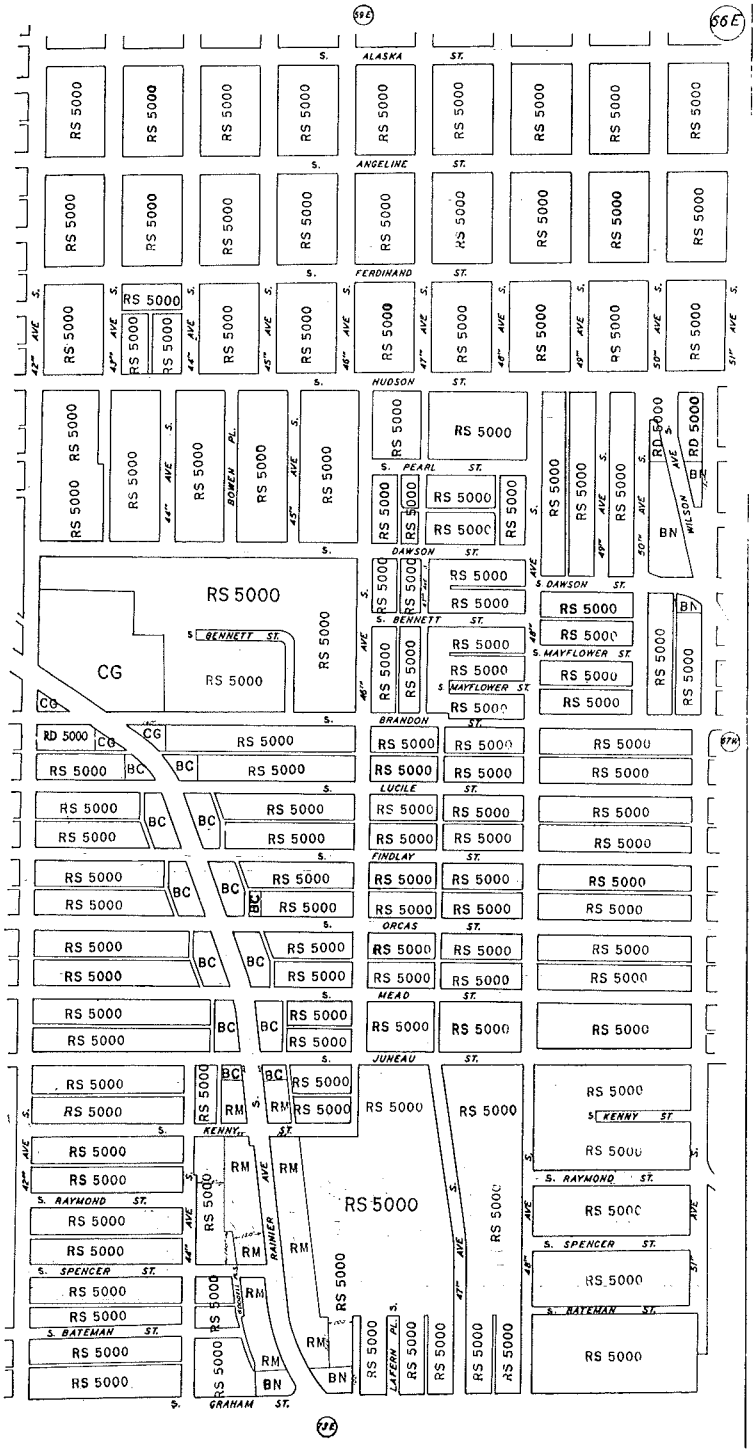

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Duplex Residence High Density Zone.

RM—
Multiple Residence Low Density Zone.

RMH—
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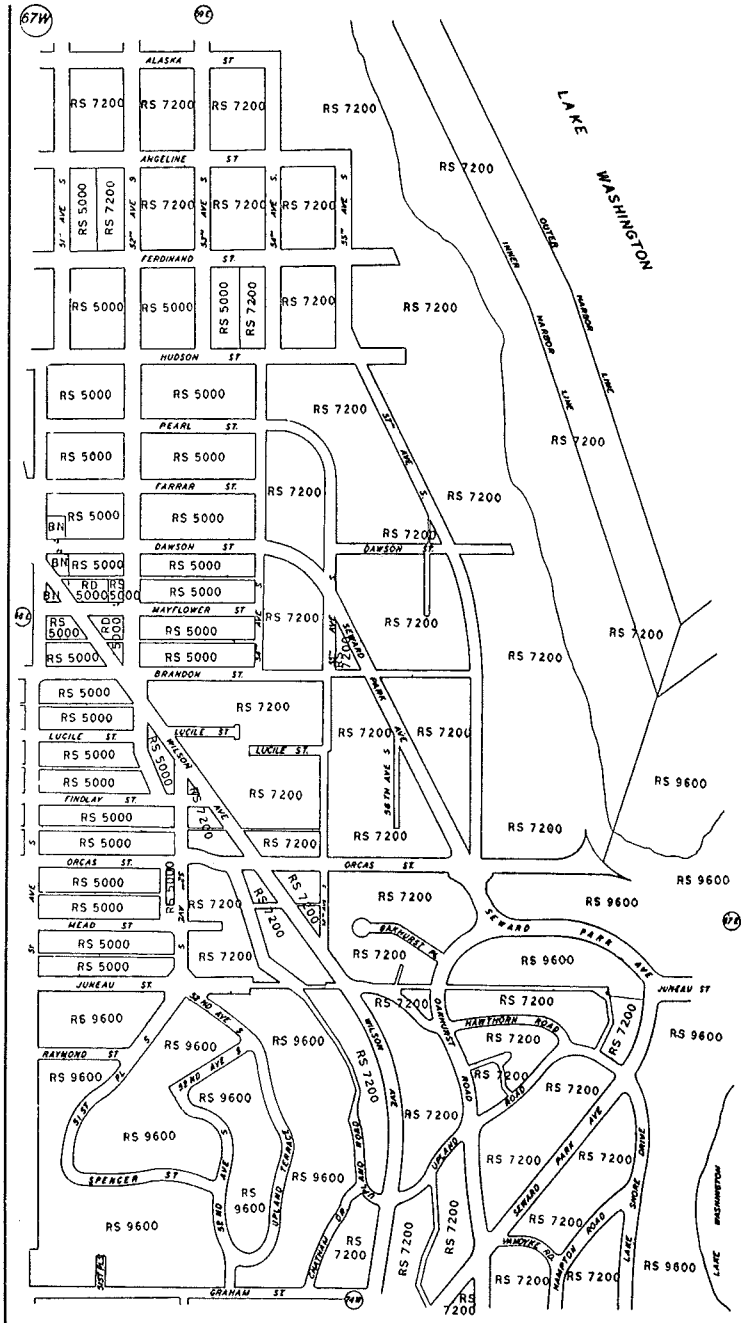

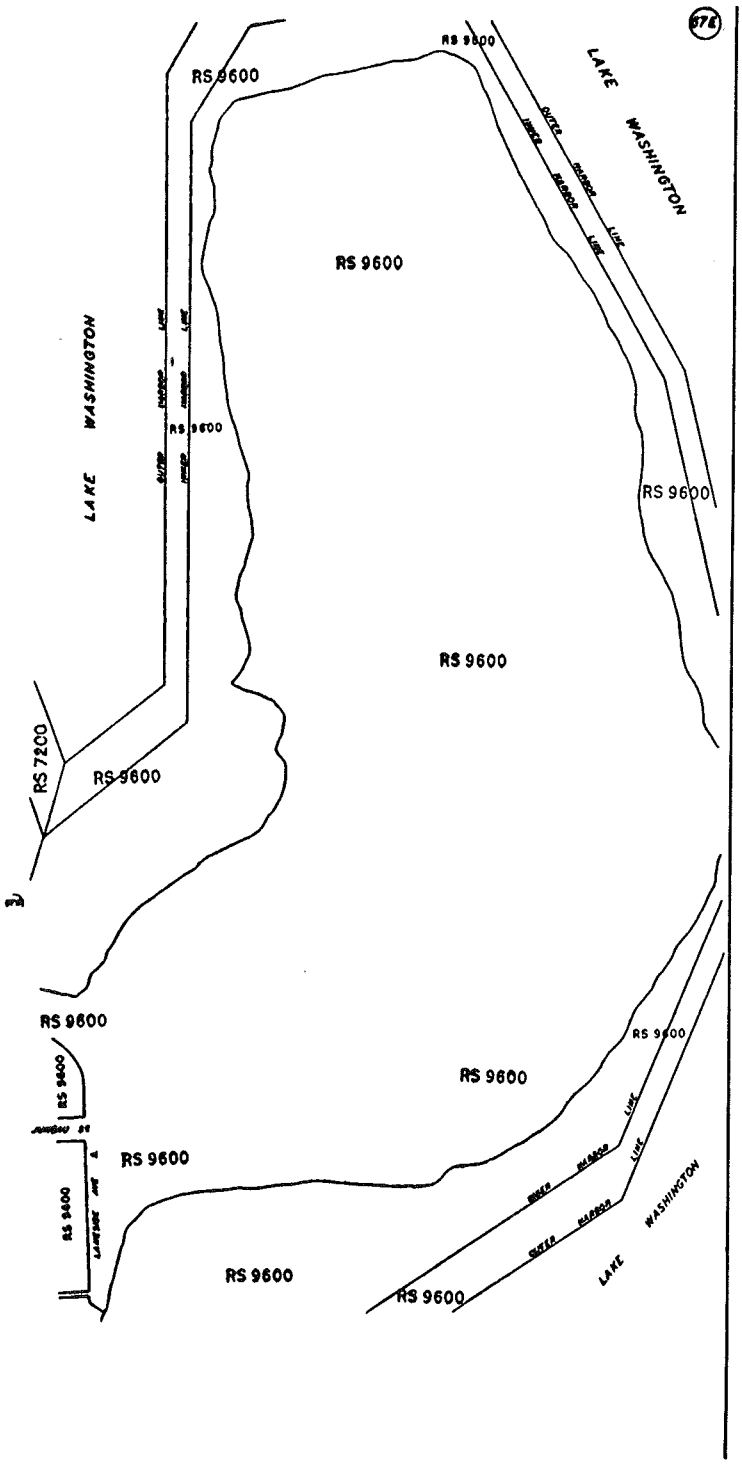

LEGEND

RS 9600— Single Family Residence Low Density Zone.

RS 7200— Single Family Residence Medium Density Zone.

RS 5000— Single Family Residence High Density Zone.

RW— Residence Waterfront Zone.

RD 7200— Duplex Residence Medium Density Zone.

RD 5000— Duplex Residence High Density Zone.

RM— Multiple Residence Low Density Zone.

RM 1600— Multiple Residence Lowest Density Zone.

RMH— Multiple Residence High Density Zone.

RMV 200— Multiple Residence High Density Variable Height Zone.

RMV 150— Multiple Residence Highest Density Variable Height Zone.

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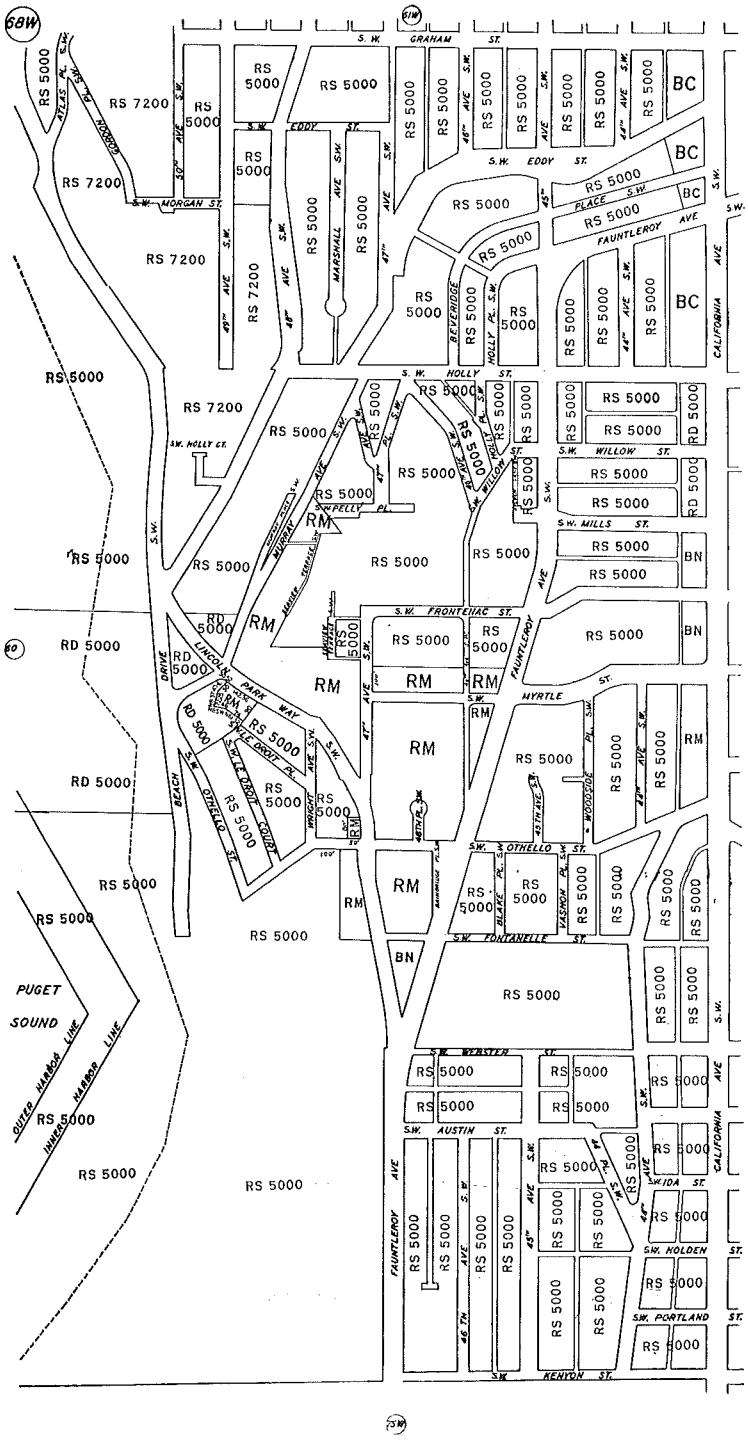

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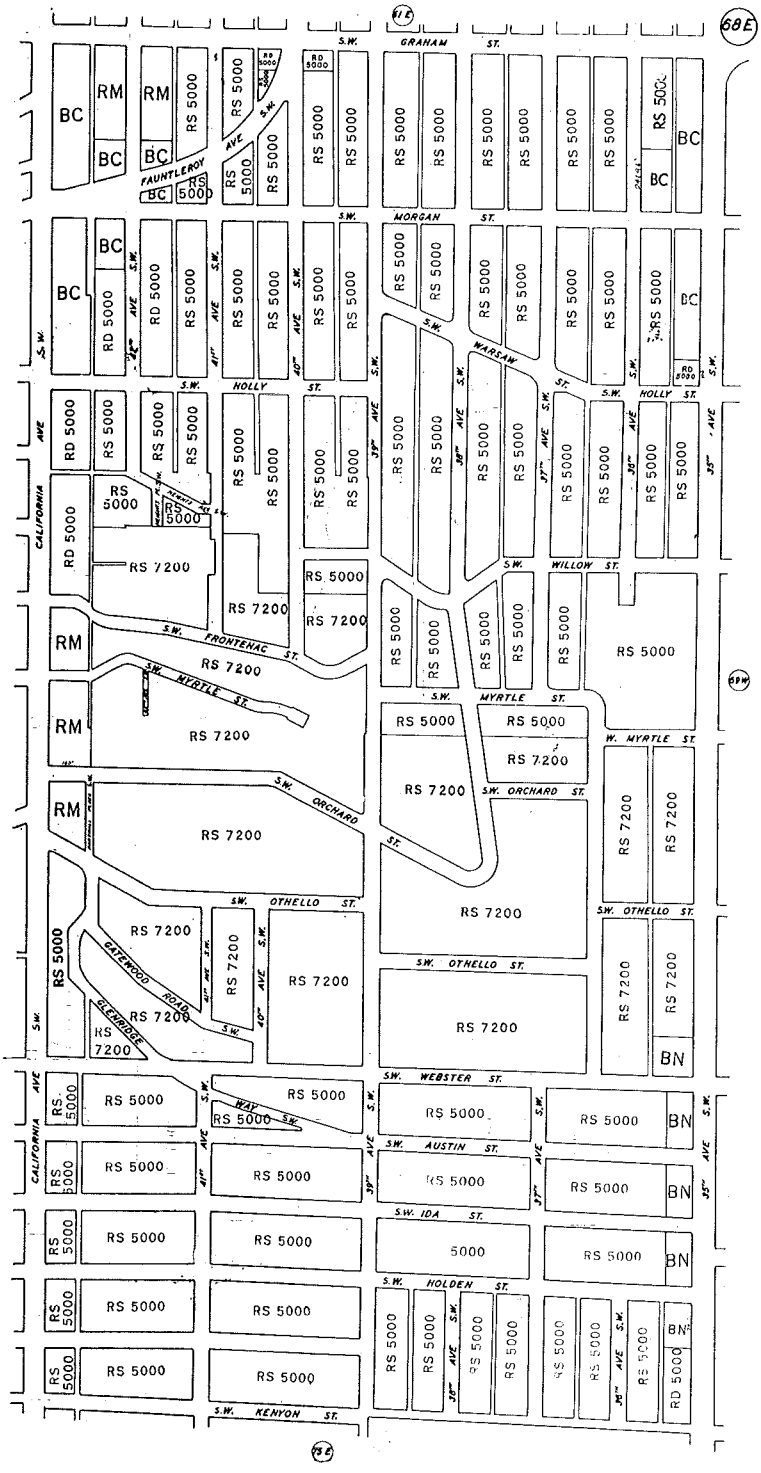

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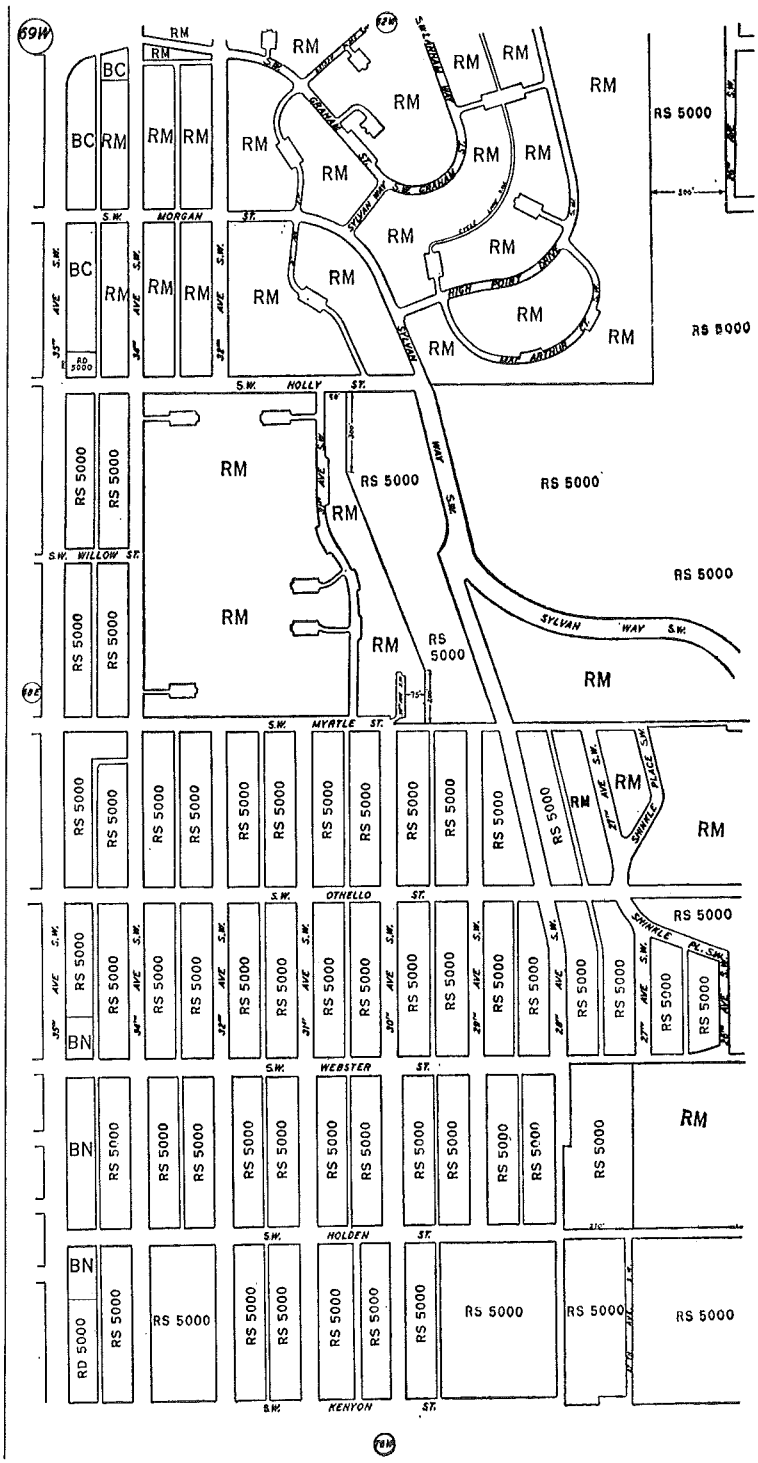

