

Title 23

LAND USE CODE

This title is intended for those provisions of the Code which relate to the regulation of land use.

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Severability: The Land Use Code is declared to be severable. If any section, subsection, paragraph, clause or other portion of any part adopted by reference is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of the Land Use Code. If any section, subsection, paragraph, clause or any portion is adjudged invalid or unconstitutional as applied to a particular property, use, building or other structure, the application of such portion of the Land Use Code to other property, uses or structures shall not be affected. (Ord. 110381 § 1(part), 1982.)

Introduction: User Information

The Land Use Code contains provisions typically associated with determining what use may be made of a person's property. It is organized in subtitles which describe the general provisions of Title 23 (Subtitle I), incorporate City approvals necessary for the division of land (Subtitle II), detail the establishment of zones and the use regulations and development standards applicable within zones (Subtitle III) and coordinate the administrative and enforcement procedures necessary to implement the land use regulations (Subtitle IV).

While the provisions of Title 23 are integrated and extensive, they do not include all requirements conceivably related to development. For example, with the exception of the coordination of environmental review requirements in the Master Use Permit process, those regulations detailing construction specifications, i.e., building, grading, drainage, etc., are set forth in Title 22, "Building and Construction Codes." Landmark districts and landmark preservation provisions are found in Title 25. The City's SEPA ordinance and environmentally critical areas ordinance are also set forth in Title 25. (Ord. 110381 § 1(part), 1982.)

Subtitle I General Provisions

**Chapter 23.02
TITLE AND PURPOSE**

Sections:

- | | |
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| 23.02.010 | Title. |
| 23.02.020 | General purpose. |

23.02.010 Title.

This title shall be known as the Land Use Code of The City of Seattle. (Ord. 110381 § 1(part), 1982.)

23.02.020 General purpose.

The purpose of this Land Use Code is to protect and promote public health, safety and general welfare through a set of regulations and procedures for the use of land which are consistent with and implement the City's Comprehensive Plan. Procedures are established to increase citizen awareness of land use activities and their impacts and to coordinate necessary review processes. The Land Use Code classifies land within the City into various land use zones and overlay districts which regulate the use and bulk of buildings and structures. The provisions are designed to provide adequate light, air, access, and open space; conserve the natural environment and historic resources; maintain a compatible scale within an area; minimize traffic congestion and enhance the streetscape and pedestrian environment. They seek to achieve an efficient use of the land without

major disruption of the natural environment and to direct development to sites with adequate services and amenities. (Ord. 117570 § 4, 1995; Ord. 110381 § 1(part), 1982.)

Chapter 23.04 APPLICABILITY

Sections:

23.04.010 Transition to the Land Use Code.

23.04.040 Major Institution transition rule.

23.04.010 Transition to the Land Use Code.

A. General Rules of Interpretation. Except as otherwise provided, all permits and land use approvals lawfully issued pursuant to repealed provisions of Title 24 or pursuant to a Title 24 zoning classification no longer applicable to the property shall remain in full force and effect for two (2) years from the effective date of repeal or zoning reclassification or until the expiration date of the respective permit or approval if the date is less than two (2) years from the effective date of repeal or zoning reclassification; provided, that permits issued after the effective date of repeal or zoning reclassification shall remain in full force and effect for two (2) years from the date the permit is approved for issuance as described in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

B. Existing Contract Rezones. Contract rezones approved under Title 24 shall remain in effect until the date specified in the rezone property use and development agreement. If no expiration date is specified, the rezone shall remain in effect for two (2) years from the effective date of Title 23 zoning for the property or, in the case of downtown, from the effective date of Ordinance 112303 adopting permanent Title 23 zoning for downtown.¹ When Title 23 zoning goes into effect, the property may, at the election of the property owner, be developed pursuant to either the existing rezone property use and development agreement or Title 23. When the contract rezone expires the property shall be regulated solely by the requirements of Title 23.

C. Existing Planned Unit Developments. Planned unit developments (PUDs) in an SF or multifamily zone regulated under Title 23 which were authorized pursuant to Title 24 shall be permitted to develop according to the specific terms of such authorizations. This shall include the opportunity to apply to the Council for an extension of time for completion of PUDs. Upon completion of the PUDs, the provisions of Title 23, including all use and development standards, shall apply.

(Ord. 120117 § 1, 2000; Ord. 117570 § 5, 1995; Ord. 112522 § 3, 1985; Ord. 112303 § 2, 1985; Ord. 112519 § 1, 1985; Ord. 111390 § 1, 1983; Ord. 110669 § 1, 1982; Ord. 110381 § 1(part), 1982.)

1. Editor's Note: Ordinance 112303 was adopted on June 10, 1985.

23.04.040 Major Institution transition rule.¹

The following transition rules shall apply only to Major Institution master plans and Major Institution projects:

A. The development program component, as described in subsections D and E of Section 23.69.030, of a master plan which was adopted before the effective date of the 1996 Major Institutions Ordinance, or for which an application was filed before the effective date of the 1996 Major Institutions Ordinance and which was subsequently adopted, shall remain effective through its adopted expiration date. If no expiration date was adopted for a development program that was adopted before the effective date of the 1996 Major Institutions Ordinance, it shall expire on May 2, 2000. Amendments to a development program component shall be subject to the provisions of Section 23.69.035. The institution may choose to update the entire development program component, as described in subsections D and E of Section 23.69.030, by applying for an amendment pursuant to Section 23.69.035. The Director may require new or changed development standards as part of this process, and any prior expiration date would be eliminated.

B. The development standards component, as described in subsections B and C of Section 23.69.030, of a master plan which was adopted before the effective date of the 1996 Major Institutions Ordinance, or for which an application was filed before the effective date of the 1996 Major Institutions Ordinance and which was subsequently adopted, shall remain in effect unless amended. Amendments to a development standard component shall be subject to the provisions of Section 23.69.035.

C. A transportation management program, as described in subsection F of Section 23.69.030, which was approved before the effective date of the 1996 Major Institutions Ordinance shall remain in effect unless amended. Amendment of such a transportation management program shall be subject to the provisions of Section 23.69.035.

D. Master Plan Proceeding Under Code in Effect at Time of Filing. When an application and applicable fees have been filed for a master plan prior to the effective date of the 1996 Major Institutions Ordinance, the master plan shall be subject either to the procedures and provisions in effect at the time of filing or to the newly adopted procedures and provisions, at the discretion of the applicant, provided that:

1. The applicant may elect only one (1) set of procedures and provisions which shall apply throughout the process; and

2. The election of applicable procedures and provisions shall be made within sixty (60) days following the effective date of the 1996 Major Institutions Ordinance; and

3. The election shall be irrevocable and shall be made in writing on a form provided by the Director; and

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4. If no election is made, the master plan shall be subject to the procedures and provisions in effect at the time of filing.
(Ord. 118362 § 1, 1996; Ord. 116744 § 1, 1993; Ord. 115002 § 2, 1990.)

1. Editor's Note: The 1996 Major Institutions Ordinance, Ordinance 118362, was signed by the Mayor on November 13, 1996 and became effective December 13, 1996.

**Chapter 23.06
AMENDMENTS TO THE LAND USE CODE**

Sections:
23.06.010 Text amendment procedures.

23.06.010 Text amendment procedures.
Amendments to the text of this Land Use Code may be approved pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.
(Ord. 112522 § 4, 1985.)

Subtitle II Platting Requirements

**Chapter 23.20
GENERAL PROVISIONS**

Sections:
23.20.002 Purpose.
23.20.004 Exemptions from platting regulations.
23.20.008 Compliance with state law and Land Use Code.
23.20.012 Effect of noncompliance.

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

23.20.004 Exemptions from platting regulations.
The provisions of Subtitle II shall not apply to:
1. Cemeteries and other burial plots while used for that purpose;
2. Divisions of land into lots or tracts each of which is one one-hundred-twenty-eighths ($1/128$) of a section of land or larger or five (5) acres or larger if the land is not capable of description as a fraction of a section of land;
3. Divisions made by testamentary provisions, or the laws of descent;

4. Divisions of land into lots or tracts classified for industrial or commercial use when the City has approved a binding site plan as defined in Section 23.84.004 for the use of land;

5. A division for the purpose of lease when no residential structure other than mobile homes or travel trailers are to be placed upon the land when a binding site plan has been approved for the use of the land;

6. A transfer of land to the City for open space purposes; provided that any remaining lot or lots which are consistent with Subtitle III shall be considered legal building sites; and provided further that the land transferred to the City shall not be a legal building site without compliance with the applicable platting requirements of Subtitle II.

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

23.20.008 Compliance with state law and Land Use Code.

Every division of land shall comply with the provisions of RCW Chapter 58.17 and the provisions of this subtitle. They shall conform to the Environmentally Critical Areas Policies and all land use regulations, Subtitle III, and SMC Chapter 25.09, Regulations for Environmentally Critical Areas, in effect as provided by SMC Section 23.76.026. Lots shall be of a size and dimension and have access adequate to satisfy the requirements of Subtitle III of this title.
(Ord. 120691 § 3, 2001; Ord. 116262 § 1, 1992; Ord. 110570 § 1(part), 1982.)

23.20.012 Effect of noncompliance.

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

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**Chapter 23.22
SUBDIVISIONS**

Subchapter I Preliminary Plat Process

Sections:

Subchapter I Preliminary Plat Process

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- 23.22.020 **Content of preliminary plat application.**
- 23.22.024 **Distribution of preliminary plans.**
- 23.22.028 **Effect of preliminary plat approval.**

- Subchapter II Preliminary Plat Considerations**
- 23.22.050 **Topographical and surface hazards—Protective improvements.**
- 23.22.052 **Dedications required.**
- 23.22.054 **Public use and interest.**
- 23.22.056 **Flood control zone.**
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23.22.016 Application.

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

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

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

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

23.22.020 Content of preliminary plat application.

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

1. The name of the proposed subdivision;
2. North point and scale; the location of existing property lines; streets, building, if any; watercourses and all general features;
3. The legal description of the land contained within the subdivision;
4. The names and addresses of all persons, firms and corporations holding interest in the lands, including easement rights and interest;
5. The proposed names, locations, widths and other dimensions of proposed streets, alleys, easements, parks, building lines, if any, and all other information necessary to interpret the plat, including the location of existing utility and access easements which are to remain;
6. The location of streets in adjoining plats and the approximate location of adjoining utilities and proposed extensions into the plat;
7. The names of adjoining plats;
8. The name, address and telephone number and seal of the registered land surveyor who made the survey or under whose supervision it was made;
9. The date of the survey;
10. All existing monuments and markers located by the survey;
11. The zoning classification applicable to the land within the subdivision;

12. The conditions of or the limitations on dedications, if any, including slope rights;
 13. Contour intervals as required, based upon City datum;
 14. Property information including, but not limited to, address, legal description, and Assessor's Parcel number;
 15. Evidence of ownership or authorization from the property owner to make the application;
 16. A signed statement of financial responsibility by the applicant and owner acknowledging financial responsibility for all applicable permit fees;
 17. Drainage plan;
 18. Landscape plan;
 19. Identification of any adjacent property within three hundred (300) feet of the proposed subdivision that is owned or controlled by the applicant; and
 20. Specific location and description of all trees at least six (6) inches in diameter measured four and one-half (4 1/2) feet above the ground, with species indicated.
- B. Any plat submitted that covers only a part of the subdivider's tract shall be accompanied by a sketch showing the proposed future street system in the remainder of the tract so that the street layout of the tract may be considered as a whole.

C. The plat shall comply with the technical requirements of Subchapter V.
(Ord. 119791 § 1, 1999; Ord. 118012 § 3, 1996; Ord. 110570 § 1(part), 1982.)

23.22.024 Distribution of preliminary plans.

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

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

who shall review the preliminary plat and, within thirty (30) days, furnish the Director with a report as to the effect of the proposed subdivision upon the public health, safety and general welfare, and containing their recommendations for approval or disapproval of the preliminary plat. The reports of the Director of Transportation and the Director of Seattle Public Utilities shall also include a recommendation as to the extent and type of improvements to be provided in dedi-

cated areas and a preliminary estimate of the cost of these improvements.
(Ord. 119273 § 44, 1998; Ord. 118409 § 164, 1996; Ord. 117263 § 1, 1994; Ord. 110570 § 1(part), 1982.)

23.22.028 Effect of preliminary plat approval.

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

B. No subdivision requirements which become effective after the approval of a preliminary plat for a subdivision shall apply to such subdivision unless the Hearing Examiner determines that a change in conditions created a serious threat to the public health or safety.

(Ord. 118794 § 1, 1997; Ord. 118409 § 165, 1996; Ord. 112522 § 15(part), 1985; Ord. 110570 § 1(part), 1982.)

Subchapter II Preliminary Plat Considerations

23.22.050 Topographical and surface hazards—Protective improvements.

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

23.22.052 Dedications required.

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

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

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

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

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

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

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

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

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

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

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

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

G. Dedicated streets and alleys shall meet the requirements of Chapter 23.53 and the Street Improvement Manual. Easements shall meet the requirements of Section 23.53.025.

(Ord. 118012 § 5, 1996; Ord. 115568 § 1, 1991; Ord. 115326 § 1, 1990; Ord. 110669 § 3, 1982; Ord. 110570 § 1(part), 1982.)

23.22.054 Public use and interest.

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

(Ord. 119791 § 2, 1999; Ord. 118012 § 6, 1996; Ord. 110570 § 1(part), 1982.)

23.22.056 Flood control zone.

No plat shall be approved by the Hearing Examiner covering any land situated in a flood control zone as provided in RCW Chapter 86.16 without the prior written approval of the State Department of Ecology.

(Ord. 118794 § 2, 1997; Ord. 110570 § 1(part), 1982.)

23.22.058 Environmentally critical areas.

No plat shall be approved by the Hearing Examiner covering any land situated in a riparian corridor buffer, wetland and wetland buffer, or steep slope and steep slope buffer unless in compliance with the applicable provisions of SMC Section 25.09.240, Short subdivisions and subdivisions, in environmentally critical areas.

(Ord. 118794 § 3, 1997; Ord. 116262 § 2, 1992.)

23.22.060 Transportation concurrency level-of-service standards.

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

23.22.062 Unit lot subdivisions.

A. The provisions of this section apply exclusively to the unit subdivision of land for townhouses, cottage housing developments, residential cluster developments, and single-family residences in zones where such uses are permitted.

B. Sites developed or proposed to be developed with dwelling units listed in subsection A above may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.

C. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any non-conformity of the parent lot.

D. Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard open spaces for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.

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

F. The fact that the unit lot is not a separate buildable lot and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with the King County Department of Records and Elections. (Ord. 119618 § 1, 1999; Ord. 119239 § 1, 1998.)

Subchapter III Review of Final Plat

23.22.064 Filing with Director of Transportation.

A. Time of Filing.
1. A final plat meeting all the requirements of RCW Chapter 58.17 and of this chapter, shall be filed with the Director of Transportation within five (5) years of the date of preliminary plat approval.
2. Within thirty (30) days of the date of filing of the final plat, unless the applicant consents to an extension

of the time period, final plats shall be approved or disapproved by action of the Council, or returned to the applicant. This approval shall proceed pursuant to the procedures of this chapter.

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

1. A final plat consistent with the technical requirements of Section 23.22.066 and Subchapter V;
2. A complete survey of the section or sections in which the plat or replat is located, or as many sections as may be necessary to properly orient the plat within the section or sections;
3. Complete field and computation notes as provided in Section 23.22.094;
4. A title report from a title company licensed to do business in the state showing the ownership and title of all parties of interest in the subdivision and confirming that title of the lands as described and shown on the final plat is in the name of the owners signing the certificate required in Section 23.22.068;
5. A guarantee deposit in an amount established by the Director of Transportation sufficient to cover the expense of the City in checking the plat, advertising the ordinance, and posting notices. (Ord. 118409 § 166, 1996; Ord. 118012 § 7, 1996; Ord. 110570 § 1(part), 1982.)

23.22.066 Technical standards for final plat.

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

1. The name of the subdivision;
2. The lines, widths and names of all streets, avenues, places, parks or other public property, and the location of monuments marking the same;
3. The length and direction of all lot lines, also the angles made by lot lines with the street lines;
4. The location of control points and monuments together with all ties;
5. The names of all subdivisions immediately adjacent;
6. The scale and north point;
7. The boundary of the tract as covered by the plat showing courses and distance on the plat;
8. The initial point;
9. All protective improvements and restrictions on uses;

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

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

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

(Ord. 120794 § 293, 2002; Ord. 118409 § 167, 1996; Ord. 116368 § 302, 1992; Ord. 110570 § 1(part), 1982.)

23.22.068 Certificates required.

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

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

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

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

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

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

23.22.070 Director's action on final plat.

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

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

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

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

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

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

23.22.072 Submission of final plat to Council.

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

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

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

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

23.22.074 Council determination of final plat.

A. The Council shall determine:

1. Whether the final plat is in substantial conformance with the approved preliminary plat;
2. Whether the requirements imposed when the preliminary plat was approved have been met;
3. Whether the bond, if required by the City, is sufficient in its terms to assure completion of improvements; and
4. Whether the requirements of state law and the Seattle Municipal Code which were in effect at the time of preliminary plat approval have been satisfied by the subdivider.

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

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

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

23.22.078 Resubmission.

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

1. The subdivider has corrected those deficiencies of the final plat, attachments to it, or improvements, any or all of which caused the final plat to be returned or disapproved;
2. The final plat is resubmitted within the five (5) year period after the date of approval of the preliminary plat as provided in Section 23.22.064 or within six (6) months from the date of Council disapproval whichever is later;
3. The final plat was not disapproved by Council with prejudice against resubmission;
4. The subdivider has not accepted any proffered refund of filing fees paid for individual lots.

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

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

Subchapter IV Reserved Land

23.22.082 Land reserved for public use.

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

(Ord. 110570 § 1(part), 1982.)

23.22.084 Reserved land to show on plat.

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

(Ord. 110570 § 1(part), 1982.)

23.22.086 No development on reserved land.

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

(Ord. 110570 § 1(part), 1982.)

23.22.088 Development if not acquired.

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

(Ord. 110570 § 1(part), 1982.)

Subchapter V Survey Requirements

23.22.092 Registered land surveyor.

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

(Ord. 110570 § 1(part), 1982.)

23.22.094 Computations—Notes.

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

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

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

C. Primary survey control points shall be referenced to section corners and monuments, and corners of adjoining subdivisions, or portions of subdivisions shall be identified and ties shown.

(Ord. 118409 § 172, 1996; Ord. 110570 § 1(part), 1982.)

23.22.096 Permanent control monuments.

A. Permanent control monuments shall be established at:

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

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

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

D. Each lot corner shall be marked by a three-quarter ($\frac{3}{4}$) inch galvanized iron pipe, twenty-four (24) inches in length, or approved equivalent, driven into the ground.

(Ord. 118409 § 173, 1996; Ord. 110570 § 1(part), 1982.)

23.22.098 Property contiguous to water.

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

(Ord. 110570 § 1(part), 1982.)

Subchapter VI Design and Construction Standards

23.22.100 Design standards.

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

- A. Streets and Alleys.
1. All subdivisions shall be served by one (1) or more streets providing adequate ingress and egress to and from the subdivision.
 2. New streets within each subdivision shall conform with the City's thoroughfare and circulation plans and shall provide for the continuation of streets which serve the property contiguous to the subdivision. Streets serving lots on two (2) sides shall be at least sixty (60) feet wide unless a narrower street is warranted by special physical circumstances as determined by the Director, in consultation with the Director of Seattle Transportation, or as specified in Table 7 (for nonarterial streets) or Appendix A (for arterials) of the Street Improvement Manual.
 3. Street intersections shall be as nearly at right angles as practicable and in no event shall the angle formed be less than thirty (30) degrees.
 4. A cul-de-sac shall be designed according to the Street Improvement Manual to provide a circular turnaround at the closed end. A tee or other reasonable alternative may be authorized by the Hearing Examiner in lieu of the turnaround. Cul-de-sac streets shall not exceed four hundred fifty (450) feet in length and the right-of-way shall be at least fifty (50) feet wide, except under special circumstances a lesser width will be permitted.
 5. Street networks shall provide ready access for fire and other emergency vehicles and equipment, and routes of escape for inhabitants.
 6. Alleys shall be at least sixteen (16) feet wide plus such additional width as shall be necessary for an adequate turning radius.
- B. Blocks. Blocks shall be designed to assure traffic safety and ease of traffic control and circulation. Blocks shall be identified by letters or numbers.
- C. Lots.
1. Every lot shall be provided with convenient vehicular access to a street or to a permanent appurtenant

easement which satisfies the requirements of Section 23.53.005.

2. Lots shall be numbered with reference to blocks.

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

E. Drainage, Storm Sewer and Utility Easements.

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

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

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

(Ord. 119239 § 2, 1998; Ord. 118794 § 4, 1997; Ord. 118409 § 174, 1996; Ord. 110570 § 1(part), 1982.)

23.22.102 Improvements.

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

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

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

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

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

23.22.106 Exceptions.

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

(Ord. 118794 § 5, 1997; Ord. 118566 § 1, 1997; Ord. 110570 § 1(part), 1982.)

Chapter 23.24 SHORT PLATS

Sections:

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

23.24.010 Filing of application.

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

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

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

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

23.24.020 Content of application.

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

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

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

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

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

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

F. Location of existing roadways, sanitary sewer, storm drain and watermains, if any, together with proposed street improvements; and

G. Specific location and description of all trees at least six (6) inches in diameter measured four and one-half (4½) feet above the ground, with species indicated. (Ord. 120117 § 2, 2000; Ord. 119791 § 3, 1999; Ord. 110570 § 1(part), 1982.)

23.24.030 Content of short plat.

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

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

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

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

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

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

(Ord. 110570 § 1(part), 1982.)

23.24.035 Access.

A. Every short plat shall include adequate provision for dedication of drainage ways, streets, alleys, easements, slope rights, parks and other public open spaces for gener-

al purposes as may be required to protect the public health, safety and welfare.

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

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

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

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

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

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

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

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

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

E. Dedicated streets and alleys shall meet the requirements of Chapter 23.53 and the Street Improvement Manual. Easements shall meet the requirements of Section 23.53.025.

(Ord. 115568 §§ 2, 3, 1990; Ord. 115326 § 2, 1990.)

23.24.040 Criteria for approval.

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

1. Conformance to the applicable Land Use Code provisions;

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

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

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

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

6. Is designed to maximize the retention of existing trees;

7. Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record

for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.

B. If the short subdivision contains a proposed dedication, the Director shall refer the matter to the Director of Transportation for report and recommendation. The short plat or dedication instrument shall be transmitted to the City Council for acceptance of the dedication by ordinance.

(Ord. 120691 § 4, 2001; Ord. 119791 § 4, 1999; Ord. 119239 § 3, 1998; Ord. 118414 § 2, 1996; Ord. 118409 § 176, 1996; Ord. 117570 § 7, 1995; Ord. 117430 § 2, 1994; Ord. 117263 § 2, 1994; Ord. 116262 § 3, 1992; Ord. 111390 § 2, 1983; Ord. 110669 § 4, 1982; Ord. 110570 § 1(part), 1982.)

23.24.045 Unit lot subdivisions.

A. The provisions of this section apply exclusively to the unit subdivision of land for townhouses, cottage housing developments, residential cluster developments, and single-family residences in zones where such uses are permitted.

B. Sites developed or proposed to be developed with dwelling units listed in subsection A above, may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.

C. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.

D. Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard open space for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.

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

F. The facts that the unit lot is not a separate buildable lot, and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with the Director of the King County Department of Records and Elections.

(Ord. 119618 § 2, 1999; Ord. 119239 § 4, 1998; Ord. 118794 § 6, 1997; Ord. 118414 § 3, 1996; Ord. 117430 § 3, 1994.)

23.24.050 Director’s decision.

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

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

C. A short plat shall be governed by the terms of approval of the Director’s decision, and any lots created thereunder shall be deemed to meet lot requirements imposed by this Land Use Code for a period of no less than five (5) years unless the City Council finds that a change in circumstances has occurred.

(Ord. 120609 § 1, 2001; Ord. 110570 § 1(part), 1982.)

23.24.060 Redivision procedures.

Within a five (5) year period following the filing of a short subdivision in accordance with the provisions of Chapter 23.22, property within that short subdivision may not be further divided through the short subdivision process if it would result in more than a total of nine (9) lots. However, any revision of the lot lines of an approved short subdivision in which the total number of lots is not increased shall not be considered a further division, and shall be approved or disapproved in the manner prescribed in Chapter 23.28.

(Ord. 118794 § 7, 1997; Ord. 110570 § 1(part), 1982.)

**Chapter 23.28
LOT BOUNDARY ADJUSTMENTS**

Sections:

23.28.010

23.28.020

23.28.030

Purpose.

Application for approval of lot boundary adjustment.

Criteria for approval.

For current SMC, contact the Office of the City Clerk

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

Subtitle III Land Use Regulations

Division 1 Land Use Zones

23.28.010 Purpose.

The purpose of this chapter is to provide a method for summary approval of lot boundary adjustments which do not create any additional lot, tract, parcel, site or division, while insuring that such lot boundary adjustment satisfies public concerns of health, safety, and welfare. (Ord. 110570 § 1(part), 1982.)

23.28.020 Application for approval of lot boundary adjustment.

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

1. A plan showing the proposed change and containing standard survey data;
 2. A plot plan as appropriate showing the location and dimensions of existing structures in relation to the proposed lot boundary adjustment;
 3. A legal description of the property involved;
 4. Name and address of owner(s) of the property involved.
- (Ord. 110570 § 1(part), 1982.)

23.28.030 Criteria for approval.

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

1. No additional lot, tract, parcel, site or division will be created by the proposed adjustment;
 2. No lot is created which contains insufficient area and dimensions to meet the minimum requirements of the zone in which the lots affected are situated, except as provided in Section 23.44.010;
 3. No lot is created which does not have adequate drainage, water supply and sanitary sewage disposal, and access for vehicles, utilities and fire protection;
 4. The lot boundary adjustment is consistent with applicable provisions of the Land Use Code, Title 23, and SMC Chapter 25.09, Regulations for Environmentally Critical Areas.
- (Ord. 116262 § 4, 1992; Ord. 110570 § 1(part), 1982.)

**Chapter 23.30
 ZONE DESIGNATIONS ESTABLISHED**

Sections:

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

23.30.010 Classifications for the purpose of this subtitle.

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

Zones	Abbreviated
Residential, Single-family 9,600	SF 9600
Residential, Single-family 7,200	SF 7200
Residential, Single-family 5,000	SF 5000
Residential Small Lot	RSL
Residential, Multifamily, Lowrise Duplex/Triplex	LDT
Residential, Multifamily, Lowrise 1	L1
Residential, Multifamily, Lowrise 2	L2
Residential, Multifamily, Lowrise 3	L3
Residential, Multifamily, Lowrise 4	L4
Residential, Multifamily, Midrise	MR
Residential, Multifamily, Highrise	HR
Residential-Commercial	RC
Neighborhood Commercial 1	NC1
Neighborhood Commercial 2	NC2
Neighborhood Commercial 3	NC3
Seattle Cascade Mixed	SCM
Commercial 1	C1
Commercial 2	C2
Downtown Office Core 1	DOC1
Downtown Office Core 2	DOC2
Downtown Retail Core	DRC
Downtown Mixed Commercial	DMC
Downtown Mixed Residential	DMR
Pioneer Square Mixed	PSM
International District Mixed	IDM
International District Residential	IDR
Downtown Harborfront 1	DH1
Downtown Harborfront 2	DH2
Pike Market Mixed	PMM
General Industrial 1	IG1
General Industrial 2	IG2
Industrial Buffer	IB
Industrial Commercial	IC

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

23.30.020 Zone boundaries.¹

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

(Ord. 117570 § 8, 1995; Ord. 110381 § 1(part), 1982.)

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

23.30.030 Property not specifically zoned.

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

(Ord. 110381 § 1 (part), 1982.)

Chapter 23.32 LAND USE MAPS¹

Sections:

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

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

23.32.006 Underlying zones established.

The zone classifications established in Section 23.30.010 and their boundaries within the City are established as shown on the series of maps, marked Exhibit "A" to the ordinance from which this section derives.

(Ord. 117570 § 9, 1995; Ord. 110381 § 1(part), 1982.)

23.32.010 Overlay districts established.

The overlay districts regulated in Part 3 of this subtitle are also established on the maps identified as Exhibit "A" to the ordinance from which this section derives.
(Ord. 110381 § 1(part), 1982.)

23.32.016 Official Land Use Map.

The Official Land Use Map of The City of Seattle, Exhibit A of Ordinance 110381, is by this reference made a part of this subtitle and may hereafter be amended.
(Ord. 120611 § 3, 2001; Ord. 110381 § 1(part), 1982.)

Chapter 23.34

AMENDMENTS TO OFFICIAL LAND USE MAP (REZONES)

Sections:

Subchapter I Procedure

- 23.34.002 Standard rezone procedures.**
- 23.34.004 Contract rezones.**

Subchapter II Rezone Criteria

- 23.34.007 Rezone evaluation.**
- 23.34.008 General rezone criteria.**
- 23.34.009 Height limits of the proposed rezone.**
- 23.34.010 Designation of single-family zones.**
- 23.34.011 Single-family zones, function and locational criteria.**
- 23.34.012 Residential Small Lot (RSL) zone, function and locational criteria.**
- 23.34.013 Designation of multifamily zones.**
- 23.34.014 Lowrise Duplex/Triplex (LDT) zone, function and locational criteria.**
- 23.34.016 Lowrise 1 (L1) zone, function and locational criteria.**
- 23.34.018 Lowrise 2 (L2) zone, function and locational criteria.**
- 23.34.020 Lowrise 3 (L3) zone, function and locational criteria.**
- 23.34.022 Lowrise 4 (L4) zone, function and locational criteria.**
- 23.34.024 Midrise (MR) zone, function and locational criteria.**
- 23.34.026 Midrise/85' (MR/85') zone, function and locational criteria.**
- 23.34.028 Highrise (HR) zone, function and locational criteria.**
- 23.34.046—**
- 23.34.056 Reserved by 110381.**

23.34.070 Residential-Commercial (RC) zone, function and locational criteria.
23.34.072 Designation of commercial zones.
23.34.074 Neighborhood Commercial 1 (NC1) zone, function and locational criteria.
23.34.076 Neighborhood Commercial 2 (NC2) zone, function and locational criteria.
23.34.077 Neighborhood Commercial 2/Residential (NC2/R) designation.
23.34.078 Neighborhood Commercial 3 (NC3) zone, function and locational criteria.
23.34.079 Neighborhood Commercial 3/Residential (NC3/R) designation.
23.34.080 Commercial 1 (C1) zone, function and locational criteria.
23.34.082 Commercial 2 (C2) zone, function and locational criteria.
23.34.086 Locational criteria—Pedestrian District 1(P1) overlay.
23.34.088 Locational criteria—Pedestrian District 2 (P2) overlay.
23.34.089 Locational criteria—Station Area Overlay District.
23.34.090 Designation of industrial zones.
23.34.092 General Industrial 1 (IG1) zone, function and locational criteria.
23.34.093 General Industrial 2 (IG2) zone, function and locational criteria.
23.34.094 Industrial Buffer (IB) zone, function and locational criteria.
23.34.096 Location criteria—Industrial Commercial (IC) zone.
23.34.100 Designation of Downtown zones.
23.34.102 Downtown Office Core-1 (DOC-1) zone, function and locational criteria.
23.34.104 Downtown Office Core-2 (DOC-2) zone, function and locational criteria.
23.34.106 Downtown Retail Core (DRC) zone, function and locational criteria.
23.34.108 Downtown Mixed Commercial (DMC) zone, function and locational criteria.
23.34.110 Downtown Mixed Residential (DMR) zone, function and locational criteria.
23.34.112 Pioneer Square Mixed (PSM) zone, locational criteria.
23.34.114 International District Mixed (IDM) zone, locational criteria.

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

Subchapter I Procedure

23.34.002 Standard rezone procedures.

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

23.34.004 Contract rezones.

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

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

Subchapter II Rezone Criteria

23.34.007 Rezone evaluation.

A. The provisions of this chapter shall apply to all rezones except correction of mapping errors. In evaluating proposed rezones, the provisions of this chapter shall be weighed and balanced together to determine which zone or height designation best meets those provisions. In addi-

tion, the zone function statements, which describe the intended function of each zone designation, shall be used to assess the likelihood that the area proposed to be rezoned would function as intended.

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

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

D. Compliance with the provisions of this chapter shall constitute consistency with the Comprehensive Plan for the Purpose of reviewing proposed rezones, except that Comprehensive Plan Shoreline Area Objectives shall be used in shoreline environment redesignations as provided in SMC Subsection 23.60.060 B3.

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

F. The procedures and locational criteria for shoreline environment redesignations are located in Sections 23.60.060 and 23.60.220, respectively.

G. Mapping errors due to cartographic or clerical mistakes may be corrected through process required for Type V Council land use decisions in SMC Chapter 23.76 and do not require the evaluation contemplated by the provisions of this chapter.

(Ord. 120609 § 2, 2001; Ord. 118408 § 2, 1996; Ord. 117430 § 5, 1994.)

23.34.008 General rezone criteria.

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

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

2. For the area within the urban village boundary of hub urban villages and for residential urban villages taken as a whole the zoned capacity shall be within the density ranges established in Section A1 of the Land Use Element of the Comprehensive Plan.

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

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

D. Neighborhood Plans.

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

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

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

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

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

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

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

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

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

c. Distinct change in street layout and block orientation;

d. Open space and greenspaces.

3. Zone Boundaries.

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

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

(2) Platted lot lines.

b. Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located, and face away from adjacent residential areas. An

exception may be made when physical buffers can provide a more effective separation between uses.

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

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

- a. Housing, particularly low-income housing;
- b. Public services;
- c. Environmental factors, such as noise, air and water quality, terrestrial and aquatic flora and fauna, glare, odor, shadows, and energy conservation;
- d. Pedestrian safety;
- e. Manufacturing activity;
- f. Employment activity;
- g. Character of areas recognized for architectural or historic value;
- h. Shoreline view, public access and recreation.

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

- a. Street access to the area;
- b. Street capacity in the area;
- c. Transit service;
- d. Parking capacity;
- e. Utility and sewer capacity;
- f. Shoreline navigation.

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

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

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

(Ord. 120691 §§ 3, 5, 2001; Ord. 120609 § 3, 2001; Ord. 118408 § 3, 1996; Ord. 117929 § 6, 1995; Ord. 117430 § 6, 1994; Ord. 114725 § 1, 1989; Ord. 113079 § 2(part), 1986; Ord. 112522 § 6(part), 1985; Ord. 110381 § 1(part), 1982.)

23.34.009 Height limits of the proposed rezone.

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

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

and services and the potential for displacement of preferred uses shall be considered.

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

C. Height and Scale of the Area.

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

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

D. Compatibility with Surrounding Area.

1. Height limits for an area shall be compatible with actual and zoned heights in surrounding areas excluding buildings developed under Major Institution height limits; height limits permitted by the underlying zone, rather than heights permitted by the Major Institution designation, shall be used for the rezone analysis.

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

E. Neighborhood Plans.

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

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

(Ord. 117430 § 7, 1994.)

23.34.010 Designation of single-family zones.

A. Except as provided in subsection B or C of this section, single-family zoned areas may be rezoned to zones more intense than single-family 5000 only if the applicant can demonstrate that the area does not meet the criteria for single-family designation.

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

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

2. All parts of the rezone area are within a five (5) minute walk for a person of typical abilities, within five (5) blocks, or within one-quarter (1/4) mile, whichever is the

shortest distance, of a designated principal commercial street;

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

4. The rezone is:

a. To a Residential Small Lot (RSL), Residential Small Lot-Tandem (RSL/T), Residential Small Lot-Cottage (RSL/C), Residential Small Lot-Tandem/Cottage (RSL/TC), Lowrise Duplex/Triplex (LDT), Lowrise 1 (L1), or Lowrise 1/Residential-Commercial (L1/RC), or

b. Within the areas identified on Map P-1 of the adopted North Beacon Hill Neighborhood Plan, and the rezone is to any zone up to and including Neighborhood Commercial 2/R-40' (NC2/R-40');

5. If a property located within the North Beacon Residential Urban Village is being rezoned to the more intensive zones permitted in this subsection B4, the subject property is contiguous to an urban village commercial zone.