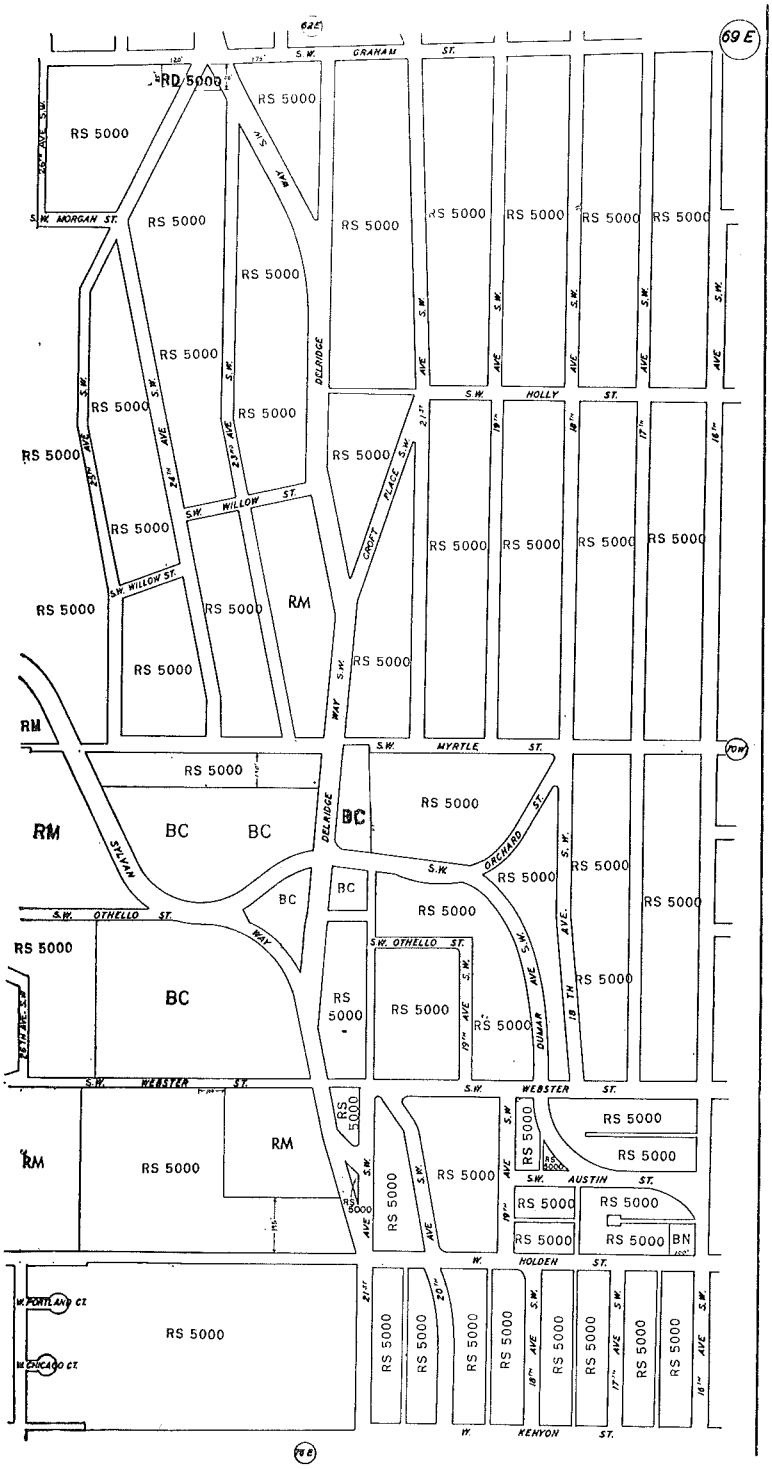

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(SEATTLE 8-21-70)

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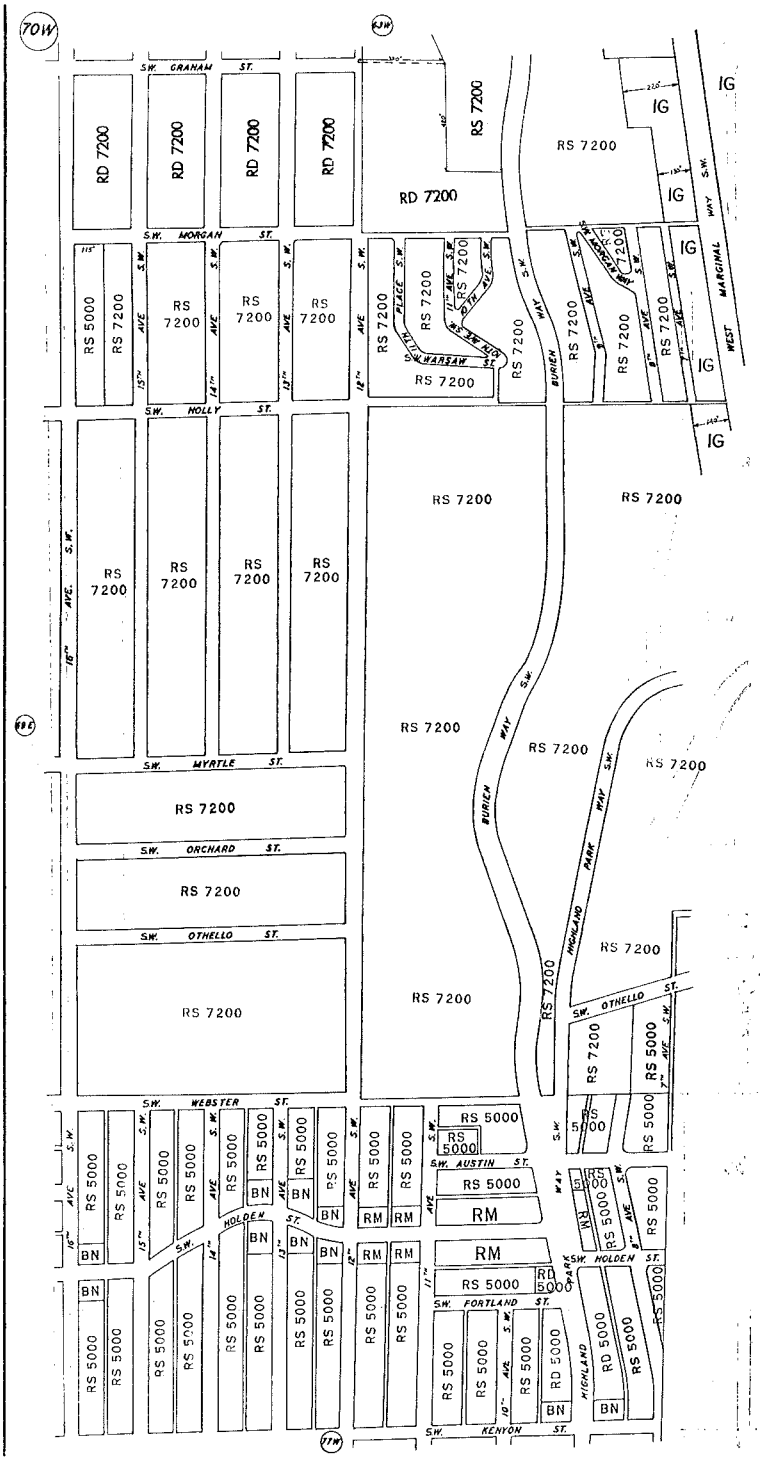

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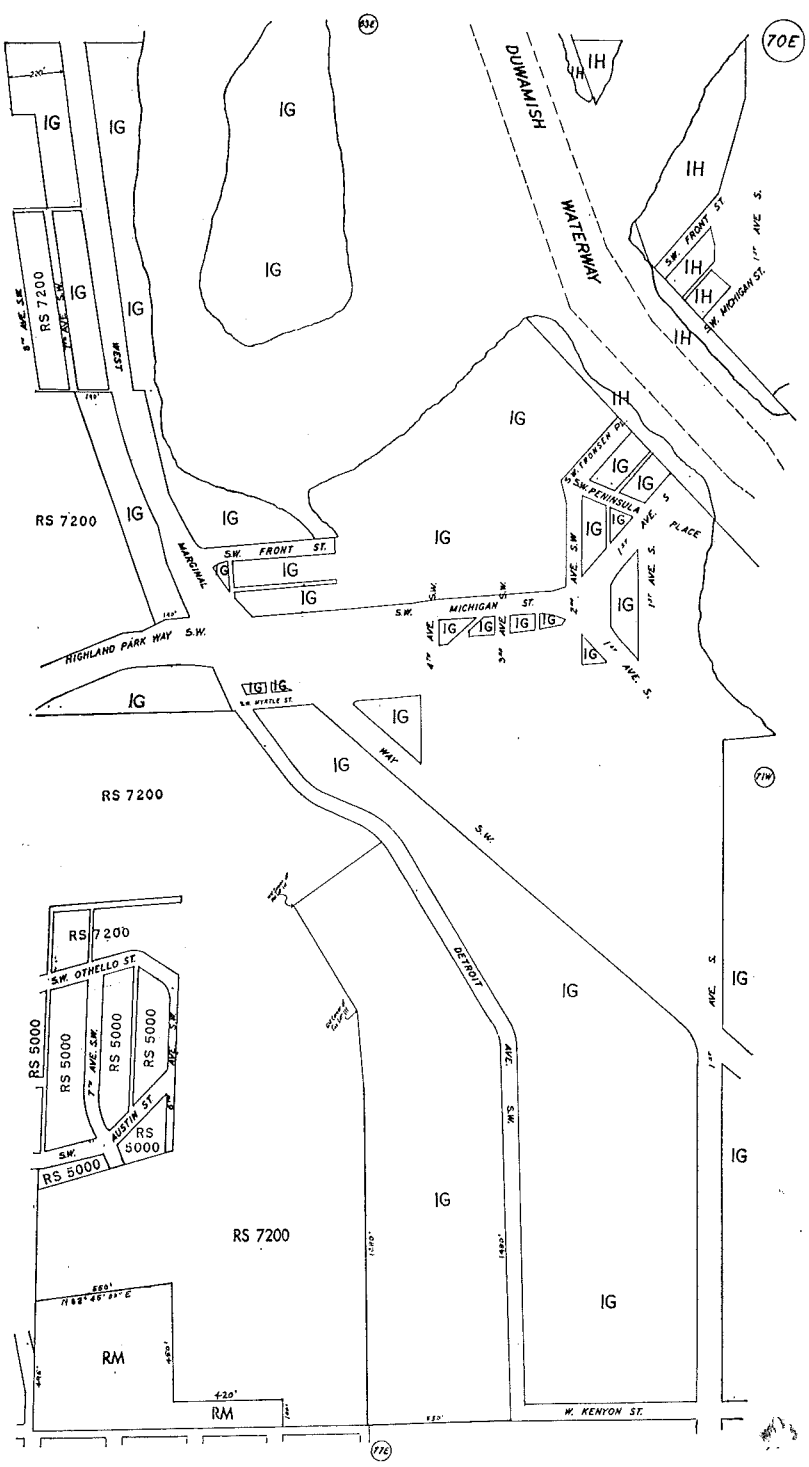

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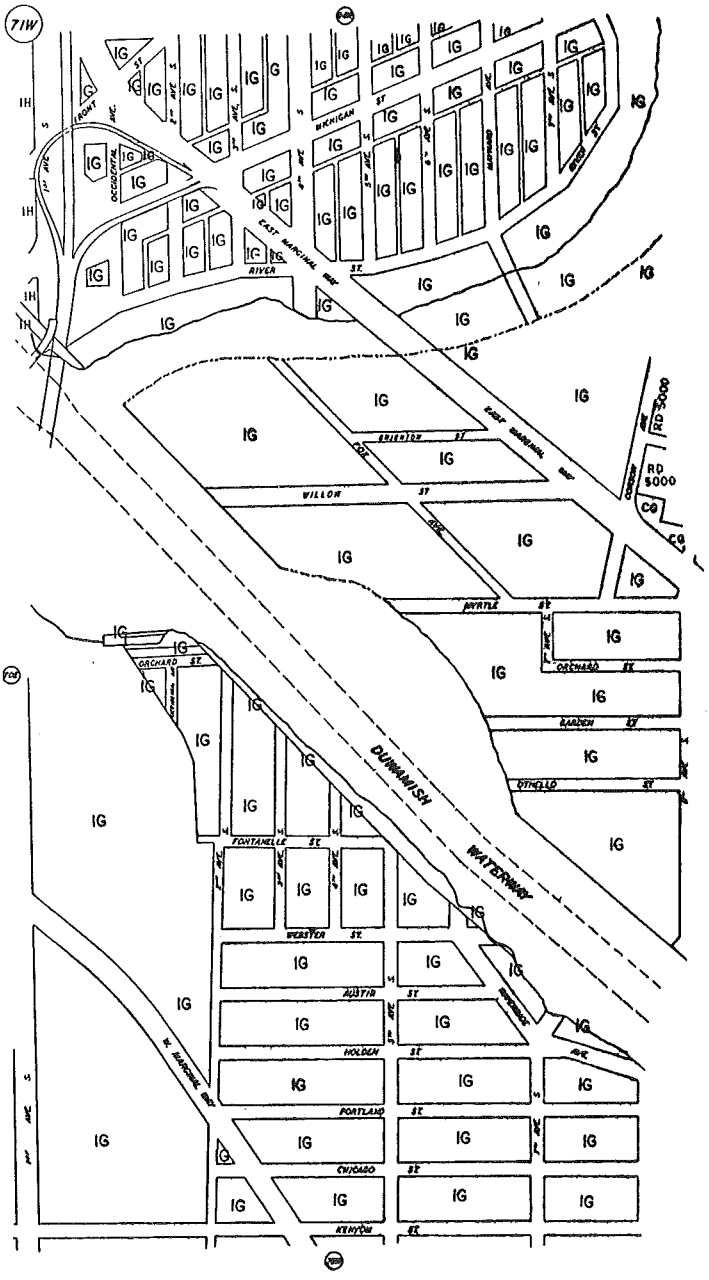

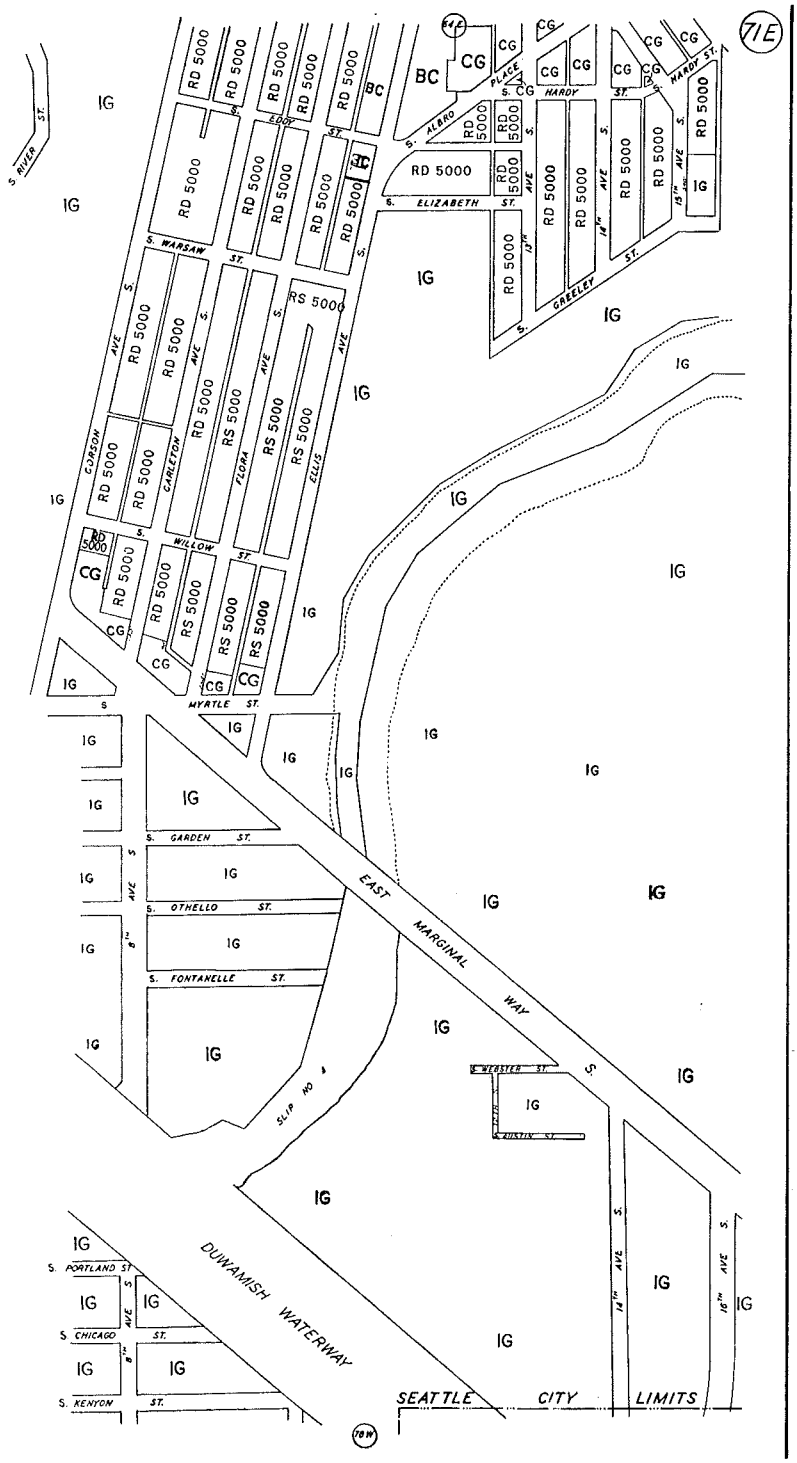

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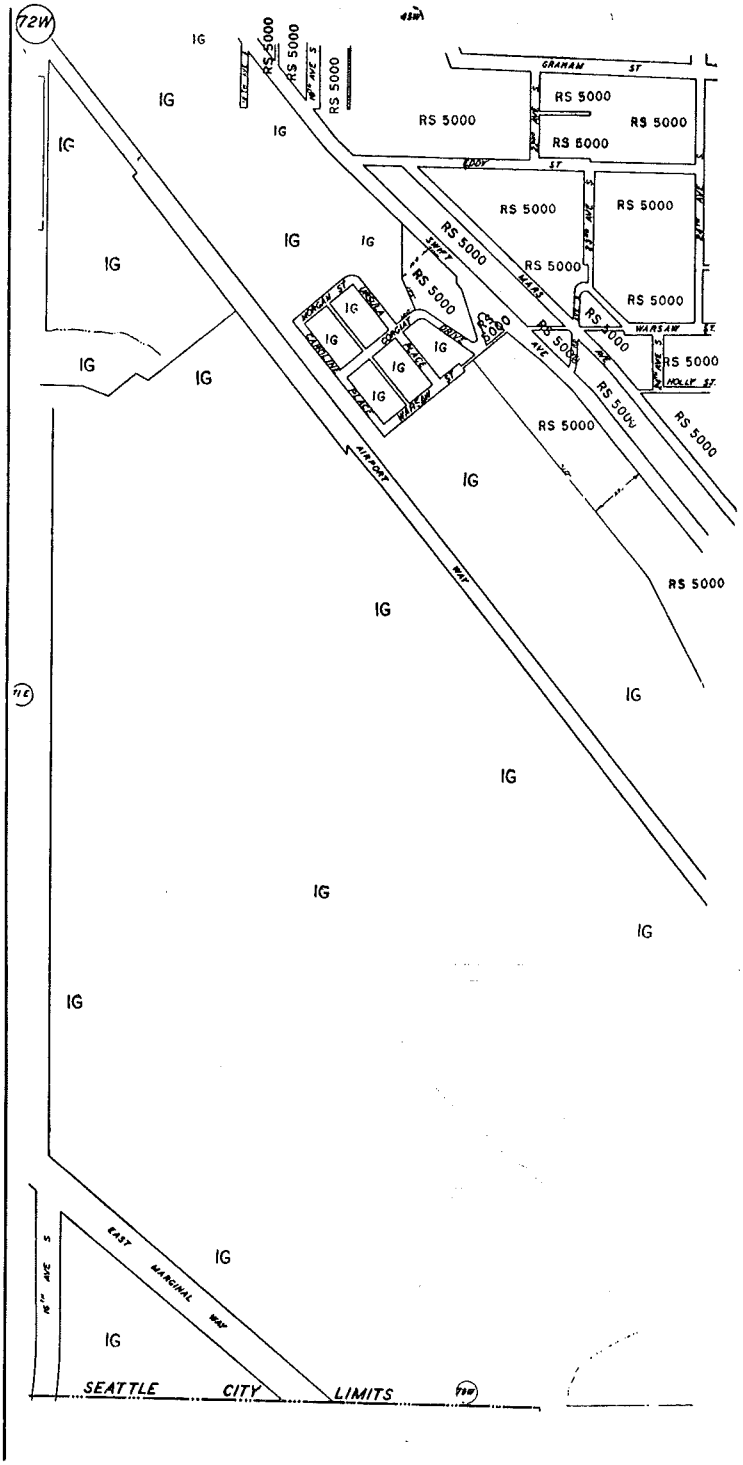