C. Outside of urban villages, land that is zoned single-family and meets Land Use Code locational criteria for a single-family designated may be rezoned to zones more intense than SF 5000, only when all of the following conditions are met at the time of the proposed rezone:

1. The rezone is provided for in a neighborhood plan adopted or amended by the City Council after January 1, 1995;

2. The neighborhood plan that provides for the rezone was developed for a planning area that does not contain an urban village, and has been included in a City sponsored neighborhood planning program because of the presence of at least one distressed area;

3. The rezone is within one-quarter (1/4) mile of a designated neighborhood anchor;

a. Where a majority of the commercially zoned properties within one-quarter (1/4) mile of the anchor are undeveloped for commercial use or vacant, and

b. Where physical barriers other than streets, such as large greenbelt areas, limit the customer base from the surrounding single-family area;

4. The proposed zone designation is Lowrise Duplex Triplex;

5. The change is made through a rezone procedure; and

6. The rezone is proposed in the following neighborhood plans that have been determined by the City Council to meet the conditions in subsection B of this section:

a. Delridge.

(Ord. 120117 § 4, 2000; Ord. 119796 § 1, 1999; Ord. 119724 § 1, 1999; Ord. 117430 § 8, 1994; Ord. 112522 § 6(part), 1985; Ord. 110381 § 1(part), 1982.)

23.34.011 Single-family zones, function and locational criteria.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Ord. 117430 § 10, 1994.)

23.34.013 Designation of multifamily zones.

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

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

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

A. Function. An area that provides opportunities for limited infill housing development, both through new construction and the conversion of existing single-family structures to duplexes and triplexes, where, in order to preserve the character of the neighborhood, the recycling of existing structures to a slightly higher density and small-scale infill development is preferable to single-family zoning or to the development of townhouses or higher density apartments.

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

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

2. Relationship to the Surrounding Area.

a. Areas that do not meet single-family criteria, but are otherwise similar in character and adjoin areas zoned single-family or Lowrise 1 without necessarily the presence

of a significant topographical break or open space to provide a transition to increased density;

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

c. Areas close to existing or projected facilities and services used by households with children, including schools, parks and community centers.

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

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

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

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

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

1. Development Characteristics of the Area.

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

b. Areas with:

(1) A mix of single-family structures, small multifamily structures and single-family structures legally converted into multiple units where, because of the type and quality of the existing housing stock, it is desirable to encourage new development opportunities, or

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

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

2. Relationship to the Surrounding Areas.

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

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

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

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

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

C. Areas zoned single family meeting the locational criteria for single-family designation may be rezoned to L1 only when the provisions of Section 23.34.010 B are met. (Ord. 119242 § 2, 1998; Ord. 118794 § 8, 1997; Ord. 117430 § 11(part), 1994; Ord. 116795 § 3, 1993; Ord. 114886 § 2, 1989.)

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

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

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

1. Development Characteristics of the Areas.
 - a. Areas that feature a mix of single-family structures and small to medium multifamily structures generally occupying one (1) or two (2) lots, with heights generally less than thirty (30) feet;
 - b. Areas suitable for multifamily development where topographic conditions and the presence of views make it desirable to limit height and building bulk to retain views from within the zone;
 - c. Areas occupied by a substantial amount of multifamily development where factors such as narrow streets, on-street parking congestion, local traffic congestion, lack of alleys and irregular street patterns restrict local access and circulation and make an intermediate intensity of development desirable.
2. Relationship to the Surrounding Areas.
 - a. Properties that are well-suited to multifamily development, but where adjacent single-family areas make a transitional scale of development desirable. It is desirable that there be a well-defined edge such as an arterial, open space, change in block pattern, topographic change or other significant feature providing physical separation from the single-family area. However, this is not a necessary condition where existing moderate scale multifamily structures have already established the scale relationship with abutting single-family areas;
 - b. Properties that are definable pockets within a more intensive area, where it is desirable to preserve a smaller scale character and mix of densities;
 - c. Properties in areas otherwise suitable for higher density multifamily development but where it is desirable to limit building height and bulk to protect views from uphill areas or from public open spaces and scenic routes;

d. Properties where vehicular access to the area does not require travel on "residential access streets" in less intensive residential zones. (Ord. 118794 § 9, 1997; Ord. 771430 § 11(part), 1994; Ord. 116795 § 3, 1993; Ord. 114886 § 2, 1989.)

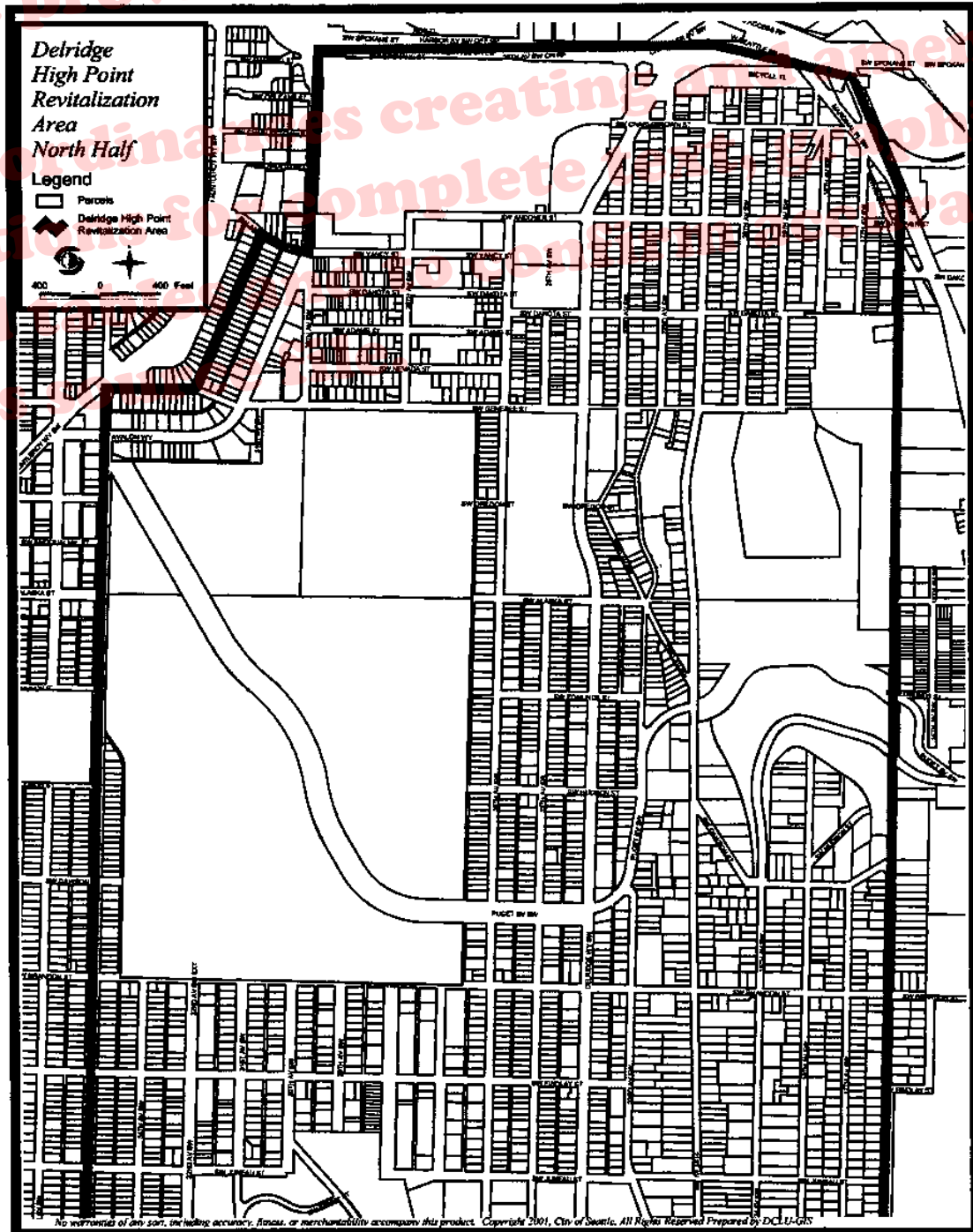
23.34.020 Lowrise 3 (L3) zone, function and locational criteria.

A. Function. An area that provides moderate scale multifamily housing opportunities in multifamily neighborhoods where it is desirable to limit development to infill projects and conversions compatible with the existing mix of houses and small to moderate scale apartment structures.

B. Locational Criteria.

1. Threshold Conditions. Subject to subsection B2 of this section, properties that may be considered for an L3 designation are limited to the following:
 - a. Properties already zoned L3;
 - b. Properties in areas already developed predominantly to the permitted L3 density and where L3 scale is well established;
 - c. Properties within an urban center or village, except as provided in this subsection below, where less emphasis shall be placed on density and scale compatibility with existing development, when the designation will be consistent with the densities required for the center or village category as established in Section B of the Land Use Element of the Comprehensive Plan, unless otherwise indicated by a neighborhood plan adopted or amended by the City Council after January 1, 1995. This subsection B1c shall not apply in the Wallingford Residential Urban Village, in the Eastlake Residential Urban Village, in the Upper Queen Anne Residential Urban Village, in the Morgan Junction Residential Urban Village, in the Lake City Hub Urban Village, in the Bitter Lake Village Hub Urban Village, or in the Admiral Residential Urban Village; or
 - d. Properties located in the Delridge Neighborhood Revitalization Area, as shown in Exhibit 23.34.020 A, provided that the L3 zone designation would facilitate a mixed-income housing development initiated by a public agency or the Seattle Housing Authority; a property use and development agreement is executed subject to the provisions of SMC Chapter 23.76 as a condition to any rezone; and the development would serve a broad public purpose.

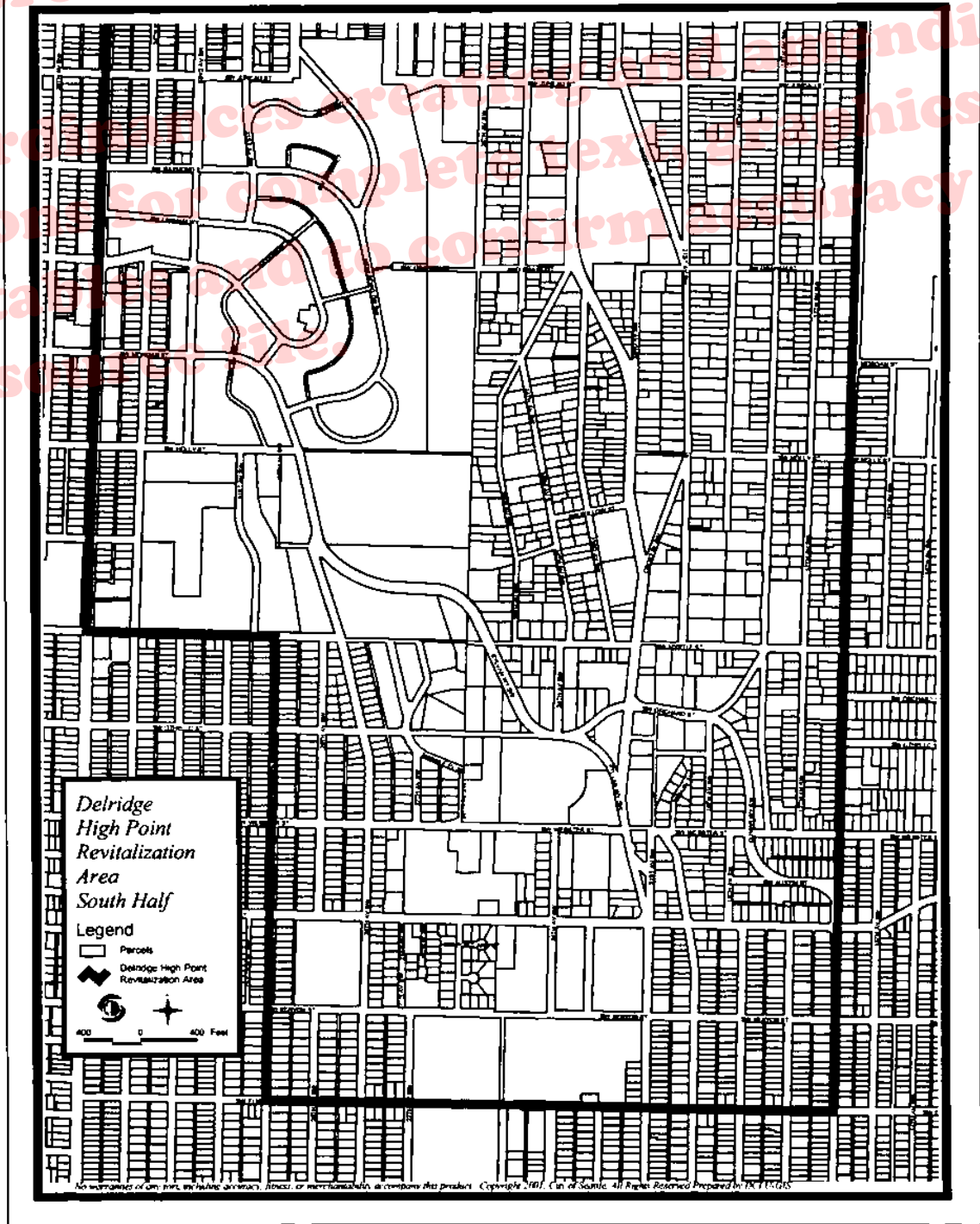
Exhibit 23.34.020 A
Delridge High Point Revitalization Area
North Half



For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
December 2002 code update file
Text provided for historic reference only.

Exhibit 23.34.020 A
Delridge High Point Revitalization Area
South Half



For current SMC, contact
the Office of the City Clerk

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

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

a. Development Characteristics of the Area.

(1) Either:

(a) Areas that are already developed predominantly to the permitted L3 density and where L3 scale is well established,

(b) Areas that are within an urban center or urban village, except as provided in this subsection below, where less emphasis shall be placed on density and scale compatibility with existing development, when the designation will be consistent with the densities required for the center or village category as established in Section B of the Land Use Element of the Comprehensive Plan, unless otherwise indicated by a neighborhood plan adopted or amended by the City Council after January 1, 1995. This subsection B3a(1)(b) shall not apply in the Wallingford Residential Urban Village, in the Eastlake Residential Urban Village, in the Upper Queen Anne Residential Urban Village, in the Morgan Junction Residential Urban Village, in the Lake City Hub Urban Village, in the Bitter Lake Village Hub Urban Village, or in the Admiral Residential Urban Village; or

(c) Areas that are located within the Delridge Neighborhood Revitalization Area, as shown in Exhibit 23.34.020 A, provided that the L3 zone designation would facilitate a mixed-income housing development initiated by a public agency or the Seattle Housing Authority; a property use and development agreement is executed subject to the provisions of SMC Chapter 23.76 as a condition to any rezone; and the development would serve a broad public purpose.

(2) Areas where the street pattern provides for adequate vehicular circulation and access to sites. Locations with alleys are preferred. Street widths should be sufficient for two (2) way traffic and parking along at least one (1) curbside.

b. Relationship to the Surrounding Areas.

(1) Properties in areas that are well served by public transit and have direct access to arterials, so that vehicular traffic is not required to use streets that pass through less intensive residential zones;

(2) Properties in areas with significant topographic breaks, major arterials or open space that provide sufficient transition to LDT or L1 multifamily development;

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

(4) Properties that are adjacent to business and commercial areas with comparable height and bulk, or

where a transition in scale between areas of larger multifamily and/or commercial structures and smaller multifamily development is desirable.

(Ord. 120694 § 1, 2001; Ord. 119714 § 4, 1999; Ord. 119691 § 1, 1999; Ord. 119637 § 1, 1999; Ord. 119635 § 1, 1999; Ord. 119521 § 1, 1999; Ord. 119403 § 5, 1999; Ord. 119322 § 5, 1998; Ord. 119217 § 6, 1998; Ord. 118794 § 10, 1997; Ord. 117430 § 11(part), 1994; Ord. 116795 § 3, 1993; Ord. 114886 § 2, 1989.)

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

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

B. Locational Criteria.

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

a. Properties already zoned L4;

b. Properties in areas already developed predominantly to the permitted L4 density and where L4 scale is well established;

c. Properties within an urban center or urban village, except as provided in this subsection below, where less emphasis shall be placed on density and scale compatibility with existing development, when the designation will be consistent with the densities required for the center or village category as established in Section B of the Land Use Element of the Comprehensive Plan, unless otherwise indicated by a neighborhood plan adopted or amended by the City Council after January 1, 1995. This subsection B1c shall not apply in the Wallingford Residential Urban Village, in the Eastlake Residential Urban Village, in the Upper Queen Anne Residential Urban Village, in the Morgan Junction Residential Urban Village, in the Lake City Hub Urban Village, in the Bitter Lake Village Hub Urban Village, or in the Admiral Residential Urban Village; or

d. Properties located in the Delridge Neighborhood Revitalization Area, as shown in Exhibit 23.34.020 A, provided that the L4 zone designation would facilitate a mixed-income housing development initiated by a public agency or the Seattle Housing Authority; a property use and development agreement is executed subject to the provisions of SMC Chapter 23.76 as a condition to any rezone; and the development would serve a broad public purpose.

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

3. Other Criteria. The Lowrise 4 zone designation is most appropriate in areas generally characterized by the following:

a. Development Characteristics of the Area.

(1) Either:

(a) Areas that are already developed predominantly to the permitted L4 density and where L4 scale is well established,

(b) Areas that are within an urban center or urban village, except as provided in this subsection below, where less emphasis shall be placed on density and scale compatibility with existing development, when the designation will be consistent with the densities required for the center or village category as established in Section B of the Land Use Element of the Comprehensive Plan, unless otherwise indicated by a neighborhood plan adopted or amended by the City Council after January 1, 1995. This subsection B3a(1)(b) shall not apply in the Wallingford Residential Urban Village, in the Eastlake Residential Urban Village, in the Upper Queen Anne Residential Urban Village, in the Morgan Junction Residential Urban Village, in the Lake City Hub Urban Village, in the Bitter Lake Village Hub Urban Village, or in the Admiral Residential Urban Village, or

(c) Areas that are located within the Delridge Neighborhood Revitalization Area, as shown in Exhibit 23.34.020 A, provided that the L4 zone designation would facilitate a mixed-income housing development initiated by a public agency or the Seattle Housing Authority; a property use and development agreement is executed subject to the provisions of SMC Chapter 23.76 as a condition to any rezone; and the development would serve a broad public purpose.

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

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

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

b. Relationship to the Surrounding Areas.

(1) Properties in areas adjacent to concentrations of employment;

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

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

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

(Ord. 120694 § 2, 2001; Ord. 119714 § 5, 1999; Ord. 119691 § 2, 1999; Ord. 119637 § 2, 1999; Ord. 119635 § 2, 1999; Ord. 119521 § 2, 1999; Ord. 119403 § 6, 1999; Ord. 119322 § 6, 1998; Ord. 119217 § 7, 1998; Ord. 118794 § 11, 1997; Ord. 117430 § 11(part), 1994; Ord. 116795 § 3, 1993; Ord. 114886 § 2, 1989.)

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

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

B. Locational Criteria.

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

- a. Properties already zoned Midrise;
- b. Properties in areas already developed predominantly to the intensity permitted by the Midrise zone; or
- c. Properties within an urban center, the village core of a hub urban village, or a residential urban village, where a neighborhood plan adopted or amended by the City Council after January 1, 1995 indicates that the area is appropriate for a Midrise zone designation.

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

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

- a. Either:

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

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

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

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

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

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

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

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

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

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

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

(Ord. 118794 § 12, 1997; Ord. 117430 § 11(part), 1994; Ord. 116795 § 3, 1993; Ord. 114886 § 2, 1989.)

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

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

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

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

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

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

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

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

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

c. Street grid and block orientation, or

d. Significant open space and greenspaces.

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

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

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

B. Locational Criteria.

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

a. Properties already zoned Highrise;

b. Properties in areas already developed predominantly to the intensity permitted by the Highrise zone; or

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

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

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

a. Either:

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

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

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

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

d. Properties in areas that have excellent pedestrian or transit access to downtown;

e. Properties in areas that have close proximity to open space, parks and recreational facilities;

f. Properties in areas where no uniform scale of structures establishes the character and where highrise development would create a point and help define the character;

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

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

(Ord. 118794 § 13, 1997; Ord. 117430 § 11(part), 1994; Ord. 116795 § 3, 1993; Ord. 114886 § 2, 1989.)

~~23.34.046~~

23.34.056 Reserved by 110381.

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

A. Function.

1. Purposes. Areas that serve as the following:

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

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

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

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

2. Desired Characteristics. Areas that provide the following:

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

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

B. Location Criteria.

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

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

a. Existing Character.

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

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

b. Physical Factors Favoring RC Designation.

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

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

(3) Streets with adequate access and circulation;

(4) Insufficient parking in adjacent commercial zone results in parking spillover on residential streets.
(Ord. 117430 § 12, 1994; Ord. 112777 § 2(part), 1986.)

23.34.072 Designation of commercial zones.

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

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

C. Preferred configuration of commercial zones shall not conflict with the preferred configuration and edge protection of residential zones as established in Sections 23.34.010 and 23.34.011 of the Seattle Municipal Code.

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

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

(Ord. 120691 § 6, 2001; Ord. 117430 § 13, 1994; Ord. 112777 § 2(part), 1986.)

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

A. Function.

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

2. Desired Characteristics:

a. Variety of small neighborhood-serving businesses;

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

c. Atmosphere friendly to pedestrians;

d. Shoppers walk from store to store.

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

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

2. Physical Conditions:

a. Surroundings are low-density residential areas;

b. No physical edges to buffer the residential areas;

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

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

e. Generally, limited street capacity;

f. Limited transit service;

g. Limited off-street parking capacity.

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

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

A. Function.

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

2. Desired Characteristics.

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

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

c. Pedestrian friendly atmosphere;

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

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

1. Existing Character.

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

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

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

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

2. Physical Conditions Favoring Designation as NC2.

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

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

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

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

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

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

g. Limited off-street parking capacity; may include a parking area for a supermarket or other larger use. (Ord. 117430 § 16, 1994; Ord 112777 § 2(part), 1986.)

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

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

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

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

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

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

(Ord. 117430 § 17, 1994.)

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

A. Function.

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

2. Desired Characteristics.

a. Variety of retail businesses at street level;

b. Continuous storefronts built to the front property line;

c. Intense pedestrian activity;

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

e. Cycling and transit are important means of access.

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

1. Existing Character.
 - a. Major commercial nodes surrounded by medium- to high-density residential areas or other commercial areas; or
 - b. Commercial, retail-oriented strip along a major arterial with significant amounts of retail frontage and generally surrounded by medium-density residential areas; or
 - c. Shopping centers.
 2. Physical Conditions Favoring Designation as NC3.
 - a. Served by principal arterial;
 - b. Separated from low-density residential areas by physical edges, less-intense commercial areas or more-intense residential areas;
 - c. Highly accessible for large numbers of people (considering present and anticipated congestion) so that intense activity of a major commercial node can be accommodated;
 - d. Combination of circulation and transit system accommodates commercial traffic without drawing traffic through residential areas;
 - e. Excellent transit service;
 - f. Presence of large, perhaps shared, off-street parking lots; land available for additional parking, or other means to accommodate parking demand.
- (Ord. 117430 § 18, 1994; Ord. 116795 § 4, 1993; Ord. 112777 § 2(part), 1986.)

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

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

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

1.
 - a. Areas located inside urban center villages and the village core of hub urban villages, or
 - b. Areas in a residential urban village characterized by a concentration of small retail sales and service uses and residential support services, where it is desirable to promote high density residential uses; and
 2. The NC3/R designation is provided for in a neighborhood plan adopted or amended by the City Council after January 1, 1995.
- (Ord. 117430 § 19, 1994.)

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

A. Function. An auto-oriented, primarily retail/service commercial area, that serves surrounding neighborhoods

and the larger community or citywide clientele. The area provides a wide range of commercial services, including retail, offices and business support services, and may also provide for residential uses at limited densities.

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

1. Existing Character.
 - a. Shopping centers; or
 - b. Shopping areas along arterials where customers drive from one (1) individual business to another.
 2. Physical Conditions Favoring Designation as C1.
 - a. Readily accessible from a principal arterial;
 - b. Presence of edges that buffer residential or commercial areas of lesser intensity, such as changes in street layout or platting pattern;
 - c. Predominance of large lots that can accommodate a wide range of commercial activity;
 - d. Limited pedestrian access on the public right-of-way, curb cuts, auto movement or parking lots create an environment which is unfriendly to pedestrian activity;
 - e. Presence of large, perhaps shared, off-street parking lots; readily accessible from major transportation corridors or arterials.
- (Ord. 117430 § 20, 1994; Ord. 112777 § 2(part), 1986.)

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

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

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

1. Existing Character.
 - a. Major commercial nodes characterized by heavy, non-retail commercial activity, often including a few major employees; or
 - b. A commercial strip located along a major arterial characterized by heavy, non-retail commercial activity.
2. Physical Conditions Favoring Designation as C2.
 - a. Readily accessible from a principal arterial;
 - b. Possibly adjacent to manufacturing/industrial zones;
 - c. Presence of edges that buffer residential or commercial areas of lesser intensity, such as changes in street layout or platting pattern;
 - d. Predominance of large lots which can accommodate a wide range of heavy commercial and light manufacturing activity;

e. Limited pedestrian access.
(Ord. 117430 § 21, 1994; Ord. 112777 § 2(part), 1986.)

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

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

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

- B. Desired Characteristics.
1. Intense pedestrian interest and activity at street level;
 2. Wide variety of retail/service activities;
 3. Large number of shops and services per block;
 4. Buildings built to the front property line with a minimum of auto-oriented uses;
 5. Minimal pedestrian-auto conflicts.

- C. Physical Conditions Favoring Designation as P1.
1. Pedestrian district generally surrounded by medium- to high-density residential areas and/or major activity centers;
 2. Excellent access for transit, bicycle and pedestrian;
 3. Availability of on- and off-street parking which can accommodate those who drive to the area;
 4. Commercial areas with sufficient depth to accommodate off-street parking away from the principal pedestrian street;
 5. Alleys or side streets allow access to parking areas by means other than curb cuts on principal pedestrian street;
 6. Strong existing pedestrian character substantially reduces impact of parking waiver on surrounding areas.
- (Ord. 112777 § 2(part), 1986.)

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

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

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

- B. Desired Characteristics.
1. A variety of retail/service activities and interest along the street front, with limited breaks for parking;
 2. Primarily built to the front property line;
 3. Minimal pedestrian-auto conflicts;

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

C. Physical Conditions Favoring Designation as P2.

1. The area is surrounded by low- to medium-density residential areas;
 2. Pedestrian access from residential areas is good, and/or excellent transit service exists;
 3. On- and off-street parking capacity is limited, and full parking waiver (as in Pedestrian 1) could create unacceptable spillover parking in surrounding residential areas;
 4. The commercial area is shallow, so that there is limited opportunity to provide accessory parking away from the principal pedestrian street front.
- (Ord. 112777 § 2(part), 1986.)

23.34.089 Locational criteria—Station Area Overlay District.

A. Establishing a Station Area Overlay District. In reviewing a proposal to establish a Station Area Overlay District, the following criteria shall be considered:

1. Function. To preserve or encourage a diverse, mixed-use community with a pedestrian orientation around proposed light rail stations or access to other high capacity transit, where incompatible automobile-oriented uses are discouraged and transit-oriented use and development is encouraged.

2. Desired Characteristics. The Station Area Overlay District designation is most appropriate in areas generally characterized by one or more of the following:

- a. High levels of pedestrian activity at street level in commercial and mixed-use zones; or
- b. Presence of a wide variety of retail/service activities in commercial and mixed-use zones; or
- c. Minimal pedestrian-auto conflicts; or
- d. Medium to high residential density in close proximity to light rail stations or access to other high capacity transit.

3. Physical Conditions Favoring Designation as Station Area Overlay District. The Station Area Overlay District shall be located around a proposed light rail station or access to other high capacity transit and include land within approximately one thousand three hundred and twenty feet (1,320') of the station or stop. Other factors to consider in including properties within the overlay district include, but are not limited to the following:

- a. Presence of medium to high density residential zoning in proximity to the proposed light rail station or access to other high capacity transit;
- b. Presence of a commercial or mixed-use area where goods and services are available to the public and where opportunities for enhancement of the pedestrian environment exist;
- c. Opportunities for new development to access transit, bicycle and pedestrian modes of transportation;

- d. Opportunities for construction of new development that will support transit;
- e. Properties zoned Single-family may only be included within the overlay district when it can be demonstrated that the criteria for Single-family designation cannot be satisfied.

B. Revising the Boundaries of a Station Area Overlay District.

1. When a proposal is made to include land within an existing Station Area Overlay District, the land proposed to be added must be contiguous to the Station Area Overlay District, be consistent with the criteria prescribed in subsection A, above, and satisfy the function of and locational criteria for a commercial or multifamily zone designation.

2. When a proposal is made to remove land from an existing Station Area Overlay District, the land proposed to be removed must be contiguous to land lying outside the boundary and not meet the criteria in subsection A of this section.
(Ord. 120452 §1, 2001.)

23.34.090 Designation of industrial zones.

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

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

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

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

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

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

F. In determining appropriate boundaries with residentially and commercially zoned land, the appropriate location and rezone criteria shall be considered.

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

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

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

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

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

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

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

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

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

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

3. Changes in street layout and block orientation;

4. Open spaces and greenspaces.

I. Existing Pattern of Development. Consideration shall be given to whether the area is primarily industrial, commercial, residential, or a mix, and whether the area is fully developed and in need of room for expansion, or minimally developed with vacant parcels and structures.
(Ord. 120691 § 7, 2001; Ord. 117430 § 22, 1994; Ord. 113658 § 2(part), 1987.)

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

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

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

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

a. Suitable water access for marine industrial activity,

- b. Upland property of sufficient depth to accommodate industrial activity,
 - c. An existing character established by industrial uses and related commercial activity including manufacturing use, warehousing, transportation, utilities, and similar activities;
 - 2. Areas directly related to major rail lines serving industrial businesses;
 - 3. Areas containing mostly industrial uses, including manufacturing, heavy commercial, warehousing, transportation, utilities and similar activities;
 - 4. Large areas with generally flat topography;
 - 5. Areas platted into large parcels of land.
- (Ord. 117430 § 23, 1994; Ord. 113658 § 2(part), 1987.)

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

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

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

- 1. Areas that are developed with industrial activity or a mix of industrial activity and a wide range of commercial uses;
 - 2. Areas where facilities, such as the Kingdome or Design Center, have established a more commercial character for the surroundings and have created the need for a broader mix of support uses;
 - 3. Areas with adequate access to the existing and planned neighborhood transportation network; where additional trips generated by increased commercial densities can be accommodated without conflicting with the access and circulation needs of industrial activity;
 - 4. Areas where increased commercial densities would allow the economic reuse of small sites and existing buildings no longer suited to current industrial needs;
 - 5. Areas that, because of their size and isolation from a larger industrial area due to separation by another type of zone or major physical barrier, such as an arterial or waterway, can accommodate more nonindustrial activity without conflicting with the industrial function of the larger industrial area;
 - 6. Large areas with generally flat topography;
 - 7. Areas platted into large parcels of land.
- (Ord. 117430 § 24, 1994.)

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

A. Function. An area that provides an appropriate transition between industrial areas and adjacent residential

zones, or commercial zones having a residential orientation and/or pedestrian character.

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

- 1. Areas containing industrial uses or a mix of industrial activity and a wide range of commercial uses which are located on the edge of a larger industrial area designated Industrial General 1 (IG1), Industrial General 2 (IG2), or Industrial Commercial (IC).
- 2. Areas where a transition is needed to protect a less-intensive zone from potential negative impacts of industrial activity when the area directly abuts a residential, Neighborhood Commercial 1 (NC1), Neighborhood Commercial 2 (NC2), Neighborhood Commercial 2/Residential (NC2/R), Neighborhood Commercial 3 (NC3), Neighborhood Commercial 3/Residential (NC3/R), Commercial 1 (C1), or Commercial 2 (C2) zone with a substantial amount of residential development and/or pedestrian character.

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

- 1. Topographic Conditions. Significant changes in topography within an industrial area may provide a good boundary for the Industrial Buffer zone by reducing the noise and visual impacts of the larger industrial area on an abutting, less-intensive zone.
- 2. Development Patterns. Changes in the type of activity and/or the scale of existing development occurring along the edge of an industrial area may create conditions that are more compatible with the abutting, less-intensive zone.
- 3. Grid and Platting Patterns. Changes in block sizes, shifts in the street grid, a major arterial, undeveloped streets, platted lot lines, and other factors related to the platting pattern often create separate areas which, when located along the edge of an industrial area, can reinforce the transition desired in the Industrial Buffer zone.
- 4. Special Features. Certain natural or built features such as railway lines, open spaces, transmission line rights-of-way, and waterways may, because of their width, siting, or landscaping, separate the edge of an industrial zone from a larger industrial area, helping to establish the edge of the Industrial Buffer zone.

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

23.34.096 Locational criteria—Industrial Commercial (IC) zone.

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

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

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

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

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

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

(Ord. 113658 § 2(part), 1987.)

23.34.100 Designation of Downtown zones.

Rezoning to a Downtown zone designation shall be considered only for areas within the boundaries of the Downtown Urban Center as shown on the Official Land Use Map. (Ord. 119484 § 4, 1999; Ord. 117430 § 27, 1994.)

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

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

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

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

C. Transportation and Infrastructure Capacity. Areas with a very high level of access to vehicular and transit systems and where the existing urban infrastructure is adequate

or can be easily expanded to support high densities of development.

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

(Ord. 117430 § 28, 1994.)

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

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

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

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

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

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

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

(Ord. 117430 § 29, 1994.)

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

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

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

B. Scale and Character of Development. Areas with moderate scale buildings and well defined street spaces where sidewalks are lined with a variety of retail shopping,

entertainment and consumer services. Areas are characterized by a combination of buildings and street spaces conducive to an active, high quality pedestrian environment on relatively level terrain.

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

D. **Relationship to Surrounding Activity.** The area shall be centrally located in relation to areas of downtown employment and residential concentrations.
(Ord. 117430 § 30, 1994.)

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

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

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

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

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

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

E. **Heights.** Five (5) height designations shall provide desired transitions compatible with adjacent downtown districts and those areas outside downtown.
(Ord. 117430 § 31, 1994.)

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

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

A. **Function.** Areas that provide a mixed use community where housing and associated services and amenities predominate. Office, retail and other commercial uses

shall be compatibly integrated with the predominant residential character at low to moderate densities.

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

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

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

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

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

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

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

23.34.114 International District Mixed (IDM) zone, locational criteria. (Ord. 117430 § 37, 1994.)

The International District Mixed zone designation shall be considered for areas of the International Special Review District designated in Chapter 23.66 of the Land Use Code for mixed use development. The areas designated IDM shall be characterized by a mix of uses contained in low and medium scale structures and include the area west of Fifth Avenue South bordering Pioneer Square. (Ord. 119484 § 5, 1999; Ord. 117430 § 34, 1994.)

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

The International District Residential zone designation shall be considered for areas of the International Special District designated in Chapter 23.66 of the Land Use Code for development as a predominantly residential neighborhood. The areas designated IDR shall be generally located north of the International District core, contain parcels available for infill development and possess topographic features providing view potential. (Ord. 119484 § 6, 1999; Ord. 117430 § 35, 1994.)

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

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

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

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

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

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

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

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

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

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

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

23.34.124 Designation of Major Institution Overlay (MIO) districts.

A. Public Purpose. The applicant shall submit a statement which documents the reasons the rezone is being requested, including a discussion of the public benefits resulting from the proposed expansion, the way in which the proposed expansion will serve the public purpose mission of the major institution, and the extent to which the proposed expansion may affect the livability of the surrounding neighborhood. Review and comment on the statement shall be requested from the appropriate Advisory Committee as well as relevant state and local regulatory and advisory groups. In considering rezones, the objective shall be to achieve a better relationship between residential or commercial uses and the Major Institution uses, and to reduce or eliminate major land use conflicts in the area.

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

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

2. Boundaries for an MIO district shall correspond with the main, contiguous major institution campus. Properties separated by only a street, alley or other public right-of-way shall be considered contiguous.

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

4. Appropriate provisions of this chapter for the underlying zoning and the surrounding areas shall be considered in the determination of boundaries.

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

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

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

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

9. The establishment or expansion of boundaries shall be in conformance with the provisions of SMC Section 23.69.024, Major Institution designation.

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

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

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

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

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

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

D. In addition to the general rezone criteria contained in Section 23.34.008, the comments of the Major Institution Master Plan Advisory Committee for the major institution requesting the rezone shall also be considered. (Ord. 120691 § 8, 2001; Ord. 117929 § 7, 1995; Ord. 117430 § 39, 1994.)

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

The Seattle Cascade Mixed (SCM) zone is applied to the Cascade Neighborhood to achieve the goal of a diverse, mixed-use community with a strong pedestrian orientation. The SCM zone permits a wide range of uses and promotes density to encourage redevelopment of the planning area into a mixed-use neighborhood. This new zoning designation balances the need for flexibility and a variety of activities with the need to provide adequate direction to ensure the presence of housing and commercial activities critical to the success of an urban neighborhood. (Ord. 118302 § 3, 1996.)

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

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

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

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

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

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

E. Height. One (1) of three (3) height limits fifty-five feet (55'), seventy-five feet (75'), and one hundred twenty-five feet (125') may be applied to land zoned SCM. A fifty-five foot (55') height shall generally be centered around Cascade Playground and elsewhere in the area designated SCM/R where it is appropriate to limit the intensity and scale of nonresidential use. A seventy-five foot (75') height shall apply throughout the remainder of the SCM zone consistent with ensuring a uniform and pedestrian scale, and a one hundred twentyfive foot (125') height may be designated to serve as transition from the higher height permitted for development pursuant to downtown zoning in effect south of Denny Way. Height limits may be applied to different uses to achieve area objectives. (Ord. 118302 § 4, 1996.)

Division 2 Authorized Uses and Development Standards

**Chapter 23.40
COMPLIANCE WITH REGULATIONS
REQUIRED—EXCEPTIONS**

Sections:

- 23.40.002** Conformity with regulations required.
- 23.40.004** Reduction of required spaces.
- 23.40.006** Demolition of housing.

- 23.40.008 **Demolition of landmarks.**
- 23.40.020 **Variances.**
- 23.40.030 **Undeveloped streets—
Modification of certain
development standards.**
- 23.40.040 **Reasonable accommodation.**
- 23.40.050 **Demonstration program for
innovative housing design.**

23.40.002 Conformity with regulations required.

The establishment or change of use of any structures, buildings or premises, or any part thereof, shall require approval according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. No use of any structure or premises shall hereafter be commenced, and no structure or part of a structure shall be erected, moved, reconstructed, extended, enlarged or altered, except in conformity with the regulations specified in this title for the zone and overlay district, if any, in which it is or will be located. Owners of such structures, building or premises or parts thereof are responsible for any failure of such structures, buildings or premises to conform to the regulations of this title and for compliance with the provisions of this title in or on such structures, buildings or premises. Any other person who created, caused or contributed to a condition in or on such structure, building or premises, either alone or with others, is also responsible under this title for any failure to conform to the regulations of this title. Building and use permits on file shall be prima facie evidence of the time a building was built or modified, or a use commenced, and the burden of demonstrating to the contrary shall be upon the owner. Changes to existing structures may be permitted which make the structures nonconforming if the changes are required by law for reasons of health and safety.

(Ord. 119473 § 1, 1999; Ord. 118794 § 14, 1997; Ord. 112522 § 7(part), 1985; Ord. 110669 § 6, 1982; Ord. 110381 § 1(part), 1982.)

23.40.004 Reduction of required spaces.

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

B. Legally established parking spaces or loading areas existing on or after July 24, 1957 that became required as accessory to a principal use on or after July 24, 1957, may not be eliminated unless at least an equal number of spaces

...serving the use for which they are required and meeting the requirements of this Code are provided.

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

(Ord. 111390 § 3, 1983; Ord. 110669 § 7, 1982.)

23.40.006 Demolition of housing.

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

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

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

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

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

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

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

23.40.008 Demolition of landmarks.

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

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

(Ord. 116540 § 2, 1993.)

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

23.40.020 Variances.

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

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

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

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

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

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

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

5. The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.

D. In order to qualify for a variance under the foregoing criteria, an applicant need not demonstrate that, absent the variance, he or she would have no reasonable economic use of the property at issue.

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

(Ord. 120691 § 9, 2001; Ord. 118727 § 1, 1997; Ord. 117570 § 11, 1995; Ord. 117383 § 2, 1994; Ord. 113263 § 2, 1986; Ord. 112522 § 7(part), 1985; Ord. 111390 § 4, 1983; Ord. 110669 § 8, 1982; Ord. 110381 § 1(part), 1982.)

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

23.40.030 Undeveloped streets—Modification of certain development standards.

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

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

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

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

D. Existing streetscapes and development patterns are not disrupted.

(Ord. 115326 § 3, 1990.)

23.40.040 Reasonable accommodation.

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

(Ord. 117202 § 24, 1994.)

23.40.050 Demonstration program for innovative housing design.

A. Purpose and Intent. The purpose of this section is to establish a demonstration program for innovative housing design. The goals of the demonstration program are to test new or more flexible regulations and processes in an effort:

1. To encourage housing production, particularly types of housing that are not readily available in Seattle, or are not currently being produced;

2. To stimulate innovative housing design that is consistent with the housing goals of a neighborhood, and that fits in with or improves the character of the neighborhood;

3. To encourage the development of housing that will serve as a catalyst to stimulate housing produc-

tion, particularly in neighborhoods where new or rehabilitated residential development has been limited;

4. To serve as a model for other neighborhoods, demonstrating housing solutions that could have broader application in other neighborhoods;

5. To increase the diversity of housing types and levels of affordability to meet the varied needs and goals of a neighborhood.

B. Scope of Authority to Modify Land Use Code Requirements. Demonstration projects shall be selected and reviewed in accordance with the demonstration program for innovative housing design adopted by Ordinance 119241, as modified and amended by Ordinances 119368, 119784 and 120318. Each demonstration project shall comply with all of the requirements of the Land Use Code otherwise applicable to the project, except as specified below:

1. Each demonstration project, including single-family development and redevelopment of existing structures, shall be reviewed through the design review process contained in SMC Chapter 23.41 and in SMC Chapter 23.76. Detached accessory dwelling unit projects selected in Category one of the demonstration program shall use the administrative design review process at SMC Section 23.41.016.

2. A maximum of ten (10) detached accessory dwelling units may be allowed in single-family zones contrary to the requirement in SMC Section 23.44.006 A. For purposes of this section, a “detached accessory dwelling unit” means an additional room or set of rooms that are located within a structure accessory to an owner-occupied single-family structure, that is not connected to the principal structure and is designed, arranged, occupied or intended to be occupied by not more than one (1) household as living accommodations independent from any other household. Such units must be developed according to the development standards for accessory structures and accessory dwelling units in single-family zones, Sections 23.44.040 and 23.44.041, except that:

a. Contrary to SMC Section 23.44.041 A4 the accessory dwelling unit may be located in a structure that is detached from the single-family dwelling that is the principal use on the lot; and

b. Additional modifications to the development standards contained in SMC Section 23.44.040 and SMC Section 23.44.041 may be allowed as departures through the design review process under SMC Section 23.41.012; and

c. In addition to the development standard departures allowed in Section 23.41.012, a departure may be allowed for additional height up to a maximum of two (2) stories, in order to accommodate detached accessory dwelling units in a single story unit above a detached garage and other detached accessory dwelling units of a similar height; provided that, no height departure may be granted that would result in a structure that is higher than the maximum

allowed for single-family structures in single-family zones other than lots zoned residential small lot.

3. A maximum of ten (10) projects that include cottage housing, tandem housing or small lot single-family development may be allowed in a single-family zone, contrary to the minimum lot area requirements of SMC Section 23.44.010 and other development standards contained in SMC Chapter 23.44. Such development must comply with the residential small lot development standards, SMC Chapter 23.43, except that modifications to the development standards contained in SMC Chapter 23.43 may be allowed as departures through the design review process as follows:

a. A maximum of six (6) of these projects will be designated as Type A projects. For these Type A projects, in addition to the development standard departures allowed under SMC Section 23.41.012, departures may also be allowed for:

(1) Additional height up to a maximum of fifteen (15) percent over the maximum allowed by SMC Section 23.43.012 for cottage housing, by SMC Section 23.43.010 for tandem housing and by SMC Section 23.43.008 for small lot single-family development; provided that, no height departure may be granted that would result in a structure that is higher than the maximum allowed for single-family structures in single-family zones other than lots zoned residential small lot;

(2) The maximum total floor area of each cottage as required by SMC Section 23.43.012 D, as long as the maximum amount of total floor area for the entire cottage housing development is not increased.

b. A maximum of four (4) of these projects will be designated as Type B projects. For Type B projects, all of which must be in cottage housing developments, in addition to the development standard departures allowed under SMC Section 23.41.012 and the departures allowed pursuant to SMC Section 23.40.050 B3a for Type A projects, departures may also be allowed:

(1) For increased density beyond that allowed by SMC Section 23.43.012 B1 when the additional dwelling units are located above garages in accessory structures in the cottage housing development, and the maximum increase in dwelling unit density allowed by this demonstration project is fifty (50) percent above that allowed by the current density limits contained in SMC Section 23.43.012 B1; and

(2) For additional height for accessory structures beyond the twelve (12) feet allowed by SMC Section 23.43.040 A3, when the accessory structure contains a garage with above-garage dwelling units, up to a maximum of fifteen (15) percent over the maximum allowed by SMC Section 23.43.012 C for principal structures in cottage housing developments; provided that, no height departure may be granted that would result in an accessory structure that is higher than the maximum allowed for sin-

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gle-family structures in single-family zones other than lots zoned residential small lot.

4. A maximum of six (6) multifamily demonstration projects in a multifamily zone or as a part of a mixed-use development project in a commercial zone outside of downtown, may be granted height departures through the design review process, contrary to SMC Chapter 23.41 which, with one (1) exception, does not allow height departures. A height departure of up to fifteen (15) percent over the maximum height limit of the zone, may be allowed as long as:

- a. No additional floors are constructed as a result of this additional height;
- b. The overall scale of development as viewed from the street front has generally not increased;
- c. The structure is compatible with the neighborhood, and with the scale of development allowed in the zone;
- d. A height exception under SMC Section 23.47.008 C3 or C4 will not be requested as part of the project; and
- e. If private views protected by SMC Section 23.47.008 C4c will be blocked by the demonstration project, no additional height greater than the additional height that could be granted by a height exception under SMC Section 23.47.008 C4c may be granted by a height departure under the demonstration program.

5. A maximum of six (6) residential projects in an existing structure in multifamily or commercial zones outside of downtown, including mixed-use development, may use the design review process. Development standard departures currently allowed only for new development under SMC Section 23.41.012 may be granted for the re-development of these existing structures.

C. Vesting. For purposes of the demonstration program, all projects selected as demonstration projects are subject to the vesting of development rights and Master Use Permit expiration rules applicable to projects subject to design review contained in SMC Section 23.76.026 C.

D. Master Use Permit Expiration. For purposes of the demonstration program, all projects selected as demonstration projects are subject to the Master Use Permit expiration rules applicable to Master Use Permits with a design review component contained at SMC Section 23.76.032 A1f.

E. Master Use Permit Renewal. For purposes of the demonstration program, all projects that are selected as demonstration projects are subject to the Master Use Permit renewal standards contained at SMC Section 23.76.032 B1 and 2 only; the renewal standards in SMC Section 23.76.032 B3 shall not apply to demonstration projects.

F. Cancellation, Renewal and Reestablishment of Building Permit Applications. All projects that are chosen as demonstration projects must comply with all applicable provisions of the Seattle Building Code, except as follows:

1. Cancellation of Permit Application. For purposes of this demonstration program and for purposes of the cancellation of permit application standards contained in Section 106.6.4 of the Seattle Building Code, all projects selected as demonstration projects shall be considered to be projects that are vested to prior Land Use Code provisions and ones which do not conform to the codes currently in effect.

2. Renewal of Building Permits. For purposes of this demonstration program, Section 106.9.2 of the Seattle Building Code does not apply and building permits for projects selected as demonstration projects shall not be renewed unless:

- a. The building official determines that the permit complies, or is modified to comply, with the code or codes in effect on the date of application renewal; or
- b. The work authorized by the permit is substantially underway and progressing at a rate approved by the building official. "Substantially underway" means that work such as excavation, inspections, and installation of framing, electrical, mechanical and finish work is being completed on a continuing basis;
- c. Commencement or completion of the work authorized by the permit was delayed by litigation, appeals, strikes or other causes related to the work authorized by the permit, beyond the permit holder's control; and
- d. For any demonstration project in a landslide-prone area, the requirements of SMC Section 25.09.345 also apply.

3. Reestablishment of Expired Building Permit. For purposes of this demonstration program, no building permit that has expired and not been renewed pursuant to subsection F2 above, shall be reestablished. The exception to Section 106.9.3 of the Seattle Building Code does not apply.

(Ord. 120318 § 2, 2001; Ord. 119784 § 2, 1999; Ord. 119368 § 7, 1999; Ord. 119241 § 8, 1998.)

Chapter 23.41 EARLY PROJECT IMPLEMENTATION

Sections:

	Part I Design Review
23.41.002	Purpose and intent.
23.41.004	Applicability.
23.41.006	Design Review Districts Map.
23.41.008	Design Review Board.
23.41.010	Design review guidelines.
23.41.012	Development standard departures.
23.41.014	Design review process.
23.41.016	Administrative design review process.

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

Part I Design Review

23.41.002 Purpose and intent.

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

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

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

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

23.41.004 Applicability.

A. Design Review Required.

1. Design review is required for any new multifamily or commercial structure that exceeds SEPA thresholds if the structure:

a. Is located in one (1) of the following zones:

- i. Lowrise (L3, L4),
- ii. Midrise (MR),
- iii. Highrise (HR),
- iv. Neighborhood Commercial (NC1,

2, 3), or

- v. Seattle Cascade Mixed (SCM); or
- b. Is located in a Commercial (C1 or C2)

zone, and

i. The proposed structure is located within an urban village area identified in the Seattle Comprehensive Plan, or

ii. The site of the proposed structure abuts or is directly across a street or alley from any lot zoned single-family, or

iii. The proposed structure is located in the area bounded by NE 95th Street on the south, NE 145th Street on the north, 15th Ave NE on the west, and Lake Washington on the east.

2. Design review is required for all new Major Institution structures that exceed SEPA thresholds in the zones listed in subsection A1 of this section, unless the structure is located within a Major Institution Overlay (MIO) district.

3. Downtown design review is required for all new multifamily and commercial structures greater than or equal to the following thresholds:

DOC 1 and DOC 2 Zones

Use	Threshold
Nonresidential	50,000 square feet of gross floor area
Residential	20 dwelling units

DRC, DMC, DMR, DH1, DH2

Use	Threshold
Nonresidential	20,000 square feet of gross floor area
Residential	20 dwelling units

4. Design review is required for all new structures exceeding one hundred and twenty (120) feet in width on any single street frontage in the Stadium Transition Area Overlay District as shown in Exhibit 23.41.006A.

5. Administrative Design Review to Protect Trees. As provided in Sections 25.11.070 and 25.11.080, administrative design review (Section 23.41.016) is required for new multifamily and commercial structures in Lowrise, Midrise, and commercial zones when an exceptional tree, as defined in Section 25.11.020, is located on the site, if design review would not otherwise be required by this subsection A.

6. New multifamily or commercial structures in the zones listed in subsection A1 of this section, that are subject to SEPA solely as a result of the provisions of Section 25.05.908, Environmentally Critical Areas, are exempt from design review.

B. Design Review—Optional.

1. Design review is optional to any applicant for new multifamily, commercial or Major Institution structures not otherwise subject to this chapter, in the Stadium Transition Area Overlay District and in all multifamily, commercial or downtown zones.

2. An administrative design review process is an option to an applicant for new multifamily, or commercial structures, if the structure would not exceed SEPA thresholds or as provided in subsection B3 below, in the Stadium Transition Area Overlay District and in multifamily, commercial or downtown zones, according to the process described in Section 23.41.016.

3. Administrative Design Review to Protect Trees. As provided in Sections 25.11.070 and 25.11.080, an administrative design review process (Section 23.41.016) is an option to an applicant for new multifamily and commercial structures in Lowrise, Midrise, and Commercial zones to protect a tree over two (2) feet in

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diameter measured four and one-half (4½) feet above the ground, even when the project exceeds SEPA thresholds but design review would not otherwise be required by subsection A, above.

4. An administrative design review process is an option to an applicant for installation of telecommunication devices on new or existing structures according to the process described in Section 23.41.016 in order to vary minor communication utility height limits in downtown zones set forth in SMC Section 23.57.013 B, and telecommunication facilities development standards set forth in Section 23.57.016.

C. Exemptions. The following structures are exempt from design review:

1. New structures located within special review districts, as regulated by Chapter 23.66;
2. New structures within Landmark districts as regulated by SMC Title 25, Environmental Protection and Historic Preservation;
3. New structures that are within the historic character area of the Downtown Harborfront 1 zone, as regulated by Section 23.60.704, or are otherwise required to undergo shoreline design review as regulated by Chapter 23.60.

(Ord. 120928 § 1, 2002; Ord. 120611 § 4, 2001; Ord. 119972 § 1, 2000; Ord. 119490 § 1, 1999; Ord. 119399 § 1, 1999; Ord. 118980 § 1, 1998; Ord. 118362 § 4, 1996; Ord. 118302 § 5, 1996; Ord. 118012 § 13, 1996; Ord. 117430 § 40, 1994; Ord. 116909 § 1(part), 1993.)

23.41.006 Design Review Districts Map.

For the purposes of design review, the City shall be divided into seven (7) districts, as depicted on the Design Review Districts Map, Exhibit 23.41.006 A.
 (Ord. 119972 §§ 2, 3, 2000; Ord. 118980 § 2, 1998; Ord. 118012 § 14, 1996; Ord. 116909 § 1(part), 1993.)

23.41.008 Design Review Board.

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

1. Synthesize community input on design concerns and provide early design guidance to the development team and community; and
2. Recommend to the Director specific conditions of approval which are consistent with the design guidelines applicable to the development; and
3. Ensure fair and consistent application of Citywide or neighborhood-specific design guidelines.

B. Membership of the Design Review Board.

1. Design Review Board Membership Criteria.
 - a. Members shall reside in Seattle; and
 - b. Members should possess experience in neighborhood land use issues and demonstrate, by their experience, sensitivity in understanding the effect of design decisions on neighborhoods and the development process; and
 - c. Members should possess a familiarity with land use processes and standards as applied in Seattle; and
 - d. Consistent with the City’s Code of Ethics, SMC Section 4.16.070, no member of the Design Review Board shall have a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, in a project under review by the Design Review Board on which that member sits.

C. Design Review Board Composition. The Design Review Board shall consist of thirty-eight (38) members, composed as follows:

Design Review Board Composition

Representation	Development Interests	Design Professions	General Community Interests	Local Residential Interests	Local Business Interests
Number	8 at-large	8 at-large	8 at-large	7 (1/district)	7 (1/district)
Selection Process	4 appointed by Mayor, 4 by Council	4 appointed by Mayor, 4 by Council	4 appointed by Mayor, 4 by Council, 1 pursuant to SMC 3.51	Nominated by community and business organizations, respectively; jointly appointed by Mayor and Council	
Confirmation Process	Confirmed by Council	Confirmed by Council	Confirmed by Council	Confirmed by Council	

In addition to the members set forth above, one (1) designated young adult position shall temporarily be added to the Design Review Board (Capitol Hill Board) pursuant to the Get Engaged Program, SMC Chapter 3.51. The terms of service related to the young adult member’s role on this Commission are set forth in SMC Chapter 3.51. The Get Engaged Program and all provisions related to this young adult position will terminate as of August 31, 2003.

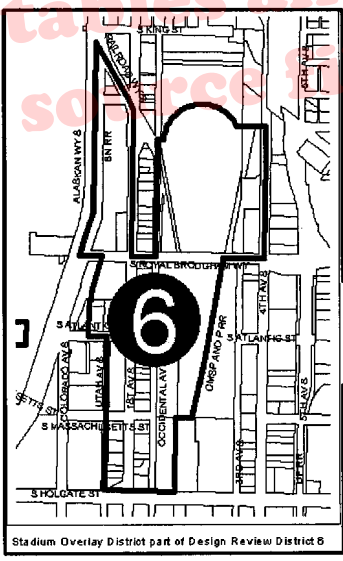
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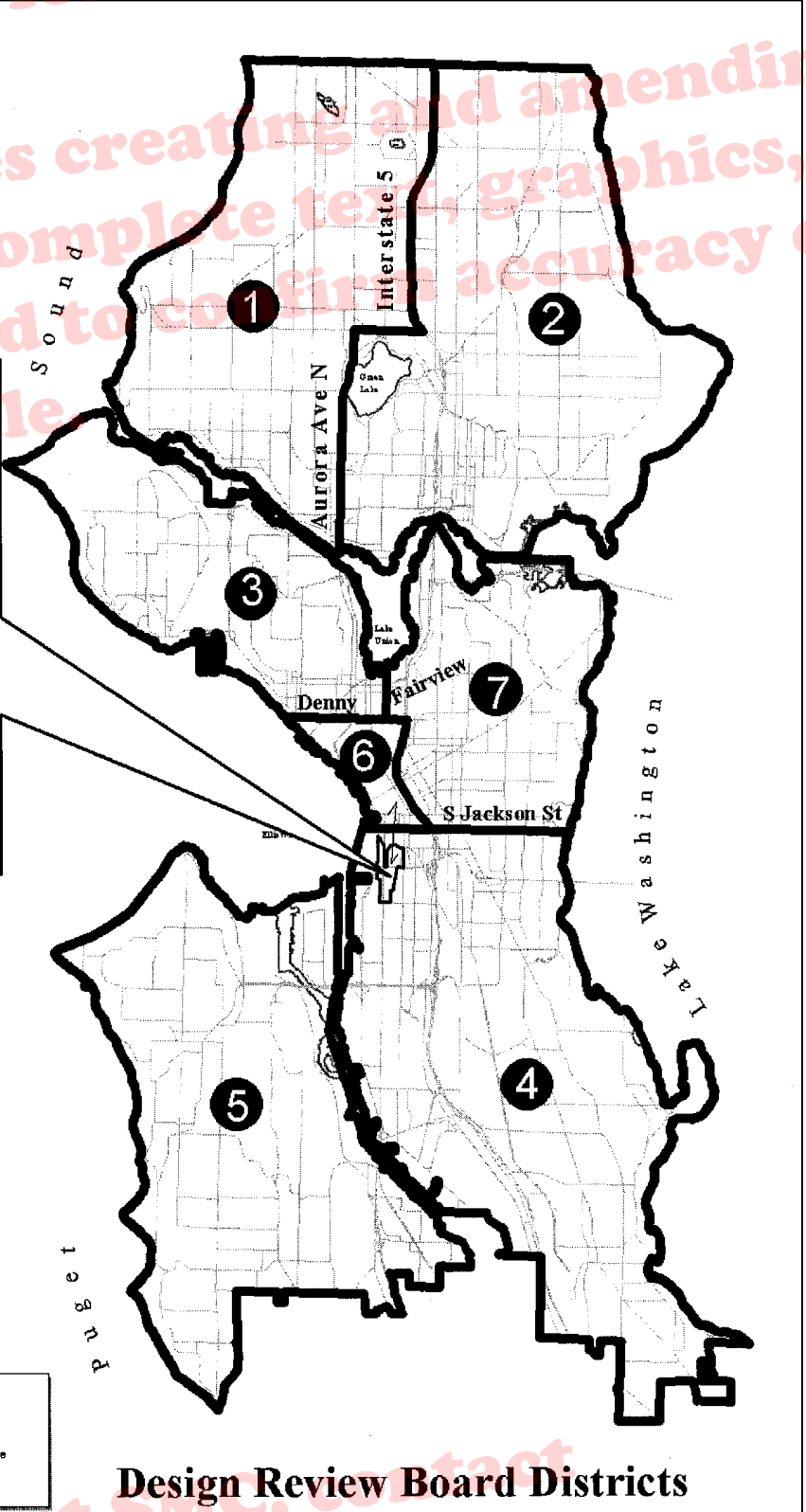
**Exhibit 23.41.006A
Design Review
Districts Map**



Stadium Overlay District part of Design Review District 6



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Design Review Board Districts

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this document.
2. Setback requirements;
 3. Modulation requirements;
 4. SCM zone facade requirements, including transparency and blank facade provisions;
 5. Design, location on the lot and access to parking requirements;
 6. Open space or common recreation area requirements;
 7. Lot coverage limits;
 8. Screening and landscaping requirements;
 9. Standards for the location and design of non-residential uses in mixed use buildings;
 10. Within Urban Centers, in L3 zones only, the pitched roof of a structure, as provided in Section 23.45.009 C, may incorporate additional height of up to twenty (20) percent of the maximum height permitted, as provided in Section 23.45.009 A, subject to the following limitations:
 - a. A pitched roof may not incorporate the additional height if the structure is on a lot abutting or across a street or alley from a single-family residential zone,
 - b. The proposed structure must be compatible with the general development potential anticipated within the zone,
 - c. The additional height must not substantially interfere with views from up-slope properties, and
 - d. No more than one (1) project on one (1) site within each Urban Center may incorporate additional height in the pitched roofs of its structures pursuant to a neighborhood planning process allow other projects to incorporate such additional height;
 11. Building height within the Roosevelt Commercial Core (up to an additional three (3) feet) for properties zoned NC3-65', (Exhibit 23.41.012 A, Roosevelt Commercial Core);
 12. Building height within the Ballard Municipal Center master plan area, for properties zoned NC3-65', (Exhibit 23.41.012 B, Ballard Municipal Center Master Plan Area). The additional height may not exceed nine (9) feet, and may be granted only for townhouses that front a mid-block pedestrian connection or a park identified in the Ballard Municipal Center Master Plan;
 13. Reduction in required parking for ground level retail uses that abut established mid-block pedestrian connections through private property as identified in the "Ballard Municipal Center Master Plan Design Guidelines, 2000." The parking requirement must be no less than the required parking for Pedestrian 1 designated areas shown in Section 23.47.044 Chart E;
 14. Downtown or Stadium Transition Overlay District street facade requirements;
 15. Downtown upper-level development standards;
 16. Downtown coverage and floor size limits;

17. Downtown maximum wall dimensions;
18. Downtown street level use requirements;
19. Combined coverage of all rooftop features in downtown zones subject to the limitations in Section 23.49.008 C2; and
20. Certain conditions to allowance of additional height in DOC 1 and DOC 2 zones pursuant to subsection 23.49.008A 2, as follows:
 - a. Limits on gross floor area of stories under subsection 23.49.008 A2a(2); and
 - b. Percentages of lot area that must be occupied by open space or by structures no greater than thirty-five (35) or sixty-five (65) feet in height, under subsection 23.49.008 A2b(1).
21. Building height in Lowrise zones, and parking standards of Section 23.54.015 in Midrise and Commercial zones, in order to protect existing trees as provided in Chapter 25.11;
22. Downtown view corridor and Downtown Green Street requirements to allow open railings on upper level roof decks or rooftop open space to project into the required view corridor or Green Street setback, provided such railings are determined to have a minimal impact on views and meet the requirements of the Building Code; and
23. Minor communication utility height limits in downtown zones set forth in SMC Section 23.57.013 B, and telecommunication facilities development standards set forth in Section 23.57.016.
(Ord. 120928 § 2, 2002; Ord. 120611 § 6, 2001; Ord. 120447 § 2, 2001; Ord. 120443 § 2, 2001; Ord. 120410 § 3, 2001; Ord. 120209 § 2, 2000; Ord. 120081 § 2, 2000; Ord. 119972 § 4, 2000; Ord. 119399 § 3, 1999; Ord. 119370 § 1, 1999; Ord. 118362 § 5, 1996; Ord. 118302 § 6, 1996; Ord. 118012 § 17, 1996; Ord. 117943 § 1, 1995; Ord. 116909 § 1(part), 1993.)

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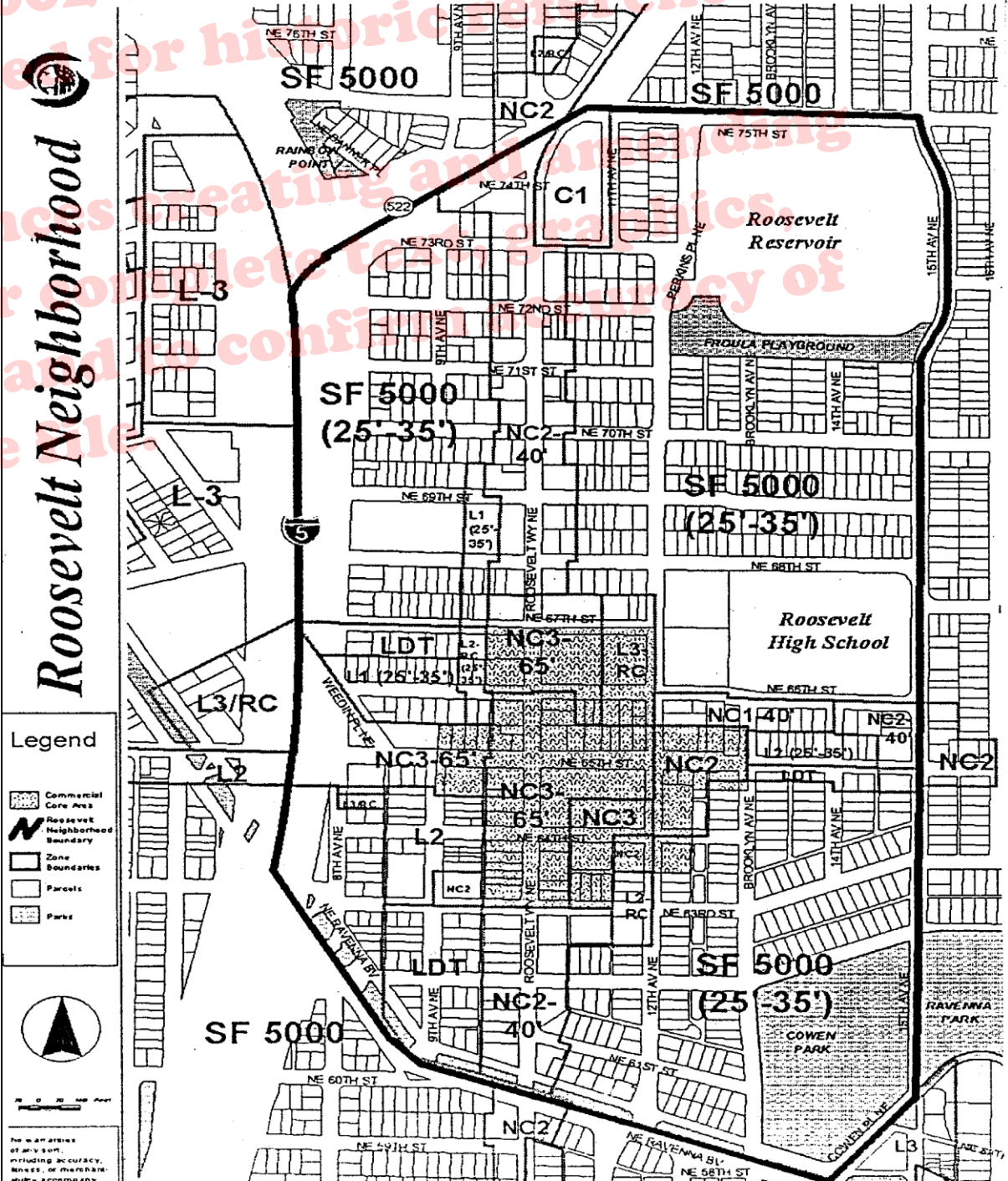
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Exhibit 23.41.012 A
Roosevelt Commercial Core

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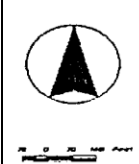
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Roosevelt Neighborhood

Legend

- Commercial Core Area
- Roosevelt Neighborhood Boundary
- Zone Boundaries
- Parcels
- Parks



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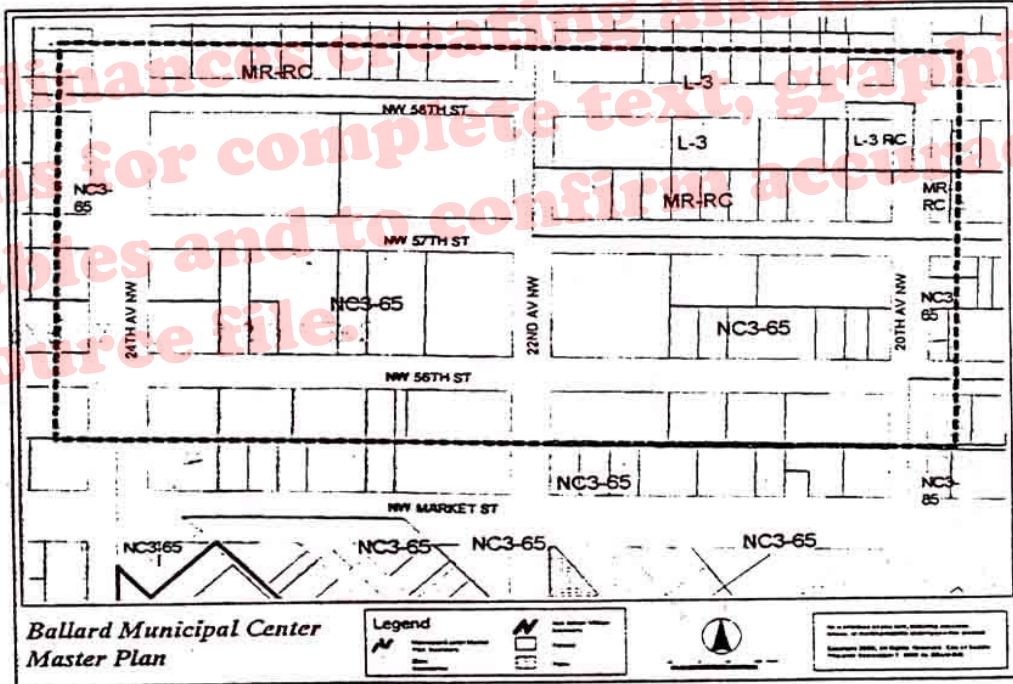
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EXHIBIT 23.41.012 B

Ballard Municipal Center Master Plan Area



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23.41.014 Design review process.

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

B. Early Design Guidance Public Meeting.

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

2. The purpose of the early design guidance public meeting shall be to identify concerns about the site and the proposed project, review the design guidelines applicable to the site, determine neighborhood priorities among the design guidelines, and explore design concepts and/or options.

3. At the early design guidance public meeting, the project proponents shall present the following information:

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

b. A drawing of existing site conditions, indicating topography of the site and the location of structures and prominent landscape elements on or abutting the site (including but not limited to all trees six (6) inches or greater in diameter measured four and one half (4¹/₂) feet above the ground, with species indicated); and

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

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

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

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

C. Guidelines Priorities.

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

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

3. The project proponent is encouraged to meet with the Board and the public for early resolution of design issues, and may hold additional optional meetings

with the public or the Board. The Director may require the proponent to meet with the Board if the Director believes that such a meeting may help to resolve design issues.

D. Application for Master Use Permit.

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

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

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

E. Design Review Board Recommendation.

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

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

F. Director's Decision.

1. A decision on an application for a permit subject to design review shall be made by the Director. The Director may condition a proposed project to achieve compliance with design guidelines and to achieve the purpose and intent of this chapter.

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

3. The Director's design review decision shall be made as part of the overall Master Use Permit decision for the project. The Director's decision shall consider the recommendation of the Design Review Board, provided that, if four (4) or more members of the Design Review Board are in agreement in their recommendation to the Director, the Director shall issue a decision that makes compliance with the recommendation of the Design Review Board a condition of permit approval, unless the Di-

rector concludes that the recommendation of the Design Review Board:

- a. Reflects inconsistent application of the design review guidelines; or
- b. Exceeds the authority of the Design Review Board; or
- c. Conflicts with SEPA conditions or other regulatory requirements applicable to the site; or
- d. Conflicts with the requirements of state or federal law.

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

H. Appeals. Appeal procedures for design review decisions are as described in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. (Ord. 119791 § 5, 1999; Ord. 119399 § 4, 1999; Ord. 118980 § 4, 1998; Ord. 116909 § 1(part), 1993.)

23.41.016 Administrative design review process.

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

B. Early Design Guidance Process.

1. Following a preapplication conference, a proponent may apply to begin the early design guidance process. Application for the early design guidance process shall include the following:

- a. An initial site analysis addressing site opportunities and constraints, the use of all adjacent buildings, and the zoning of the site and adjacent properties; and
- b. A drawing of existing site conditions, indicating topography of the site and the location of structures and prominent landscape elements on or abutting the site (including but not limited to all trees six (6) inches or greater in diameter measured four and one-half (4½) feet above the ground, with species indicated) if any; and
- c. Photos showing the facades of adjacent development, general streetscape character and territorial or other views from the site, if any; and
- d. A zoning envelope study which includes a perspective drawing; and
- e. A description of the proponent's objectives with regard to site development, including any preliminary design concepts or options.

2. Notice of application shall be provided pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

3. The purpose of the early design guidance process shall be to identify concerns about the site and development program, receive comments from the public, identify those citywide design guidelines of highest priority to the site, and/or explore conceptual design or siting alternatives. As a result of this process, the Director shall identify and prepare a written summary of any guidelines which may not be applicable to the project and site and

identify those guidelines of highest priority to the neighborhood. The Director shall incorporate any community consensus regarding the design, as expressed in written comments received, into the guideline priorities, to the extent the consensus is consistent with the design guidelines and reasonable in light of the facts of the proposed development.