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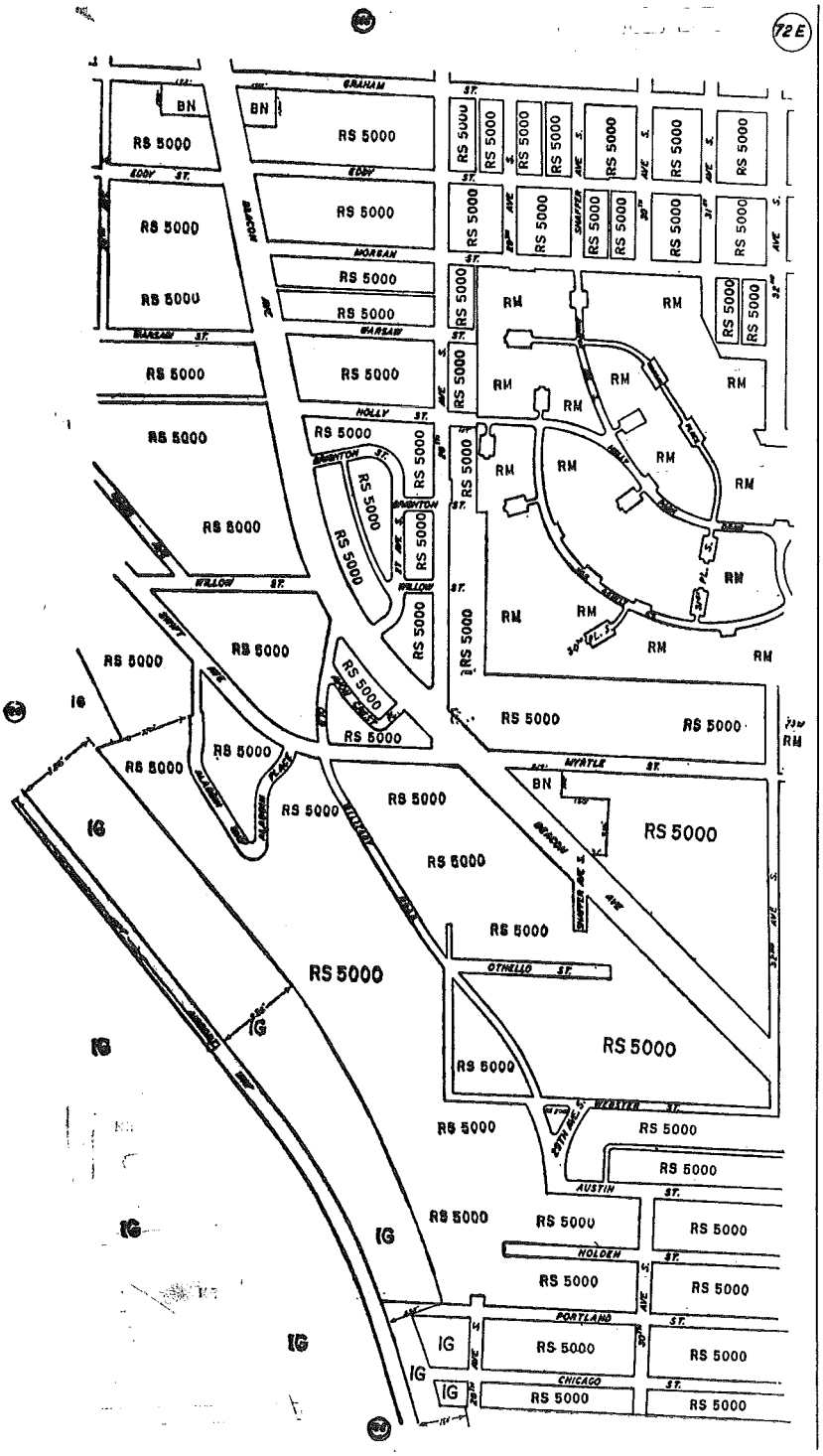

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(SEATTLE 6-18-66)

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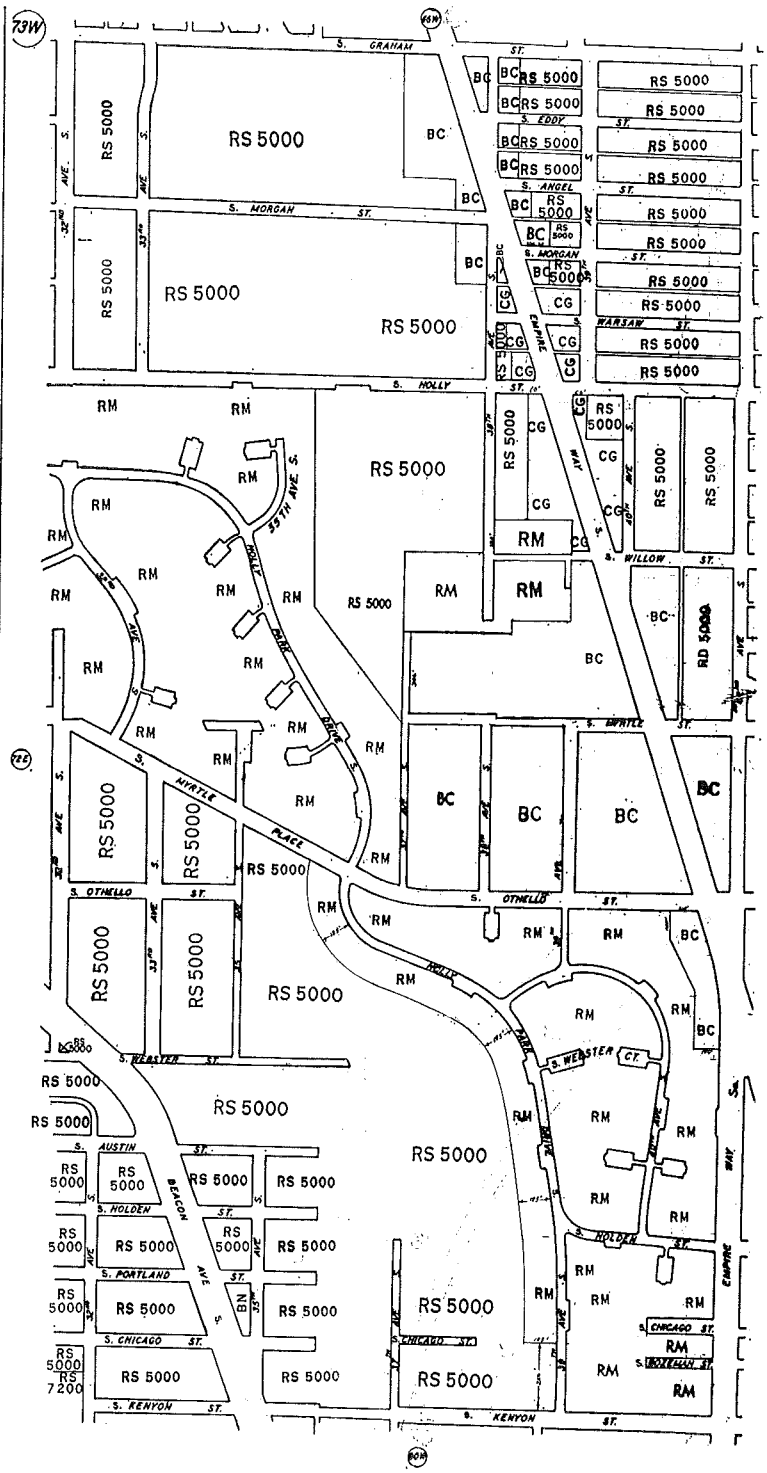

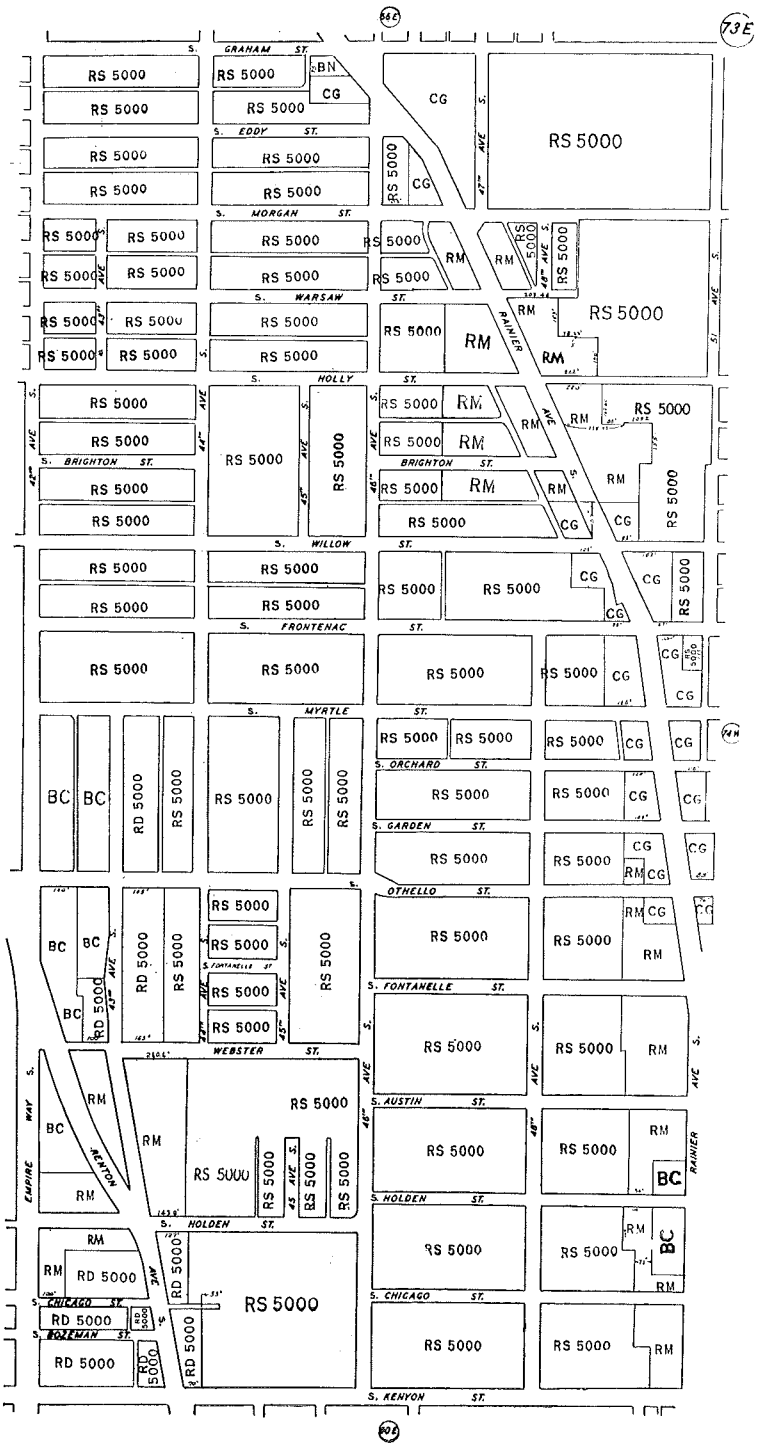

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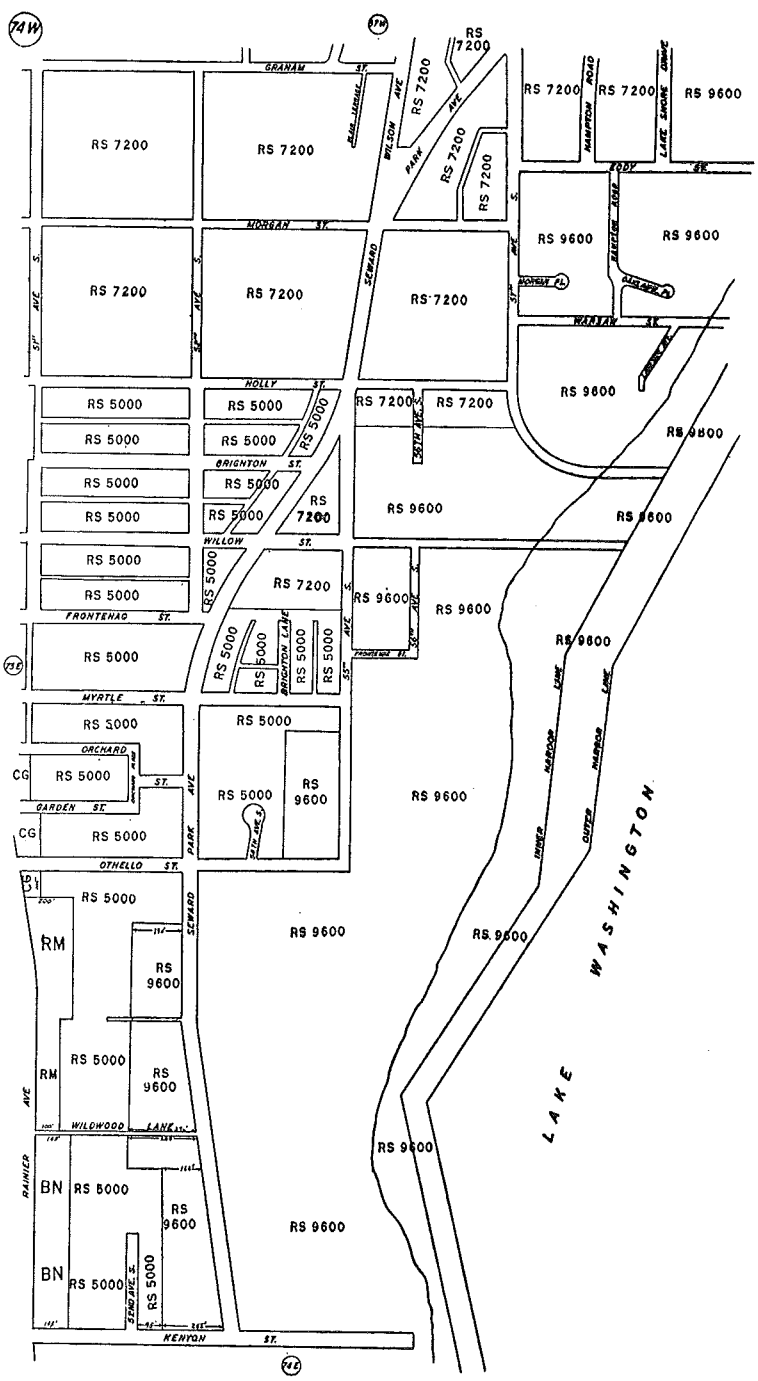

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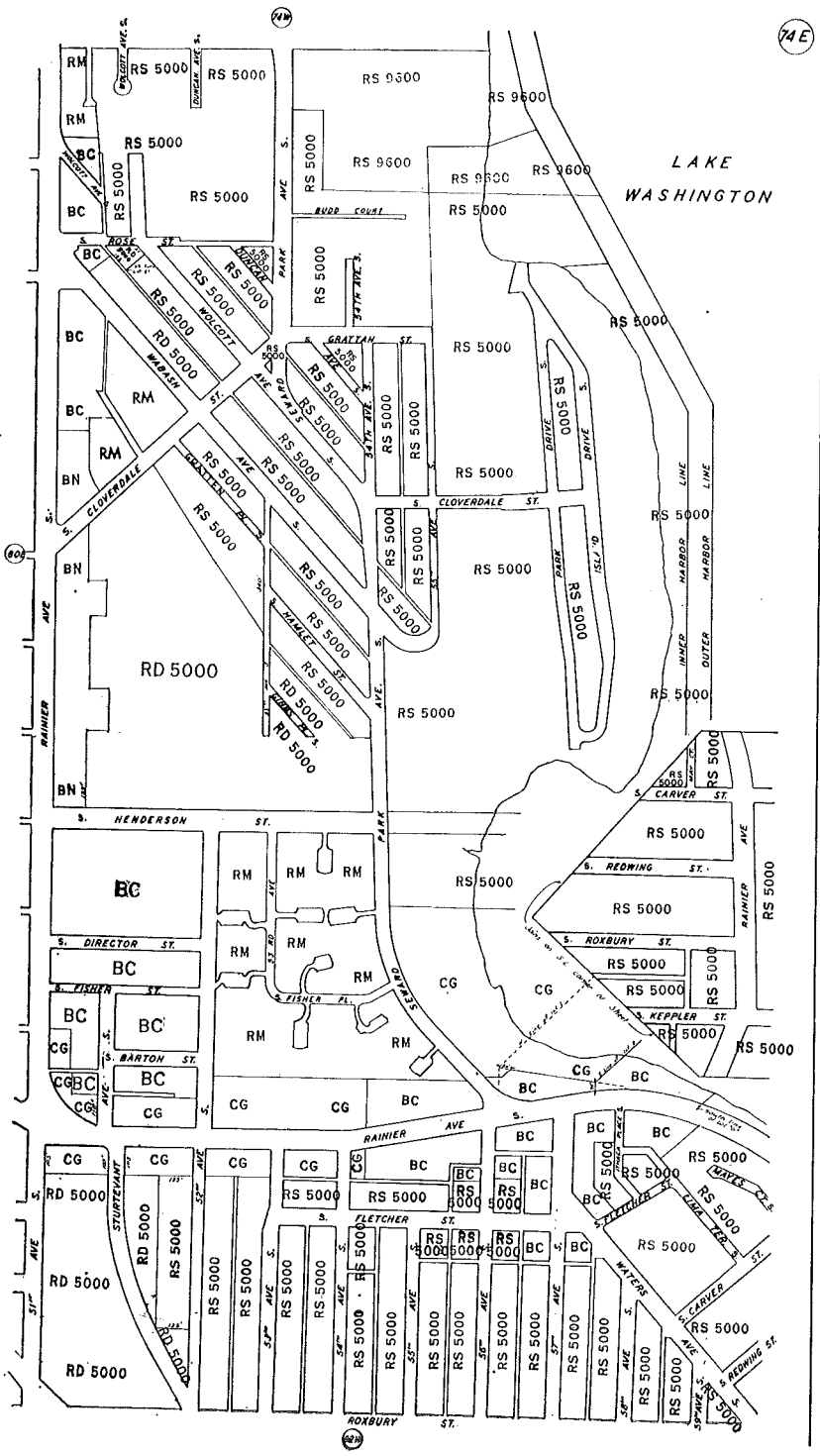