4. The Director shall distribute a copy of the priority-guidelines summary to all who sent in comments or otherwise requested notification and to the project proponent.

C. Application for Master Use Permit.

1. Upon completion of the early design guidance process, the proponent may apply for a Master Use Permit (MUP).

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

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

D. Director's Decision.

1. A decision on an application for administrative design review shall be made by the Director as part of the overall Master Use Permit decision for the project.

2. The Director's decision shall be based on the extent to which the proposed project meets applicable design guidelines and in consideration of public comments on the proposed project.

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

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

F. Appeals. Appeal procedures for design review decisions are described in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. (Ord. 120410 § 4, 2001; Ord. 118980 § 5, 1998.)

**Chapter 23.42
GENERAL USE PROVISIONS**

Sections:

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

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Seattle Municipal Code
December 2022 code update file
Text provided for historical reference only.
See order creating recommending
section for complete accuracy of
and take care to consult
this so-called file

- 23.42.100 Nonconformity—Applicability and intent.
- 23.42.102 Establishing nonconforming status.
- 23.42.104 Nonconforming uses.
- 23.42.106 Expansion of nonconforming uses.
- 23.42.108 Change from nonconforming use to conforming use.
- 23.42.110 Change from one nonconforming use to another nonconforming use.
- 23.42.112 Nonconformity to development standards.
- 23.42.114 Multifamily structures nonconforming to development standards.
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- 23.42.118 Landmark structures.
- 23.42.120 Access easement nonconformity.
- 23.42.122 Height nonconformity.
- 23.42.124 Light and glare standards nonconformity.
- 23.42.126 Outdoor storage areas nonconformity.
- 23.42.128 Parking nonconformity.
- 23.42.130 Nonconforming solar collectors.

23.42.010 Identification of principal permitted uses.

Principal uses not listed in the respective zones of Subtitle III, Division 2 of SMC Title 23, Land Use Code shall be prohibited in those zones. If a use is not listed, the Director may determine that a proposed use is substantially similar to other uses permitted or prohibited in the respective zones, therefore, and should also be permitted or prohibited.
(Ord. 118794 § 15, 1997; Ord. 113978 § 1, 1988; Ord. 110669 § 9, 1982; Ord. 110381 § 1(part), 1982.)

23.42.020 Accessory uses.

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

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

B. The general development standards for each zone shall apply to accessory uses unless the general standards are specifically modified.
(Ord. 117570 § 12, 1995; Ord. 117263 § 3, 1994; Ord. 113978 § 2, 1988; Ord. 110669 § 10, 1982; Ord. 110381 § 1(part), 1982.)

23.42.040 Temporary uses.

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

- A. Temporary Four (4) Week Use.
 - 1. A Master Use Permit for any use which is to last no longer than four (4) weeks and does not involve the erection of a permanent structure may be authorized under the following conditions:
 - a. The use shall not be materially detrimental to the public welfare; and
 - b. The use shall not be injurious to property in the vicinity.
 - 2. The Director may impose conditions to ensure compatibility with adjacent uses and structures and to mitigate adverse impacts.
- B. Temporary Uses for Up to Six (6) Months.
 - 1. A Master Use Permit for any use of premises for a period of up to six (6) months which does not involve the erection of any permanent structure may be granted by the Director.
 - 2. In granting, conditioning or denying permits for temporary uses, the considerations recited in Section 23.42.040 A shall pertain.
- C. Boatbuilding Shelters.
 - 1. A temporary use of premises, not involving the erection of any permanent structure, for the express purpose of sheltering the construction of boatbuilding projects by noncommercial home hobbyists, may be authorized by the Director by a revocable Master Use Permit for a period of not more than one (1) year. One (1) year extensions may be granted by the Director for a period not to exceed four (4) years. The permit is subject to the following development standards:
 - a. The boatbuilding shelter shall not detract from the general appearance of the neighborhood.
 - b. The structure, though temporary, shall be sturdy enough to withstand inclement weather conditions.
 - c. Measures which may be required to mitigate possible adverse impacts of the boatbuilding shelter may include, but are not limited to, restrictions on height, size, location or external treatment.
 - D. Temporary Relocation of Police and Fire Stations, Twelve (12) Months or Less. A Master Use Permit, issued for a period of twelve (12) months or less not involving the construction of any permanent structure, may be authorized subject to the conditions of subsection A of Section 23.42.040. Such permits shall not be renewable.
 - E. Light Rail Transit Facility Construction. A temporary structure or use that supports the construction of a light rail transit facility may be authorized by the Director pursuant to a Master Use Permit if:

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1. The alignment, station locations, and maintenance base location of the light rail transit system has been approved by the City Council by ordinance or resolution;
2. The temporary use or structure is authorized for only so long as is necessary to support construction of the light rail transit system;
3. The applicant must submit plans for the establishment of temporary construction uses and facilities to the Director for approval. When reviewing the application, the Director shall consider the duration and severity of impacts, and the number and special needs of people and businesses exposed, such as frail, elderly, and special needs residents. Following review of proposed plans and measures to mitigate impacts of light rail transit facility construction, and prior to the issuance of any permits granting permission to establish construction facilities and uses, the Director may impose reasonable conditions to reduce construction impacts on surrounding businesses and residences, including but not limited to the following:
- a. Noise impacts will be governed by the Noise Control Ordinance (SMC Chapter 25.08) and off-site impacts associated with grading and drainage will be governed by the Stormwater, Grading and Drainage Ordinance (SMC Chapters 22.800 through 22.808).
 - b. Light. To the extent feasible, light should be shielded and directed away from adjoining properties.
 - c. Best Management Practices. Construction activities on the site must comply with Director's Rule #6-93, Best Management Practices for Construction Erosion and Sedimentation Control Plans.
 - d. Parking and Traffic. Measures addressing parking and traffic impacts associated with truck haul routes, truck loading and off-loading facilities, parking supply displaced by construction activity, and resulting from temporary construction-worker parking, including measures to reduce demand for parking by construction employees must be included.
 - e. Local Businesses. The applicant must address measures to limit disruption of local business, including pedestrian and/or auto access to business, loss of customer activity, or other impacts due to protracted construction activity.
 - f. Security. The applicant must address site security and undertake measures to ensure the site is secure at all times and to limit trespassing or the attraction of illegal activity to the surrounding neighborhood.
 - g. Site/Design. The construction site should be designed in a manner that minimizes pedestrian/vehicle conflicts and does not unnecessarily impede pedestrian mobility around the site and through adjoining neighborhoods. Measures should also be undertaken to ensure appropriate screening of materials storage and other construction activities from surrounding streets and properties.
 - h. Public Information. Actions should be taken that will inform surrounding residents and businesses of

construction activities taking place and their anticipated duration, including a twenty-four (24) hour phone number to seek additional information or to report problems.

- i. Temporary structures must be constructed to withstand inclement weather conditions.

- j. Vibration. The applicant must consider measures to mitigate vibration impacts on surrounding residents and businesses.

4. Site Restoration.

- a. The applicant must also agree, in writing, to submit a restoration plan to the Director for restoring areas occupied by temporary construction activities, uses or structures.

- b. The restoration plan must be submitted and approved prior to the applicant vacating the construction site and it must include proposals for cleaning, clearing, removing construction debris, grading, remediation of landscaping, and restoration of grade and drainage.

- c. Site restoration must generally be accomplished within one hundred eighty (180) days of cessation of use of the site for construction uses and activities, unless otherwise agreed to between the applicant and the Director.

- d. The Director will approve plans for site restoration in accordance with mitigation plans authorized under this section.

- 5. A master use permit for a temporary structure or use that supports the construction of a light rail transit facility shall not be issued until the Director has received satisfactory evidence that the applicant has obtained sufficient funding (which might include a Full Funding Agreement with a federal agency) to complete the work described in the master use permit application. (Ord. 119904 § 1, 2000; Ord. 117263 § 4, 1994; Ord. 112840 § 1, 1986; Ord. 110381 § 1(part), 1982.)

23.42.042 Conditional uses.

Administrative conditional uses and uses requiring Council approval as provided in the respective zones of Subtitle III, Part 2, of this Land Use Code, and applicable provisions of SMC Chapter 25.09, Regulations for Environmentally Critical Areas, may be authorized according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. (Ord. 117570 § 13, 1995; Ord. 116262 § 5, 1992; Ord. 112522 § 8, 1985.)

23.42.100 Nonconformity—Applicability and intent.

A. The nonconformity provisions of this chapter apply to uses and sites in all zones, except for the shoreline overlay district (see Chapter 23.60).

B. It is the intent of these provisions to establish a framework for dealing with nonconformity that allows most nonconformities to continue. The Code facilitates the maintenance and enhancement of nonconforming uses and

developments so they may exist as an asset to their neighborhoods. The redevelopment of nonconformities to be more conforming to current code standards is a long term goal.

(Ord. 120293 § 1 (part), 2001.)

23.42.102 Establishing nonconforming status.

A. Any use that does not conform to current zoning regulations, but conformed to applicable zoning regulations at any time and has not been discontinued as set forth in Section 23.42.104 is recognized as a nonconforming use or development. Any residential development in a residential, commercial or downtown zone that would not be permitted under current Land Use Code regulations, but which existed prior to July 24, 1957, and has not been discontinued as set forth by Section 23.42.104, is recognized as a nonconforming use or development. A recognized nonconforming use shall be established according to the provisions of subsections B through D of this section.

B. Any use or development for which a permit was obtained is considered to be established.

C. A use or development which did not obtain a permit may be established if the Director reviews and approves an application to establish the nonconforming use or development for the record.

D. For a use or development to be established pursuant to subsection C above, the applicant must demonstrate that the use or development would have been permitted under the regulations in effect at the time the use began, or, for a residential use or development, that the use or development existed prior to July 24, 1957 and has remained in continuous existence since that date. Residential development shall be subject to inspection for compliance with minimum standards of the Housing and Building Maintenance Code. (Chapters 22.200 through 22.208). Minimum standards of the Housing and Building Maintenance Code must be met prior to approval of any permit to establish the use and/or development for the record.

E. Nonconforming uses commenced after July 24, 1957 and not discontinued (Section 23.42.104) are also subject to approval through the process of establishing use for the record, if not established by permit. Residential nonconforming uses are subject to inspection under the Housing and Building Maintenance Code if in existence before January 1, 1976. Conformance to the Seattle Building Code in effect at the time a use first began is required if the use first existed after January 1, 1976.

(Ord. 120293 § 1 (part), 2001.)

23.42.104 Nonconforming uses.

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

B. A nonconforming use that has been discontinued for more than twelve (12) consecutive months shall not be reestablished or recommenced. A use is considered discontinued when:

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

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

3. The structure is vacant, or the portion of the structure formerly occupied by the nonconforming use is vacant. The use of the structure shall be considered discontinued even if materials from the former use remain or are stored on the property. A multifamily structure with one (1) or more vacant dwelling units is not considered vacant and the use is not considered to be discontinued unless all units in the structure are vacant.

4. If a complete application for a permit that would allow the nonconforming use to continue, or that would authorize a change to another nonconforming use, has been submitted before the structure has been vacant for twelve (12) consecutive months, the nonconforming use shall not be considered discontinued unless the permit lapses or the permit is denied. If the permit is denied, the nonconforming use may be reestablished during the six (6) months following the denial.

C. A nonconforming use that is disrupted by fire, act of nature, or other causes beyond the control of the owners may be resumed. Any structure occupied by the nonconforming use may be rebuilt in accordance with applicable codes and regulations to the same or smaller configuration existing immediately prior to the time the structure was damaged or destroyed.

1. Where replacement of a structure or portion of a structure is necessary in order to resume the use, action toward that replacement must be commenced within twelve (12) months after the demolition or destruction of the structure. Action toward replacement shall include application for a building permit or other significant activity directed toward the replacement of the structure. If this action is not commenced within this time limit, the nonconforming use shall lapse.

2. When the structure containing the nonconforming use is located in a PSM zone, the Pioneer Square Preservation Board shall review the exterior design of the structure before it is rebuilt to ensure reasonable compatibility with the design and character of other structures in the Pioneer Square Preservation District.

(Ord. 120293 § 1 (part), 2001.)

23.42.106 Expansion of nonconforming uses.

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

1. As otherwise required by law or as necessary to improve access for the elderly or disabled; or

2. To construct or modify minor structural features on the principal structure including, but not limited to, exterior decks and balconies, bay windows, dormers,

eaves and solar collectors added to a principal structure, or a new or expanded accessory structure may be constructed; provided that the addition or new accessory structure conforms to the development standards of the zone.

3. To construct or expand an accessory structure, provided that the addition or new structure conforms to the development standards of the zone.

B. In addition to the standards in subsection A, a structure in a single-family zone occupied by a nonconforming residential use may be allowed to expand subject to the following:

1. The number of dwelling units shall not be increased, except as may be allowed pursuant to Section 23.40.040 or Section 23.44.015.

2. For a nonconforming residential use that is not a multifamily use, except as may be allowed pursuant to Section 23.40.040 or Section 23.44.015, the number of residents may not be increased beyond the maximum number that was allowed by the standards of the zone at the time of approval; if originally permitted by conditional use, the number shall not be allowed to increase above the number permitted by the conditional use approval.

3. An expansion of no more than five hundred (500) square feet of gross floor area, meeting the development standards for single-family construction and not exceeding the average height of the closest principal structures on either side, is allowed.

4. An expansion greater than five hundred (500) square feet of gross floor area and/or exceeding the average height of the closest principal structures on either side may be approved by DCLU through a special exception, Type II Master Use Permit, if the proposed expansion meets the development standards for single-family construction and is compatible with surrounding development in terms of:

- a. Architectural character;
- b. Existing streetscape and pattern of yards;
- c. Scale and proportion of principal structures.

5. If an addition proposed under subsections B3 or B4 of this section would require additional parking under the requirements of Section 23.54.015 for multifamily structures, that additional parking must be provided.

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

D. A nonconforming nonresidential use shall not be expanded or extended, except as follows:

1. A structure occupied by a nonconforming nonresidential use may be maintained, repaired, renovated or structurally altered but shall not be expanded or extended except as otherwise required by law, as necessary to improve access for the elderly or disabled or as specifically permitted elsewhere in this Code.

2. In the Seattle Cascade Mixed zone, general manufacturing uses exceeding twenty-five thousand (25,000) square feet of gross floor area and heavy manufacturing uses may be expanded or extended by an amount of gross floor area not to exceed twenty (20) percent of the existing gross floor area of the use, provided that this exception may be applied only once to any individual business establishment.

(Ord. 120609 § 4, 2001; Ord. 120293 § 1 (part), 2001.)

23.42.108 Change from nonconforming use to conforming use.

A. In any zone, a nonconforming use may be converted to any conforming use if all development standards are met.

B. In single-family zones, a nonconforming use may be converted to single-family dwelling unit, even if all development standards are not met.

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

D. In commercial and industrial zones, a nonconforming use may be converted to any conforming use even if all development standards are not met, provided that parking nonconformity shall not be increased as a result of the conversion.

(Ord. 120293 § 1 (part), 2001.)

23.42.110 Change from one nonconforming use to another nonconforming use.

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

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

B. The proposed new use must be no more detrimental to properties in the zone and vicinity than the existing use. This determination shall be based on consideration of the following factors:

1. The zones in which both the existing use and the proposed new use are allowed;

2. The number of employees and clients associated or expected with the proposed use;

3. The relative parking, traffic, light, glare, noise, odor and similar impacts of the two uses and how these impacts could be mitigated.

C. The existence of a single residential unit, such as a caretaker's or proprietor's unit, accessory to a nonconforming commercial use shall not be treated as having established a residential use, and such a unit may be converted or changed provided that it is the only residential use in the structure and comprises less than half of the total floor area of the structure.

D. Parking requirements for the proposed use shall be determined by the Director.

E. If the new use is permitted, the Director may require mitigation measures, including but not limited to landscaping, sound barriers or fences, mounding or berming, adjustments to yards or parking standards, design modification, or limiting hours of operation. (Ord. 120293 § 1 (part), 2001.)

23.42.112 Nonconformity to development standards.

A. A structure nonconforming to development standards may be maintained, renovated, repaired or structurally altered but shall be prohibited from expanding or extending in any manner that increases the extent of nonconformity or creates additional nonconformity, except as otherwise required by law, as necessary to improve access for the elderly or disabled or as specifically permitted for nonconforming uses and nonconforming structures elsewhere in this Code.

B. A structure nonconforming to development standards and occupied by or accessory to a residential use may be rebuilt or replaced but may not be expanded or extended in any manner that increases the extent of nonconformity unless specifically permitted by this code.

1. A survey by a licensed Washington surveyor, or other documentation acceptable to the Director, documenting the extent of nonconformity and confirming that the plans to rebuild or replace a residential structure create no unpermitted increase in nonconformity shall be required prior to approval of any permit to rebuild or replace a nonconforming residential structure.

2. Additions to a rebuilt nonconforming residential structure that meet current development standards are allowed.

C. Any structure nonconforming to development standards that is destroyed by fire, act of nature, or other causes beyond the control of the owner, may be rebuilt to the same or smaller configuration existing immediately prior to the time the structure was destroyed.

D. Where replacement of a nonconforming structure or portion of a structure is permitted under this section, action toward that replacement must be commenced within twelve (12) months after the demolition or destruction of

the structure, except for a nonconforming structure designated as a Landmark pursuant to Chapter 25.12. Action toward replacement of Landmark structures must be commenced within three (3) years after the demolition or destruction of the structure. Action toward replacement shall include application for a building permit or other significant activity directed toward the replacement of the structure. If this action is not commenced within this time limit, any replacement must conform to the existing development standards.

E. When the structure is located in a PSM zone, the Pioneer Square Preservation Board shall review plans for the exterior design of the structure to ensure compatibility with the design and character of other structures in the Pioneer Square Preservation District.

(Ord. 120293 § 1 (part), 2001.)

23.42.114 Multifamily structures nonconforming to development standards.

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

A. A nonconforming ground-related multifamily structure or apartment located in a Lowrise Duplex/Triplex (LDT) or Lowrise 1 (L1) zone may be expanded or extended provided the expansion or extension shall conform to the development standards of the zone and shall not cause an already nonconforming structure to become more nonconforming to development standards.

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

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

(Ord. 120293 § 1 (part), 2001.)

23.42.116 Downtown structures nonconforming to development standards.

A. Portions of structures that do not conform to the standards for minimum street facade height and/or facade setback limits for the downtown zone in which they are located may be expanded if the expansion reduces the nonconformity as regards one or both of these standards and, in the opinion of the Director, is consistent with the intent of the Code. If the Director determines that greater conformity is not structurally feasible, the expansion may increase the nonconformity in respect to these standards if all other standards are met.

B. Portions of structures that do not conform to the standards for required street-level uses and/or the street facade requirements for transparency, blank facades, or screening of parking for the downtown zone in which they are located may be expanded if:

1. The expansion does not cause the structure to exceed the base FAR for the zone and the nonconformity is not increased; or

2. When the nonconformity of the structure as regards these development standards is reduced, expansion of the structure up to the maximum FAR for the zone may be permitted by the Director through the use of the bonus system or transfer of development rights. The appropriate level of expansion and the required reduction or elimination of nonconformity shall be determined by the Director according to the following criteria:

- a. The extent of the proposed expansion,
- b. The impact of the proposed expansion on the pedestrian environment,
- c. The amount of the existing nonconformity, and
- d. The structural feasibility of remodeling the structure to meet these development standards.

(Ord. 120293 § 1 (part), 2001.)

23.42.118 Landmark structures.

A. Landmark structures may be expanded even if the expansion increases the extent of nonconformity, when the Landmarks Board determines that there is no feasible alternative that meets the development standards of the zone while preserving the integrity of the landmark structure.

B. The Director may permit the proposed expansion if it is approved by the Landmarks Board and if:

1. The expansion does not have a significant adverse effect on the light, air, solar and visual access of properties within a three hundred (300) foot radius; and
2. The expansion does not adversely affect the pedestrian environment in the vicinity.

(Ord. 120293 § 1 (part), 2001.)

23.42.120 Access easement nonconformity.

A structure located on a lot nonconforming as to access easement requirements may be replaced, provided that the number of dwelling units to which access is provided by the easement shall not be increased and the new structure shall conform to all other development standards of the zone.

(Ord. 120293 § 1 (part), 2001.)

23.42.122 Height nonconformity.

A. In single-family and multifamily zones, a structure nonconforming as to height may be expanded or extended to add eaves, dormers and/or clerestories to an existing pitched roof provided the additions are constructed below the highest point of the roof. An existing pitched roof that is above the height limit shall not be converted into a flat

roof nor shall the slope of the roof be lowered below a four in twelve (4:12) pitch.

B. Structures originally constructed in manufacturing zones, under Seattle Municipal Code Title 24, that exceed the permitted height in zones with height limits of thirty (30) feet, forty (40) feet, or sixty-five (65) feet shall be limited to an FAR (floor area ratio) of two and one-half (2^{1/2}). Structures that exceed the permitted height in zones allowing heights greater than sixty-five (65) feet shall be limited to the FAR permitted in the respective zones. (Ord. 120293 § 1 (part), 2001.)

23.42.124 Light and glare standards nonconformity.

When nonconforming exterior lighting is replaced, new lighting shall conform to the requirements of the light and glare standards of the respective zone. See subsection H of Section 23.44.008 for single-family zones; Section 23.45.017 for lowrise zones; Section 23.45.059 for midrise zones; Section 23.45.075 for highrise zones; Section 23.46.020 for residential commercial zones; Section 23.47.022 for commercial zones; Section 23.49.010 for downtown zones; and Section 23.50.046 for industrial buffer and industrial commercial zones.

(Ord. 120293 § 1 (part), 2001.)

23.42.126 Outdoor storage areas nonconformity.

A. An outdoor storage area nonconforming as to screening and landscaping shall be required to be screened and landscaped at the time of any structural alteration or expansion of the outdoor storage area or the structure with which it is associated according to the provisions of:

1. Subsection D5 of Section 23.47.016, if located in a commercial zone;
2. Section 23.48.024, if located in the Seattle Cascade Mixed (SCM) zone;
3. Subsection C of Section 23.50.016, if located on an industrial street designated for landscaping;
4. Section 23.50.036, if located in an Industrial Buffer zone; and/or
5. Section 23.50.038, if located in an Industrial Commercial zone.

B. A business establishment in an NC1, NC2, NC3, or SCM zone with a nonconforming outdoor storage area may be extended, structurally altered or expanded if the outdoor storage area is not expanded and if it is screened and landscaped according to the standards of subsection D5a of Section 23.47.016, or Section 23.48.024 if the business is in the SCM zone.

C. A nonconforming use with a nonconforming outdoor storage area may be structurally altered, but not expanded, if the outdoor storage area is not expanded and if it is screened and landscaped according to the standards of subsection D5a of Section 23.47.016 or Section 23.48.024

if the nonconforming use with the nonconforming outdoor storage area is in the SCM zone. (Ord. 120293 § 1 (part), 2001.)

23.42.128 Parking nonconformity.

A. Existing parking deficits of legally established uses shall be allowed to continue even if a change of use occurs. This provision shall not apply to a change of use to one defined as a heavy traffic generator.

B. Nonconforming parking areas or nonconforming parking within structures may be restriped according to the standards of Section 23.54.030, Parking space standards.

C. Parking areas that are nonconforming uses may be restriped according to the standards of Section 23.54.030, Parking space standards.

D. In commercial zones, surface parking areas that are nonconforming due to lack of required landscaping and are proposed to be expanded by ten (10) percent or more in number of parking spaces or in area are required to be screened and landscaped according to the standards of Section 23.47.016, or in the Seattle Cascade Mixed (SCM) zone, according to Section 23.48.024, to the extent feasible as determined by the Director.

E. See subsection C6 of Section 23.71.008 for requirements in the Northgate Overlay District regarding elimination of nonconformities with respect to location, screening and landscaping of existing parking areas along major pedestrian streets. (Ord. 120293 § 1 (part), 2001.)

23.42.130 Nonconforming solar collectors.

The installation of solar collectors that cause a structure to become nonconforming or increase an existing nonconformity may be permitted as follows:

A. In single-family zones, pursuant to subsection B of Section 23.44.046;

B. In multifamily zones, pursuant to subsection D of Section 23.45.146;

C. In commercial zones, pursuant to subsection H of Section 23.47.012.

(Ord. 120293 § 1 (part), 2001.)

**Chapter 23.43
RESIDENTIAL SMALL LOT**

Sections:

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

23.43.006 Residential Small Lot zone, principal uses permitted outright.

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

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

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

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

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

(Ord. 117430 § 41 (part), 1994.)

23.43.008 Development standards for one dwelling unit per lot.

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

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

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

D. Yards and Setbacks.

1. Front and Rear Yards.

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

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

c. If recommended in a neighborhood plan adopted or amended by the City Council after January 1, 1995, an ordinance designating an area as RSL may require front and/or rear yard setbacks greater than ten (10) feet, provided that the requirement of subsection D1a of this section shall not be increased or decreased, and the requirement of subsection D1b of this section shall not be reduced.

2. Side Setbacks. The required side setback shall be five (5) feet. The side setback may be averaged.

No portion of the side setback shall be less than three (3) feet, except as follows:

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

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

E. Parking.

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

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

3. Location.

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

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

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

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

(Ord. 117430 § 41 (part), 1994.)

23.43.010 Tandem housing.

A. Density and Minimum Lot Area.

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

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

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

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

B. Height Limit and Roof Pitch.

1. The basic height limit for new principal structures shall be eighteen (18) feet. Existing structures may remain and be expanded, provided that new portions

of the structure shall not exceed the height limits of this subsection.

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

C. Yards and Setbacks.

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

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

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

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

5. Modification of Front and Rear Yards. If recommended in a neighborhood plan adopted or amended by the City Council after January 1, 1995, an ordinance designating an area as RSL may require front and/or rear yard setbacks greater than ten (10) feet (except for rear yards where platted and developed alleys exist), subject to the provisions of subsections C1, C2, C3, and C4 of this section, and provided that the required total combined yards shall not exceed thirty-five (35) feet.

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

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

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

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

E. Parking.

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

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

3. Location.

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

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

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

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

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

(Ord. 117430 § 41 (part), 1994.)

23.43.012 Cottage Housing Developments (CHDs).

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

B. Density and Minimum Lot Area.

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

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

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

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

C. Height Limit and Roof Pitch.

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

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

D. Lot Coverage and Floor Area.

1. The maximum lot coverage permitted for principal and accessory structures in cottage housing developments shall not exceed forty (40) percent.

2. The lot coverage for an individual principal structure in a cottage housing development shall not exceed six hundred fifty (650) square feet.

3. The total floor area of each cottage shall not exceed either 1.5 times the area of the main level or nine hundred seventy-five (975) square feet, whichever is less. Enclosed space in a cottage located either above the main level and more than twelve (12) feet above finished grade, or below the main level, shall be limited to no more than fifty (50) percent of the enclosed space of the main level, or three hundred seventy-five (375) square feet, whichever is less. This restriction applies regardless of whether a floor is proposed in the enclosed space, but shall not apply to attic or crawl spaces.

E. Yards.

1. Front Yards. The front yard for cottage housing developments shall be an average of ten (10) feet, and at no point shall be less than five (5) feet.

2. Rear Yards. The minimum rear yard for a cottage housing development shall be ten (10) feet.

3. Side Yards. The minimum required side yard for a cottage housing development shall be five (5) feet. When there is a principal entrance along a side facade, the side yard shall be no less than ten (10) feet along that side for the length of the pedestrian route. This ten (10) foot side yard shall apply only to a height of eight (8) feet above the access route.

4. Interior Separation for Cottage Housing Developments. There shall be a minimum separation of six (6) feet between principal structures. Facades of principal structures facing facades of accessory structures shall be separated by a minimum of three (3) feet. When there is a principal entrance on an interior facade of either or both of the facing facades, the minimum separation shall be ten (10) feet.

F. Required Open Space.

1. Quantity of Open Space. A minimum of four hundred (400) square feet per unit of landscaped open space is required. This quantity shall be allotted as follows:

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

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

2. Development Standards.

a. Private usable open space shall be provided at ground level in one (1) contiguous parcel with a minimum area of two hundred (200) square feet. No horizontal dimension of the open space shall be less than ten (10) feet.

b. Required common open space shall be provided at ground level in one (1) contiguous parcel with a

minimum area of one hundred fifty (150) square feet per unit. Each cottage shall abut the common open space, and the common open space shall have cottages abutting at least two (2) sides.

c. The minimum horizontal dimension for open space shall be ten (10) feet.

G. Parking

1. One (1) parking space per dwelling unit shall be required, as provided in Chapter 23.54.

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

3. Location.

a. Parking shall be on the same lot as the cottage housing development.

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

(1) The parking is screened from direct street view by one (1) or more street-facing facades, by garage doors, or by a fence and landscaping as provided in subsection D of Section 23.45.018.

(2) Parking outside a structure may not be located between cottages.

(3) Parking may not be located in the front yard.

(4) Parking may be located between any structure and the rear lot line of the lot, or between any structure and a side lot line which is not a street side lot line.

(Ord. 117430 § 41 (part), 1994.)

23.43.040 Accessory uses and structures.

A. Accessory structures shall be permitted in the RSL zone under the following conditions:

1. New garages shall be subject to the yard and setback requirements of Section 23.43.008 D when accessory to one (1) detached structure per lot, of Section 23.43.010 C when accessory to tandem houses, and of Section 23.43.040 E when accessory to cottage housing.

2. When converted to principal use in tandem house developments, garages shall be subject to the development standards for tandem house principal structures.

3. Garages shall be limited to a height of twelve (12) feet as measured on the facade containing the entrance for the vehicle.

4. Accessory structures other than garages shall also be limited to twelve (12) feet in height.

B. Solar Collectors. Solar collectors are permitted outright as an accessory use to any principal use subject to the following standards:

1. Solar collectors, including solar greenhouses which meet minimum standards and maximum size limits as determined by the Director, shall not be counted in lot coverage.

2. Solar collectors, except solar greenhouses attached to principal use structures, may exceed the height limits of the RSL zone by four (4) feet or extend four (4) feet above the ridge of a pitched roof. However, the total height from existing grade to the top of the solar collector may not extend more than nine (9) feet above the height limit established for the zone. A solar collector which exceeds the basic height limit for the zone shall be placed so as not to shade an existing solar collector or property to the north on January 21st, at noon, any more than would a structure built to the maximum permitted height and bulk.

3. Solar collectors and solar greenhouses meeting minimum written energy conservation standards administered by the Director may be located in required yards according to the following conditions:

a. In a side yard, no closer than three (3) feet from the property line; or

b. In a rear yard, no closer than fifteen (15) feet from the rear property line unless there is a platted alley, in which case the solar collector shall be no closer than ten (10) feet from the centerline of the alley; or

c. In a front yard, solar greenhouses which are integrated with the principal structure and have a maximum height of twelve (12) feet may extend up to six (6) feet into the front yard. In no case shall be greenhouse be located closer than five (5) feet from the property line.

C. Home Occupations. Home occupations are permitted accessory uses in the RSL zone, subject to the standards contained in Section 23.44.050, Home occupations.

D. Common Structures in Cottage Housing Developments. Shared structures which are used by the occupants of more than one (1) dwelling unit are allowed as an accessory use. Such structures may include meeting space, a food preparation area, sinks, and toilets, but shall not include either sleeping quarters or bathing facilities. (Ord. 117430 § 41 (part), 1994.)

Chapter 23.44

RESIDENTIAL, SINGLE-FAMILY

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23.44.072 Roomers, boarders, lodgers.

23.44.002 Applicability of provisions.

This chapter details those authorized uses and their development standards which are or may be permitted in the three (3) single-family residential zones: SF 9600, SF 7200 and SF 5000. Communication utilities and accessory communication devices except as exempted in Section 23.57.002 are subject to the regulations in this chapter and additional regulations in Chapter 23.57.

(Ord. 120928 § 3, 2002; Ord. 116295 § 1, 1992; Ord. 110669 § 32(part), 1982; Ord. 110381 § 1(part), 1982.)

Subchapter I Principal Uses Permitted Outright

23.44.006 Principal uses permitted outright.

The following principal uses shall be permitted outright in single-family zones:

A. Single-family Dwelling Unit. One (1) single-family dwelling unit shall be permitted on a lot, except when an accessory dwelling unit is approved pursuant to Section 23.44.041, and except as approved as part of an administrative conditional use permit under SMC Section 25.09.260;

B. Floating Homes. Floating homes shall be permitted uses in single-family zones subject to the requirements of Chapter 23.60;

C. Existing Cemetery. Existing cemeteries shall be permitted to continue in use. No new cemeteries shall be permitted and existing cemeteries shall not be expanded in size. For purposes of this section, a change in a cemetery boundary is not considered an expansion in size and is permitted provided that (1) the change does not increase the net land area occupied by the cemetery, (2) the land being added to the cemetery is contiguous to the existing cemetery and is not separated from the existing cemetery by a public street or alley whether or not improved, and (3) the use of the land being added, as a cemetery, will not result in the loss of housing;

D. Public or private parks, including customary buildings and activities, provided that garages and service or storage areas accessory to parks shall be located one hundred (100) feet or more from any other lot in a residential zone and shall be obscured from view from such lot;

E. Public playgrounds;

F. Existing railroad right-of-way;

G. Public Schools Meeting Development Standards. New public schools or additions to existing public schools and accessory uses including child care centers shall be permitted in all single-family zones subject to the special development standards and departures from standards contained in Section 23.44.017. Departures from development standards may be permitted or required pursuant to procedures and criteria established in Chapter 23.79, Development Standard Departure for Public Schools;

H. Uses in existing or former public schools:

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

2. Other nonschool uses shall be permitted in existing or former public schools pursuant to procedures established in Chapter 23.78, The Establishment of Criteria for Joint Use or Reuse of Schools.

3. Additions to existing public schools may be made only when the proposed use of the addition is a public school;

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I. Nursing Homes. Nursing homes, meeting the development standards of this chapter, and limited to eight (8) or fewer residents;

J. Adult Family Homes. Adult family homes, as defined and licensed by the state of Washington. (Ord. 119239 § 5, 1998; Ord. 118984 § 1, 1998; Ord. 117263 § 5, 1994; Ord. 117203 § 1, 1994; Ord. 117202 § 1, 1994; Ord. 114875 § 1, 1989; Ord. 112539 § 1, 1985; Ord. 110669 §§ 11, 32(part), 1982; Ord. 110381 § 1(part), 1982.)

23.44.008 Development standards for uses permitted outright.

A. The development standards set out in this subchapter apply to principal and accessory uses permitted outright in single-family zones.

B. All structures or uses shall be built or established on a lot or lots.

C. Floating homes shall be subject to the provisions of Chapter 23.60, Shoreline Master Program, except they shall be subject to the parking provisions of this chapter.

D. An exception from one (1) specific standard does not relieve the applicant from compliance with any other standard.

E. Methods for measurements are provided in Chapter 23.86. Standards for parking access and design are provided in Chapter 23.54.

F. A structure occupied by a permitted use other than single-family residential use may be converted to single-family residential use even if the structure does not conform to the development standards for single-family structures. Expansions of converted nonconforming structures shall be regulated by Section 23.42.108. Conversion of structures occupied by nonconforming uses shall be regulated by Sections 23.42.108 and 23.42.110.

G. Development standards governing lots located in an environmentally critical area may be modified according to the provisions of SMC Chapter 25.09, Regulations for Environmentally Critical Areas.

H. Exterior lighting shall be shielded and directed away from residentially zoned lots. The Director may require that the intensity of illumination be limited and that the location of the lighting be changed.

I. Tree Requirements.

1. Trees shall be required when single-family dwelling units are constructed. The minimum number of caliper inches of tree required per lot may be met through using either the tree preservation option or tree planting option set forth below, or through a combination of preservation and planting. This requirement may be met by planting or preserving street trees in the public right-of-way.

a. Tree Preservation Option. For lots over three thousand (3,000) square feet, at least two (2) caliper inches of existing tree per one thousand (1,000) square feet of lot area must be preserved. On lots that are three thou-

sand (3,000) square feet or smaller, at least three (3) caliper inches of existing tree must be preserved per lot. When this option is used, a tree preservation plan is required.

b. Tree Planting Option. For lots over three thousand (3,000) square feet, at least two (2) caliper inches of tree per one thousand (1,000) square feet of lot area must be planted. On lots that are three thousand (3,000) square feet or smaller, at least three (3) caliper inches of tree must be planted per lot.

2. Tree Measurements. Trees planted to meet the requirements in subsection II above shall be at least one and one-half (1.5) inches in diameter. The diameter of new trees shall be measured (in caliper inches) six (6)-inches above the ground. Existing trees shall be measured four and one-half (4.5) feet above the ground. When an existing tree is three (3) to ten (10) inches in diameter, each one (1) inch counts as one (1) inch toward meeting the tree requirements in subsection II above. When an existing tree is more than ten (10) inches in diameter, each one (1)-inch of the tree that is over ten (10) inches shall count as three (3) inches toward meeting the tree requirement.

3. Tree Preservation Plans. If the tree preservation option is chosen, a tree preservation plan must be submitted and approved. Tree preservation plans shall provide for protection of trees during construction according to standards promulgated by the Department of Design, Construction and Land Use. (Ord. 120293 § 4, 2001; Ord. 119792 § 1, 1999; Ord. 117263 § 6, 1994; Ord. 116262 § 6, 1992; Ord. 111390 § 5, 1983; Ord. 110669 §§ 12(part), 32(part), 1982; Ord. 110381 § 1(part), 1982.)

23.44.010 Lot requirements.

A. Minimum Lot Area. The minimum lot area shall be:

S.F. Zone	Minimum Lot Area Required
S.F. 9600	9,600 sq. ft.
S.F. 7200	7,200 sq. ft.
S.F. 5000	5,000 sq. ft.

Submerged lands shall not be counted in calculating the area of lots for the purpose of these minimum lot area requirements, or the exceptions to minimum lot area requirements provided in this section.

B. Exceptions to Minimum Lot Area. The following exceptions to minimum lot area are subject to the limits of subsection B5. A lot which does not satisfy the minimum lot area requirements of its zone may be developed or redeveloped as a separate building site according to the following:

1. In order to recognize separate building sites established in the public record under previous codes, to allow the consolidation of very small lots into larger lots,

Seattle Municipal Code
Deleted from code update file
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Sections for repealing and amending
complete text, graphics,
and tables and to confirm accuracy of
this source file.

to adjust lot lines to permit more orderly development patterns, and to create additional buildable sites out of oversized lots which are compatible with surrounding lots, the following exceptions are permitted if the Director determines that:

- a. The lot was established as a separate building site in the public records of the county or City prior to July 24, 1957 by deed, contract of sale, mortgage, property tax segregation, platting or building permit and has an area of at least seventy-five (75) percent of the minimum required lot area and at least eighty (80) percent of the mean lot area of the lots on the same block face and within the same zone in which the lot is located (Exhibit 23.44.010 A), or

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Lot size exception applies to Lots A, B, C, D, M and N respectively because each lot, at 4,000 s.f., is larger than:

- 75% of 5,000 s.f. (i.e., 3,750 s.f.), and
- 80% of 4,000 s.f. (i.e., 3,200 s.f.).

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Seattle Municipal Code
Development code update file
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b. The lot is or was created by subdivision, short subdivision or lot boundary adjustment, and is at least seventy-five (75) percent of the minimum required lot area and is at least eighty (80) percent of the mean lot area of the lots on the same block face within which the lot will be located and within the same zone (Exhibit 23.44.010 A); or

2. The lot area deficit is the result of a dedication or sale of a portion of the lot to the City or state for street or highway purposes and payment was received for only that portion of the lot, and the lot area remaining is at least fifty (50) percent of the minimum required; or

3. The lot would qualify as a legal building site under this section but for a reduction in lot area due to court-ordered adverse possession, and the amount by which the lot was so reduced was less than ten (10) percent of the former area of the lot, provided, that this exception shall not apply to lots reduced to less than fifty (50) percent of the minimum area required under subsection A of Section 23.44.010; or

4. The lot was established as a separate building site in the public records of the county or City prior to July 24, 1957 by deed, contract of sale, mortgage, property tax segregation, platting or building permit, and falls into one (1) of the following categories; provided that, lots on totally submerged lands shall not qualify for this exception:

a. The lot is not held in common ownership with any contiguous lot on or after the effective date of the ordinance from which this subsection derives,¹ or

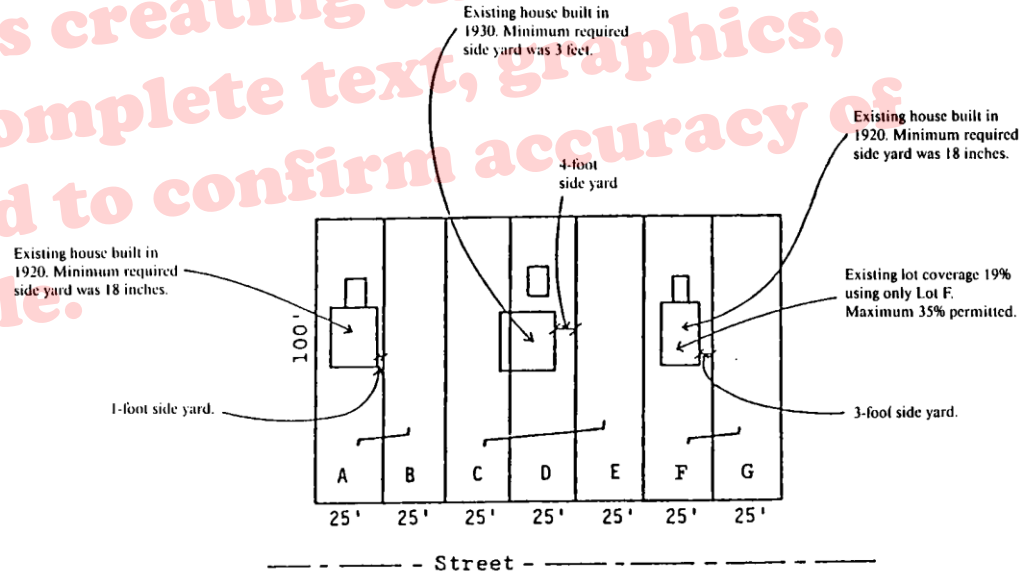
b. The lot is or has been held in common ownership with a contiguous lot on or after the effective date of the ordinance from which this subsection derives and is or has been developed with a principal structure which is wholly within the lot boundaries; provided, that no portion of any contiguous lot is required to meet the least restrictive of lot area, lot coverage, setback or yard requirements which were in effect at the time of the original construction of the principal structure, at the time of its subsequent additions, or which are in effect at the time of redevelopment of the lot (Exhibit 23.44.010 B)

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Exhibit 23.44.010 B



Lot size exception applies to Lots E, F and G; but Lots A and B, and Lots C and D must be developed together.

c. The lot is or has been held in common ownership with a contiguous lot on or after the effective date of the ordinance from which this subsection derives¹ and is not developed with all or part of a principal structure; provided, that no portion of the lot is required to meet the least restrictive of lot area, lot coverage, setback or yard requirements which were in effect for a principal structure on the contiguous lot at the time of the construction of the principal structure, at the time of its subsequent additions, or which are in effect at the time of the development of the lot (Exhibit 23.44.010 B); and provided further, that if any portion of the lot to be developed has been used to meet the parking requirement in effect for a principal structure on a contiguous lot, such parking requirement can and shall be legally met on the contiguous lot.

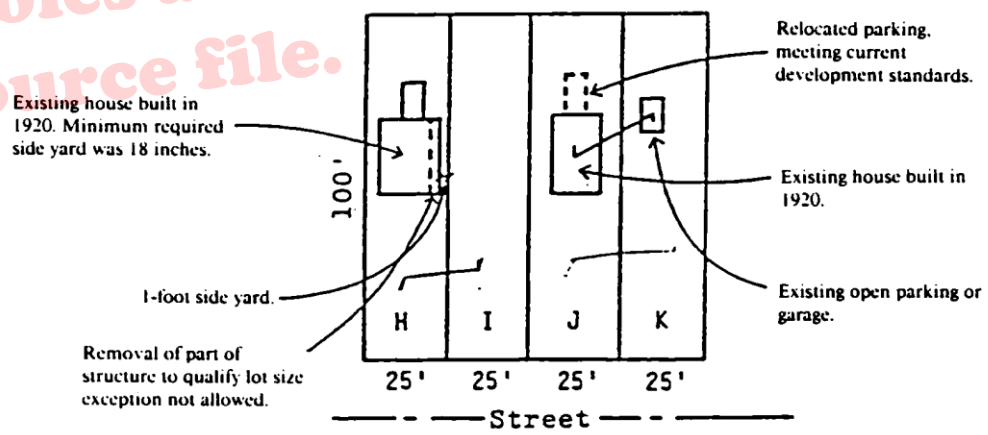
For purposes of this subsection B4, removal of all or any part of a principal structure or destruction by fire or act of nature on or after the effective date of the ordinance from which this subsection derives¹ shall not qualify the lot for the minimum lot area exception (Exhibit 23.44.010 C); or

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Exhibit 23.44.010 C



Lot size exception applies to Lots J and K, but Lots H and I must be developed together.

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5. Development may occur on a substandard lot containing a riparian corridor buffer, a wetland and wetland buffer, or a steep slope and steep slope buffer pursuant to the provisions of SMC Chapter 25.09, Regulations for Environmentally Critical Areas, if the following conditions apply:

a. The substandard lot is not held in common ownership with an adjacent lot or lots at any time after the effective date of SMC Chapter 25.09, Regulations for Environmentally Critical Areas,² or

b. The substandard lot is held in common ownership with an adjacent lot or lots, or has been held in common ownership at any time after the effective date of SMC Chapter 25.09, Regulations for Environmentally Critical Areas,² but proposed and future development will not intrude upon the environmentally critical area; or

6. Lots contained in a clustered housing planned development (Section 23.44.024), a planned residential development (Section 23.44.034), or a clustered development in an environmentally critical area.

C. Maximum Lot Coverage. The maximum lot coverage permitted for principal and accessory structures shall not exceed thirty-five (35) percent of the lot area or one thousand seven hundred fifty (1,750) square feet, whichever is greater.

D. Lot Coverage Exceptions.

1. Lots Abutting Alleys and Corner Lots. For purposes of computing the lot coverage only:

a. The area of a corner lot where a side lot line abuts upon a street may be increased by one-half (1/2) the width of the abutting side street.

b. The area of a lot with alley or alleys abutting any lot line may be increased by one-half (1/2) the width of the abutting alley or alleys.

c. The total lot area for any lot may not be increased by the provisions of this section by more than twenty-five (25) percent.

2. Special Structures and Portions of Structures. The following structures and portions of structures shall not be counted in lot coverage calculations:

a. Access Bridges. Uncovered, unenclosed pedestrian bridges of any height necessary for access and five (5) feet or less in width;

b. Barrier-free Access. Ramps or other access for the disabled or elderly meeting Washington State Building Code, Chapter 11;

c. Decks. Decks or parts of a deck which are eighteen (18) inches or less above the existing grade;

d. Freestanding Structures and Bulkheads. Fences, freestanding walls except arbors, bulkheads, signs and other similar structures;

e. Underground Structures. An underground structure, or underground portion of a structure, may occupy any part of the entire lot;

f. Eaves and Gutters. The first eighteen (18) inches of eaves and gutters projecting from principal and accessory structures, except that eaves associated with the roof of an arbor shall be included in lot coverage calculations;

g. Solar collectors meeting the provisions of Section 23.44.046 and swimming pools meeting the provisions of Section 23.44.044. (Ord. 119239 § 6, 1998; Ord. 118414 § 6, 1996; Ord. 117263 § 7, 1994; Ord. 116262 § 7, 1992; Ord. 116205 § 2, 1992; Ord. 115686 § 1, 1991; Ord. 113883 § 1, 1988; Ord. 113297 § 1, 1987; Ord. 113216 § 1, 1986; Ord. 111390 § 6, 1983; Ord. 110793 § 3, 1982; Ord. 110669 §§ 12(part), 32(part), 1982; Ord. 110381 § 1(part), 1982.)

1. Editor's Note: Ordinance 113216 was passed on December 15, 1986 and became effective on January 18, 1987.
2. Editor's Note: Ordinance 116253, which added Chapter 25.09, was adopted by the City Council on July 13, 1992.
3. Ordinance 116205 concerns interim controls on development of certain submerged lots. Section 2 of Ordinance 116431 amended § 6 of Ordinance 116205 as follows:
Section 6. Duration of interim controls. This ordinance shall remain in effect until June 30, 1993, or until the effective date of permanent environmentally critical area regulations and submerged lands provisions included in the Seattle Shoreline Master Program, whichever comes first.

23.44.012 Height limits.

A. Base Height Established.

1. Except as provided in subsection A2, the base permitted height for any structure not located in required yards, except as permitted in Section 23.44.014 D3, shall not exceed the greater of the following:

a. Thirty (30) feet;

b. The average height of the two (2) single-family structures which the subject structure abuts if one (1) or both of the abutting structures exceed thirty (30) feet.

2. The base permitted height for any structure on lots thirty (30) feet or less in width shall not exceed the greater of the following:

a. Twenty-five (25) feet;

b. The average height of the two (2) single-family structures on abutting lots, but not to exceed thirty (30) feet.

3. The methods of determining structure height, height averages, and lot width are detailed in Chapter 23.86, Measurements.

B. Special Features.

1. Pitched Roofs. The ridge of a pitched roof on a principal structure may extend up to five (5) feet above the base height limit, as determined under subsection A above. All parts of the roof above the height limit must be pitched at a rate of not less than three to twelve (3:12) (Exhibit 23.44.012 A). No portion of a shed roof shall be permitted to extend beyond the base height limit, as de-

terminated under subsection A above. Exhibit 23.44.012 A & B (in one box) follow as soon as possible after 23.44.012 B2.

2. Sloped Lots. Additional height shall be permitted for sloped lots, at the rate of one (1) foot for each six (6) percent of slope. The additional height shall be permitted on the downhill side of the structure only, as described in the measurements portion of this Land Use Code (Exhibit 23.44.012 B). See comment in B1 above about the exhibit.

When the downhill portion of a sloped lot fronts on the street where the required front yard exemption in Section 23.44.014 A is claimed, the permitted height of the wall along the lowest elevation of the site shall be reduced one (1) foot for each foot of exemption claimed. In no case shall the height of the wall be required to be less than the base height limit, as determined under subsection A above.

C. Height Limit Exemptions.

1. Flagpoles. Except in the Airport Height Overlay District, Chapter 23.64, flagpoles are exempt from height limits, provided that they are no closer to any adjoining lot line than fifty (50) percent of their height above existing grade, or, if attached only to a roof, no closer than fifty (50) percent of their height above the roof portion where attached.

2. Other Features. Open rails, planters, skylights, and clerestories may extend no higher than the ridge of a pitched roof or four (4) feet above a flat roof. Chimneys may extend four (4) feet above the ridge of a pitched roof or above a flat roof.

3. Solar Collectors. For height exceptions for solar collectors, not including solar greenhouses, see Section 23.44.046.

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

- a. Stair and elevator penthouses; and
- b. Mechanical equipment.

5. For height limits and exceptions for communication utilities and accessory communication devices, see Section 23.57.010.

(Ord. 120928 § 4, 2002; Ord. 120609 § 5, 2001; Ord. 118414 § 7, 1996; Ord. 117263 § 8, 1994; Ord. 116295 § 2, 1992; Ord. 113883 § 2, 1988; Ord. 113401 § 1, 1987; Ord. 110793 § 4, 1982; Ord. 110669 §§ 12(part), 32(part), 1982; Ord. 110381 § 1(part), 1982.)

For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
December 2002 code update file
Text provided for historic reference only.

Exhibit 23.44.012 A
Pitched Roof Provision. Flat Site

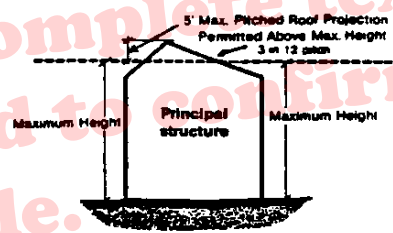
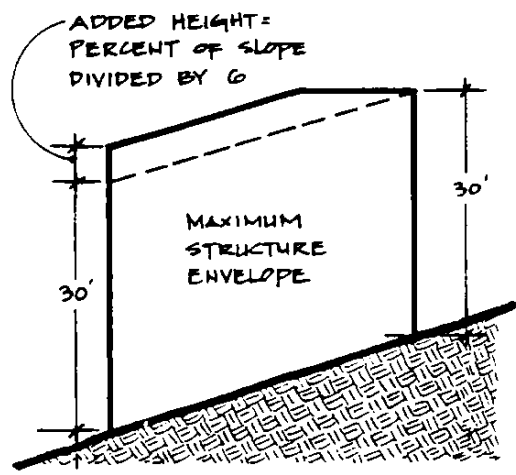


Exhibit 23.44.012 B
Height Limits on Sloped Sites



For current SMC, contact
the Office of the City Clerk

23.44.013 Transportation concurrency level-of-service standards.

Proposed uses in single-family zones shall meet the transportation concurrency level-of-service standards prescribed in Chapter 23.52. (Ord. 117383 § 3, 1994.)

23.44.014 Yards.

Yards are required for every lot in a single-family residential zone. A yard which is larger than the minimum size may be provided.

A. Front Yards.

1. The front yard shall be either the average of the front yards of the single-family structures on either side or twenty (20) feet, whichever is less.

2. On any lot where the natural gradient or slope, as measured from the front line of the lot for a distance of sixty (60) feet or the full depth of the lot, whichever is less, is in excess of thirty-five (35) percent, the required front yard shall be either twenty (20) feet less one (1) foot for each one (1) percent of gradient or slope in excess of thirty-five (35) percent or the average of the front yards on either side, whichever is less.

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

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

B. Rear Yards. The rear yard shall be twenty-five (25) feet.

The minimum required rear yard for a lot having a depth of less than one hundred twenty-five (125) feet shall be twenty (20) percent of the lot depth and in no case less than ten (10) feet.

When the required rear yard abuts upon an alley along a lot line, the centerline of the alley between the side lot lines extended shall be assumed to be a lot line for purposes of the provision of rear yard and the determination of lot depth; provided, that at no point shall the principal structure be closer than five (5) feet to the alley.

When a lot in any single-family zone abuts at the rear lot line upon a public park, playground or open water, not less than fifty (50) feet in width, the rear yard need not exceed the depth of twenty (20) feet.

C. Side Yards. The side yard shall be five (5) feet.

In the case of a reverse corner lot, the key lot of which is in a single-family zone, the width of the side yard on the street side of the reversed corner lot shall be not less than ten (10) feet.

When the side yard of a lot borders on an alley, a single-family structure may be located in the required side yard, provided that no portion of the structure may cross the side lot line.

D. Exceptions from Standard Yard Requirements. No structure shall be placed in a required yard except pursuant to the following subsections:

1. Certain Accessory Structures. Any accessory structure may be constructed in a side yard which abuts the rear or side yard of another lot, or in that portion of the rear yard of a reversed corner lot within five (5) feet of the key lot and not abutting the front yard of the key lot, upon recording with the King County Department of Records and Elections an agreement to this effect between the owners of record of the abutting properties. Any accessory structure which is a private garage may be located in that portion of a side yard which is either within thirty-five (35) feet of the centerline of an alley or within twenty-five (25) feet of any rear lot line which is not an alley lot line, without providing an agreement as provided in Section 23.44.016.

2. A single-family structure may extend into one (1) side yard if an easement is provided along the side or rear lot line of the abutting lot, sufficient to leave a ten (10) foot separation between that structure and any principal or accessory structures on the abutting lot. Features and projections such as porches, eaves, and chimneys shall be permitted in the ten (10) foot separation area as if the property line were five (5) feet from the wall of the house on the dominant lot, provided that no portion of either principal structure including eaves shall cross the actual property line. The easement shall be recorded with the King County Department of Records and Elections. The easement shall provide access for normal maintenance activities to the principal structure on the lot with less than the required side yard.

3. Certain Additions. Certain additions may extend into a required yard when the existing single-family structure is already nonconforming with respect to that yard. The presently nonconforming portion must be at least sixty (60) percent of the total width of the respective facade of the structure prior to the addition. The line formed by the nonconforming wall of the structure shall be the limit to which any additions may be built, except as described below. They may extend up to the height limit and may include basement additions. New additions to the nonconforming wall or walls shall comply with the following requirements (Exhibit 23.44.014 A):

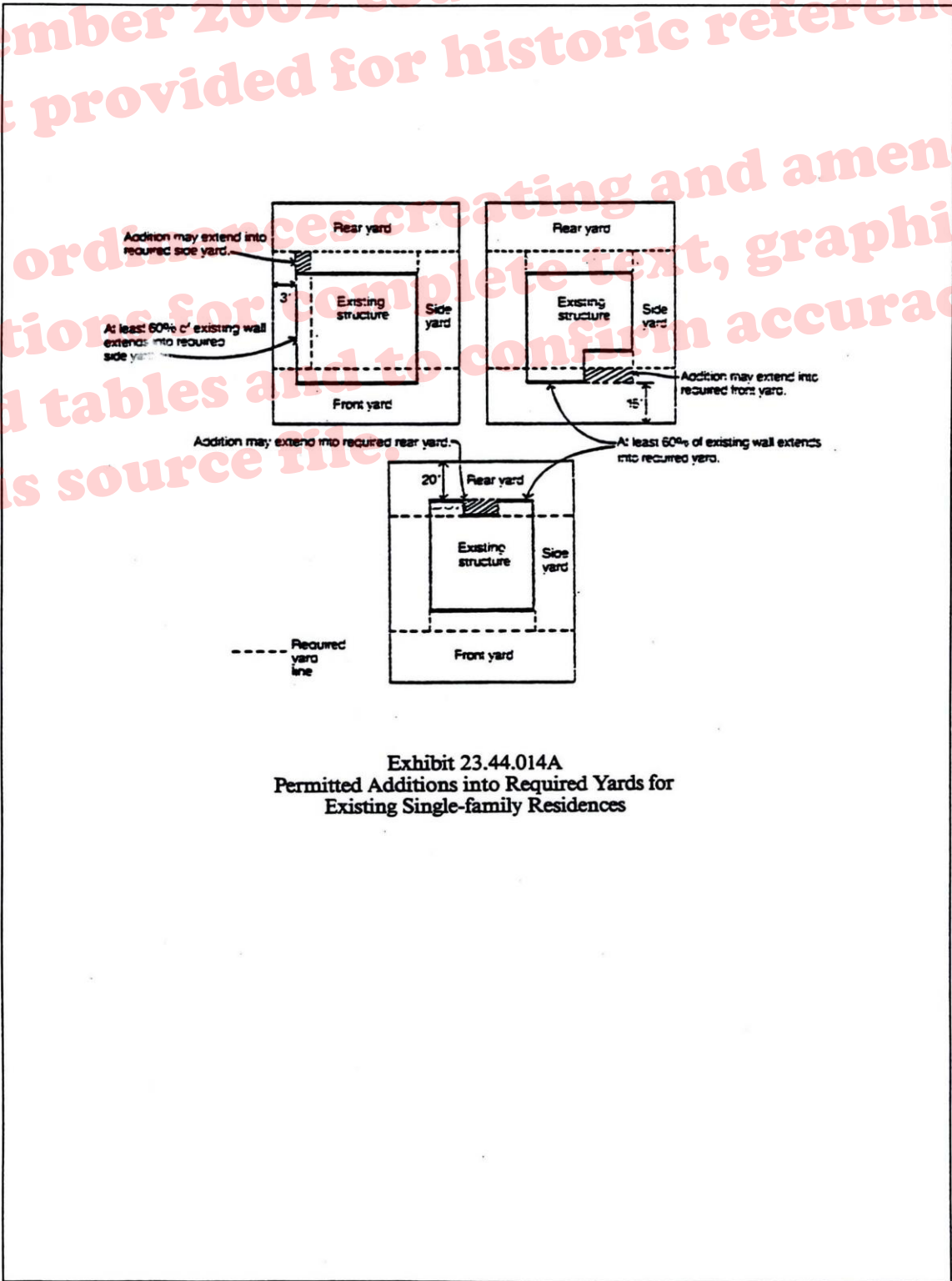


Exhibit 23.44.014A
Permitted Additions into Required Yards for
Existing Single-family Residences

a. Side Yard. When the addition is a side wall, the existing wall line may be continued by the addition except that in no case shall the addition be closer than three (3) feet to the side lot line;

b. Rear Yard. When the addition is a rear wall, the existing wall line may be continued by the addition except that in no case shall the addition be closer than twenty (20) feet to the rear lot line or centerline of an alley abutting the rear lot line;

c. Front Yard. When the addition is a front wall, the existing wall line may be continued by the addition except that in no case shall the addition be closer than fifteen (15) feet to the front lot line;

d. When the nonconforming wall of the single-family structure is not parallel or is otherwise irregular, relative to the lot line, then the Director shall determine the limit of the wall extension, except that the wall extension shall not be located closer than specified in subsections D3a—c above.

4. Uncovered Porches. Uncovered, unenclosed porches or steps may project into any required yard, provided that they are no higher than four (4) feet on average above existing grade, no closer than three (3) feet to any side lot line, no wider than six (6) feet and project no more than six (6) feet into required front or rear yards.

5. Special Features of a Structure. Special features of a structure may extend into required yards subject to the following standards only, unless permitted elsewhere in this chapter:

a. External architectural details with no living area, such as chimneys, eaves, cornices and columns, may project no more than eighteen (18) inches into any required yard;

b. Bay windows shall be limited to eight (8) feet in width and may project no more than two (2) feet into a required front, rear, and street side yard;

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

d. The combined area of features permitted in subsections D5b and c above may comprise no more than thirty (30) percent of the area of the facade.

6. Private Garages, Covered Unenclosed Decks or Roofs Over Patios in Rear Yards.

a. Any attached private garages or covered, unenclosed decks or roofs over patios are portions of principal structures. They may extend into the required rear yard, but shall not be within twelve (12) feet of the center-

line of any alley, nor within twelve (12) feet of any rear lot line which is not an alley lot line, nor closer than five (5) feet to any accessory structure. The height of private garages shall meet the provisions of Section 23.44.016 D2 and the height of the roof over unenclosed decks and patios may not exceed twelve (12) feet. The roof over these decks, patios and garages shall not be used as a deck. Any detached private garage meeting the requirements of Section 23.44.016, Parking location and access, or detached permitted accessory structure meeting the requirements of Section 23.44.040, General provisions, may be located in a rear yard. If a private garage has its vehicular access facing the alley, the private garage shall not be within twelve (12) feet of the centerline of the alley.

b. Garages meeting the standards of Section 23.44.016 and other accessory structures meeting the standards of Section 23.44.040, shall be permitted in required rear yards, subject to a maximum combined coverage of forty (40) percent of the required rear yard. In the case of a rear yard abutting an alley, rear yard coverage shall be calculated from the centerline of the alley.

7. Private Garages in Front Yards of Through Lots. On through lots less than one hundred twenty-five (125) feet in depth, either an accessory garage structure or a portion of the principal structure containing a garage shall be permitted to locate in one (1) of the front yards. Private garages, either as accessory structures or as a portion of the principal structure, shall be limited as set forth in Section 23.44.016. The front yard in which the garage may be located shall be determined by the Director based on the location of other accessory garages on the block. If no pattern of garage location can be determined, the Director shall determine in which yard the accessory garage shall be located based on the prevailing character and setback patterns of the block.

8. Access Bridges. Uncovered, unenclosed pedestrian bridges of any height, necessary for access and five (5) feet or less in width, are permitted in required yards except that in side yards an access bridge must be at least three (3) feet from any side lot line.

9. Barrier-free Access. Access facilities for the disabled and elderly meeting Washington State Building Code, Chapter 11 are permitted in any required yards.

10. Freestanding Structures and Bulkheads.

a. Fences, freestanding walls, signs and similar structures six (6) feet or less in height above existing or finished grade, whichever is lower, may be erected in any required yard. The six (6) foot height may be averaged along sloping grade for each six (6) foot long segment of the fence, but in no case may any portion of the fence exceed eight (8) feet. Architectural features may be added to the top of the fence or freestanding wall above the six (6) foot height when the following provisions are met: hori-

zontal architectural feature(s), no more than ten (10) inches high, and separated by a minimum of six (6) inches of open area, measured vertically from the top of the fence, may be permitted when the overall height of all parts of the structure, including post caps, are no more than eight (8) feet high; averaging the eight (8) foot height is not permitted. Structural supports for the horizontal architectural feature(s) may be spaced no closer than three (3) feet on center.

b. The Director may allow variation from the development standards listed in subsection D10a above, according to the following:

(1) No part of the structure may exceed eight (8) feet; and

(2) Any portion of the structure above six (6) feet shall be predominately open, such that there is free circulation of light and air.

c. Bulkheads and retaining walls used to raise grade may be placed in any required yard when limited to six (6) feet in height, measured above existing grade. A guardrail no higher than forty-two (42) inches may be placed on top of a bulkhead or retaining wall existing as of the date of the ordinance codified in this section. If a fence is placed on top of a new bulkhead or retaining wall, the maximum combined height is limited to nine and one-half (9-1/2) feet.

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

e. When located in the shoreline setbacks or in view corridors in the Shoreline District as regulated in Chapter 23.60, these structures shall not obscure views protected by Chapter 23.60 and the Director shall determine the permitted height.

11. Decks in Yards. Decks no greater than eighteen (18) inches above existing or finished grade, whichever is lower, may extend into required yards.

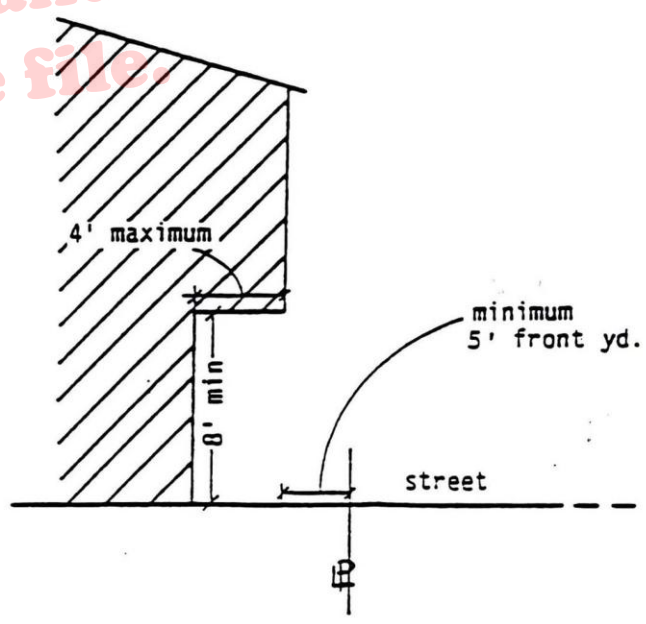
12. Heat Pumps. Heat pumps and similar mechanical equipment, not including incinerators, may be permitted in required yards if the requirements of the Noise Control Ordinance, Chapter 25.08, are not violated. Any heat pump or similar equipment shall not be located within three (3) feet of any lot line.

13. Solar Collectors. Solar collectors may be located in required yards, subject to the provisions of Section 23.44.046.

14. Front Yard Projections for Structures on Lots Thirty (30) Feet or Less in Width. For a structure on a lot which is thirty (30) feet or less in width, portions of the front facade which begin eight (8) feet or more above finished grade may project up to four (4) feet into the required front yard, provided that no portion of the facade, including eaves and gutters, shall be closer than five (5) feet to the front line (Exhibit 23.44.014 B).

Seattle Municipal Code
December 2002 code update file
Text provided for historic reference only.

Exhibit 23.44.014 B
Front Yard Projections Permitted For Structures
On Lots Thirty Feet Or Less In Width



For current SMC, contact
the Office of the City Clerk

15. Front and rear yards may be reduced by twenty-five (25) percent, but no more than five (5) feet, if the site contains a required environmentally critical area buffer or other area of the property which can not be disturbed pursuant to subsection A of Section 25.09.280 of SMC Chapter 25.09, Regulations for Environmentally Critical Areas.

16. Arbors. Arbors may be permitted in required yards under the following conditions:

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

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

(Ord. 120410 § 5, 2001; Ord. 119791 § 6, 1999; Ord. 119239 § 7, 1998; Ord. 118794 § 16, 1997; Ord. 118414 § 8, 1996; Ord. 117263 § 9, 1994; Ord. 116262 § 8, 1992; Ord. 115326 § 4, 1990; Ord. 113883 § 3, 1988; Ord. 113401 § 2, 1987; Ord. 112971 § 4, 1986; Ord. 111390 § 7, 1983; Ord. 110669 §§ 12(part), 32(part), 1982; Ord. 110381 § 1(part), 1982.)

23.44.015 Allowance for larger households.

The Director may allow larger numbers of unrelated persons to live together in a household than would otherwise be permitted in two situations: (1) through a grant of special accommodation, available only to domestic violence shelters as defined in Chapter 23.84, and (2) through a grant of reasonable accommodation, available only to persons with handicaps as defined by federal law.

A. The Director may grant special accommodation to individuals who are residents of domestic violence shelters in order to allow them to live together in groups of between nine (9) and fifteen (15) persons in single-family dwelling units, according to the following:

1. An application for special accommodation must demonstrate to the satisfaction of the Director:

a. That the needs of the residents of the domestic violence shelter make it necessary for the residents to live together in a group of the size proposed; and

b. That adverse impacts on the neighborhood from the increased density will be mitigated.

2. The Director shall take into account the size, shape and location of the dwelling unit and lot, the traffic

and parking conditions on adjoining and neighboring streets, the vehicle usage to be expected from residents, staff and visitors, and any other circumstances the Director determines to be relevant as to whether the proposed increase in density will adversely impact the neighborhood.

3. An applicant shall modify the proposal as needed to mitigate any adverse impacts identified by the Director or the Director shall deny the request for special accommodation.

4. A grant of special accommodation permits a dwelling to be inhabited only according to the terms and conditions of the applicant's proposal and the Director's decision. If circumstances materially change or the number of residents increases, or if adverse impacts occur that were not adequately mitigated, the Director shall revoke the grant of special accommodation and require the number of people in the dwelling to be reduced to eight unless a new grant of special accommodation is issued for a modified proposal.

5. A decision to grant special accommodation is a Type 1 Master Use Permit decision (See Chapter 23.76) that shall be recorded with the King County Division of Records and Elections.

B. The Director may grant reasonable accommodation to individuals who are handicapped within the meaning of 42 U.S.C. 3602, in order for them to live in a household of more than eight (8) persons, according to the following:

1. An applicant for reasonable accommodation must demonstrate to the satisfaction of the Director that the handicap of the proposed residents makes it necessary for them to live in a household of the size proposed in order to have equal opportunity to use and enjoy a dwelling.

2. The Director shall determine what adverse land use impacts, including cumulative impacts, if any, would result from granting the proposed accommodation. The Director shall take into account the size, shape and location of the dwelling unit and lot; the traffic and parking conditions on adjoining and neighboring streets; vehicle usage to be expected from residents, staff and visitors; and any other circumstances the Director determines to be relevant.

3. The Director shall consider the applicant's need for accommodation in light of the anticipated land use impacts, and the Director may impose conditions in order to make the accommodation reasonable in light of those impacts.

4. A grant of reasonable accommodation permits a dwelling to be inhabited only according to the terms and conditions of the applicant's proposal and the Director's decision. If the Director determines that the accommodation has become unreasonable because circumstances have changed or adverse land use impacts have occurred that were not anticipated, the Director shall rescind or modify the decision to grant reasonable accommodation.

5. A decision to grant reasonable accommodation is a Type 1 Master Use Permit decision (see Chapter

23.76) that shall be recorded with the King County Division of Records and Elections.

6. Nothing herein shall prevent the Director from granting reasonable accommodation to the full extent required by federal or state law. (Ord. 117202 § 25, 1994.)

23.44.016 Parking location and access.

Parking shall be required as provided in Chapter 23.54 and in accordance with the following:

A. Access.

1. Vehicular access to parking from an improved street, alley or easement is required.

2. Access to parking is permitted through a required yard abutting a street only if the Director determines that one (1) of the following conditions exists:

a. There is no alley improved to the standards of Section 23.53.030 C; or

b. Existing topography does not permit alley access; or

c. A portion of the alley abuts a nonresidential zone; or

d. The alley is used for loading or unloading by an existing nonresidential use; or

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

f. Parking access must be from the street in order to provide access to parking space(s) which meet the Washington State Building Code, Chapter 11; or

3. Where access to required parking spaces passes through a required yard, automobiles, motorcycles and similar vehicles may be parked on the access located in a required yard. Trailers, boats, recreational vehicles or similar equipment shall not be parked in any required yard abutting a street or on any access which is located in a required yard. When a rear yard abuts a street, trailers, boats, recreational vehicles or similar equipment shall be prohibited from parking in the first ten (10) feet of the rear yard abutting the street.

B. Parking on Lot of Principal Use.

1. Except as otherwise provided in this subsection, accessory parking shall be located on the same lot as the principal use.

2. Parking on planting strips is prohibited.

3. No more than three (3) vehicles may be parked outdoors on any lot.

4. Parking accessory to a floating home may be located on another lot if within six hundred (600) feet of the lot on which the floating home is located.