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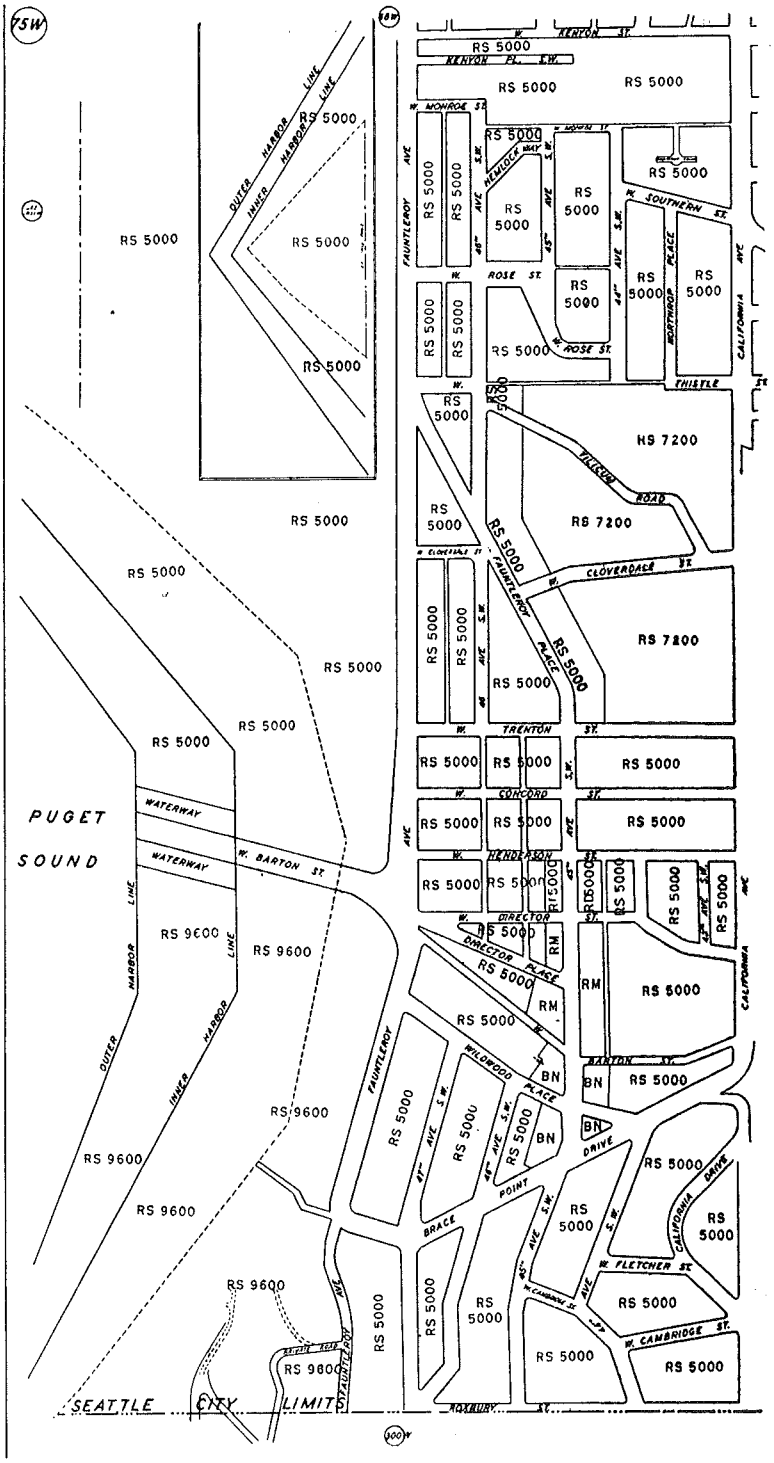

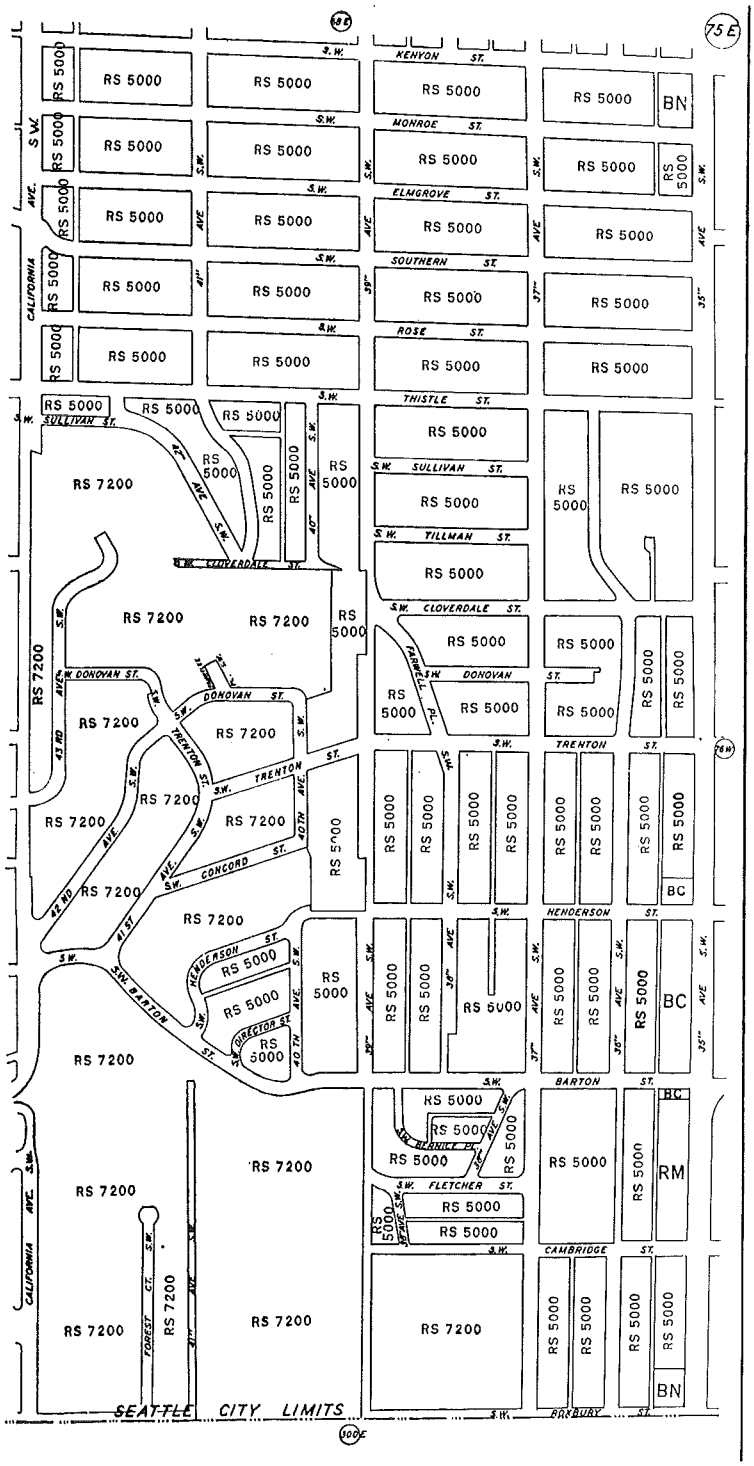

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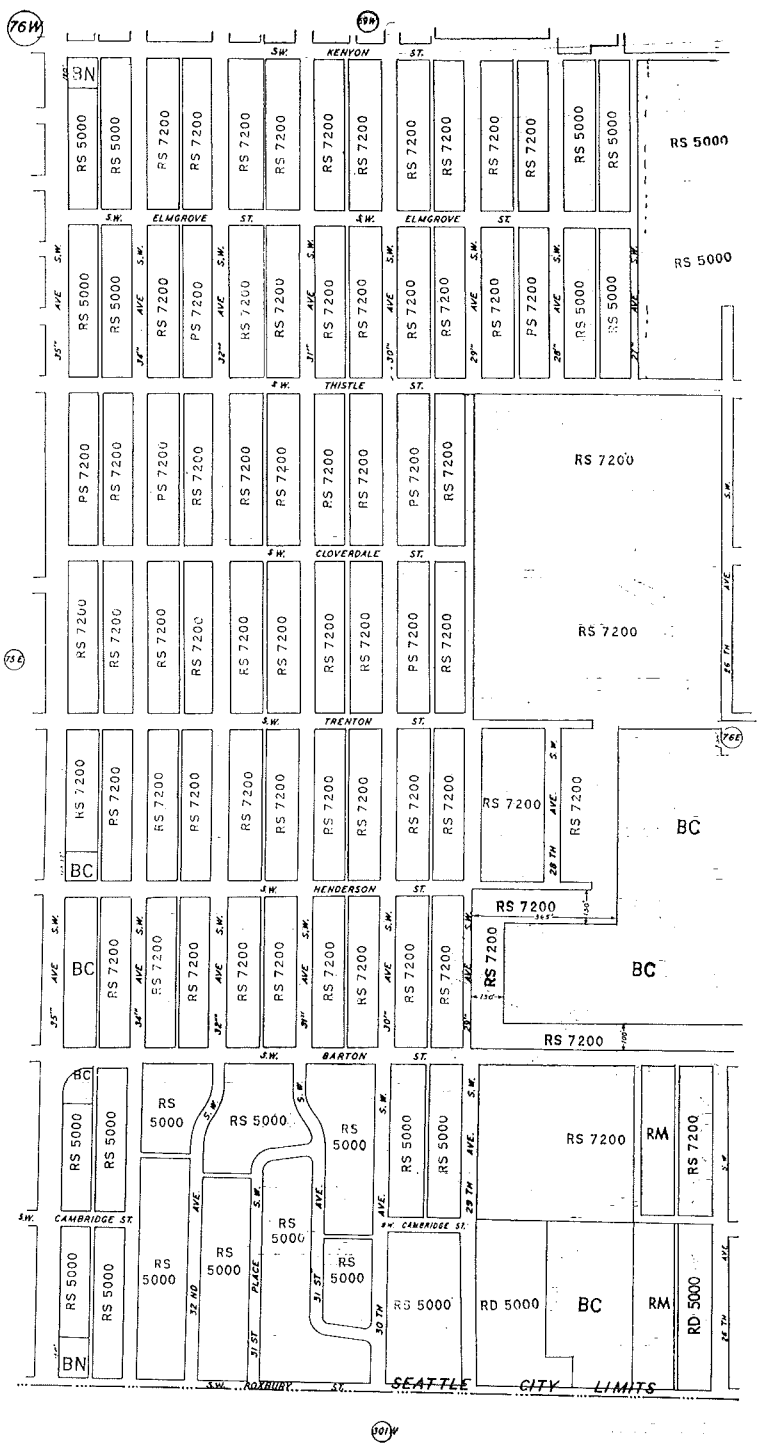

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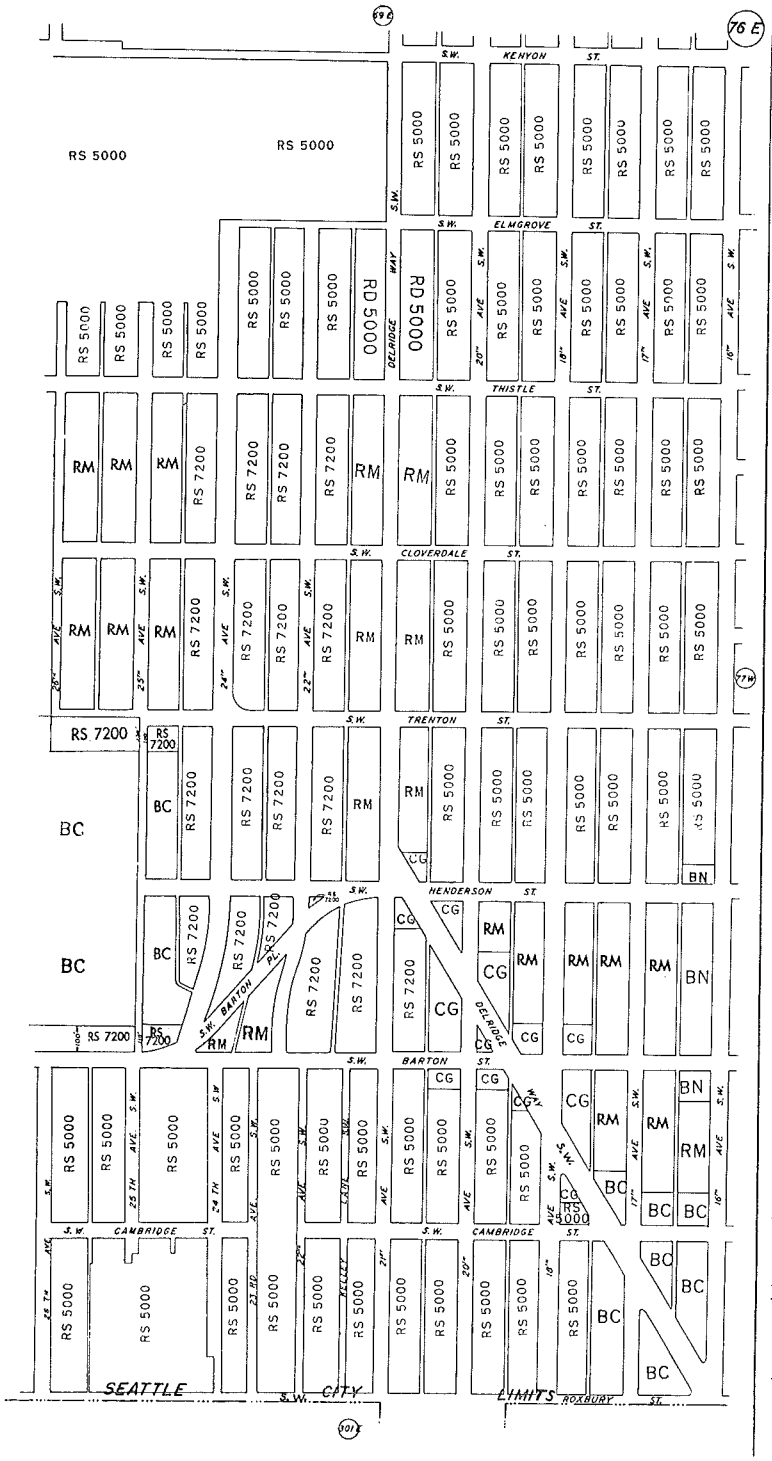

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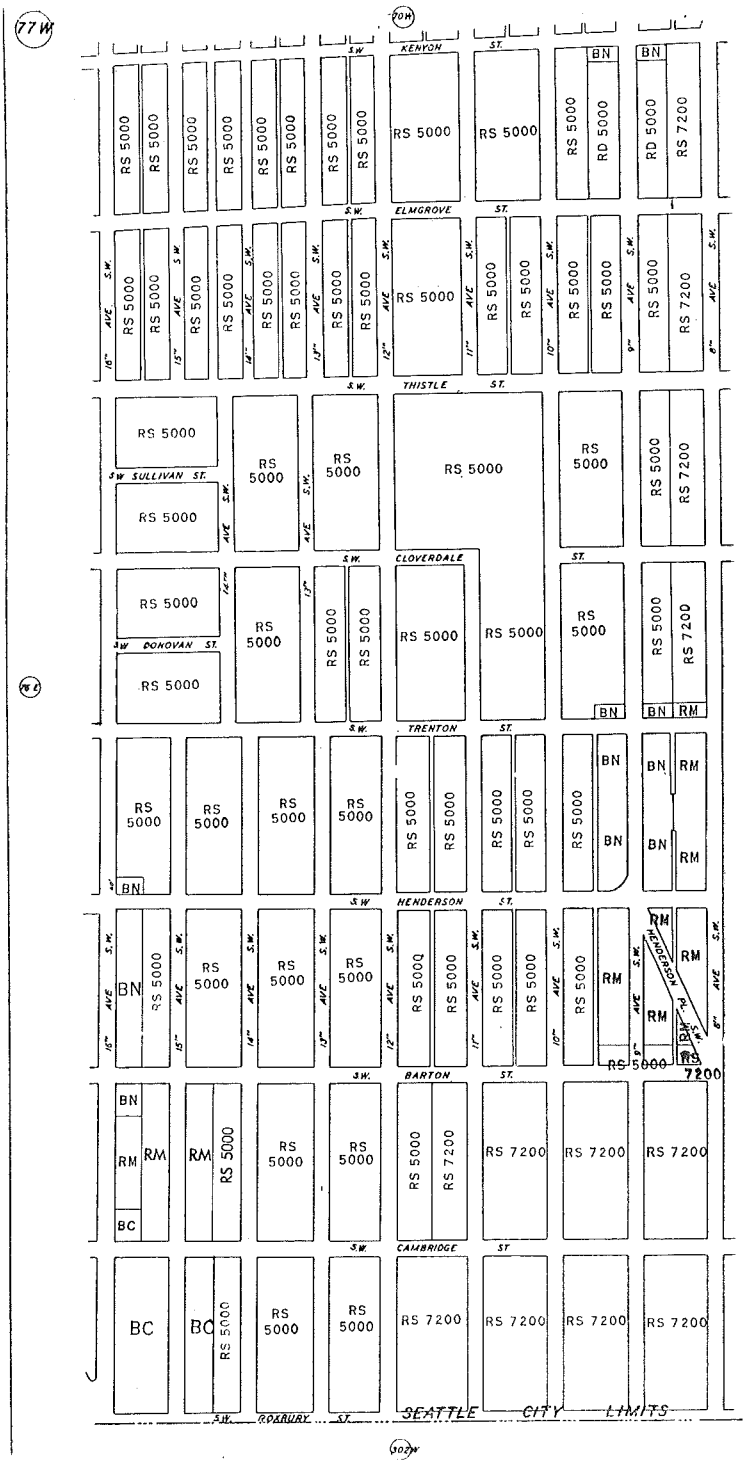

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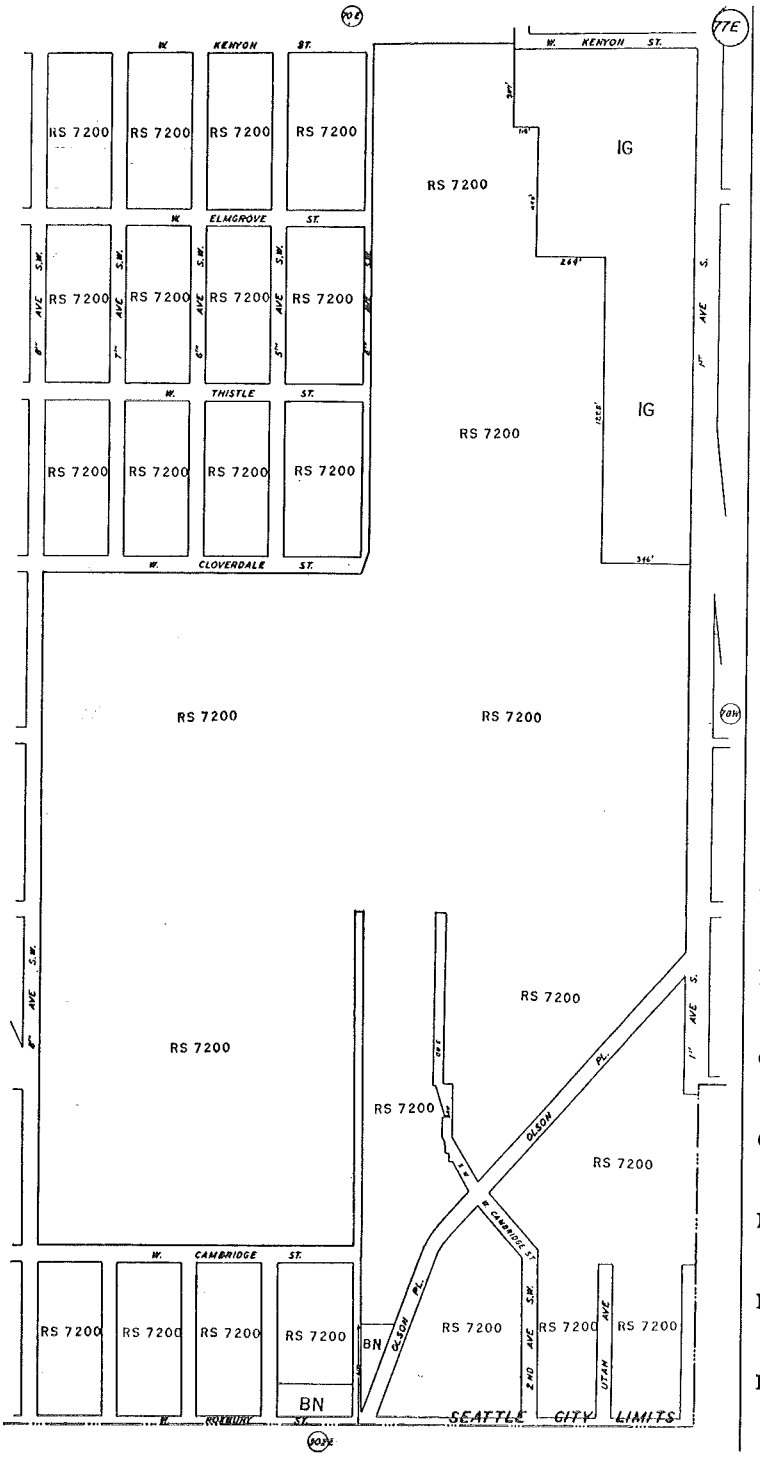