5. Parking accessory to a single-family structure existing on June 11, 1982 may be established on another lot if all the following conditions are met:

a. There is no vehicular access to permissible parking areas on the lot.

b. Any garage constructed is for no more than two (2) axle or two (2) up-to-four (4) wheeled vehicles.

c. Any garage is located and screened or landscaped per Section 23.44.016 E if applicable, as required by the Director who shall consider development patterns of the block or nearby blocks.

d. The lot providing the parking is within the same block or across the alley from the principal use lot.

e. The accessory parking shall be tied to the lot of the principal use by a covenant or other document recorded with the King County Department of Records and Elections.

6. Trailers, boats, recreational vehicles and similar equipment shall not be parked in required front and side yards.

C. Location of Parking on Lot.

1. Except for public school use, parking may be located:

a. Within the principal structure; or

b. In the side or rear yard except a required side yard abutting a street or the first ten (10) feet of a required rear yard abutting a street.

2. Parking shall not be located in the required front yard except as provided in subsections C3, C4, C5 and C6.

3. Lots With Uphill Yards Abutting Streets. Accessory parking for one (1) two (2) axle or one (1) up-to-four (4) wheeled vehicle may be established in a required yard abutting a street according to subsection C3a or b below only if access to parking is permitted through that yard pursuant to subsection A of this section.

a. Open Parking Space.

i. The existing grade of the lot slopes upward from the street lot line an average of at least six (6) feet above sidewalk grade at a line which is ten (10) feet from the street lot line; and

ii. The parking area shall be at least an average of six (6) feet below the existing grade prior to excavation and/or construction at a line which is ten (10) feet from the street lot line;

iii. The parking space shall be no wider than ten (10) feet for one (1) parking space at the parking surface and no wider than twenty (20) feet for two (2) parking spaces when permitted as provided in subsection C6.

b. Terraced Garage.

i. The height of a terraced garage shall be limited to no more than two (2) feet above existing or finished grade, whichever is lower, for the portions of the garage which are ten (10) feet or more from the street lot line. The ridge of a pitched roof on a terraced garage may

extend up to three (3) feet above this two (2) foot height limit. All parts of the roof above the two (2) foot height limit shall be pitched at a rate or not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the two (2) foot height limit of this provision. Portions of a terraced garage which are less than ten (10) feet from the street lot line shall comply with the height standards in Section 23.44.016 D2;

- ii. The terraced garage structure width may not exceed fourteen (14) feet for one (1) two (2) axle or one (1) up-to-four (4) wheel vehicle or twenty-four (24) feet when permitted to have two (2) two (2) axle or two (2) up-to-four (4) wheel vehicle as provided in subsection C6;
- iii. All aboveground portions of the terraced garage shall be included in lot coverage; and
- iv. The roof of the terraced garage may be used as a deck and shall be considered to be a part of the garage structure even if it is a separate structure on top of the garage.

4. Lots With Downhill Yards Abutting Streets. Accessory parking, either open or enclosed, for one (1) two (2) axle or one (1) up-to-four (4) wheeled vehicle may be located in a required yard abutting a street when the following conditions are met:

- a. The existing grade slopes downward from the street lot line which the parking faces;
- b. For front yard parking the lot has a vertical drop of at least twenty (20) feet in the first sixty (60) feet as measured along a line from the midpoint of the front lot line to the midpoint of the rear lot line;
- c. Parking shall not be permitted in downhill required side yards abutting streets;
- d. Parking in downhill rear yards shall be in accordance with Section 23.44.014 D6 and Section 23.44.016, subsections C1 and D3d;
- e. Access to parking is permitted through the required yard abutting the street by subsection A of this section; and
- f. A driveway access bridge may be permitted in any required downhill yard where necessary for access to parking. The access bridge shall be no wider than twelve (12) feet for access to one (1) parking space or eighteen (18) feet for access to two (2) or more parking spaces. The driveway access bridge may not be located closer than five (5) feet to an adjacent property line and shall not be included in lot coverage calculations.

5. Through Lots. On through lots less than one hundred twenty-five (125) feet in depth, accessory parking for one (1) two (2) axle or one (1) up-to-four (4) wheeled vehicle may be located in one (1) of the required front yards.

The front yard in which the parking may be located shall be determined by the Director based on the location of other private garages or parking areas on the block. If no pattern of parking location can be determined, the Director shall determine in which yard the parking shall be located based on the prevailing character and setback patterns of the block.

6. Lots With Uphill Yards Abutting Streets or Downhill or Through Lot Front Yards Fronting on Streets Which Prohibit Parking. Accessory parking for two (2) two (2) axle or four (4) wheeled vehicles may be located in uphill yards abutting streets or downhill or through lot front yards as provided in subsection C3, C4 or C5 if, in consultation with Seattle Transportation, it is found that uninterrupted parking for twenty-four (24) hours is prohibited on at least one (1) side of the street within two hundred (200) feet of the lot line over which access is proposed. The Director may authorize a curb cut wider than would be permitted under Section 23.54.030 if necessary for access.

D. Standards for Private Garages when Permitted in Required Yards. Private garages that are either detached accessory structures or portions of a principal structure for the primary purpose of enclosing a two (2) axle or four (4) wheeled vehicle may be permitted in required yards according to the following conditions:

- 1. Maximum Coverage and Size.
 - a. In accordance with Section 23.44.014 D6, private garages, together with any other accessory structures and other portions of the principal structure, are limited to a maximum combined coverage of forty (40) percent of the required rear yard. In the case of a rear yard abutting an alley, rear yard coverage shall be calculated from the centerline of the alley.
 - b. In accordance with Section 23.44.040, private garages located in side or rear yards shall not exceed one thousand (1,000) square feet in area.
 - c. In front yards, the area of private garages shall be limited to three hundred (300) square feet with fourteen (14) foot maximum width where one (1) space is allowed, and six hundred (600) square feet with twenty-four (24) foot maximum width where two (2) spaces are allowed. Access driveway bridges permitted under Section 23.44.016 C4f shall not be included in this calculation.
- 2. Height Limits.
 - a. Private garages shall be limited to twelve (12) feet in height as measured on the facade containing the entrance for the vehicle.
 - b. The ridge of a pitched roof on a private garage located in a required yard may extend up to three (3) feet above the twelve (12) foot height limit. All parts of the roof above the height limit shall be pitched at a rate of

not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the twelve (12) foot height limit under this provision.

c. Open rails around balconies or decks located on the roofs of private garages may exceed the twelve (12) foot height limit by a maximum of three (3) feet.

3. Separations.

a. Attached private garages are portions of principal structures. In accordance with Section 23.44.014 D6, they may extend into the required rear yard, but shall not be within twelve (12) feet of the centerline of any alley, nor within twelve (12) feet of any rear lot line which is not an alley lot line nor closer than five (5) feet to any accessory structure.

b. If the facade of a private garage which contains the entrance for the vehicle faces an alley, the garage shall not be within twelve (12) feet of the centerline of the alley.

c. In accordance with Section 23.44.040 D, any private garage which is an accessory structure located in a required yard shall be separated from its principal structure by a minimum of five (5) feet.

d. In accordance with Section 23.44.040 F, on a reversed corner lot, no private garage which is an accessory structure shall be located in that portion of the required rear yard which abuts the required front yard of the adjoining key lot, nor shall the private garage be located closer than five (5) feet from the key lot's side lot line unless the provisions of Section 23.44.014 D1 or 23.44.016 C3b apply.

e. In accordance with Section 23.44.014 D1, private garages which are accessory structures may extend into a required side yard which is either within thirty-five (35) feet of the centerline of an alley or within twenty-five (25) feet of any rear lot line which is not an alley lot line. Private garages which are accessory structures may extend into a required side yard which is more than thirty-five (35) feet from the centerline of an alley abutting the lot, or which is more than twenty-five (25) feet from the rear lot line of a lot which does not abut an alley, upon the recording with the King County Department of Records and Elections an agreement to this effect between the owners of record of the abutting properties.

E. Screening.

1. Parking accessory to floating homes when located on a separate lot from the floating homes shall be screened from direct street view by a fence or wall between five (5) and six (6) feet in height. When the fence or wall runs along the street front, there shall be a landscaped strip on the street side of the fence or wall. This strip may be between one (1) and five (5) feet deep, as measured

from the property line, but the average distance from the property line to the fence shall be three (3) feet. Such screening shall be located outside any required sight triangle.

2. The height of the visual barrier created by the screen required by subdivision 1 of this subsection shall be measured from street level. If the elevation of the lot line is different from the finished elevation of the parking surface, the difference in elevation may be measured as a portion of the required height of the screen, so long as the screen itself is a minimum of three (3) feet in height (see Exhibit 23.44.016 B).

(Ord. 119618 § 3, 1999; Ord. 118794 § 17, 1997; Ord. 118414 § 9, 1996; Ord. 118409 § 177, 1996; Ord. 117263 § 10, 1994; Ord. 115326 § 5, 1990; Ord. 113614 § 1, 1987; Ord. 112777 § 5, 1985; Ord. 112539 § 2, 1985; Ord. 111390 § 8, 1983; Ord. 110669 §§ 13(part), 32(part), 1982; Ord. 110381 § 1(part), 1982.)

23.44.017 Development standards for public schools.

Public schools shall be subject to the following development standards:

A. Maximum Lot Coverage.

1. For new public school construction on new public school sites the maximum lot coverage permitted for all structures shall not exceed forty-five (45) percent of the lot area for one (1) story structures or thirty-five (35) percent of the lot area if any structure or portion of a structure has more than one (1) story.

2. For new public school construction and additions to existing public school structures on existing public school sites, the maximum lot coverage permitted shall not exceed the greater of the following:

a. The lot coverage permitted in subsection A1;

or

b. The lot coverage of the former school structures on the site provided that the height of the new structure or portion of structure is no greater than that of the former structures as regulated in Section 23.86.006 E, and at least fifty (50) percent of the footprint of the new principal structure is constructed on a portion of the lot formerly occupied by the footprint of the former principal structure. (See Exhibit 23.44.017 A.)

Exhibit 23.44.016 B
Screening of Parking

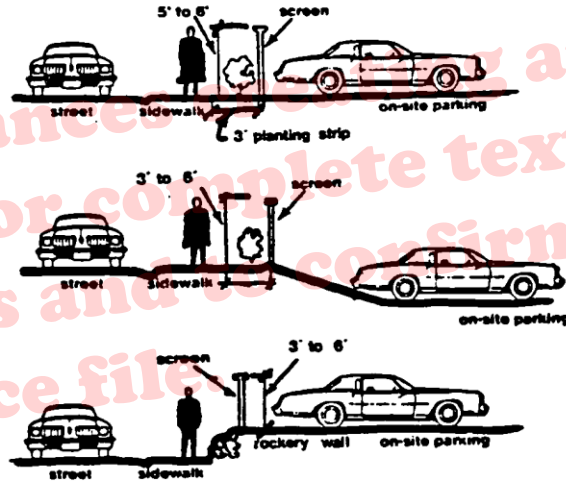
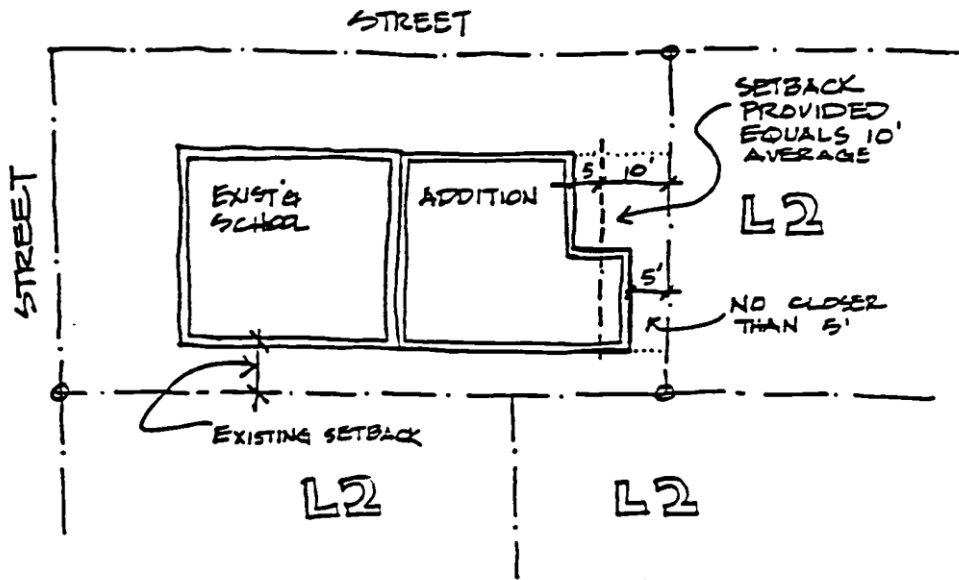


Exhibit 23.44.017 A
Additions to Existing Public School
Structures on Existing Public School Sites



3. Development standard departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79. Up to fifty-five (55) percent lot coverage may be allowed for single-story structures, and up to forty-five (45) percent lot coverage for structures of more than one (1) story. Lot coverage restrictions may be waived by the Director when waiver would contribute to reduced demolition of residential structures.

4. The exceptions to lot coverage set forth in subsection D of Section 23.44.010 shall apply.

B. Height.

1. For new public school construction on new public school sites, the maximum permitted height shall be thirty (30) feet. For gymnasiums and auditoriums that are accessory to the public school, the maximum permitted height shall be thirty-five (35) feet plus ten (10) feet for a pitched roof if all portions of the structure above thirty (30) feet are set back at least twenty (20) feet from all property lines. All parts of a gymnasium or auditorium roof above the height limit must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof on a gymnasium or auditorium shall be permitted to extend above the thirty-five (35) foot height limit under this provision.

2. For new public school construction on existing public school sites, the maximum permitted height shall be thirty-five (35) feet plus fifteen (15) feet for a pitched roof. All parts of the roof above the height limit must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the thirty-five (35) foot height limit under this provision.

3. For additions to existing public schools on existing public school sites, the maximum height permitted shall be the height of the existing school or thirty-five (35) feet plus fifteen (15) feet for a pitched roof, whichever is greater. When the height limit is thirty-five (35) feet, the ridge of the pitched roof on a principal structure may extend up to fifteen (15) feet above the height limit, and all parts of the roof above the height limit must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the thirty-five (35) foot limit under this provision.

4. Development standard departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79. For construction of new structures on new and existing public school sites to the extent not otherwise permitted outright, maximum height which may be granted as development standard departure shall be thirty-five (35) feet plus fifteen (15) feet for a pitched roof for elementary schools and sixty (60) feet plus fifteen (15) feet for a pitched roof for secondary schools. The standards for roof pitch at paragraph 3 shall apply. All height maximums may be waived by the Director when waiver would contribute to reduced demolition of residential structures.

5. The provisions of subsection B of Section 23.44.012 regarding pitched roofs and sloped lots and the exemptions of subsection C of Section 23.44.012 shall apply.

6. Light Standards.

a. Light standards for illumination of athletic fields on new and existing public school sites will be allowed to exceed the maximum permitted height, up to a maximum height of one hundred (100) feet, where determined by the Director to be necessary to ensure adequate illumination and where the Director determines that impacts from light and glare are minimized to the greatest extent practicable. The applicant must submit an engineer's report demonstrating that impacts from light and glare are minimized to the greatest extent practicable. When proposed light standards are reviewed as part of a project being reviewed pursuant to Chapter 25.05, Environmental Policies and Procedures, and requiring a SEPA determination, the applicant must demonstrate that the additional height contributes to a reduction in impacts from light and glare.

b. When proposed light standards are not included in a proposal being reviewed pursuant to Chapter 25.05, the Director may permit the additional height as a special exception subject to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

(1) When seeking a special exception for taller light standards, the applicant must submit an engineer's report demonstrating that the additional height contributes to a reduction in impacts from light and glare. When the proposal will result in extending the lighted area's duration of use, the applicant must address and mitigate potential impacts, including but not limited to, increased duration of noise, traffic, and parking demand. The applicant also must demonstrate it has conducted a public workshop for residents within one-eighth (1/8) of a mile of the affected school in order to solicit comments and suggestions on design as well as potential impacts.

(2) The Director may condition a special exception to address negative impacts from light and glare on surrounding areas, and conditions may also be imposed to address other impacts associated with increased field use due to the addition of lights, including, but not limited to, increased noise, traffic, and parking demand.

C. Setbacks.

1. General Requirements.

a. No setbacks shall be required for new public school construction or for additions to existing public school structures for that portion of the site across a street or an alley or abutting a lot in a nonresidential zone. When any portion of the site is across a street or an alley from or

abuts a lot in a residential zone, setbacks shall be required for areas facing or abutting residential zones, as provided in subsections C2 through C5 below. Setbacks for sites across a street or alley from or abutting lots in Residential-Commercial (RC) zones shall be based upon the residential zone classification of the RC lot.

b. The minimum setback requirement may be averaged along the structure facade with absolute minimums for areas abutting lots in residential zones as provided in subsections C2b, C3b and C4b.

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

d. The exceptions of subsections D4, D5, D6, D8, D9, D10, D11 and D12 of Section 23.44.014 shall apply.

2. New Public School Construction on New Public School Sites.

a. New public school construction on new public school sites across a street or alley from lots in residential zones shall provide minimum setbacks according to the facade height of the school and the designation of the facing residential zone, as follows:

Facade Height ¹	Minimum Setbacks Zone from which Across			MR	HR
	SF/L1	L2/L3 Average			
Up to 20'	15'	10'	5'	5'	0'
21' to 35'	15'	10'	5'	5'	0'
36' to 50'	20'	15'	5'	5'	0'
51' or more	35'	20'	10'	5'	0'

1. Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

b. New public school construction on new public school sites abutting lots in residential zones shall provide minimum setbacks according to the facade height of the school and the designation of the abutting residential zone, as follows:

Facade Height ¹	Minimum Setbacks Abutting Zone			MR	HR
	SF/L1	L2/L3 Average (minimum)			
Up to 20'	21'(10')	15'(10')	10'(5')	10'(5')	0'
21' to 35'	20'(10')	15'(10')	10'(5')	10'(5')	0'
36' to 50'	25'(10')	20'(10')	10'(5')	10'(5')	0'
51' or more	30'(15')	25'(10')	15'(5')	10'(5')	0'

1. Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

3. New Public School Construction on Existing Public School Sites.

a. New public school construction on existing public school sites across a street or alley from lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the facade height of the school and the designation of the facing residential zone as follows, whichever is less:

Facade Height ¹	Minimum Setbacks Zone from which Across			
	SF/L1	L2/L3 Average	MR	HR
Up to 20'	10'	5'	5'	0'
21' to 35'	10'	5'	5'	0'
36' to 50'	15'	10'	5'	0'
51' or more	20'	15'	10'	0'

1. Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

b. New public school construction on existing public school sites abutting lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the facade height of the school and the designation of the abutting residential zone, as follows, whichever is less:

Facade Height ¹	Minimum Setbacks Abutting Zone			
	SF/L1	L2/L3 Average (minimum)	MR	HR
Up to 20'	15'(10')	10'(5')	10'(5')	0'(0')
21' to 35'	20'(10')	15'(10')	10'(5')	0'(0')
36' to 50'	25'(10')	20'(10')	10'(5')	0'(0')
51' or more	30'(15')	25'(10')	15'(5')	0'(0')

1. Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

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

a. Additions to existing public school structures on existing public school sites across a street or alley from lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the facade height of the school and the designation of the facing residential zone as follows, whichever is less:

Facade Height ¹	Minimum Setbacks Zone from which Across			
	SF/L1	L2/L3 Average (minimum)	MR	HR
Up to 20'	21'(10')	15'(10')	10'(5')	0'
21' to 35'	20'(10')	15'(10')	10'(5')	0'
36' to 50'	25'(10')	20'(10')	10'(5')	0'
51' or more	30'(15')	25'(10')	15'(5')	0'

Facade Height ¹	SF/L1	L2/L3 Average	MR	HR
Up to 20'	5'	5'	5'	0'
21' to 35'	10'	5'	5'	0'
36' to 50'	15'	10'	5'	0'
51' or more	20'	15'	10'	0'

1. Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

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

Facade Height ¹	Minimum Setbacks Abutting Zone			MR	HR
	SF/L1	L2/L3 Average (minimum)	MR		
Up to 20'	10'(5')	10'(5')	10'(5')	0'(0')	
21' to 35'	15'(5')	10'(5')	10'(5')	0'(0')	
36' to 50'	20'(10')	20'(10')	10'(5')	0'(0')	
51' or more	25'(10')	25'(10')	15'(5')	0'(0')	

1. Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

5. Development standard departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 as follows:

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

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

c. The limits in subsections C5a and C5b may be waived by the Director when a waiver would contribute to reduced demolition of residential structures.

D. Structure Width.

1. When a new public school structure is built on a new public school site or on an existing public school site, the maximum width of a structure shall be sixty-six (66) feet unless either the modulation option in subsection D1a below or the landscape option in subsection D1b below is met.

a. Modulation Option. Facades shall be modulated according to the following provisions:

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

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

4 b. Landscape Option. The yards provided by the required setbacks shall be landscaped as follows:

(1) One (1) tree and three (3) shrubs are required for each three hundred (300) square feet of required yard. When new trees are planted, at least half must be deciduous.

(2) Trees and shrubs which already exist in the required planting area or have their trunk or center within ten (10) feet of the area may be substituted for required plantings on a one (1) tree to one (1) tree or one (1) shrub to one (1) shrub basis if the minimum standards of the Director's Rule for Landscaping are met, except that shrub height need not exceed two (2) feet at any time. In order to give credit for large existing trees, a tree may count as one (1) required tree for every three hundred (300) square feet of its canopy spread.

(3) The planting of street trees may be substituted for required trees on a one-to-one (1:1) basis. All street trees shall be planted according to City of Seattle tree planting standards.

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

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

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

(7) The School District shall maintain all landscape material and replace any dead or dying plants.

2. There is no maximum width limit for additions to existing public school structures on existing public school sites. The Director may require landscaping to reduce the appearance of bulk.

3. Development standard departure from the modulation and landscaping standards may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 to permit other techniques to reduce the appearance of bulk. Techniques to reduce the appearance of bulk may be waived by the Director when the waiver would contribute to reduced demolition of residential structures.

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

F. Parking Location. Parking may be located:

1. Within the principal structure; or
2. On any portion of the lot except the front setback when separated from streets and from abutting lots in residential zones by a five (5) foot deep area which is

landscaped with trees and ground cover determined by the Director as adequate to soften the view of the parking from adjacent properties. In the case of a through lot, parking may also be located in one (1) front setback when landscaped as described in this subsection;

3. Development standard departure may be granted or required pursuant to the procedures set forth in Chapter 23.79 to permit parking location anywhere on the lot and to reduce required landscaping. Landscaping may be waived in whole or in part if the topography of the site or other circumstances result in the purposes of landscaping being served, as, for example, when a steep slope shields parking from the view of abutting properties. This test may be waived by the Director when waiver would contribute to reduced demolition of residential structures.

G. Bus and Truck Loading and Unloading.

1. An off-street bus loading and unloading area of a size reasonable to meet the needs of the school shall be provided and may be located in any required yard. The bus loading and unloading area may be permitted in a landscaped area provided under subsection D1b if the Director determines that landscaping around the loading and unloading area softens the impacts of its appearance on abutting properties.

2. One (1) off-street truck loading berth meeting the requirements of subsection H of Section 23.54.030 shall be required for new public school construction.

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

H. Noise, Odor, Light and Glare. The development standards for small institutions set forth in subsections A1, B and C of Section 23.45.100 shall apply. Development standard departure from these standards may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 only when departure would contribute to reduced demolition of residential structures.

(Ord. 120266 § 1, 2001; Ord. 118414 § 10, 1996; Ord. 112777 § 6, 1986; Ord. 112830 § 1, 1986; Ord. 112539 § 3, 1985.)¹

1. Editor's Note: Ordinance 112777 was signed by the Mayor on April 10, 1986 and became effective June 9, 1986. Ordinance 112830 was signed by the Mayor on May 9, 1986 and became effective on June 8, 1986; thus Ordinance 112777 is the later ordinance.

Subchapter II Principal Conditional Uses

23.44.018 General provisions.

A. Only those conditional uses identified in this subchapter may be authorized as conditional uses in single-family zones. The Master Use Permit Process set forth in Chapter 23.76, Procedures for Master Use Permits and

Council Land Use Decisions, shall be used to authorize conditional uses.

B. Unless otherwise specified in this subchapter, conditional uses shall meet the development standards for uses permitted outright in Sections 23.44.008 through 23.44.016.

C. A conditional use may be approved, conditioned or denied based on a determination of whether the proposed use meets the criteria for establishing a specific conditional use and whether the use will be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

D. In authorizing a conditional use, the Director or Council may mitigate adverse negative impacts by imposing requirements or conditions deemed necessary for the protection of other properties in the zone or vicinity in which the property is located.

E. Any use which was previously authorized by a conditional use permit but which has been discontinued shall not be reestablished or recommenced except pursuant to a new conditional use permit, provided that such permit is required for the use at the time re-establishment or recommencement is proposed. The following shall constitute conclusive evidence that the conditional use has been discontinued:

- 1. A permit to change the use of the property has been issued and the new use has been established; or
- 2. The property has not been devoted to the authorized conditional use for more than twenty-four (24) consecutive months.

Property which is vacant, except for dead storage of materials or equipment of the conditional use, shall not be considered as being devoted to the authorized conditional use. The expiration of licenses necessary for the conditional use shall be evidence that the property is not being devoted to the conditional use. A conditional use in a multifamily structure or a multitenant commercial structure shall not be considered as discontinued unless all units are either vacant or devoted to another use.

F. Minor structural work which does not increase usable floor area or seating capacity and does not exceed the development standards applicable to the use shall not be considered an expansion, unless the work would exceed the height limit of the zone for uses permitted outright. Such work includes but is not limited to roof repair or replacement and construction of uncovered decks and porches, bay windows, dormers, and eaves. (Ord. 119239 § 8, 1998; Ord. 118794 § 18, 1997; Ord. 113262 § 1, 1986; Ord. 112890 § 1, 1986; Ord. 112522 § 9, 1985; Ord. 110669 § 32(part), 1982; Ord. 110381 § 1(part), 1982.)

Part 1 Administrative Conditional Uses

23.44.022 Institutions.

A. Institutions Identified. The following institutions may be permitted as conditional uses in single-family zones:

- Community centers
- Child care centers
- Private schools
- Religious facilities
- Public or private libraries
- Existing institutes for advanced study
- Other similar institutions

The following institutions are prohibited in single-family zones:

- Hospitals
- Colleges and universities
- Museums
- Private clubs
- Vocational schools

B. Major Institutions. Existing major institutions and major institution uses within an existing Major Institution overlay district shall be permitted in accordance with the provisions of Chapter 23.69, Major Institution Overlay Districts, and the provisions of this section.

C. Public schools shall be permitted as regulated in Section 23.44.017.

D. General Provisions.

1. New or expanding institutions in single-family zones shall meet the development standards for uses permitted outright in Sections 23.44.008 through 23.44.016 unless modified elsewhere in this subsection or in a Major Institution master plan.

2. The establishment of a child care center in a legally established institution devoted to the care or instruction of children which does not violate any condition of approval of the existing institutional use and does not require structural expansion shall not be considered a new use or an expansion of the institutional use.

3. Institutions seeking to establish or expand on property which is developed with residential structures may expand their campus up to a maximum of two and one-half (2 1/2) acres. An institution campus may be established or expanded beyond two and one-half (2 1/2) acres if the property proposed for the expansion is substantially vacant land.

4. An institution which finds that the development standards of the single-family zone classification are inadequate to its development needs may apply for reclassification to Major Institution status.

E. Dispersion.

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

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

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

2. A proposed child-care center serving not more than twenty-five (25) children which does not meet the criteria of subsection E1 of this section may be permitted to locate less than six hundred (600) feet from a lot line of another institution if the Director determines that, together with the nearby institution(s), the proposed child care center would not:

- a. Create physical scale and bulk incompatible with the surrounding neighborhood;
- b. Create traffic safety hazards;
- c. Create or significantly increase identified parking shortages; or
- d. Significantly increase noise levels to the detriment of surrounding residents.

F. Demolition of Residential Structures. No residential structure shall be demolished nor shall its use be changed to provide for parking. This prohibition may be waived if the demolition or change of use proposed is necessary to meet the parking requirements of this Land Use Code and if alternative locations would have greater noise, odor, light and glare or traffic impacts on surrounding property in residential use. If the demolition or change of use is proposed for required parking, the Director may consider waiver of parking requirements in order to preserve the residential structure and/or use. The waiver may include, but is not limited to, a reduction in the number of required parking spaces and a waiver of parking development standards such as location or screening.

G. Reuse of Existing Structures. Existing structures may be converted to institution use if the yard requirements for institutions are met. Existing structures which do not meet these yard requirements may be permitted to convert to institution use, provided that the Director may require additional mitigating measures to reduce impacts of the proposed use on surrounding properties.

H. Noise and Odors. For the purpose of reducing potential noise and odor impacts, the Director shall consider the location on the lot of the proposed institution, on-site parking, outdoor recreational areas, trash and refuse storage areas, ventilating mechanisms, sports facilities and other noise-generating and odor-generating equipment, fixtures or facilities. The institution shall be designed and operated in compliance with the Noise Ordinance, Chapter 25.08.

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In order to mitigate identified noise and/or odor impacts, the Director may require measures such as landscaping, sound barriers or fences, mounding or berming, adjustments to yard or parking development standards, design modifications, setting hours of operation for facilities or other similar measures.

I. Landscaping. Landscaping shall be required to integrate the institution with adjacent areas, reduce the potential for erosion or extensive stormwater runoff, reduce the coverage of the site by impervious surfaces, screen parking from adjacent residentially zoned lots or streets or to reduce the appearance of bulk of the institution.

Landscaping plant materials shall be species compatible with surrounding flora. Existing plant material may be required to be retained. Maintenance of landscaped areas shall be the continuing responsibility of the owner.

J. Light and Glare. Exterior lighting shall be shielded or directed away from adjacent residentially zoned lots. The Director may also require that the area and intensity of illumination, the location or angle of illumination be limited.

Nonreflective surfaces shall be used to help reduce glare.

K. Bulk and Siting.

1. Lot Area. If the proposed site is more than one (1) acre in size, the Director may require the following and similar development standards:

a. For lots with unusual configuration or uneven boundaries, the proposed principal structures be located so that changes in potential and existing development patterns on the block or blocks within which the institution is located are kept to a minimum;

b. For lots with large street frontage in relationship to their size, the proposed institution reflect design and architectural features associated with adjacent residentially zoned block faces in order to provide continuity of the block front and to integrate the proposed structures with residential structures and uses in the immediate area.

2. Yards. Yards of institutions shall be as required for uses permitted outright in Section 23.44.008, provided that no structure other than freestanding walls, fences, bulkheads or similar structures shall be closer than ten (10) feet to the side lot line. The Director may permit yards less than ten (10) feet but not less than five (5) feet after finding that the reduced setback will not significantly increase impacts, including but not limited to noise, odor and comparative scale, to adjacent lots zoned residential and there will be a demonstrable public benefit.

3. Institutions Located on Lots in More Than One (1) Zone Classification. For lots which include more than one (1) zone classification, single-family zone provisions shall apply only to the single-family-zoned lot area involved.

4. Height Limit.

a. Religious symbols for religious institutions may extend an additional twenty-five (25) feet above the height limit.

b. For gymnasiums and auditoriums that are accessory to an institution the maximum height shall be thirty-five (35) feet if portions of the structure above thirty-five (35) feet are set back at least twenty (20) feet from all property lines. Pitched roofs on a gymnasium or auditorium which have a slope of not less than three to twelve (3:12) may extend ten (10) feet above the thirty-five (35) foot height limit. No portion of a shed roof on a gymnasium or an auditorium shall be permitted to extend beyond the thirty-five (35) foot height limit under this provision.

5. Facade Scale. If any facade of a new or expanding institution exceeds thirty (30) feet in length, the Director may require that facades adjacent to the street or a residentially zoned lot be developed with design features intended to minimize the appearance of bulk. Design features which may be required include, but are not limited to, modulation, architectural features, landscaping or increased yards.

L. Parking and Loading Berth Requirements.

1. Quantity and Location of Off-street Parking.

a. Use of transportation modes such as public transit, vanpools, carpools and bicycles to reduce the use of single-occupancy vehicles shall be encouraged.

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

c. The Director may modify the parking and loading requirements of Section 23.54.015, Required parking, and the requirements of Section 23.44.016, Parking location and access, on a case-by-case basis using the information contained in the transportation plan prepared pursuant to subsection M of this section. The modification shall be based on adopted City policies and shall:

i. Provide a demonstrable public benefit such as, but not limited to, reduction of traffic on residential streets, preservation of residential structures, and reduction of noise, odor, light and glare; and

ii. Not cause undue traffic through residential streets nor create a serious safety hazard.

2. Parking Design. Parking access and parking shall be designed as provided in Design Standards for Access and Off-street Parking, Chapter 23.54.

3. Loading Berths. The quantity and design of loading berths shall be as provided in Design Standards for Access and Off-street Parking, Chapter 23.54.

M. Transportation Plan. A transportation plan shall be required for proposed new institutions and for those institutions proposing expansions which are larger than four thousand (4,000) square feet of structure area and/or are required to provide an additional twenty (20) or more parking spaces.

The Director shall determine the level of detail to be disclosed in the transportation plan based on the probable impacts and/or scale of the proposed institution. Dis-

cussion of the following elements and other factors may be required:

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

2. Parking. Number of spaces, the extent of screening from the street or abutting residentially zoned lots, direction of vehicle light glare, direction of lighting, sources of possible vibration, prevailing direction of exhaust fumes, location of parking access and curb cuts, accessibility or convenience of parking and measures to be taken by the applicant such as preference given some parking spaces for carpool and vanpool vehicles and provision of bicycle racks;

3. Parking Overflow. Number of vehicles expected to park on neighboring streets, percentage of on-street parking supply to be removed or used by the proposed project, opportunities for sharing existing parking, trends in local area development and mitigating measures to be taken by the applicant;

4. Safety. Measures to be taken by the applicant to ensure safe vehicular and pedestrian travel in the vicinity;

5. Availability of Public or Private Mass Transportation Systems. Route location and frequency of service, private mass transportation programs including carpools and vanpools, to be provided by the applicant.

N. Development Standards for Existing Institutes for Advanced Study.

1. The institute shall be located on a lot of not less than fifteen (15) acres.

2. The lot coverage for all structures shall not exceed twenty (20) percent of the total lot area.

3. Structures shall be set back a minimum of twenty-five (25) feet from any lot line.

4. Parking areas shall be set back a minimum of ten (10) feet from any lot line.

5. In the event of expansion, parking shall be required as provided for "existing institutes for advanced study" in Section 23.54.015, Required parking.

6. Landscaping shall be provided between a lot line and any structure and shall be maintained for the duration of the use.

(Ord. 120117 § 7, 2000; Ord. 119239 § 9, 1998; Ord. 118794 § 19, 1997; Ord. 118414 § 11, 1996; Ord. 117263 § 11, 1994; Ord. 116146 § 1, 1992; Ord. 115043 § 1, 1990; Ord. 115002 § 4, 1990; Ord. 114875 § 2, 1989; Ord. 113312 § 1, 1987; Ord. 113263 § 3, 1986; Ord. 112777 § 8, 1986; Ord. 112830 § 2, 1986; Ord. 112539 § 4, 1985; Ord. 110669 § 32(part), 1982; Ord. 110381 § 1(part), 1982.)²

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

2. Editor's Note: Ordinance 112777 was signed by the Mayor on April 10, 1986 and became effective June 9, 1986. Ordinance 112830 was signed by the Mayor on May 9, 1986 and became effective on June 8, 1986; thus Ordinance 112777 is the later ordinance.

23.44.024 Clustered housing planned developments.

Clustered housing planned developments (CHPDs) may be permitted as an administrative conditional use in single-family zones. A CHPD is intended to enhance and preserve natural features, encourage the construction of affordable housing, allow for development and design flexibility, and protect and prevent harm in environmentally critical areas. CHPDs shall be subject to the following provisions:

A. Site Requirements.

1. The minimum size of a CHPD shall be two (2) acres. Land which is designated environmentally critical due to the presence of a riparian corridor, wetland or steep slope according to SMC Chapter 25.09, Regulations for Environmentally Critical Areas, and submerged land shall not be used to meet minimum size requirements.

2. Where portions of a site are designated environmentally critical due to the presence of a riparian corridor, wetland or steep slope according to SMC Chapter 25.09, Regulations for Environmentally Critical Areas, the conditional use clustered development provisions under Section 25.09.260 shall apply, superseding the standards of this section.

3. The Director may exclude land from a CHPD if it is separated from the site by topographical conditions, if it has a poor functional relationship with the site, or if inclusion of the land would negatively impact adjacent single-family zoned lots.