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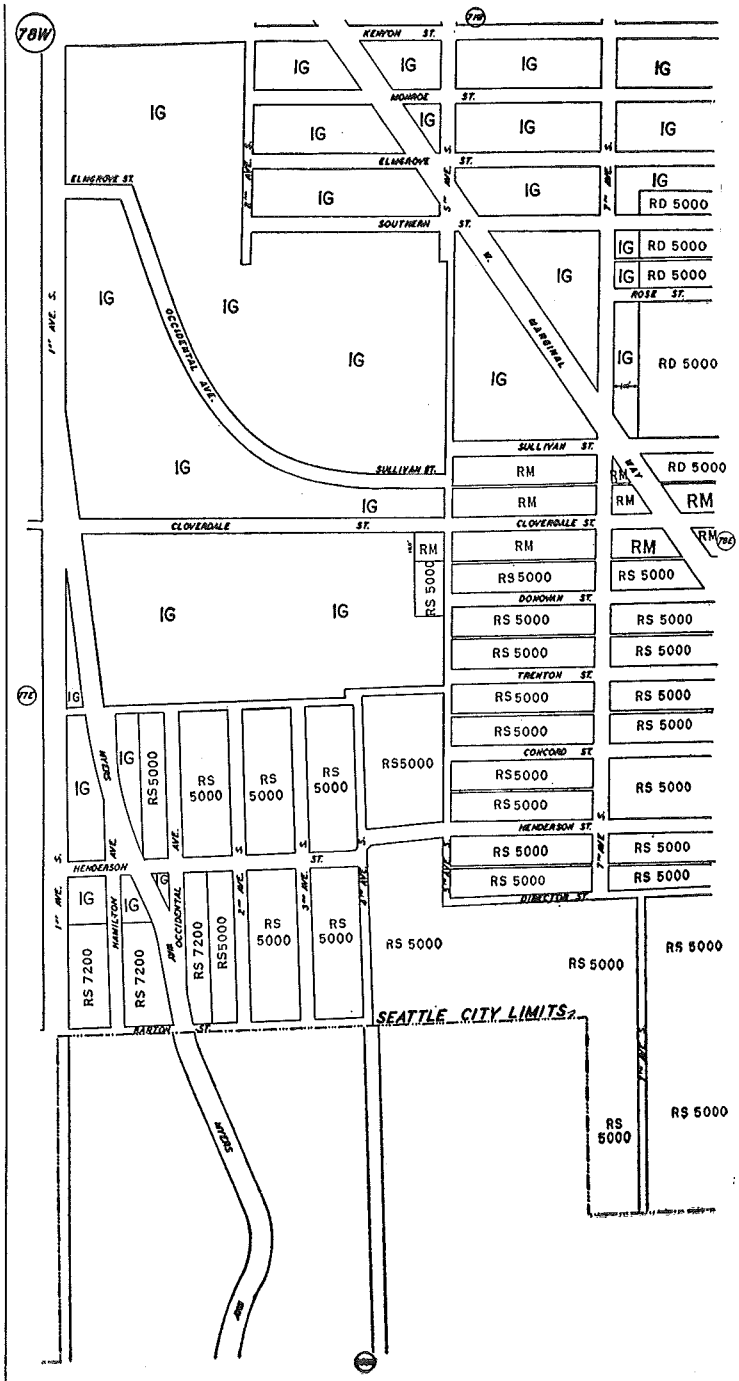

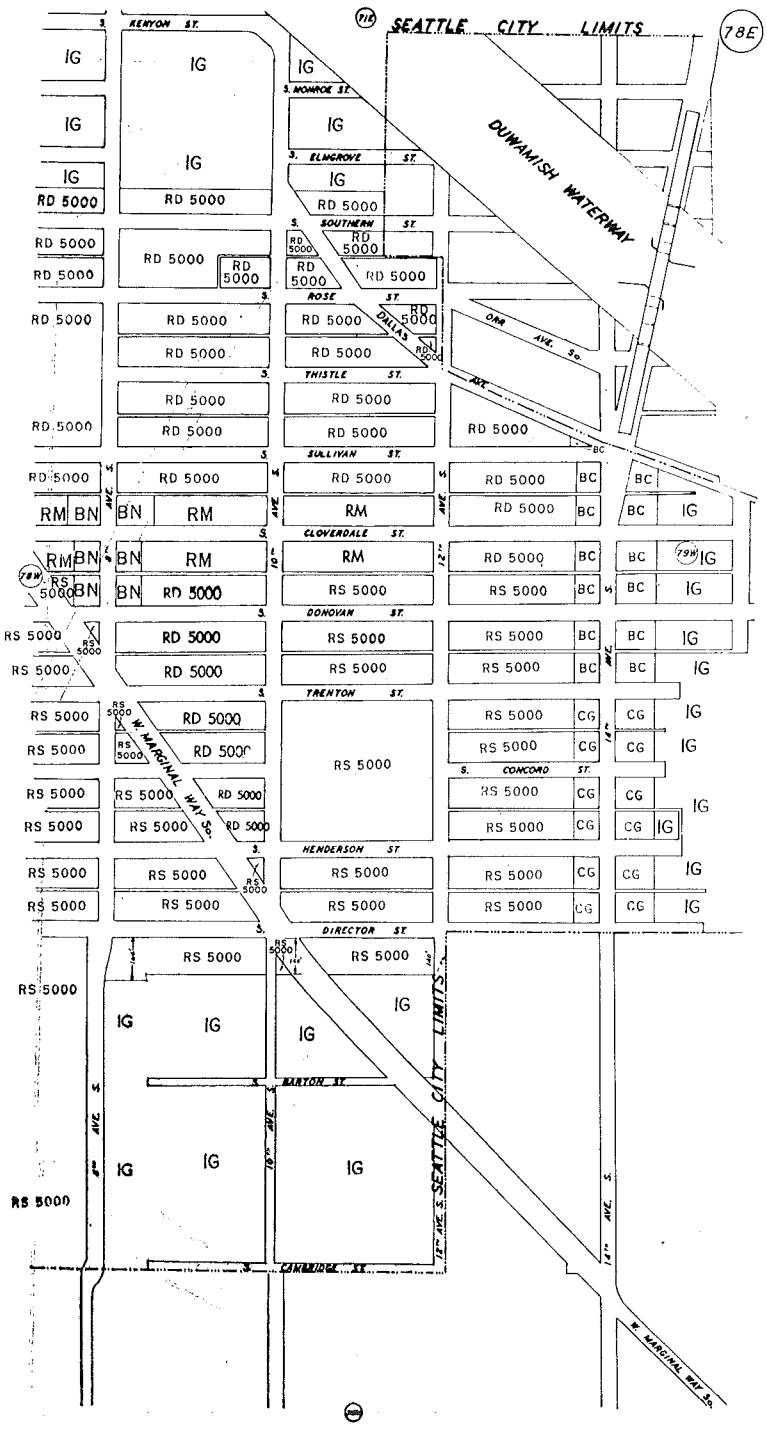

LEGEND

RS 9600
Single Family Residence Low Density Zone.

RS 7200—
Single Family Residence Medium Density Zone.

RS 5000—
Single Family Residence High Density Zone.

RW—
Residence Waterfront Zone.

RD 7200—
Duplex Residence Medium Density Zone.

RD 5000—
Duplex Residence High Density Zone.

RM—
Multiple Residence Low Density Zone.

RMH—
Multiple Residence High Density Zone.

BN—
Neighborhood Business Zone.

BC—
Community Business Zone.

BM—
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OM—
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CG—
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M—
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IG—
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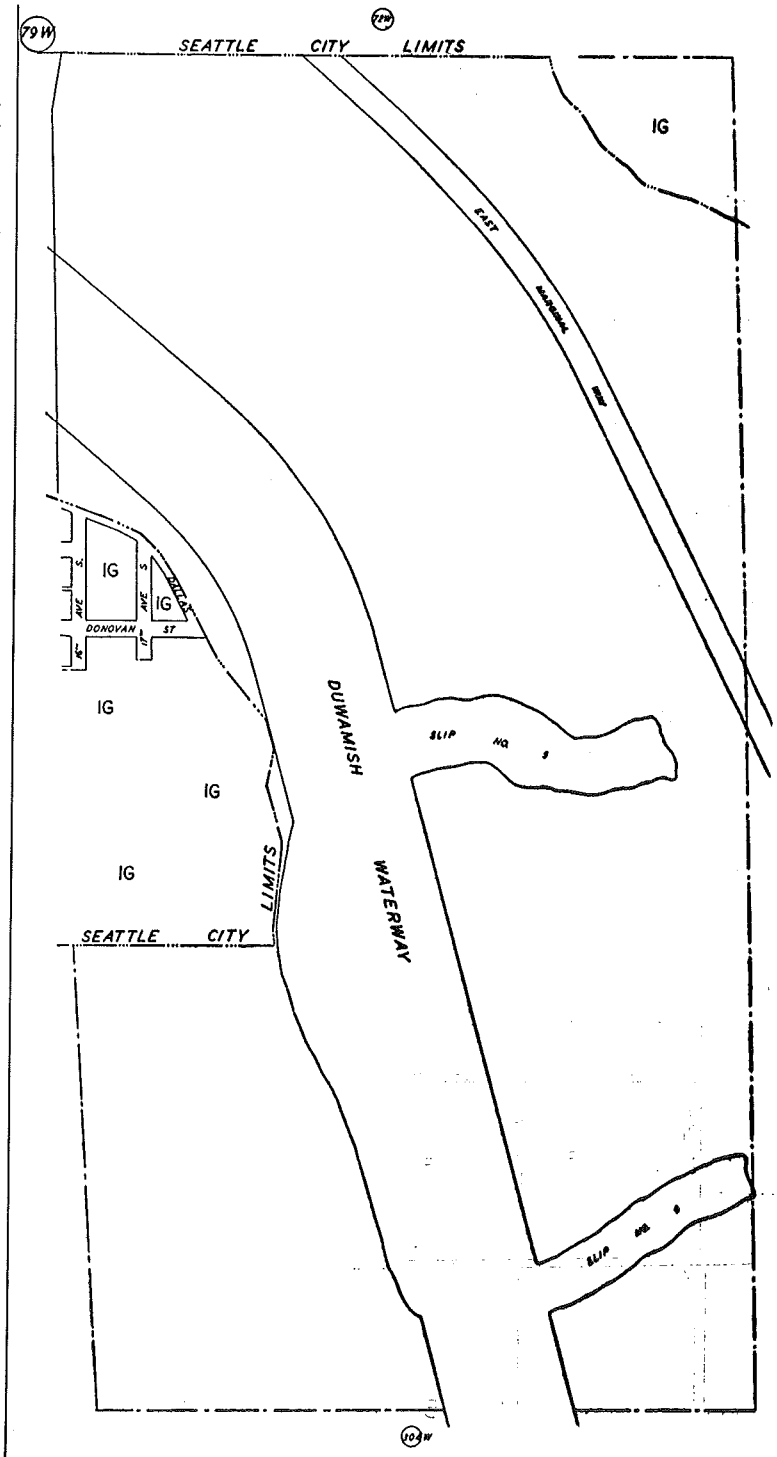

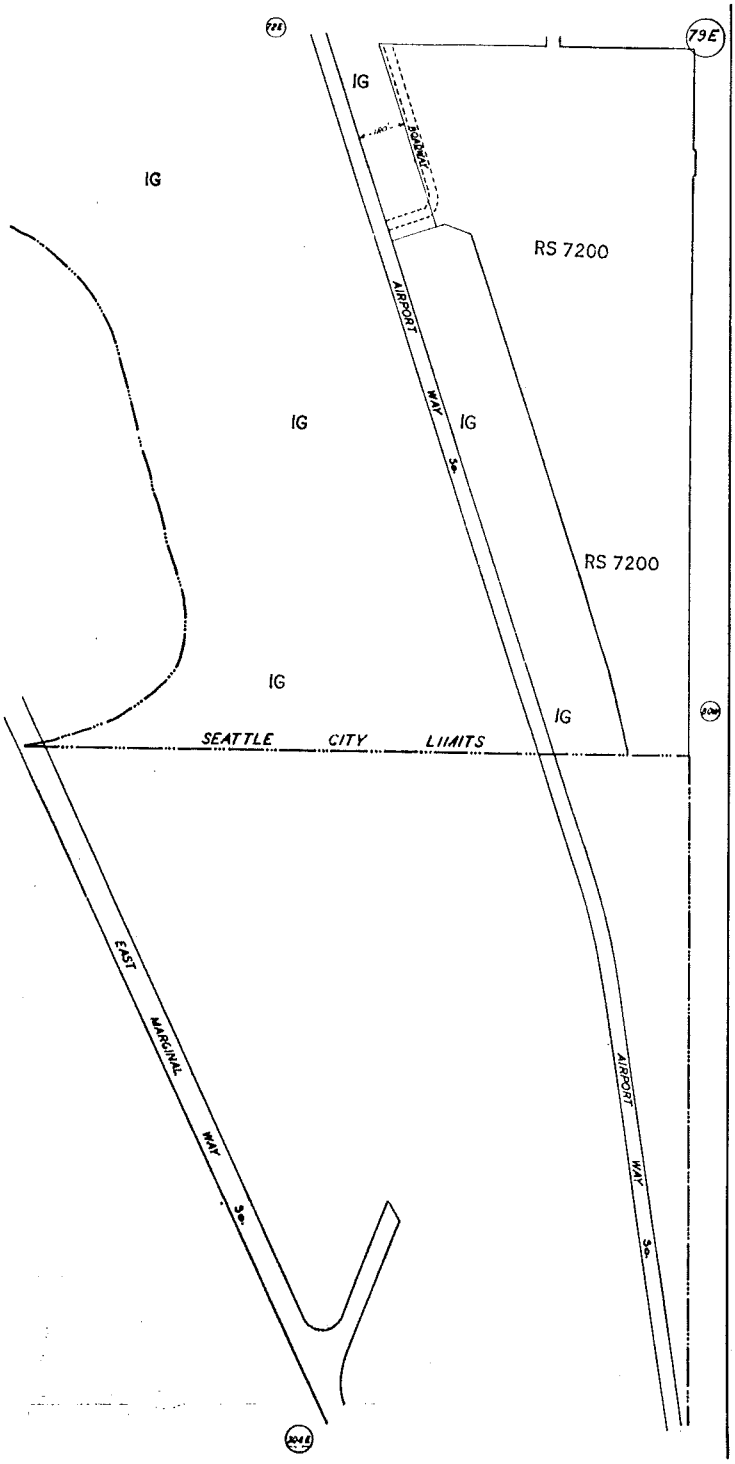

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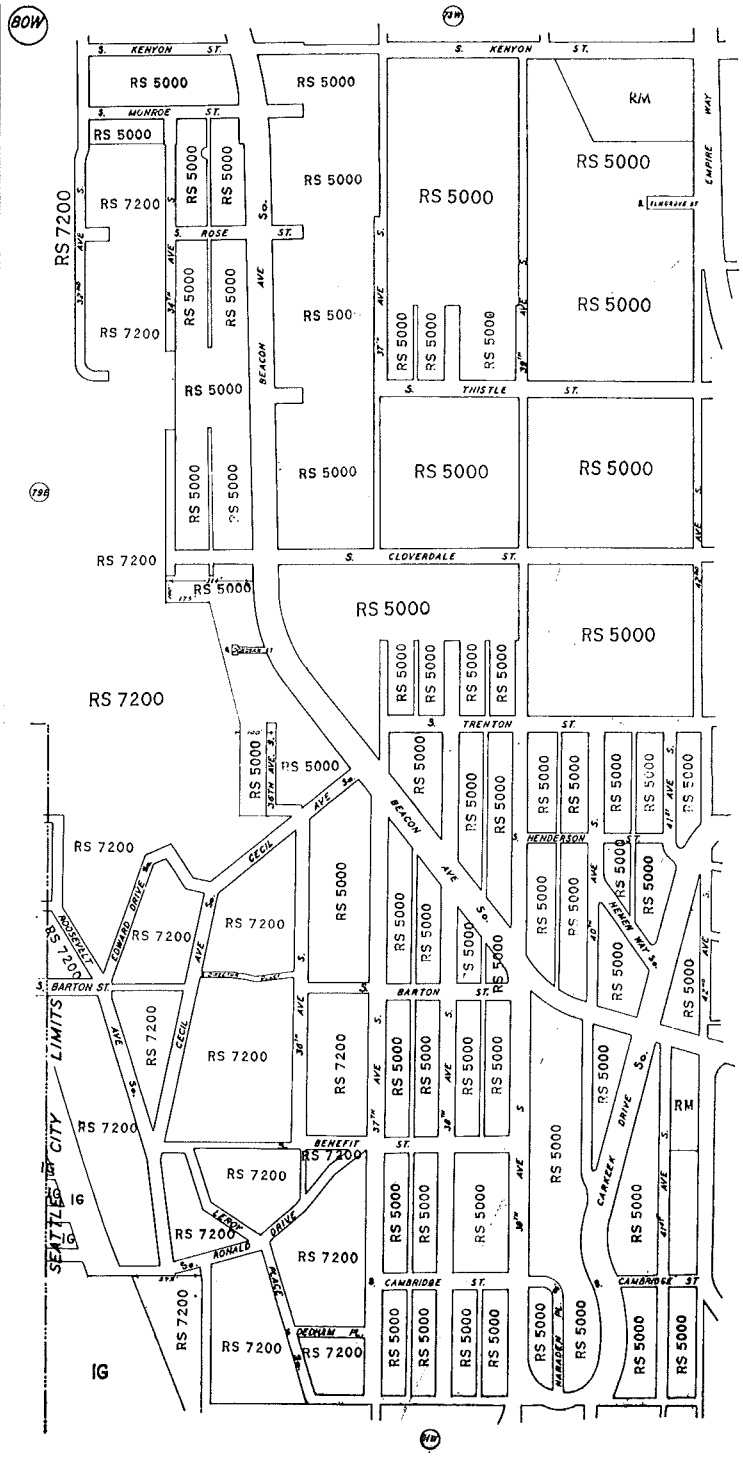

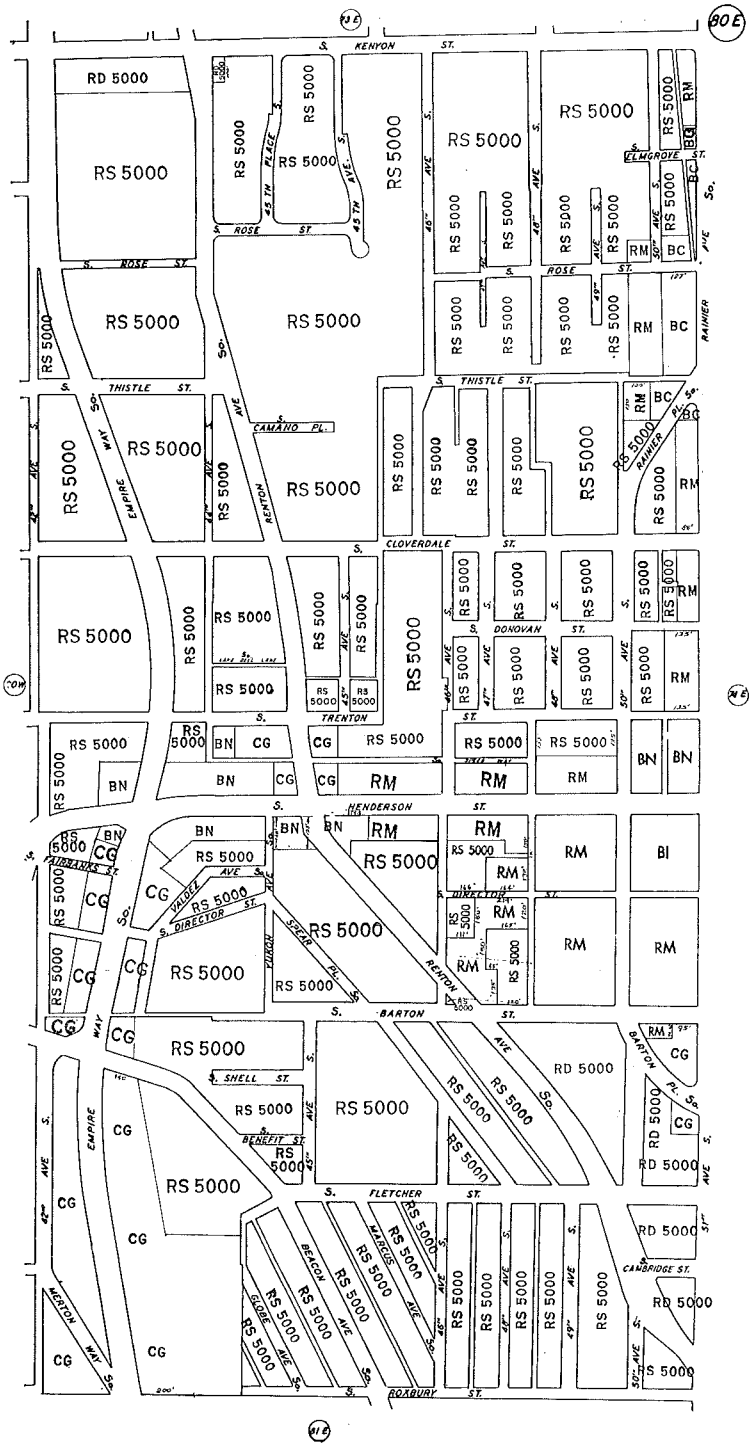

LEGEND

RS 9600— Single Family Residence Low Density Zone.

RS 7200— Single Family Residence Medium Density Zone.

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RW— Residence Waterfront Zone.

RD 7200— Duplex Residence Medium Density Zone.

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RM— Multiple Residence Low Density Zone.

RM 1600— Multiple Residence Lowest Density Zone.

RMH— Multiple Residence High Density Zone.

RMV 200— Multiple Residence High Density Variable Height Zone.

RMV 150— Multiple Residence Highest Density Variable Height Zone.

BN— Neighborhood Business Zone.

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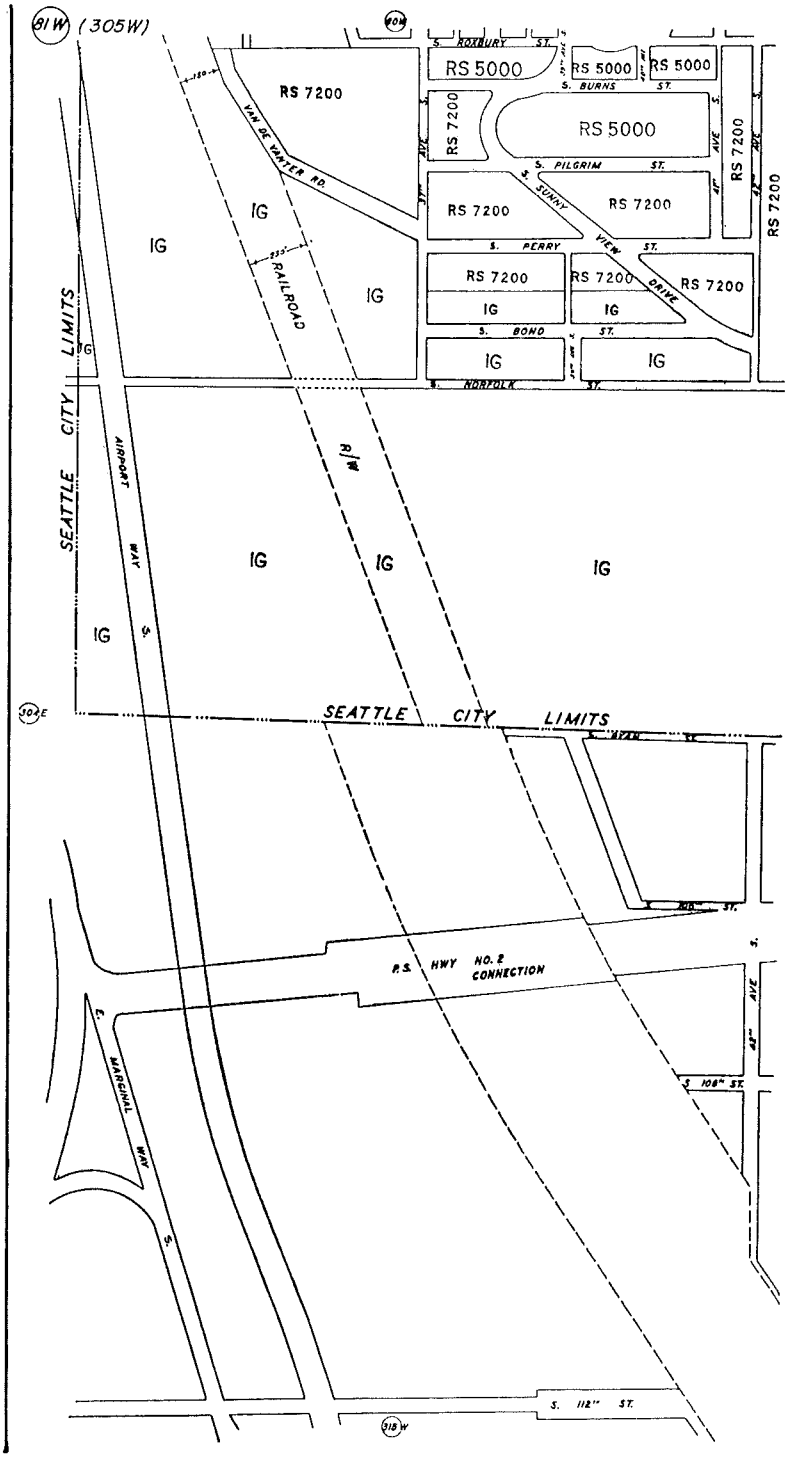

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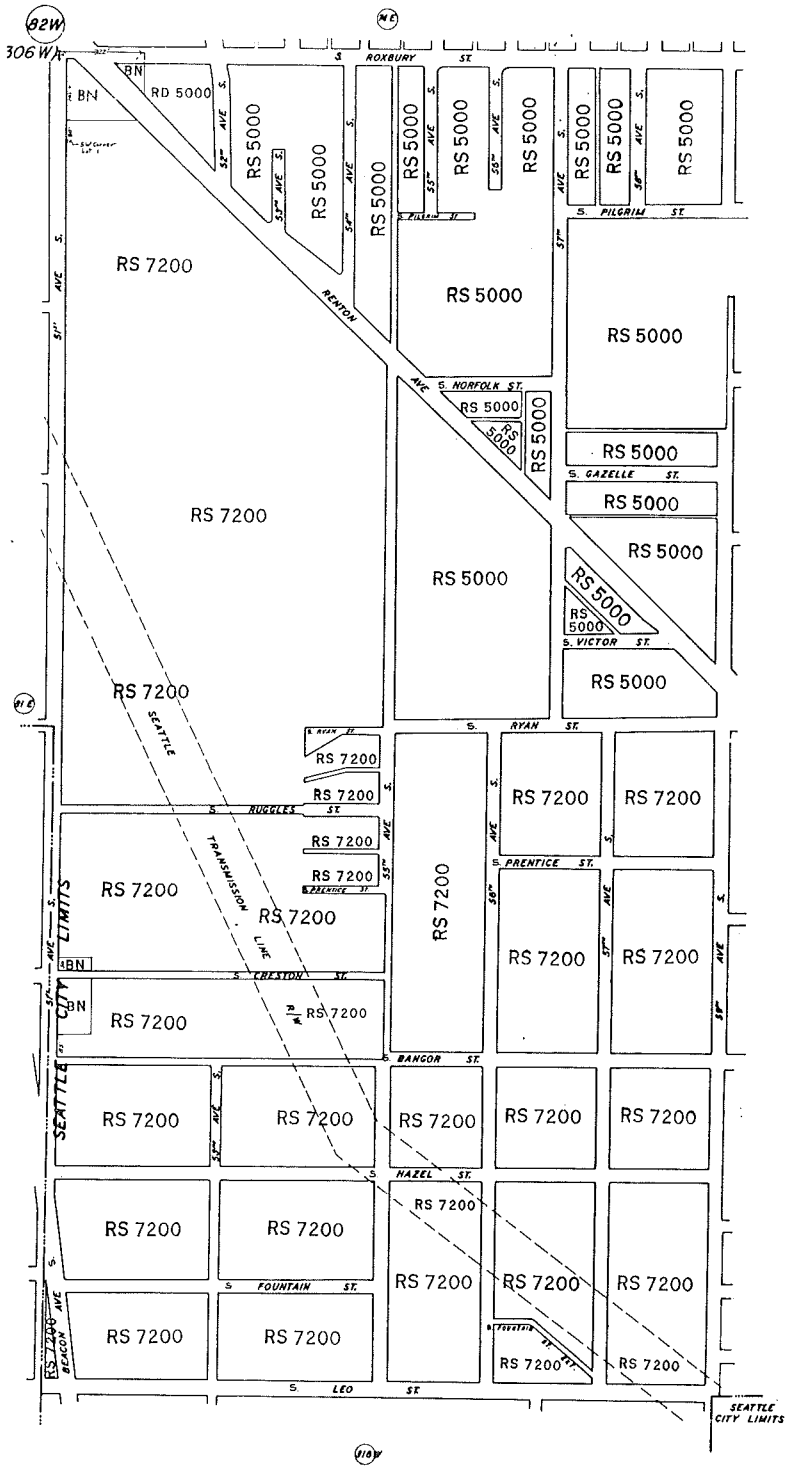

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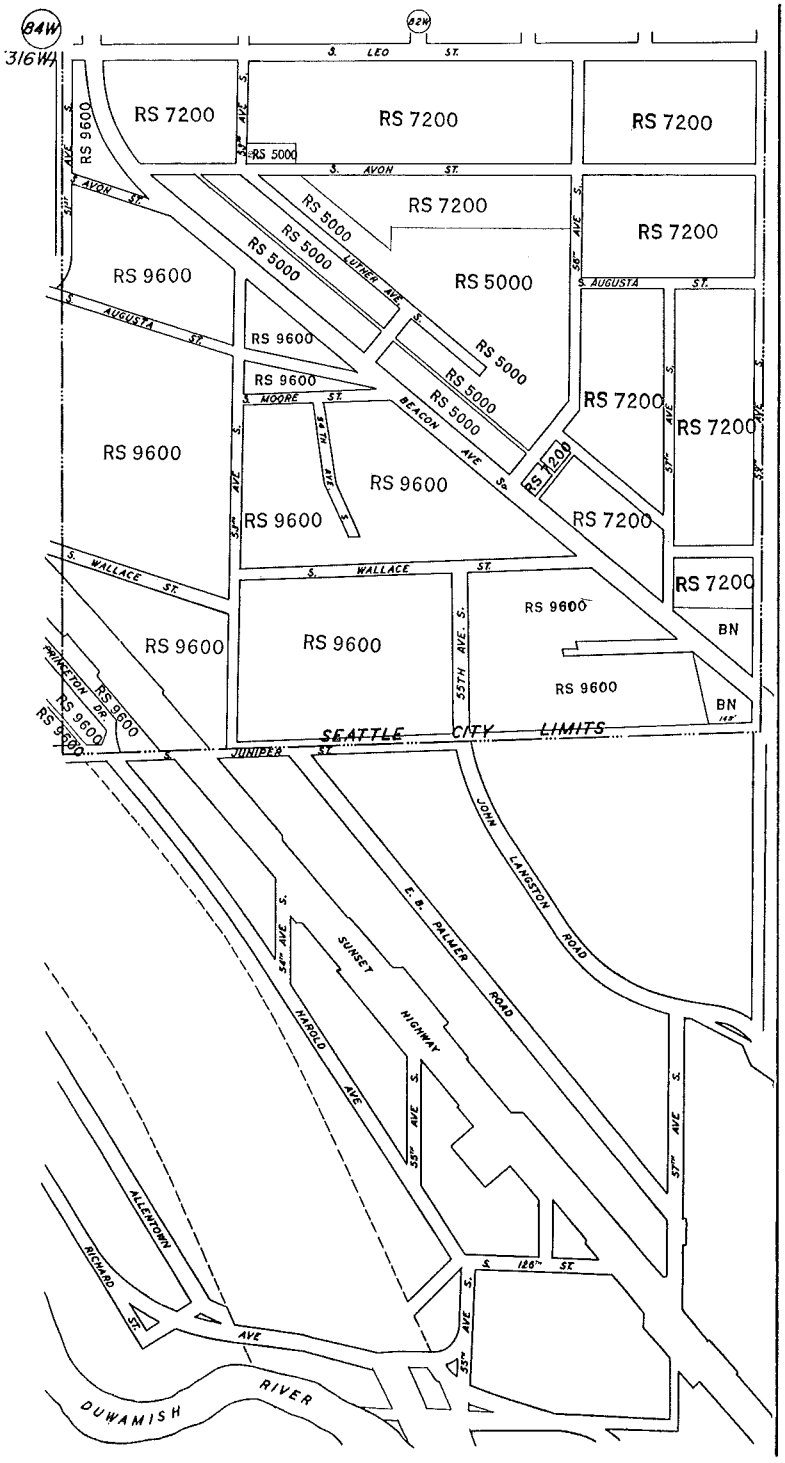
(SEATTLE 8-15-68)



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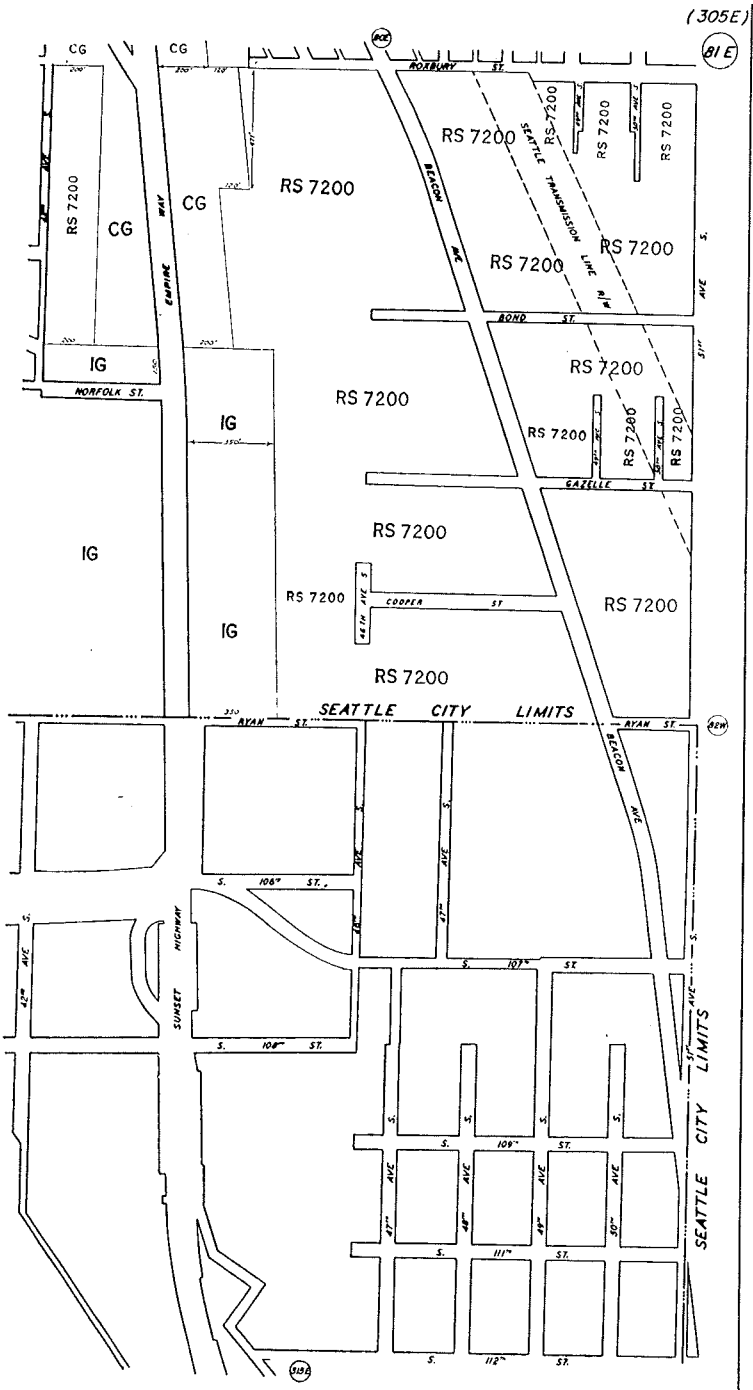
(SEATTLE 8-10-71)



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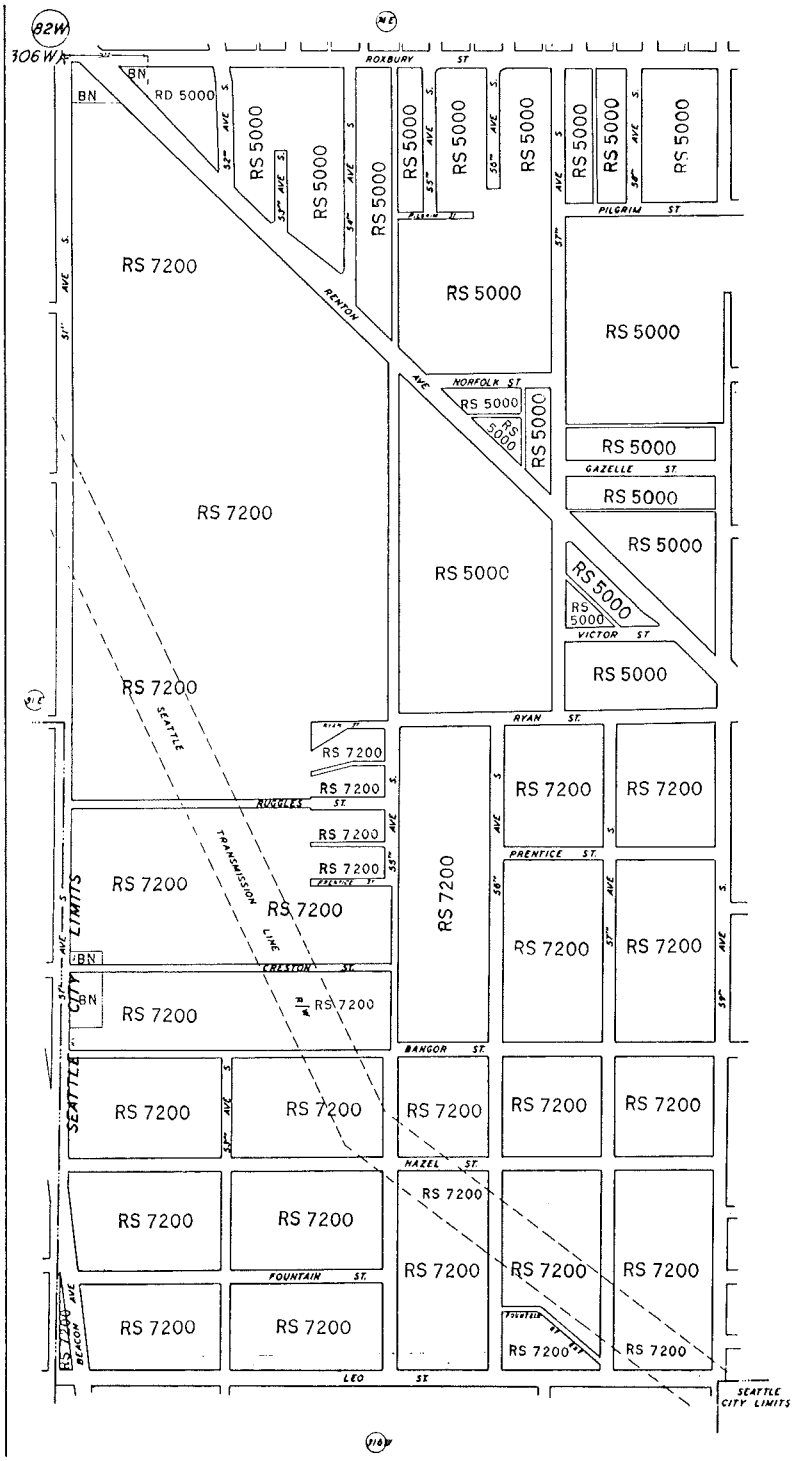