B. Type of Dwelling Units Permitted. Only single-family dwelling units shall be permitted in a CHPD.

C. Number of Dwelling Units Permitted.

1. The number of dwelling units permitted in a CHPD shall be calculated by dividing the CHPD land area by the minimum lot size permitted by subsection A of Section 23.44.010 in the single-family zone in which the CHPD is located. Land which is designated environmentally critical due to the presence of a riparian corridor, wetland or steep slope and submerged land shall be excluded from the land used to calculate density in a CHPD. For CHPDs which include more than one (1) zone, the number of dwelling units shall be calculated based on the proportion of land area in each zone.

2. Where portions of a site are designated environmentally critical due to the presence of a riparian corridor, wetland or steep slope according to SMC Chapter 25.09, Regulations for Environmentally Critical Areas, the

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conditional use provisions for regaining development credit and clustering under Section 25.09.260 shall apply.

3. One (1) additional detached single-family structure may be permitted if the development includes recreational, meeting and/or day care facilities open to the surrounding community.

D. Subdivision. A CHPD may be subdivided into lots of less than the minimum size required by subsection A of Section 23.44.010.

E. Yards. Yards shall be required for structures within a CHPD.

1. Structures shall be set back a minimum distance of twenty (20) feet from the street property line of a CHPD.

2. No dwelling unit in a CHPD shall be closer than five (5) feet to a side lot line of an abutting single-family zoned lot.

3. No dwelling unit in a CHPD shall be closer than twenty-five (25) feet to a rear lot line of an abutting single-family zoned lot.

4. No dwelling unit in a CHPD shall be closer than five (5) feet to any lot line of an abutting non-single-family zoned lot.

5. There shall be a minimum distance of ten (10) feet between principal structures which are within one hundred (100) feet of the property line of a CHPD.

6. To provide a sense of privacy, and to mitigate the effects of shadows between structures which are more than one hundred (100) feet from the property line of CHPD, required yards between structures in the CHPD shall vary depending on the design of the facing facades as follows:

a. Walls shall be not less than ten (10) feet apart at any point.

b. A principal entrance to a structure shall be at least fifteen (15) feet from the nearest interior facade which contains no principal entrance.

c. A principal entrance to a structure shall be at least twenty (20) feet from the nearest interior facade which contains a principal entrance.

7. The Director may increase the minimum required yards or require alternate spacing or placement of structures in order to preserve or enhance topographical conditions, adjacent uses and the layout of the project and to maintain a compatible scale and design with the surrounding community.

F. Landscaping. The Director may require landscaping along some or all exterior lot lines of a CHPD to minimize the effect of the CHPD on adjacent uses. The Director may require the retention of existing mature landscaping. In addition, landscaping may be required to reduce the potential for erosion or excessive stormwater runoff, reduce the site coverage by impervious surfaces, and screen the parking from the view of adjacent residentially zoned lots and the street.

Plant species shall be compatible with surrounding flora. Maintenance of the landscaping shall be the continuing responsibility of the owner.

(Ord. 116262 § 9, 1992; Ord. 112890 § 2, 1986.)

23.44.026 Use of landmark structures.

A. The Director may authorize a use not otherwise permitted in the zone within a structure designated as a landmark pursuant to the Seattle Municipal Code, Chapter 25.12, Landmark Preservation Ordinance, subject to the following development standards:

1. The use shall be compatible with the existing design and/or construction of the structure without significant alteration; and

2. The use shall be allowed only when it is demonstrated that uses permitted in the zone are impractical because of structure design and/or that no permitted use can provide adequate financial support necessary to sustain the structure in a reasonably good physical condition; and

3. The use shall not be detrimental to other properties in the zone or vicinity or to the public interest.

B. The parking requirements for a use allowed in a landmark are those listed in Chart A of Section 23.54.015. These requirements may be waived pursuant to Section 23.54.020 C.

(Ord. 112777 § 10, 1986; Ord. 111390 § 9, 1983; Ord. 110669 § 32(part), 1982; Ord. 110381 § 1(part), 1982.)

23.44.028 Structures unsuited to uses permitted outright.

A. Uses not otherwise permitted in the zone may be permitted in structures unsuited to uses permitted outright in single-family zones. The determination that a use may be permitted shall be based on the following factors:

1. The design of the structure is not suitable for conversion to a use permitted outright in a single-family zone; and

2. The structure contains more than four thousand (4,000) square feet; and

3. The proposed use will provide a public benefit.

B. Parking requirements for uses permitted under this section shall be determined by the Director.

C. The Director may require measures to mitigate impacts such as noise, odor, parking or traffic impacts. Mitigating measures may include but are not limited to landscaping, sound barriers, fences, mounding or berming, adjustments to development standards, design modifications or setting hours of operation.

D. In the case of an existing or former public school, permissible uses other than those permitted outright in the zone and their development standards including parking requirements shall be established only pursuant to procedures for establishing criteria for joint use or reuse of public schools in Chapter 23.78 of this Land Use Code.

(Ord. 110669 § 32(part), 1982; Ord. 110381 § 1(part), 1982.)

23.44.030 Park and pool lot.

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

- A. It is to be located on an existing parking lot;
 - B. That parking proposed for the park and pool lot is not needed by the principal use or its accessory uses during the hours proposed for park and pool use; and
 - C. The park and pool use shall not interfere or conflict with the peak-hour activities associated with the principal use and its accessory uses. The Director may control the number and location of parking spaces to be used.
- (Ord. 110669 § 32(part), 1982; Ord. 110381 § 1(part), 1982.)

23.44.032 Certain nonconforming uses.

Nonconforming uses which are authorized pursuant to Section 23.42.110 may be permitted as a conditional use. (Ord. 120293 § 5, 2001; Ord. 118414 § 12, 1996; Ord. 110669 § 32(part), 1982; Ord. 110381 § 1(part), 1982.)

Part 2 Council Conditional Uses

23.44.034 Planned residential development (PRD).

Planned residential developments (PRDs) may be permitted in single-family zones as a council conditional use. A PRD is intended to enhance and preserve natural features, encourage the construction of affordable housing, allow for development and design flexibility, and protect and prevent harm in environmentally critical areas. PRDs shall be subject to the following provisions:

- A. Site Requirements.
 - 1. The minimum size of a PRD shall be two (2) acres. Land which is designated environmentally critical due to the presence of a riparian corridor, wetland or steep slope according to SMC Chapter 25.09, Regulations for Environmentally Critical Areas, and submerged land shall not be used to meet minimum size requirements.
 - 2. The area of the site devoted to single-family uses at the time of application, calculated by multiplying the number of such uses by the minimum lot area for the zone, shall not exceed twenty (20) percent of the area of the entire site.
 - 3. Land which is designated environmentally critical due to the presence of a riparian corridor, wetland or steep slope according to SMC Chapter 25.09, Regulations for Environmentally Critical Areas, and submerged land shall be excluded from the land used to calculate density in a PRD.
 - 4. Land may be excluded from a PRD by the Director if it is separated from the site by topographical conditions, if it has a poor functional relationship with the

site, or if inclusion of the land would negatively impact adjacent single-family zoned lots.

5. Where portions of a site are designated environmentally critical due to the presence of a riparian corridor, wetland or steep slope according to SMC Chapter 25.09, Regulations for Environmentally Critical Areas, the conditional use provisions under Section 25.09.260 shall apply, superseding the standards of this section.

B. Type of Dwelling Units Permitted.

1. Only single-family dwelling units shall be permitted within one hundred (100) feet of a PRD's property line which abuts or is directly across the street from a single-family zoned lot, except as provided in subsection B2.

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

3. Either single-family dwelling units or townhouses are permitted when more than one hundred (100) feet from a PRD's property line.

4. Townhouses shall meet the development standards for structures in Lowrise 1 zones, unless otherwise specified in this subchapter.

C. Number of Dwelling Units Permitted.

1. The number of dwelling units permitted in a PRD shall be calculated by dividing the PRD lot area by the minimum lot size permitted in Section 23.44.010 A. For PRD's which include more than one (1) zone, the number of dwelling units shall be calculated based on the proportion of land area in each zone.

2. An increase in number of dwelling units may be permitted in a PRD up to a maximum increase of twenty (20) percent. An increase in permitted density shall be based on the extent to which the proposed PRD provides substantial additional public benefits such as the following:

- a. Low-income housing;
- b. Usable open space;
- c. Day care, meeting space or recreational facilities open to the surrounding community.

D. Subdivision.

1. A PRD may be subdivided into lots of less than the minimum size required by subsection A of Section 23.44.010.

2. A minimum of three hundred (300) square feet per unit of private, landscaped open space shall be required, at ground level and directly accessible to the unit.

E. Yards. Yards shall be required for residential structures within a PRD. For the purposes of this subsection,

setbacks shall be considered yards, and the provisions relating to accessory structures in required yards of the applicable single-family zone shall apply.

1. Structures which are within one hundred (100) feet of the property line of a PRD shall be set back a minimum distance of twenty (20) feet from the street property line of a PRD.

2. No dwelling unit in a PRD shall be closer than five (5) feet to a side lot line of an abutting single-family zoned lot.

3. No dwelling unit in a PRD shall be closer than twenty-five (25) feet to a rear lot line of an abutting single-family zoned lot.

4. No dwelling unit in a PRD shall be closer than five (5) feet to any lot line of an abutting non-single-family or nonresidentially zoned lot.

5. A minimum distance of ten (10) feet shall be maintained between principal structures.

6. To provide a sense of privacy and to mitigate the effects of shadows between structures which are more than one hundred (100) feet from the property line of a PRD, required distance between structures shall vary depending on the design of the facing facades as follows:

a. Walls shall be not less than ten (10) feet apart at any point.

b. A principal entrance to a structure shall be at least fifteen (15) feet from the nearest interior facade which contains no principal entrance.

c. A principal entrance to a structure shall be at least twenty (20) feet from the nearest interior facade which contains a principal entrance.

7. The Director may modify the minimum required setbacks or require alternate spacing or placement of structures in order to preserve or enhance topographical conditions, adjacent uses or the layout of the project, and to maintain a compatible scale and design with the surrounding community.

F. Landscaping. Landscaping may be required along some or all exterior lot lines of a PRD to minimize the effect of the PRD on adjacent uses. The retention of existing mature landscaping may be required. In addition, landscaping may be required to reduce the potential for erosion or excessive stormwater runoff; reduce the site coverage by impervious surfaces; and screen parking from the view of adjacent residentially zoned lots and the street.

Plant species shall be compatible with surrounding flora.

G. Maintenance of Required Landscaping and Open Space. Maintenance of required landscaping and open space shall be the continuing responsibility of the owner. (Ord. 119239 § 10, 1998; Ord. 116262 § 11, 1992; Ord. 112890 § 4, 1986; Ord. 112777 § 9, 1986; Ord. 110669 §§ 15(part), 32(part), 1982; Ord. 110381 § 1(part), 1982.)

23.44.035 Communication utilities.

Communication utilities may be permitted in single-family zones subject to the provisions of Section 23.57.010.

(Ord. 116596 § 1, 1993; Ord. 113263 § 4, 1986.)

Part 3 Public Facilities

23.44.036 Public facilities.

A. Except as provided in subsections B, D and E below, uses in public facilities that are most similar to uses permitted outright or permitted as an administrative conditional use under this chapter shall also be permitted outright or as an administrative conditional use, subject to the same use regulations, development standards and administrative conditional use criteria that govern the similar use. The City Council may waive or modify applicable development standards or administrative conditional use criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

B. Permitted Uses in Public Facilities Requiring City Council Approval. The following uses in public facilities in single-family zones may be permitted by the City Council, according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions:

1. Police precinct station;
2. Fire station;
3. Public boat moorage;
4. Utility services use; and
5. Other similar use.

The proponent of any such use shall demonstrate the existence of a public necessity for the public facility use in a single-family zone. The public facility use shall be developed according to the development standards for institutions (Section 23.44.022), unless the City Council makes a determination to waive or modify applicable development standards according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as type V legislative decisions.

C. Expansion of Uses in Public Facilities.

1. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

D. Sewage Treatment Plants. The expansion or reconfiguration (which term shall include reconstruction, redevelopment, relocation on the site, or intensification of treatment capacity) of existing sewage treatment plants in single-family zones may be permitted if there is no feasible alternative location in a zone where the use is permitted and the conditions imposed under subsections D3 and D4 are met.

1. Applicable Procedures. The decision on an application for the expansion or reconfiguration of a sewage treatment plant shall be a Type IV Council land use decision. If an application for an early determination of feasibility is required to be filed pursuant to subsection D2 of this section, the early determination of feasibility will also be a Council land use decision subject to Sections 23.76.038 through 23.76.056.

2. Need for Feasible Alternative Determination. The proponent shall demonstrate that there is no feasible alternative location in a zone where establishment of the use is permitted.

a. The Council's decision as to the feasibility of alternative location(s) shall be based upon a full consideration of the environmental, social and economic impacts on the community, and the intent to preserve and to protect the physical character of single-family areas, and to protect single-family areas from intrusions of non-single-family uses.

b. The determination of feasibility may be the subject of a separate application for a Council land use decision prior to submission of an application for a project-specific approval if the Director determines that the expansion or reconfiguration proposal is complex, involves the phasing of programmatic and project-specific decisions or affects more than one site in a single-family zone.

c. Application for an early determination of feasibility shall include:

(1) The scope and intent of the proposed project in the single-family zone and appropriate alternative(s) in zones where establishment of the use is permitted, identified by the applicant or the Director;

(2) The necessary environmental documentation as determined by the Director, including an assessment of the impacts of the proposed project and of the permitted-zone alternative(s), according to the state and local SEPA guidelines;

(3) Information on the overall sewage treatment system which outlines the interrelationship of facilities in single-family zones and in zones where establishment of the use is permitted;

(4) Schematic plans outlining dimensions, elevations, locations on site and similar specifications for the proposed project and for the alternative(s).

d. If a proposal or any portion of a proposal is also subject to a feasible or reasonable alternative location determination under Section 23.60.066 of Title 23, the Plan Shoreline Permit application and the early determination application will be considered in one determination process.

3. Conditions for Approval of Proposal.

a. The project shall be located so that adverse impacts on residential areas shall be minimized;

b. The expansion of a facility shall not result in a concentration of institutions or facilities which would create or appreciably aggravate impacts that are incompatible with single-family residences.

c. A facility management and transportation plan shall be required. The level and kind of detail to be disclosed in the plan shall be based on the probable impacts and/or scale of the proposed facility, and shall at a minimum include discussion of sludge transportation, noise control, and hours of operation. Increased traffic and parking expected to occur with use of the facility shall not create a serious safety problem or a blighting influence on the neighborhood;

d. Measures to minimize potential odor emission and airborne pollutants including methane shall meet standards of and be consistent with best available technology as determined in consultation with the Puget Sound Air Pollution Control Agency (PSAPCA), and shall be incorporated into the design and operation of the facility;

e. Methods of storing and transporting chlorine and other hazardous and potentially hazardous chemicals shall be determined in consultation with the Seattle Fire Department and incorporated into the design and operation of the facility;

f. Vehicular access suitable for trucks is available or provided from the plant to a designated arterial improved to City standards;

g. The bulk of facilities shall be compatible with the surrounding community. Public facilities that do not meet bulk requirements may be located in single-family residential areas if there is a public necessity for their location there;

h. Landscaping and screening, separation from less intensive zones, noise, light and glare controls and other measures to ensure the compatibility of the use with the surrounding area and to mitigate adverse impacts shall be incorporated into the design and operation of the facility.

i. Residential structures, including those modified for nonresidential use, shall not be demolished for facility expansion unless a need has been demonstrated for the services of the institution or facility in the surrounding community.

4. Substantial Conformance. If the application for a project-specific proposal is submitted after an early determination that location of the sewage treatment plant is not feasible in a zone where establishment of the use is permitted, the proposed project must be in substantial conformance with the feasibility determination.

Substantial conformance shall include, but not be limited to, a determination that:

a. There is no net substantial increase in the environmental impacts of the project-specific proposal as compared to the impacts of the proposal as approved in the feasibility determination.

b. Conditions included in the feasibility determination are met.

E. Prohibited Uses. The following public facilities are prohibited in single-family zones:

1. Jails;
2. Metro operating bases;
3. Park and ride lots;
4. Establishment of new sewage treatment plants;
5. Solid waste transfer stations;
6. Animal control shelters;
7. Post Office distribution centers; and
8. Work-release centers.

F. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities. (Ord. 120691 § 10, 2001; Ord. 118672 § 3, 1997; Ord. 117430 § 42, 1994; Ord. 114623 § 1, 1989; Ord. 113354 § 3, 1987; Ord. 112890 § 3, 1986; Ord. 112522 § 10, 1985; Ord. 110669 §§ 18, 32(part), 1982; Ord. 110381 § 1(part), 1982.)

Subchapter III Accessory Uses

23.44.040 General provisions.

A. Accessory uses customarily incidental to principal uses permitted outright are permitted outright as provided below.

B. All accessory uses and structures must be located on the same lot as the principal use or structure unless specifically modified in this subchapter.

C. Accessory conditional uses are subject to the development standards for accessory uses permitted outright unless otherwise specified in this section.

D. Any accessory structure located in a required yard shall be separated from its principal structure by a minimum of five (5) feet.

E. Any accessory structure located in a required yard shall not exceed twelve (12) feet in height nor one thousand (1,000) square feet in area.

F. On a reversed corner lot, no accessory structure shall be located in that portion of the required rear yard which abuts the required front yard of the adjoining key lot, nor shall the accessory structure be located closer than five (5) feet from the key lot's side lot line unless the provisions of Section 23.44.014 D or 23.44.016 C3b, terraced garage, apply.

(Ord. 117263 § 12, 1994; Ord. 113978 § 3, 1988; Ord. 110669 §§ 13(part), 32(part), 1982; Ord. 110381 § 1(part), 1982.)

23.44.041 Accessory dwelling units.

Accessory dwelling units may be permitted subject to the standards in subsection A of this section. The Master Use Permit process set forth in Chapter 23.76 shall be followed to authorize these uses.

A. The Director may authorize an accessory dwelling unit if the Director finds that the unit meets the following development and use standards:

1. A single-family dwelling may have no more than one (1) accessory dwelling unit, and only one (1) accessory dwelling unit shall be allowed per lot.

2. One (1) of the dwelling units in the structure shall be occupied by one (1) or more owners of the property as the owner's(s') permanent and principal residence. The owner-occupant must occupy the owner-occupied dwelling unit for more than six (6) months of each calendar year. The owner-occupant may not receive rent for the owner-occupied dwelling unit. If a complaint that an owner has violated these requirements is filed, the owner shall:

a. Submit evidence to the Director showing good cause, such as job dislocation, sabbatical leave, education, or illness, for waiver of this requirement for up to three (3) years absence from the Puget Sound region. Upon such showing the Director may waive the requirement;

b. Re-occupy the structure; or

c. Remove the accessory dwelling unit.

3. Any number of related persons may occupy each unit in a single-family residence with an accessory dwelling unit; provided that, if unrelated persons occupy either unit, the total number of persons occupying both units together may not exceed eight (8).

4. Accessory dwelling units may not be located in any structure detached from the single-family dwelling.

5. The floor area of the accessory dwelling unit may exceed one thousand (1,000) square feet only if the portion of the structure in which the accessory dwelling unit is located was in existence as of June 1, 1999 and if the entire accessory dwelling unit is located on one (1) level.

6. Only one (1) principal entrance to the structure may be located on each street-facing facade of the residence except:

a. Where two (2) entrances on the front or street side existed on January 1, 1993 or;

b. Where the Director determines that topography, screening or other design solution is effective in deemphasizing the presence of a second entrance, so there do not appear to be two principal entrances.

7. A minimum of one (1) off-street parking space per accessory dwelling unit shall be provided, which space may be in tandem with parking provided for the principal dwelling unit.

a. The Director may waive the parking requirement for an accessory dwelling unit if topography or location of existing principal or accessory structures makes provision of a parking space physically or economically infeasible and, for properties located in residential parking zones (RPZs), a parking study is conducted and shows that the utilization rate for on-street parking within a four hundred (400) foot walking distance of the subject property is less than seventy-five (75) percent. Parking may not be waived for accessory dwelling units within the University District or Alki Parking Overlay Areas as shown on Maps A and B, Section 23.54.015.

b. The applicant need not apply for a variance in order to waive the parking requirement. The parking waiver process cannot be used to eliminate an existing required parking space in order to create an accessory dwelling unit, unless replaced elsewhere on the lot.

8. Ceiling Height.

If the portion of the single-family dwelling in which the accessory dwelling unit is located was in existence prior to October 17, 1979, the minimum ceiling height shall be six (6) feet eight (8) inches measured per Sections 310.6.1 and 3403 of the Seattle Building Code (SBC), or the minimum ceiling height shall be six (6) feet four (4) inches if a hard-wired smoke detector is located in the accessory dwelling unit. If the portion of the single-family dwelling in which the accessory dwelling unit is located was constructed on or subsequent to October 17, 1979, the minimum ceiling height shall be as determined according to Sections 310.6.1 and 3403 of the Seattle Building Code.

B. Certification of Owner Occupancy. After issuance of a permit establishing an accessory dwelling unit, the Department of Design, Construction and Land Use shall record as a deed restriction in the King County Office of Records and Elections a certification by the owner(s) under oath in a form prescribed by the Director that one (1) of the dwelling units is occupied by the owner(s) of the property as the owner's(s') principal and permanent residence and a statement by the owner(s) that the owner(s) will notify any prospective purchasers of the requirements of this section. When ownership of a single-family residence with an approved accessory dwelling unit changes,

the new owner(s) shall either submit a new owner occupancy certification to the Department of Design, Construction and Land Use for recording, or remove the accessory dwelling unit. Failure to submit a new certificate or remove the accessory dwelling unit within one (1) year of transfer of ownership shall be a violation of the Land Use Code subject to civil penalties provided in Section 23.90.018. Falsely certifying owner occupancy or failure to comply with the terms of the owner occupancy certification shall be subject to a civil penalty of Five Thousand Dollars (\$5,000), in addition to any criminal penalties.

C. Single-family Status Unaffected. A single-family dwelling with an accessory dwelling unit shall be considered a single-family residence for purposes of rezone criteria (Section 23.34.011).

D. Every two (2) years, DCLU shall prepare a report for the City Council stating the number and location of permits issued for new accessory housing units. (Ord. 119837 § 1, 2000; Ord. 119617 § 2, 1999; Ord. 119027 § 1, 1998; Ord. 118912 § 36, 1998; Ord. 118794 § 20, 1997; Ord. 118672 § 4, 1997; Ord. 118472 § 3, 1997; Ord. 117203 § 2, 1994.)

1. Editor's Note: Ordinance 118472 was signed by the Mayor on February 4, 1997 and became effective March 4, 1997.

23.44.042 Parking and private garages.

A. Private garages shall be permitted as accessory uses in single-family zones and shall be subject to the development standards of Section 23.44.016 when located in a required yard or to the development standards for principal structures when not located in a required yard.

B. Parking accessory to a single-family structure existing on June 11, 1982 may be established on another lot if all the following conditions are met:

1. There is no vehicular access to permissible parking areas on the lot;

2. Any garage constructed is for no more than two (2) axled or two (2) up-to-four (4) wheeled vehicles;

3. The garage is located and screened or landscaped as required by the Director, who shall consider development patterns of the block or nearby blocks;

4. The garage lot is within the same block or across the alley from the principal use lot;

5. The garage shall meet the standards of Section 23.44.016 E;

6. The accessory parking shall be tied to the lot of the principal use by a covenant or other document recorded with the King County Department of Records and Elections.

C. Parking accessory to a floating home may be located on another lot if within six hundred (600) feet of the lot on which the floating home is located and if screened in accordance with Section 23.44.016 E.

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(Ord. 117263 § 13, 1994; Ord. 111390 § 10, 1983; Ord. 110669 §§ 13(part), 32(part), 1982; Ord. 110381 § 1(part), 1982.)

23.44.044 Swimming pools.

Private, permanent swimming pools, hot tubs and other similar uses are permitted as accessory uses to a single-family structure subject to the following specific development standards:

A. Private, permanent swimming pools, hot tubs and other similar uses over eighteen (18) inches above existing grade are subject to the development standards for accessory uses.

B. Private, permanent swimming pools, hot tubs and other similar uses projecting not more than eighteen (18) inches above existing grade shall not be counted in lot coverage.

C. Private, permanent swimming pools, hot tubs and other similar uses may be placed in a required front or rear yard, provided that:

1. No part of the structure shall project more than eighteen (18) inches above existing lot grade in a required front yard; and

2. No part of the structure shall be placed closer than five (5) feet to any front or side lot line.

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

(Ord. 118414 § 13, 1996; Ord. 117263 § 14, 1994; Ord. 110669 § 32(part), 1982; Ord. 110381 § 1(part), 1982.)

23.44.046 Solar collectors.

A. Solar collectors are permitted outright as an accessory use to any principal use permitted outright or to a permitted conditional use subject to the following development standards:

1. Solar collectors, including solar greenhouses which meet minimum standards and maximum size limits as determined by the Director, shall not be counted in lot coverage.

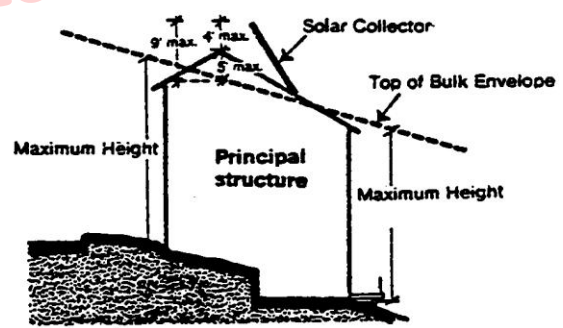
2. Solar collectors except solar greenhouses attached to principal use structures may exceed the height limits of single-family zones by four (4) feet or extend four (4) feet above the ridge of a pitched roof. However, the total height from existing grade to the top of the solar collector may not extend more than nine (9) feet above the height limit established for the zone (see Exhibit 23.44.046 A). A solar collector which exceeds the height limit for single-family zones shall be placed so as not to shade an existing solar collector or property to the north on January 21st, at noon, any more than would a structure built to the maximum permitted height and bulk.

For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
December 2002 code update file
Text provided for historic reference only.

See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this source file.

Exhibit 23.44.046 A
Pitched Roof With Solar Collector



For current SMC, contact
the Office of the City Clerk

3. Solar collectors and solar greenhouses meeting minimum written energy conservation standards administered by the Director may be located in required yards according to the following conditions:

- a. In a side yard, no closer than three (3) feet from the side property line; or
- b. In a rear yard, no closer than fifteen (15) feet from the rear property line unless there is a dedicated alley, in which case the solar collector shall be no closer than fifteen (15) feet from the centerline of the alley; or
- c. In a front yard, solar greenhouses which are integrated with the principal structure and have a maximum height of twelve (12) feet may extend up to six (6) feet into the front yard. In no case shall the greenhouse be located closer than five (5) feet from the front property line.

B. Nonconforming Solar Collectors. The Director may permit the installation of solar collectors which cause an existing structure to become nonconforming, or which increase an existing nonconformity, as a special exception pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. Such installation may be permitted even if it exceeds the height limit established in Section 23.44.046 A2, so long as total structure height including solar collectors does not exceed thirty-nine (39) feet above existing grade and the following conditions are met:

1. There is no feasible alternative to placing the collector(s) on the roof;
2. Such collector(s) are located so as to minimize view blockage for surrounding properties and shading of property to the north, while still providing adequate solar access for the collectors;
3. Such collector(s) meet minimum written energy conservation standards administered by the Director; and
4. The collector(s) add no more than seven (7) feet of height to the existing structure. To minimize view blockage or shadow impacts, the Director shall have the authority to limit a nonconforming solar collector to less than seven (7) additional feet of height.

(Ord. 113401 § 3, 1987; Ord. 111590 § 1, 1984; Ord. 110793 § 6, 1982; Ord. 110669 §§ 13(part), 32(part), 1982; Ord. 110381 § 1(part), 1982.)

23.44.048 Keeping of animals.

The keeping of small animals, farm animals, domestic fowl and bees is permitted outright as an accessory use to any principal use permitted outright or to a permitted conditional use subject to the following standards:

A. Small Animals. Up to three (3) small animals per single-family residential structure may be kept in single-family zones; however, no more than one (1) may be a miniature potbelly pig (see subsection B of this section).

Four (4) small animals are permitted on lots of at least twenty thousand (20,000) square feet. One (1) addi-

tional small animal is permitted for each five thousand (5,000) square feet of lot area in excess of twenty thousand (20,000) square feet.

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

B. Miniature Potbelly Pigs. That type of swine commonly known as the Vietnamese, Chinese, or Asian Potbelly Pig (*Sus scrofa bittatus*) may be kept as domestic pets as a small animal, provided that no swine may be kept in the City which is greater than twenty-two (22) inches in height at the shoulder or more than one hundred fifty (150) pounds in weight.

C. Domestic Fowl. Up to three (3) domestic fowl may be kept on any lot in addition to the small animals permitted in the preceding subsection. For each one thousand (1,000) square feet of lot area in excess of the minimum lot area required for the zone, one (1) additional domestic fowl may be kept.

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

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

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

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

1. No more than four (4) hives, each with only one (1) swarm, shall be kept on lots of less than ten thousand (10,000) square feet.

2. Hives shall not be located within twenty-five (25) feet of any property line except when situated eight (8) feet or more above the grade immediately adjacent to the grade of the lot on which the hives are located or when situated less than eight (8) feet above the adjacent existing lot grade and behind a solid fence or hedge six (6) feet high parallel to any property line within twenty-five (25) feet of a hive and extending at least twenty (20) feet beyond the hive in both directions.

(Ord. 116694 § 1, 1993; Ord. 110669 §§ 13(part), 32(part), 1982; Ord. 110381 § 1(part), 1982.)

23.44.050 Home occupations.

A home occupation of a person residing in a dwelling unit is permitted in that dwelling unit subject to the following development standards:

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

B. Commercial deliveries and pickups shall be limited to one (1) per day Monday through Friday. No commercial

deliveries or pickups shall be permitted on Saturday, Sunday or federal holidays.

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

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

E. To preserve the residential appearance of the structure, there shall be no evidence of the occupation from the exterior of the structure; provided, that outdoor play areas for child care programs and outdoor activities normally associated with residential use shall be permitted. No outdoor storage shall be permitted in connection with a home occupation.

F. To preserve the residential character and use of the structure, only internal alterations customary to residential use shall be permitted, and no external alterations shall be permitted to accommodate a home occupation, except as required by licensing or construction codes for child care programs.

G. Except for child care programs, not more than one (1) person, whether full-time or part-time who is not a resident of the dwelling unit may work in the dwelling unit of the home occupation whether or not compensated. This includes persons working off-site who come to the site for business purposes at any time as well as persons working on site.

H. The home occupation shall not cause or add to on-street parking congestion or cause a substantial increase in traffic through residential areas.

I. A maximum of two (2) passenger vehicles, vans and similar vehicles each not exceeding a gross vehicle weight of ten thousand (10,000) pounds shall be permitted to operate in connection with the home occupation.

J. The home occupation shall be conducted so that odor, dust, light and glare, and electrical interference and other similar impacts are not detectable by sensory perception at or beyond the property line of the lot where the home occupation is located.

K. Signs shall be regulated by Section 23.55.020.

L. Child care programs in the home of the operator shall be limited to twelve (12) children per day including the children of the operator.
(Ord. 117263 § 15, 1994; Ord. 114875 § 3, 1989; Ord. 113387 § 1, 1987; Ord. 110669 § 32(part), 1982; Ord. 110381 § 1(part), 1982.)

23.44.051 Bed and breakfasts.

A. Bed and breakfasts shall be permitted provided they meet the following standards:

1. A business license for the bed and breakfast was secured from the Department of Finance on or before April 1, 1987;

2. The bed and breakfast is operated by the fee owner of the dwelling in which the bed and breakfast is located;

3. The fee owner resides in the structure in which the bed and breakfast is located;

4. No more than two (2) people who reside outside the dwelling are employed, with or without compensation, in the operation of the bed and breakfast;

5. The bed and breakfast is operated within the principal structure which does not require structural alterations;

6. There is no evidence of the bed and breakfast from the exterior of the structure.

(Ord. 120181 § 151, 2000; Ord. 118414 § 14, 1996; Ord. 117169 § 138, 1994; Ord. 113800 § 2, 1988.)

23.44.052 Open wet moorage.

Piers and floats for open wet moorage of private pleasure craft are permitted as regulated by the Shorelines District, Chapter 23.60.

(Ord. 110669 § 32(part), 1982; Ord. 110381 § 1(part), 1982.)

23.44.058 Columbariums, garden wall crypts and mausoleums.

Columbariums, garden wall crypts and mausoleums are permitted only as accessory to existing cemeteries except that columbariums and garden wall crypts may also be accessory to religious facilities, and subject to the general development standards for accessory uses. In addition, no interment openings shall abut or be directly across the street from property other than cemetery property. For columbariums, garden wall crypts and mausoleums accessory to existing cemeteries, any border between structures and the property line shall be landscaped and maintained by the owner in good condition. For columbariums and garden wall crypts accessory to religious facilities, the landscaping requirements of SMC Section 23.44.022 I applicable to religious facilities and other institutions shall apply.

(Ord. 118720 § 1, 1997; Ord. 110669 § 32(part), 1982; Ord. 110381 § 1(part), 1982.)

23.44.060 Uses accessory to parks and playgrounds.

A. The following accessory uses shall be permitted in any park when within a structure or on a terrace abutting the structure:

1. The sale and consumption of beer during daylight hours;

2. The sale and consumption of alcoholic beverages under a Class H liquor license at municipal golf courses during established hours of operation.

When the use is within one hundred (100) feet from any lot in a residential zone the use shall be completely enclosed.

B. The sale and consumption of beer and wine with meals served in a restaurant facility within the boundaries of Woodland Park shall be permitted. The use shall be permitted in only one (1) facility located no closer than one hundred (100) feet from any lot in a residential zone and separated from other public activity areas and zoo buildings by at least fifty (50) feet.

C. Storage structures and areas and other structures and activities customarily associated with parks and playgrounds are subject to the following development standards in addition to the general development standards for accessory uses:

1. Any active play area shall be located thirty (30) feet or more from any lot in a single-family zone.
2. Garages and service or storage areas shall be screened from view from abutting lots in residential zones. (Ord. 110669 § 32(part), 1982; Ord. 110381 § 1(part), 1982.)

23.44.068 Heat recovery incinerator.

The Director may permit a heat recovery incinerator as an accessory use to institutions, public facilities and parks and playgrounds, subject to the following conditions:

A. The incinerator shall be located on the same lot as the institution or public facility.

B. An incinerator in a park or playground shall be permitted only when a permanent structure other than that which houses the incinerator exists and the incinerator abuts the structure.

C. The use shall be located no closer than one hundred (100) feet to any property line unless completely enclosed within a structure.

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

E. Adequate control measures for insects, rodents and odors shall be maintained continuously. (Ord. 110669 §§ 17, 32(part), 1982; Ord. 110381 § 1(part), 1982.)

23.44.070 Recycling collection stations.

The Director may permit recycling collection stations as accessory uses to institutions and public facilities. These recycling collection stations shall be maintained in good condition by the respective institution or public facility.

(Ord. 110669 § 32(part), 1982; Ord. 110381 § 1(part), 1982.)

23.44.072 Roomers, boarders, lodgers.

The renting of rooms, with or without meals, by a household for lodging purposes only, for the accommodation of not more than two (2) roomers, boarders or lodgers, is permitted outright as an accessory use within a dwelling unit as long as the total number of residents does not exceed eight (8).

(Ord. 117202 § 2, 1994; Ord. 111390 § 11, 1983.)