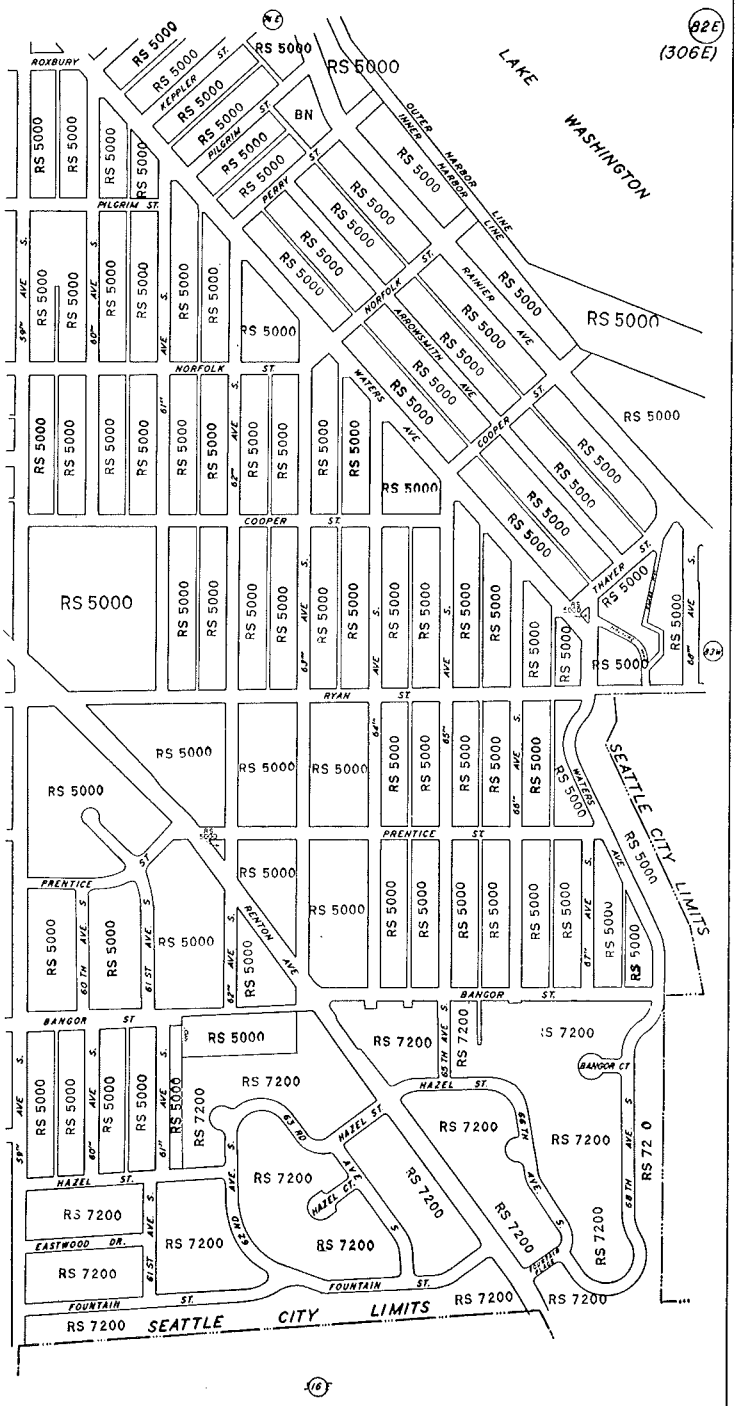

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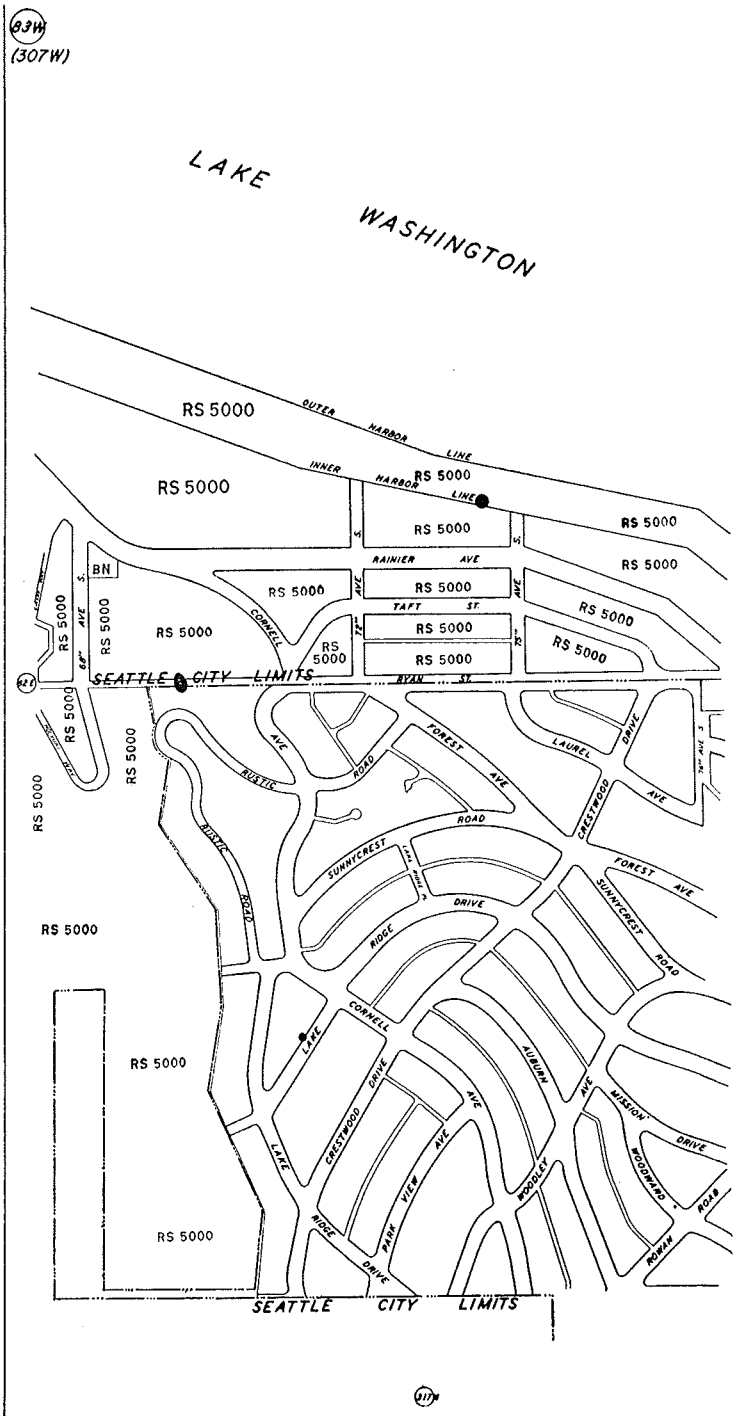

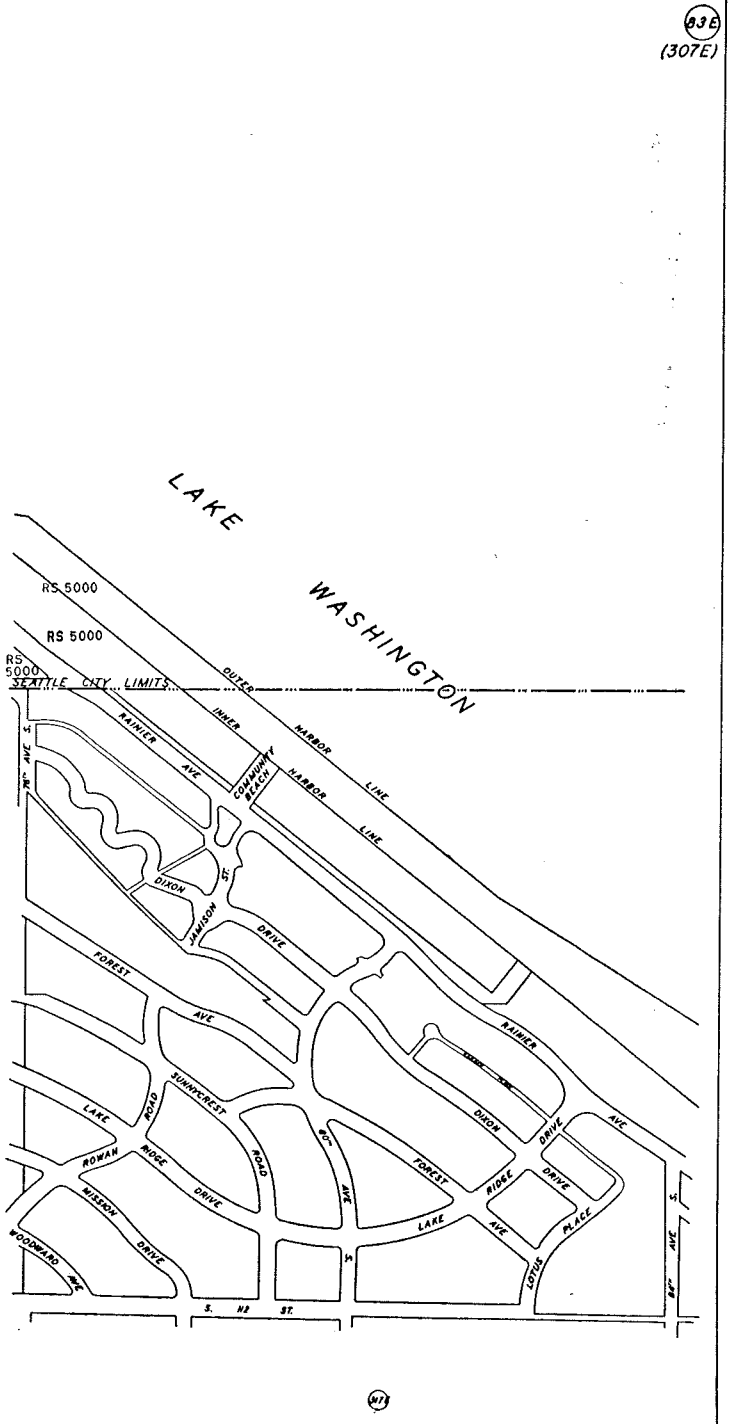

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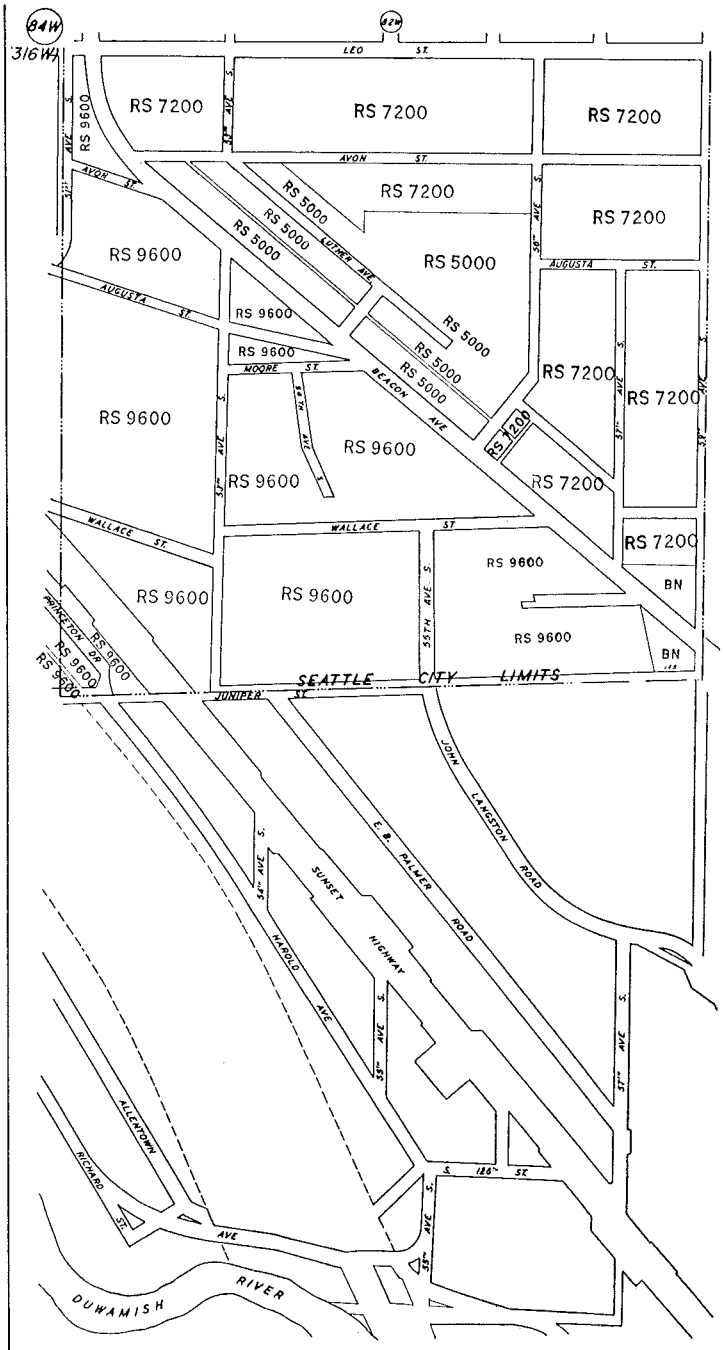

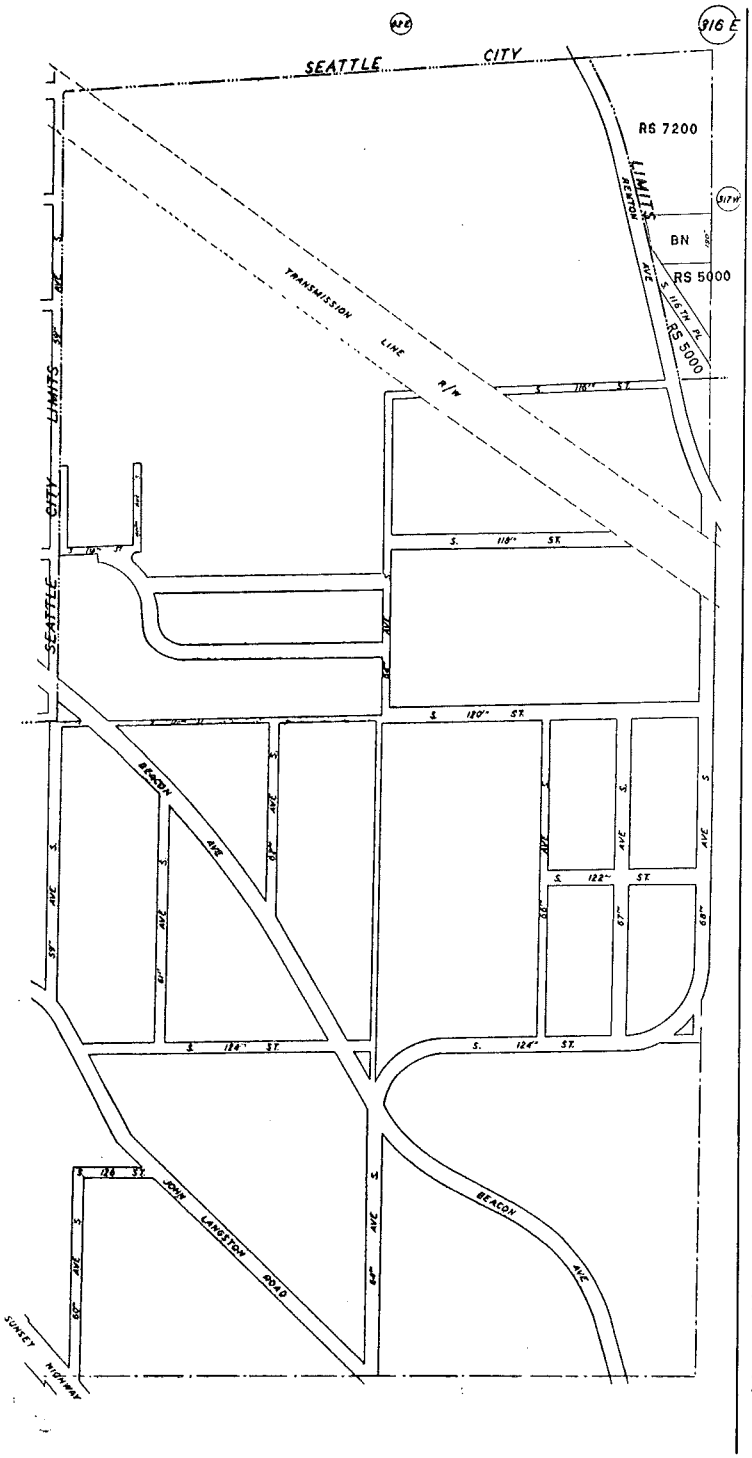

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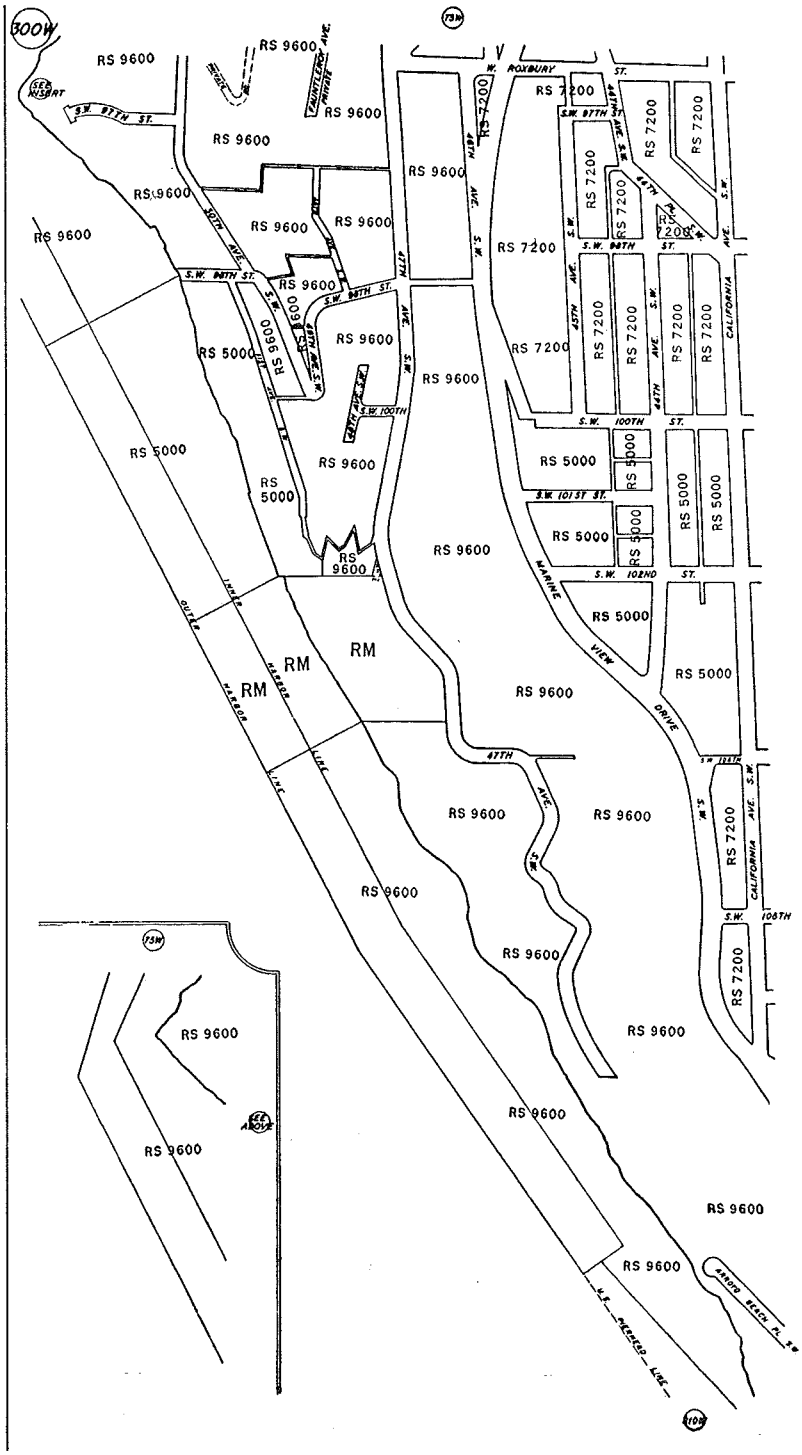

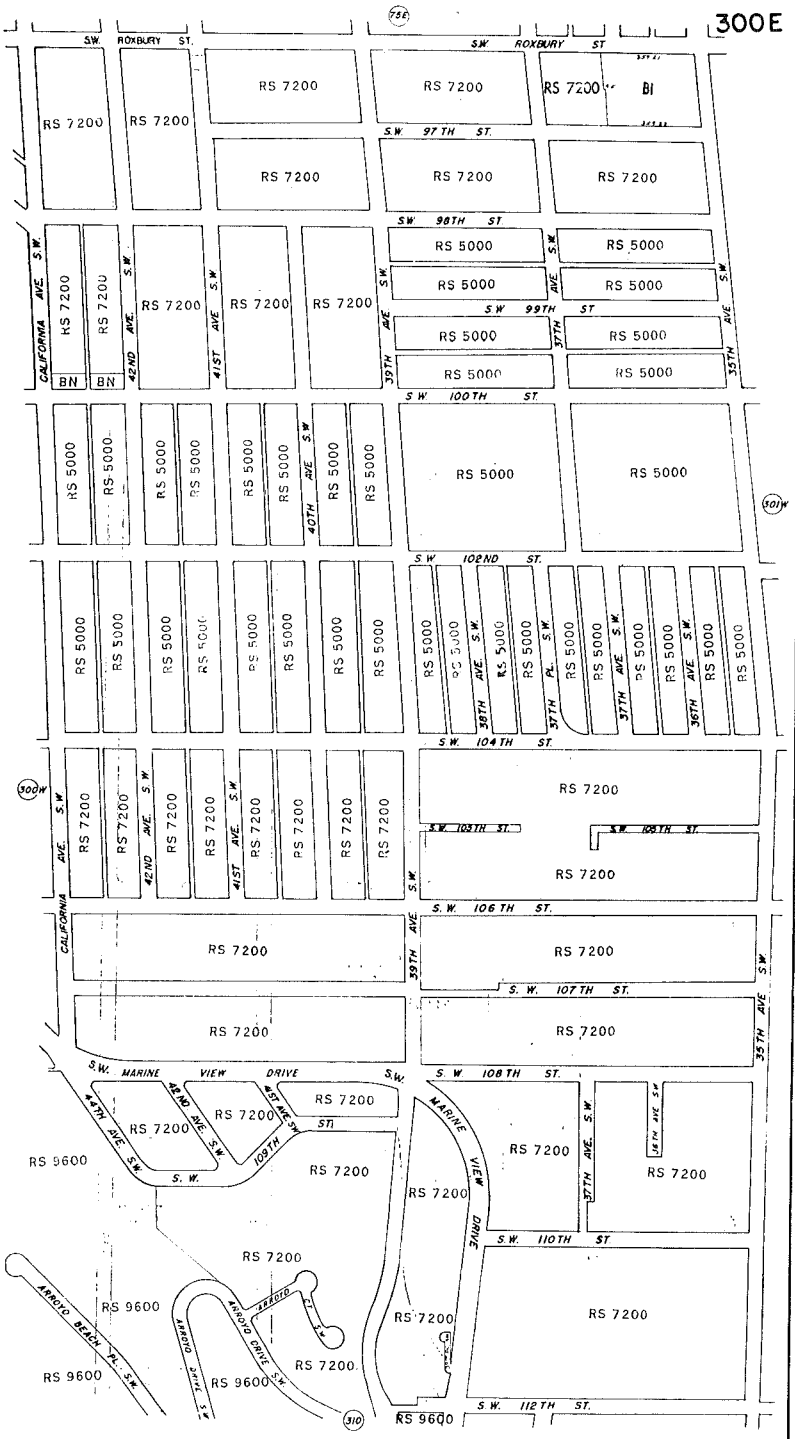

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RM 1600— Multiple Residence Lowest Density Zone.

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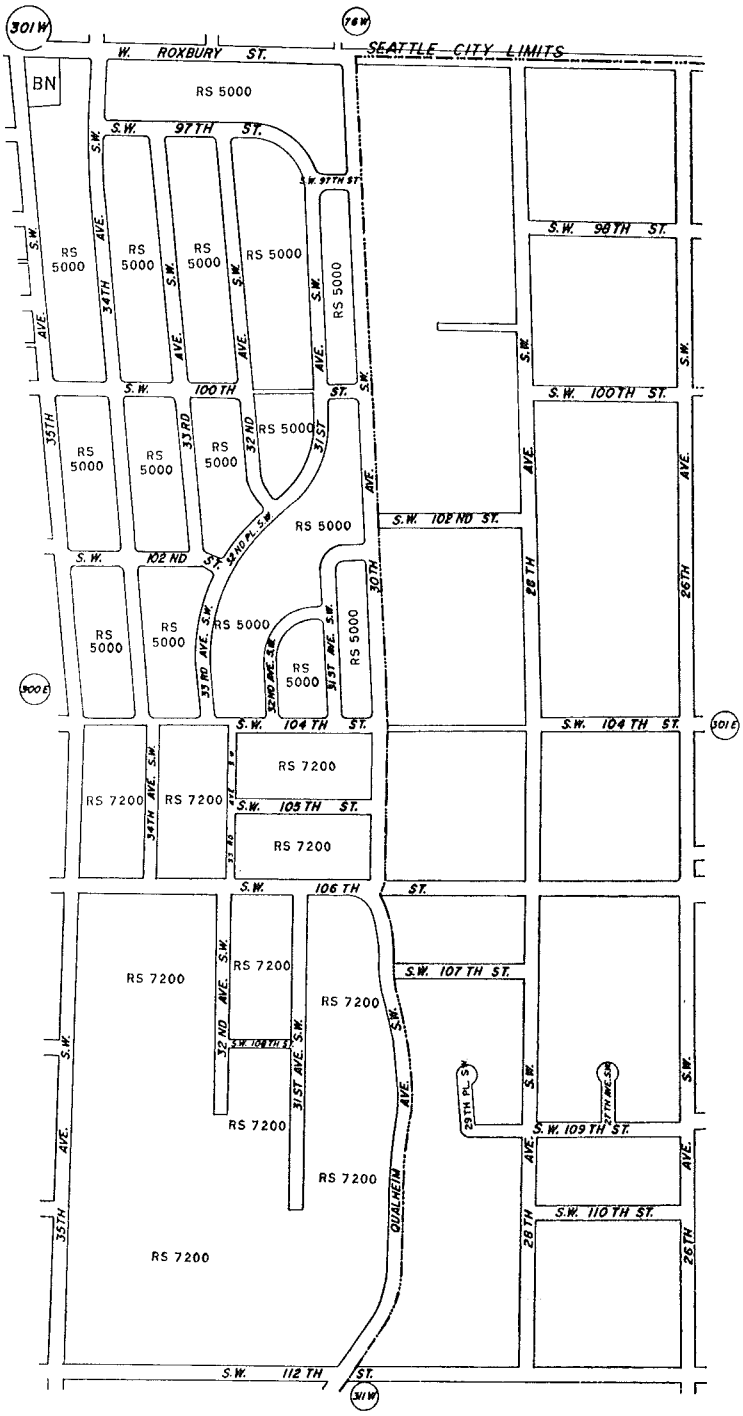

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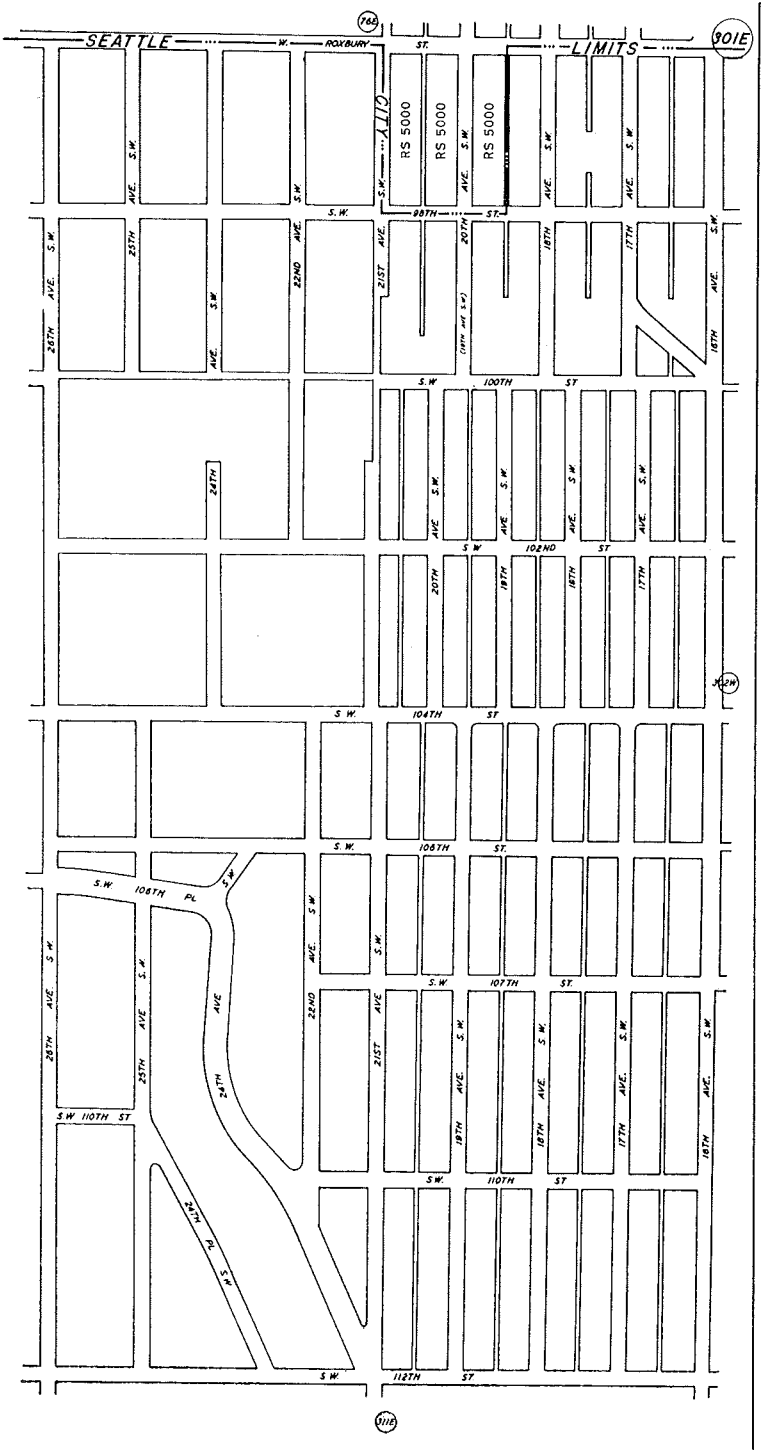

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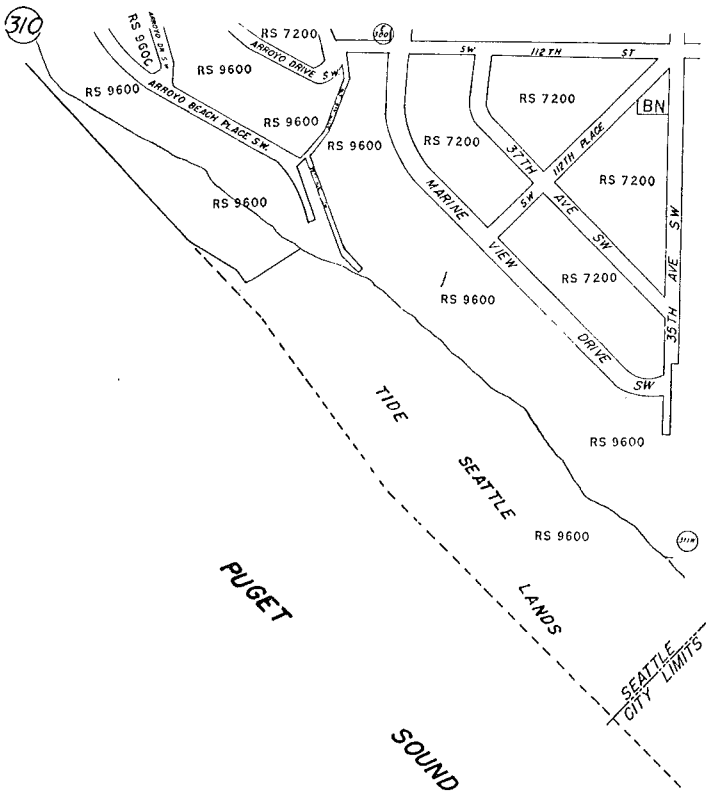

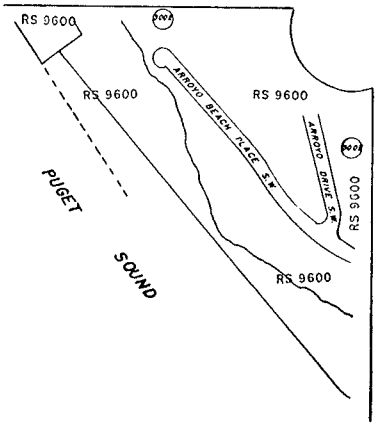

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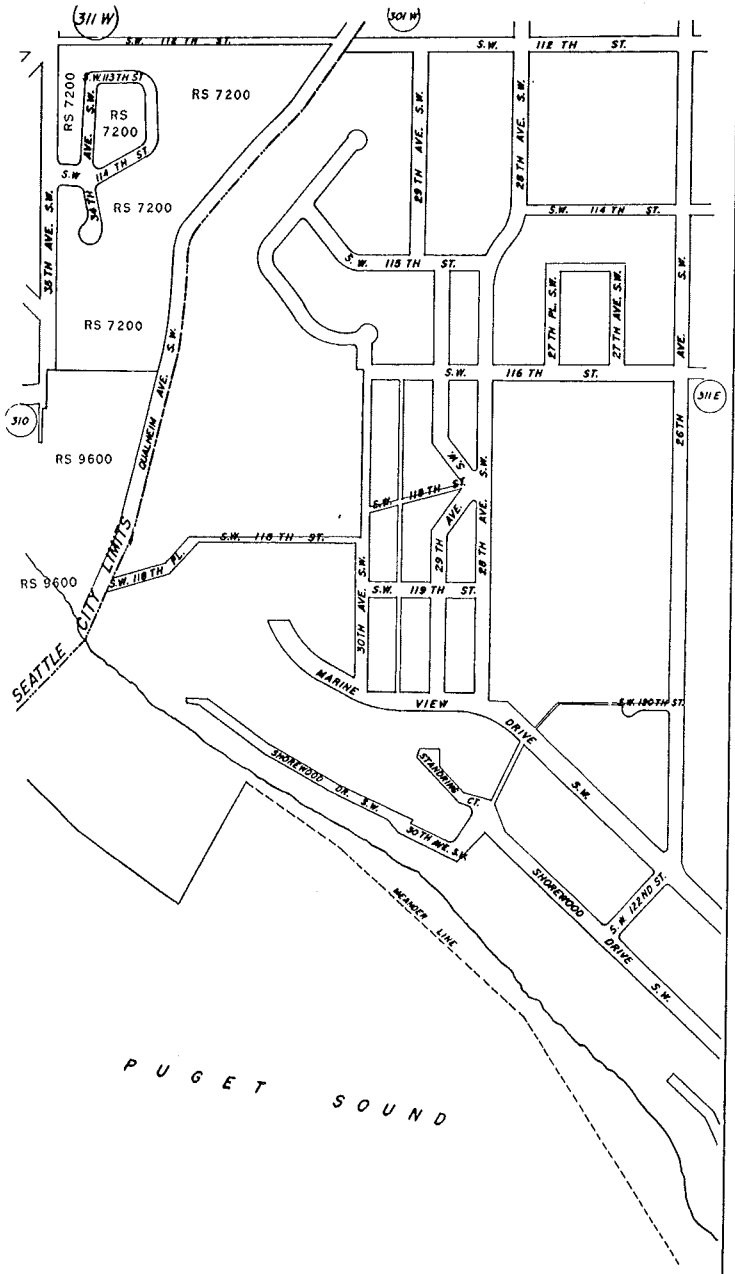

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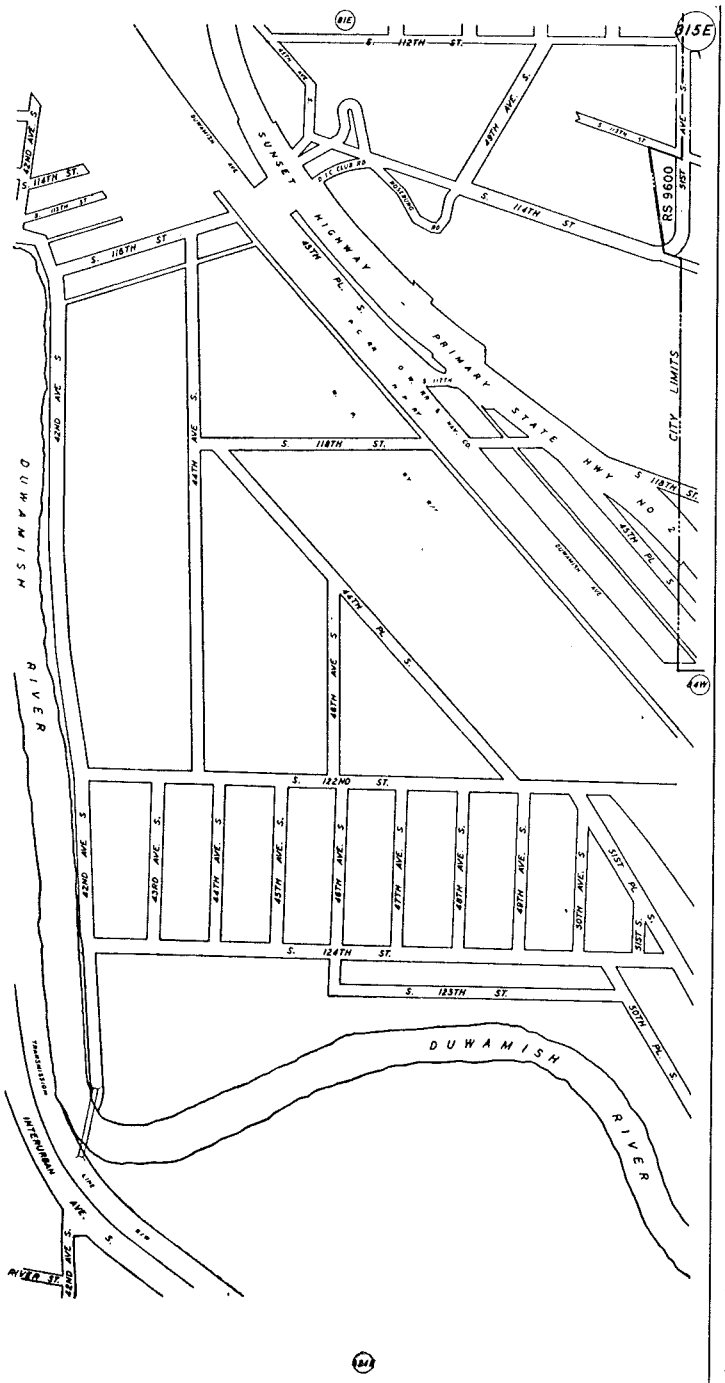

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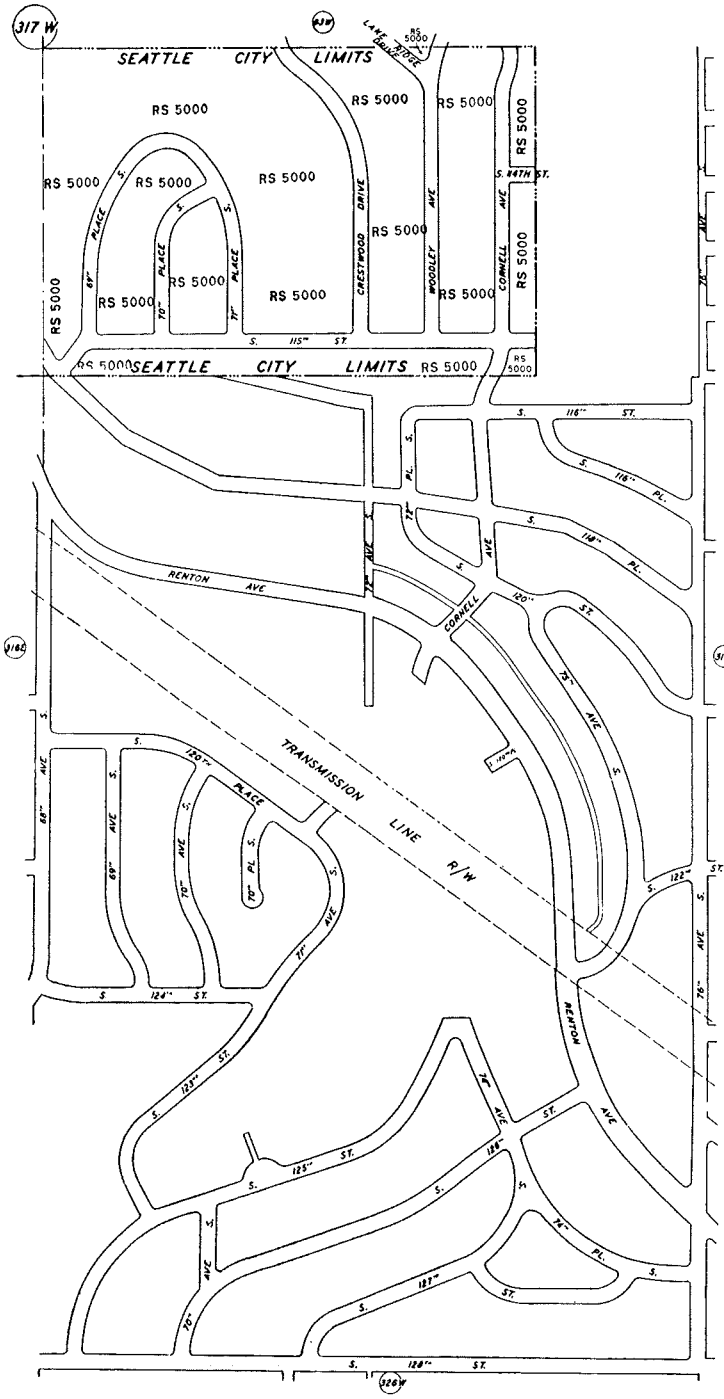

LEGEND

RS 9600— Single Family Residence Low Density Zone.

RS 7200— Single Family Residence Medium Density Zone.

RS 5000— Single Family Residence High Density Zone.

RW— Residence Waterfront Zone.

RD 7200— Duplex Residence Medium Density Zone.

RD 5000— Duplex Residence High Density Zone.

RM— Multiple Residence Low Density Zone.

RMH— Multiple Residence High Density Zone.

BN— Neighborhood Business Zone.

BC— Community Business Zone.

BM— Metropolitan Business Zone.

CM— Metropolitan Commercial Zone.

CG— General Commercial Zone.

M— Manufacturing Zone.

IG— General Industrial Zone.

IH— Heavy Industrial Zone.