**Chapter 23.45
RESIDENTIAL, MULTI-FAMILY**

Sections:

23.45.002 Scope of provisions.

Subchapter I Principal Uses Permitted Outright

Part 1 Generally

- 23.45.004 Principal uses permitted outright.**
- 23.45.005 Development standards for single-family structures.**
- 23.45.006 General development standards for structures in multifamily zones.**
- 23.45.007 Transportation concurrency level-of-service standards.**

Part 2 Lowrise Zones

- 23.45.008 Density—Lowrise zones.**
- 23.45.009 Structure height—Lowrise zones.**
- 23.45.010 Lot coverage—Lowrise zones.**
- 23.45.011 Structure width and depth—Lowrise zones.**
- 23.45.012 Modulation requirements—Lowrise zones.**
- 23.45.014 Setback requirements—Lowrise zones.**
- 23.45.015 Screening and landscaping requirements—Lowrise zones.**
- 23.45.016 Open space requirements—Lowrise zones.**
- 23.45.017 Light and glare standards—Lowrise zones.**
- 23.45.018 Parking and access—Lowrise zones.**

Part 3 (Reserved)

Part 4 (Reserved)

Part 5 Midrise

- 23.45.047 Midrise/85 zones.**
- 23.45.048 Midrise—Structures thirty-seven feet or less in height.**
- 23.45.050 Midrise—Structure height.**

23.45.052	Midrise—Structure width and depth.		Subchapter II Administrative Conditional Uses
23.45.054	Midrise—Modulation requirements.	23.45.116	Administrative conditional uses—General provisions.
23.45.056	Midrise—Setback requirements.	23.45.122	Institutions other than public schools not meeting development standards.
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23.45.073	Highrise—Screening and landscaping standards.	23.45.152	Home occupations.
23.45.074	Highrise—Open space requirements.	23.45.154	Open wet moorage for private pleasure craft.
23.45.075	Highrise—Light and glare standards.	23.45.160	Bed and breakfasts.
23.45.076	Highrise—Parking and access.	23.45.162	Recycling collection station.
	Part 7 Other Principal Uses Permitted Outright	23.45.164	Heat recovery incinerators.
23.45.080	Congregate residences.	23.45.166	Off-site parking facilities in Highrise Zones.
23.45.082	Assisted living facilities use and development standards.		23.45.002
23.45.088	Nursing homes meeting development standards.		Scope of provisions.
23.45.090	Institutions—General provisions.		A. This chapter details those authorized uses and their development standards which are or may be permitted in the seven (7) multifamily residential zones: Lowrise Duplex/Triplex (LDT), Lowrise 1 (L1), Lowrise 2 (L2), Lowrise 3 (L3), Lowrise 4 (L4), Midrise (MR), Midrise/85 (MR/85) and Highrise (HR).
23.45.092	Institutions—Structure height.		B. Communication utilities and accessory communication devices except as exempted in Section 23.57.002 are subject to the regulations in this chapter and additional regulations in Chapter 23.57.
23.45.094	Institutions—Structure width and depth.		C. In addition to the provisions of this chapter, certain multifamily areas may be regulated by Overlay Districts, Chapter 23.59.
23.45.096	Institutions—Setback requirements.		(Ord. 120928 § 5, 2002; Ord. 118414 § 15, 1996; Ord. 116795 § 5, 1993; Ord. 116295 § 3, 1992; Ord. 114196 § 3, 1988; Ord. 110570 § 3(part), 1982.)
23.45.098	Institutions—Parking, access and transportation plan requirements.		Subchapter I Principal Uses Permitted Outright
23.45.100	Institutions—Noise, odors, light and glare, and signs.		Part 1 Generally
23.45.102	Institutions—Dispersion criterion.		23.45.004
23.45.106	Public facilities.		Principal uses permitted outright.
23.45.108	Public or private parks and playgrounds.		A. The following principal uses shall be permitted outright in all multifamily zones:
23.45.110	Ground-floor business and commercial use in Midrise and Highrise zones.		1. Single-family dwelling units;
23.45.112	Public schools.		2. Multifamily structures;
			3. Congregate residences;
			4. Adult family homes;

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23.45.002 LAND USE CODE

5. Nursing homes;
6. Assisted living facilities;
7. Institutions meeting all development standards;
8. Major Institution and Major Institution uses within Major Institution Overlay Districts subject to Chapter 23.69;
9. Public facilities meeting all development standards;
10. Existing cemeteries; and
11. Public or private parks and playgrounds including customary buildings and activities.

B. In Midrise and Highrise zones certain ground-floor business and commercial uses shall be permitted outright according to the provisions of Section 23.45.110.

C. Uses in existing or former public schools:

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

2. Other nonschool uses shall be permitted in existing or former public schools pursuant to procedures established in Chapter 23.78, Establishment of Criteria for Joint Use or Reuse of Schools.

D. Existing cemeteries shall be permitted to continue in use. No new cemeteries shall be permitted and existing cemeteries shall not be expanded in size. For purposes of this section, a change in a cemetery boundary is not considered an expansion in size and is permitted provided that (1) the change does not increase the net land area occupied by the cemetery; (2) the land being added to the cemetery is contiguous to the existing cemetery and is not separated from the existing cemetery by a public street or alley whether or not improved; and (3) the use of the land being added, as a cemetery, will not result in the loss of housing (for the living).

E. Medical service use, meeting the development standards for institutions, shall be permitted outright on property conveyed by a deed from the City which, at the time of conveyance, restricted the property's use to a health care or health-related facility.

(Ord. 119238 § 1, 1998; Ord. 119151 § 1, 1998; Ord. 118984 § 2, 1998; Ord. 118362 § 6, 1996; Ord. 117263 § 16, 1994; Ord. 117202 § 3, 1994; Ord. 115002 § 5, 1990; Ord. 114887 § 2, 1989; Ord. 114196 § 4, 1988; Ord. 110793 § 8, 1982; Ord. 110570 § 3(part), 1982.)

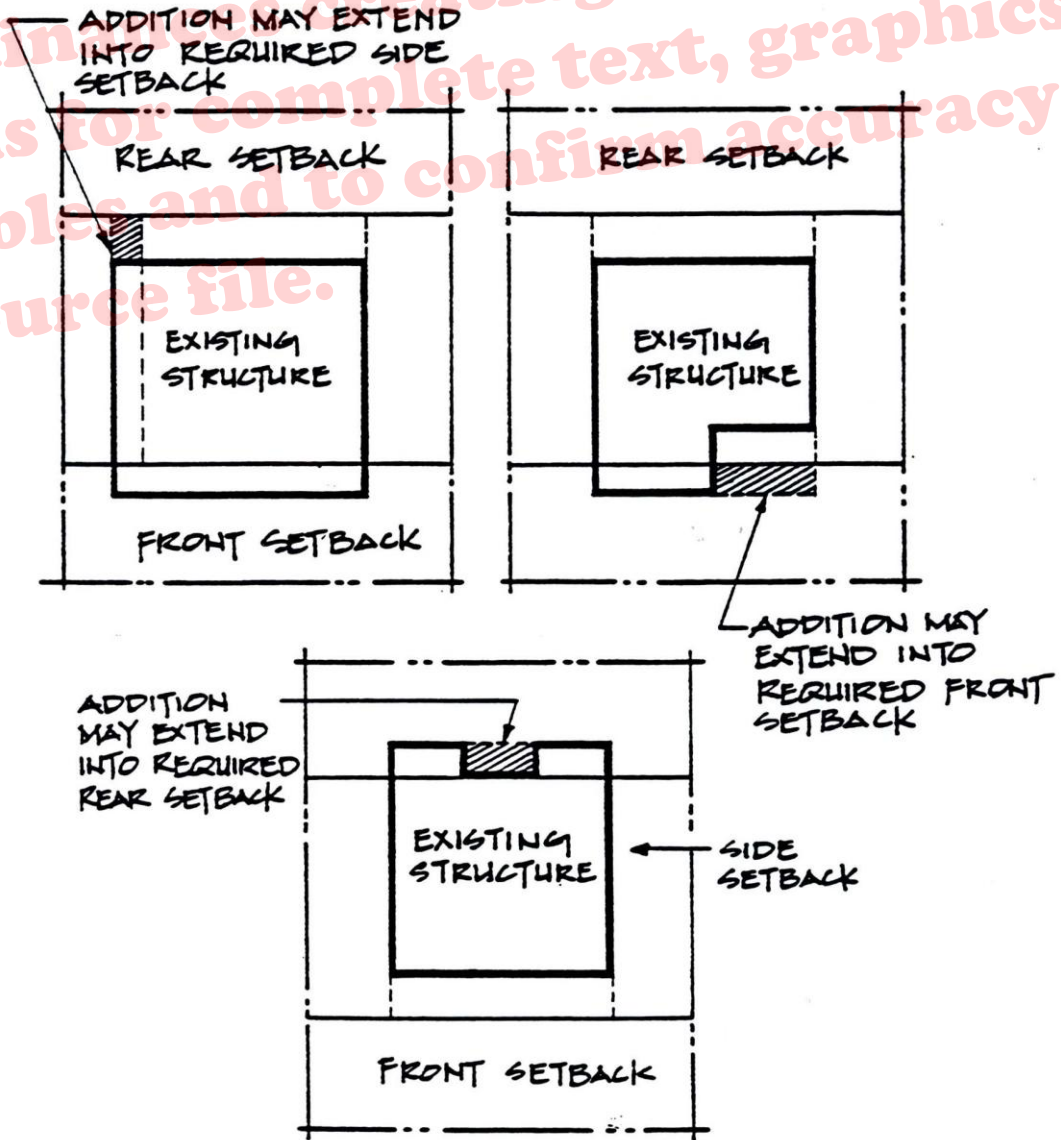
23.45.005 Development standards for single-family structures.

A. Except for cottage housing developments, single-family structures shall be subject to the development standards for ground-related housing, except that open space shall be provided according to the provisions for single-

family structures in each zone, in Section 23.45.016 of this chapter.

B. Certain additions may extend into a required setback when an existing single-family structure is already nonconforming with respect to that setback where the presently nonconforming section is at least sixty (60) percent of the total width of the respective facade of the structure prior to the addition. The line formed by the nonconforming wall of the structure shall be the limit to which any additions may be built, which may extend up to the height limit and may include basement additions (Exhibit 23.45.005 A). New additions to a nonconforming wall or walls shall comply with the following requirements:

Exhibit 23.45.005 A
Permitted Additions Into Required Setbacks for
Existing Single Family Structures



1. When it is a side wall, it is at least three (3) feet from the side property line;
2. When it is a rear wall, it is at least ten (10) feet from the rear property line or centerline of an alley abutting the rear property line;
3. When it is a front wall, it is at least ten (10) feet from the front property line.

C. Cottage housing developments shall be permitted outright in Lowrise Duplex/Triplex and Lowrise 1 zones when conforming to the requirements contained in Sections 23.45.006 through 23.45.018 and the following:

1. Cottage housing developments shall contain a minimum of four (4) cottages arranged on at least two (2) sides of a common open space, with a maximum of twelve (12) cottages per development; and
2. The total floor area of each cottage shall not exceed either 1.5 times the area of the main level or nine hundred seventy-five (975) square feet, whichever is less. Enclosed space in a cottage located either above the main level and more than twelve (12) feet above finished grade, or below the main level, shall be limited to no more than fifty (50) percent of the enclosed space of the main level, or three hundred seventy-five (375) square feet, whichever is less. This restriction applies regardless of whether a floor is proposed in the enclosed space, but shall not apply to attic or crawl spaces.

D. An accessory dwelling unit in an established single-family dwelling shall be considered an accessory use to the single-family dwelling, shall meet the standards listed for accessory dwelling units in Section 23.44.041 and shall not be considered a separate dwelling unit for any development standard purposes in multifamily zones. (Ord. 119239 § 13, 1998; Ord. 118794 § 22, 1997; Ord. 118472 § 4, 1997; Ord. 117203 § 3, 1994; Ord. 117173 § 1, 1994; Ord. 110793 § 9, 1982; Ord. 110570 § 3(part), 1982.)

23.45.006 General development standards for structures in multifamily zones.

A. Included within Sections 23.45.006 through 23.45.166 are the development standards for structures in each multifamily zone. These standards shall also apply to uses accessory to multifamily structures unless specifically modified by development standards for those accessory uses.

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

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

D. An exception from one (1) specific standard does not relieve the applicant from compliance with any other standard.

E. Methods for measurements are provided in Chapter 23.86. Requirements for streets, alleys and easements are

provided in Chapter 23.53. Standards for parking access and design are provided in Chapter 23.54. Standards for permitted signs are provided in Chapter 23.55.

F. In Lowrise 1 zones all multifamily structures shall be ground-related units, except that apartments are permitted on a lot whose platted width as of the effective date of the ordinance codified in this section¹ is less than forty (40) feet, or in a structure existing as of January 26, 1990 where density limits of the zone would not be exceeded and new floor area would not be added. The requirements of this subsection shall not be eligible for a variance according to the provisions of Section 23.40.020.

G. A structure occupied by a permitted use other than single-family or multifamily residential use may be partially or wholly converted to single-family or multifamily residential use even if the structure does not conform to the development standards for residential uses in the multifamily zones. One (1) unit may be added without a parking space according to provisions of Section 23.54.020. If the only use of the structure will be residential and if two (2) or more units are being created and there is no feasible way to provide the required parking, then the Director may authorize reduction or waiver of parking as a special exception according to the standards of Section 23.54.020 E. Expansions of nonconforming converted structures and conversions of structures occupied by nonconforming uses shall be regulated by Sections 23.42.108 and 23.42.110.

H. When a subdivision is proposed for townhouses, cottage housing, clustered housing, or single-family residences in Lowrise zones, the subdivision shall be subject to the provisions of Section 23.24.045, Unit lot subdivisions.

I. When construction of townhouses, cottage housing, clustered housing, or single-family residences in Lowrise zones is proposed on a series of adjoining legally platted lots where each dwelling unit is contained within the existing boundaries of each existing lot, these lots may be sold as separate legal sites without unit subdivision approval but subject to the provisions of Section 23.24.045, Unit lot subdivisions.

J. Except as provided in subsections H and I above, multifamily zoned lots that have no street frontage shall be subject to the following for purposes of structure width, depth, modulation and setbacks:

1. For lots that have only one (1) alley lot line, the alley lot line shall be treated as a front lot line.
2. For lots that have more than one (1) alley lot line, only one (1) alley lot line shall be treated as a front lot line.
3. For lots that have no alley lot lines, the applicant may choose the front lot line provided that the selected front lot line length is at least fifty (50) percent of the width of the lot.

K. Solid Waste and Recyclable Materials Storage Space.

1. Storage space for solid waste and recyclable materials containers shall be provided for all new and expanded multifamily structures as indicated in the table below. For the purposes of this subsection, “expanded

multifamily structure” means expansion of multifamily structures with ten (10) or more existing units by two (2) or more units.

Multifamily Structure Size	Minimum Area for Storage Space	Container Type
7—15 units	75 square feet	Rear-loading containers
16—25 units	100 square feet	Rear-loading containers
26—50 units	150 square feet	Front-loading containers
51—100 units	200 square feet	Front-loading containers
More than 100 units	200 square feet plus 2 square feet for each additional unit	Front-loading containers

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

- a. The storage space shall have no minimum dimension (width and depth) less than six (6) feet;
- b. The floor of the storage space shall be level and hard-surfaced (garbage or recycling compactors require a concrete surface); and
- c. If located outdoors, the storage space shall be screened from public view and designed to minimize any light and glare impacts.

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

- a. The storage space shall be located within the private property boundaries of the structure it serves and, if located outdoors, it shall not be located between a street facing facade of the structure and the street;
- b. The storage space shall not be located in any required driveways, parking aisles, or parking spaces for the structure;
- c. The storage space shall not block or impede any fire exits, public rights-of-ways or any pedestrian or vehicular access; and
- d. The storage space shall be located to minimize noise and odor to building occupants and neighboring developments.

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

- a. For rear-loading containers (usually two (2) cubic yards or smaller):
 - (1) Any proposed ramps to the storage space shall be of six (6) percent slope or less, and
 - (2) Any proposed gates or access routes shall be a minimum of six (6) feet wide; and
- b. For front-loading containers (usually larger than two (2) cubic yards):
 - (1) Direct access shall be provided from the alley or street to the containers,
 - (2) Any proposed gates or access routes shall be a minimum of ten (10) feet wide, and

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

5. The solid waste and recyclable materials storage space specifications required in subsections K1, 2, 3, and 4 of this section, in addition to the number and sizes of containers, shall be included on the plans submitted with the permit application.

6. The Director, in consultation with the Director of Seattle Public Utilities, shall have the discretion to modify the requirements of subsections K1, 2, 3, and 4 of this section under the following circumstances:

- a. When the applicant can demonstrate difficulty in meeting any of the requirements of subsections K1, 2, 3, and 4; or
- b. When the applicant proposes to expand a multifamily building, and the requirements of subsections K1, 2, 3, and 4 conflict with opportunities to increase residential densities; and
- c. When the applicant proposes alternative, workable measures that meet the intent of this section. (Ord. 120293 §§ 6, 7, 2001; Ord. 120117 § 8, 2000; Ord. 119836 § 1, 2000; Ord. 119242 § 4, 1998; Ord. 118794 § 23, 1997; Ord. 118414 § 16, 1996; Ord. 117430 § 43, 1994; Ord. 117173 § 2, 1994; Ord. 115326 § 6, 1990; Ord. 115043 § 2, 1990; Ord. 114887 § 3, 1989; Ord. 113041 § 1, 1986; Ord. 111390 § 14, 1983; Ord. 110570 § 3(part), 1982.)

1. Editor’s Note: Ordinance 119242, codified in this section, was passed by the City Council on November 30, 1998.

23.45.007 Transportation concurrency level-of-service standards.

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

Part 2 Lowrise Zones

23.45.008 Density—Lowrise zones.

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

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

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

- Lowrise 3 — One (1) dwelling unit per five hundred fifty (550) square feet of lot area.
- Lowrise 4 — One (1) dwelling unit per four hundred (400) square feet of lot area.

2. In order to qualify for the density provisions of this subsection, a majority of the dwelling units of the structure shall be designed for and dedicated to tenancies of at least three (3) months.

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

C. In the Lowrise Duplex/Triplex zone, the minimum lot area per dwelling unit for cottage housing developments shall be one (1) dwelling unit per one thousand six hundred (1,600) square feet of lot area. In Lowrise Duplex/Triplex and Lowrise 1 zones, the minimum lot area for cottage housing developments shall be six thousand four hundred (6,400) square feet.

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

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

F. Adding Units to Existing Structures in Multifamily zones.

1. In all multifamily zones, one additional dwelling unit may be added to an existing multifamily structure regardless of the density restrictions in subsections A, B and C above. This provision shall only apply when the proposed unit is to be located entirely within an existing structure.

2. For the purposes of this subsection “existing structures” shall be those structures or portions of structures that were established under permit, or for which a permit has been granted and has not expired as of October 31, 2001.

(Ord. 120608 § 1, 2001; Ord. 119242 § 5, 1998; Ord. 119239 § 14, 1998; Ord. 117173 § 3, 1994; Ord. 115326 § 7, 1990; Ord. 114888 § 2, 1989; Ord. 114887 § 4(part), 1989.)

23.45.009 Structure height—Lowrise zones.

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

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

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

C. Pitched Roofs.

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

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

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

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

D. Rooftop Features.

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

2. Open railings, planters, skylights, clerestories, greenhouses, parapets and firewalls may extend no higher than the ridge of a pitched roof permitted under subsection C above or four (4) feet above the maximum height limit set in subsection A of this section. For cottage housing developments, these rooftop features may extend four (4) feet above the eighteen (18) foot height limit.

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

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

- a. Stair and elevator penthouses;
- b. Mechanical equipment;
- c. Play equipment and open-mesh fencing which encloses it, so long as the fencing is at least five (5) feet from the roof edge;
- d. Chimneys;
- e. Minor communication utilities and accessory communication devices, except that height is regulated according to the provisions of Section 23.57.011.

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

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

- a. Solar collectors;
- b. Planters;
- c. Clerestories;
- d. Greenhouses;
- e. Minor communication utilities and accessory communication devices, permitted according to the provisions of Chapter 23.57.011;
- f. Nonfirewall parapets;
- g. Play equipment.

7. For height limits and exceptions for communication utilities and devices, Section 23.57.011.

E. Sloped Lots. Additional height shall be permitted for sloped lots, at the rate of one (1) foot for each six (6) percent of slope, to a maximum of five (5) feet. The additional height shall be permitted on the downhill side of the structure only, as described in Section 23.86.006 C. (Ord. 120928 § 6, 2002; Ord. 120609 § 6, 2001; Ord. 120117 § 9, 2000; Ord. 119242 § 6, 1998; Ord. 117173 § 4, 1194; Ord. 116295 § 4, 1992; Ord. 115043 § 3, 1990; Ord. 114909 § 1, 1990; Ord. 114888 § 3, 1989; Ord. 114887 § 4(part), 1989.)

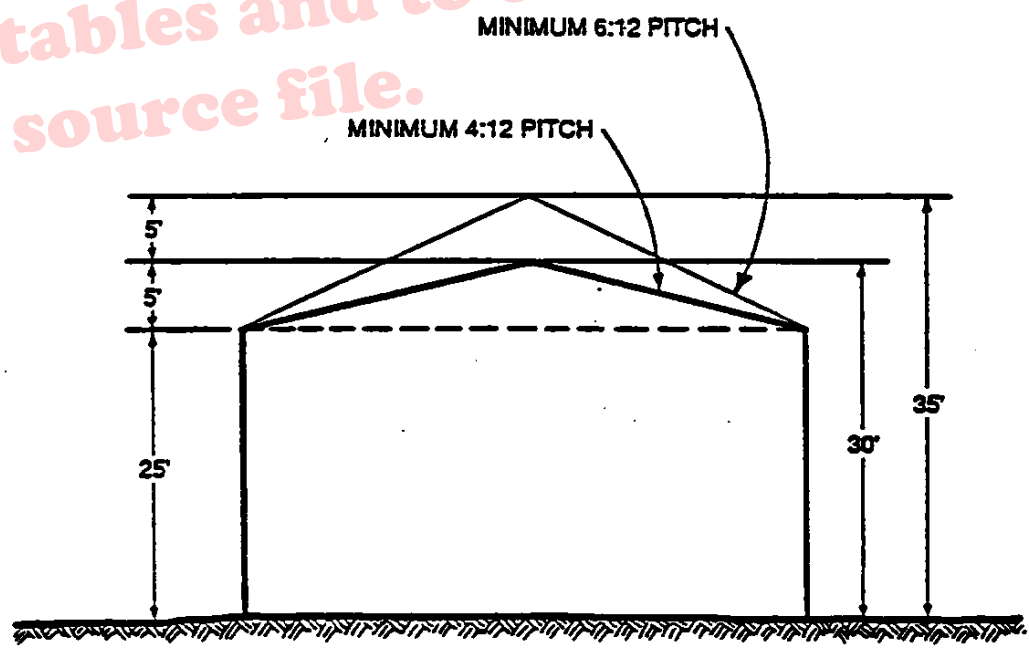
23.45.010 Lot coverage—Lowrise zones.

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

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

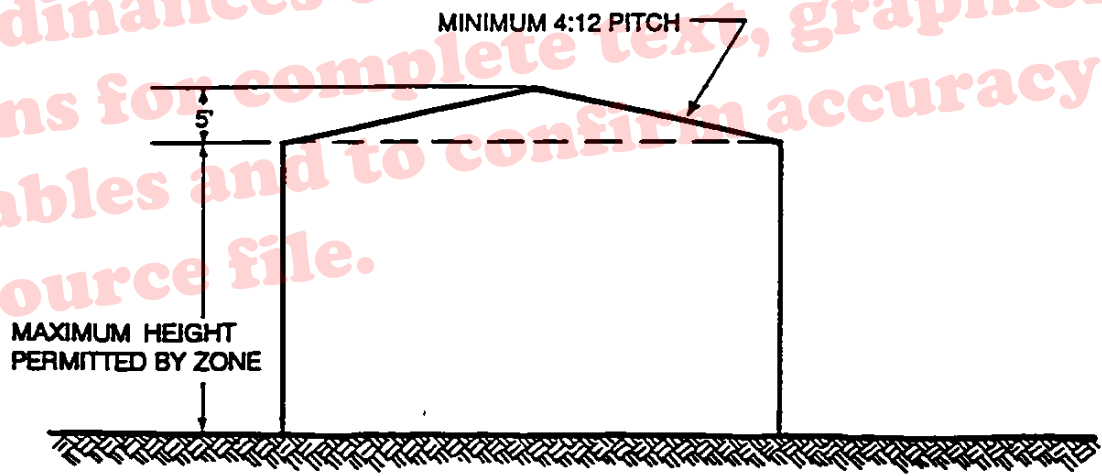
See ordinances creating and amending
sections for complete text, graphics,
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Exhibit 23.45.009 B
Lowrise 2, Lowrise 3 and
Lowrise 4 Zones, Pitched Roof Exception



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8. Decks or parts of a deck that are eighteen (18) inches or less above existing grade. (Ord. 118794 § 24, 1997; Ord. 118414 § 17, 1996; Ord. 117430 § 44, 1994; Ord. 117173 § 5, 1994; Ord. 114888 § 4, 1989; Ord. 114887 § 4(part), 1989.)

23.45.011 Structure width and depth—Lowrise zones.

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

B. The minimum width for structures in Lowrise Duplex/Triplex zones shall be twenty (20) feet. (Ord. 114888 § 5, 1989; Ord. 114887 § 4(part), 1989.)

**Table 23.45.011 A
 Structure Width and Depth in Lowrise Zones**

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

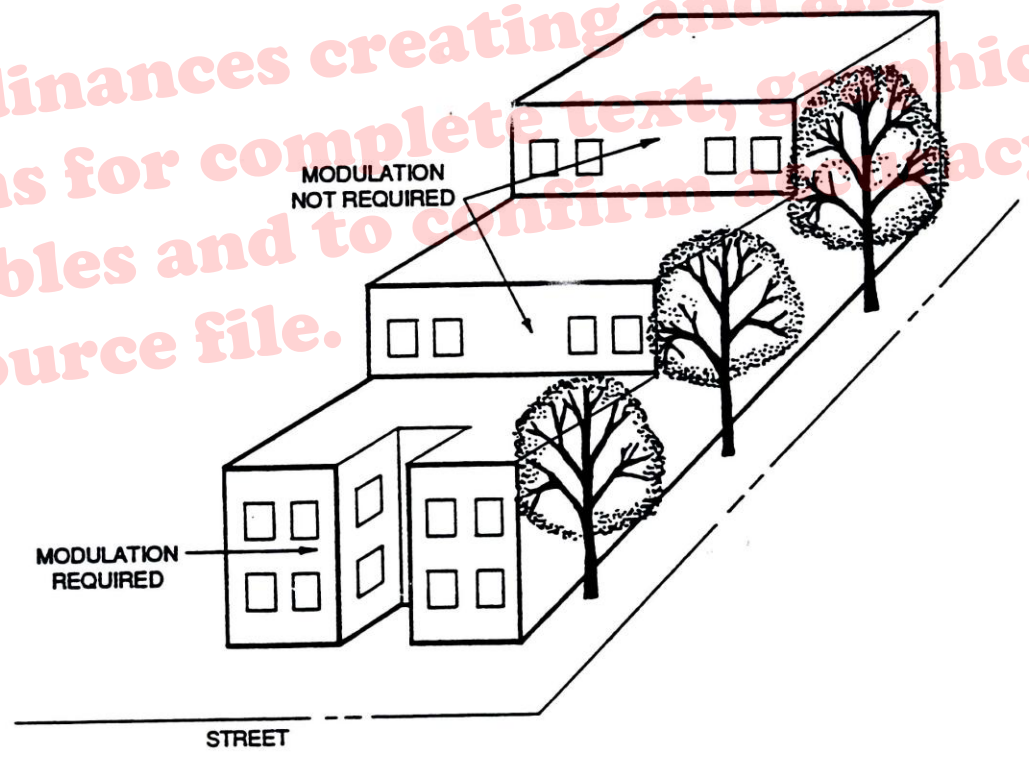
23.45.012 Modulation requirements—Lowrise zones.

- A. Front Facades.
 - 1. Modulation shall be required if the front facade width exceeds thirty (30) feet with no principal entrance facing the street, or forty (40) feet with a principal entrance facing the street.
 - 2. For terraced housing, only the portion of the front facade closest to the street is required to be modulated. (See Exhibit 23.45.012 A.)
- B. Side Facades. On corner lots, side facades which face the street shall be modulated if greater than forty (40) feet in width for ground-related housing, and thirty (30) feet in width for apartments. Modulation shall not be required for the side facades of terraced housing.
- C. Interior Facades. Within a cluster development all interior facades wider than forty (40) feet shall be modulated according to the standards of subsection D of Section 23.45.012, provided that the maximum modulation width shall be forty (40) feet. Perimeter facades shall follow standard development requirements.
- D. Modulation Standards.
 - 1. Lowrise Duplex/Triplex and Lowrise 1 Zones.
 - a. Minimum Depth of Modulation.
 - (1) The minimum depth of modulation shall be four (4) feet. (See Exhibit 23.45.012 B.)
 - (2) When balconies are part of the modulation and have a minimum dimension of at least six (6) feet and a minimum area of at least sixty (60) square feet, the minimum depth of modulation shall be two (2) feet. (See Exhibit 23.45.012 C.)

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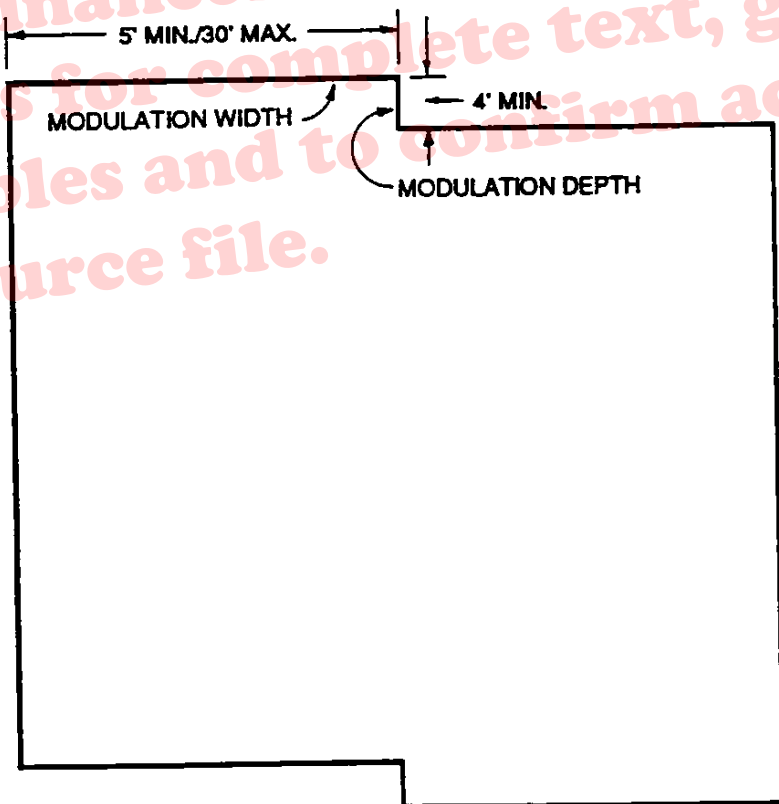
Exhibit 23.45.012 A
Terraced House Modulation



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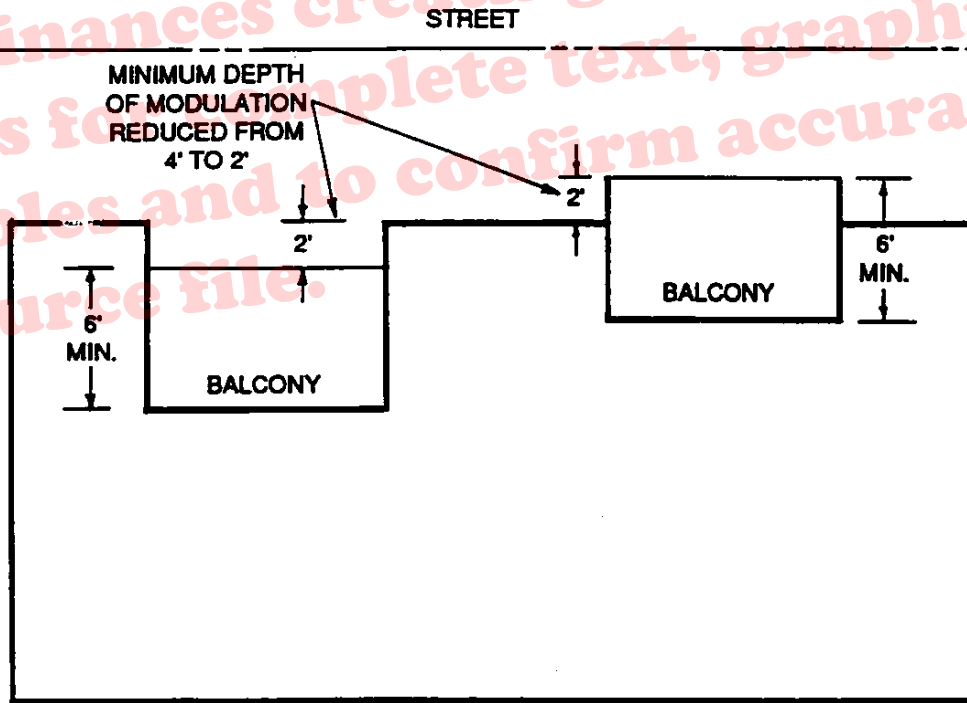
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Exhibit 23.45.012 B
Lowrise Duplex/Triplex, Lowrise 1,
Lowrise 2 and Lowrise 3 Zones,
Required Width and Depth of Modulation



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Exhibit 23.45.012 C
Reduction in Modulation Depth for Balconies



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

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

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

a. Minimum Depth of Modulation.

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

(2) When balconies are part of the modulation and have a minimum dimension of at least six (6) feet and a minimum area of at least sixty (60) square feet, the minimum depth of modulation shall be two (2) feet. (See Exhibit 23.45.012 C.)

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

c. Maximum Width of Modulation.

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

(2) Exceptions to Maximum Width of Modulation in Lowrise 2, Lowrise 3 and Lowrise 4 Zones.

i. When facades provide greater depth of modulation than required by subsection D1 of this section, then for every additional full foot of modulation depth, the width of modulation may be increased by two and one-half (2¹/₂) feet, to a maximum width of forty (40) feet in Lowrise 2 zones and forty-five (45) feet in Lowrise 3 and Lowrise 4 zones. Subsection B of Section 23.86.002, measurements, shall not apply.

ii. The maximum width of modulation may be increased when facades are set back from the lot line further than the required setback, according to the following guideline: The width of modulation of such a facade shall be permitted to exceed thirty (30) feet by one (1) foot for every foot of facade setback beyond the required setback. This provision shall not be combined with the provisions of subsection D2c(2)i, nor shall it permit facades to exceed forty-five (45) feet in width without modulation.

3. In Lowrise 1, Lowrise 2, Lowrise 3 and Lowrise 4 zones required modulation may start a maximum of ten (10) feet above existing grade, and shall be continued up to the roof. In Lowrise Duplex/Triplex zones modulation shall extend from the ground to the roof except for weather protection coverings such as awnings.

(Ord. 120117 § 10, 2000; Ord. 114888 § 6, 1989; Ord. 114887 § 4(part), 1989.)

23.45.014 Setback requirements—Lowrise zones.

A. Front Setback.

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

Lowrise

Duplex/

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

Lowrise 1, Lowrise 2 and

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

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

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

3. Townhouses.

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

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

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

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

B. Rear Setbacks. Rear setbacks shall be provided as follows:

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

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

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

2. Alleys. When a property abuts upon an alley along a rear lot line, the centerline of the alley between the side lot lines extended shall be used as the rear lot line for purposes of measuring a rear setback; provided that at no point shall the principal structure be closer than ten (10) feet to the actual property line at the alley. If the provisions of subsection H of this section are used, this subsection may not be used.

C. Side Setbacks.

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

**Table 23.45.014 A
Side Setbacks—Lowrise Zones**

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

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

2. When there is a principal entrance along a side facade not facing a street or alley, the following shall apply except for cottage housing developments:

a. In addition to the setback required in Table 23.45.014 A, the principal entrance door(s) shall be recessed three (3) feet. This requirement for a recessed entrance shall apply only to a height necessary to accommodate the entrance.

b. Screening along the side property line that faces the principal entrance(s) shall be provided in the form of a wall or fence that meets the standard in subsection G of this section. In order to ensure adequate access width, this screening shall supersede the landscape requirement along property lines that abut single-family zoned lots contained in Section 23.45.015 B1b.

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

D. Required Setbacks for Cluster Developments.

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

2. In Lowrise 1, Lowrise 2, Lowrise 3 and Lowrise 4 zones where two (2) or more principal structures

are located on a lot, the required setback between those portions of interior facades which face each other shall be as follows:

**Table 23.45.014 C
Required Setback Between Facing Facades
Lowlrise Zones**

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

3. Setbacks shall apply only to portions of the facades that are directly across from each other.

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

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

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

c. All elevated walkways shall meet the following standards:

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

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

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

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

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

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

acades of principal structures facing facades of accessory structures shall be separated by a minimum of three (3) feet.

F. Projections into Required Setbacks.

1. Special Features of a Structure.

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

b. Bay windows shall be limited to eight (8) feet in width and may project no more than two (2) feet into a front, rear, or street side setback. In no case shall bay windows be closer than five (5) feet to any lot line.

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

d. The combined area of features permitted in subsections F1b and c above may comprise no more than thirty (30) percent of the area of the facade.

2. Unenclosed Decks and Balconies.

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

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

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

d. All permitted projections into required front and rear setbacks shall begin a minimum of eight (8) feet above finished grade.

3. An unenclosed porch or steps may extend a maximum of six (6) feet into the required front setback at ground level, provided that it is set back the same distance from the front lot line as that required for unenclosed decks and balconies.

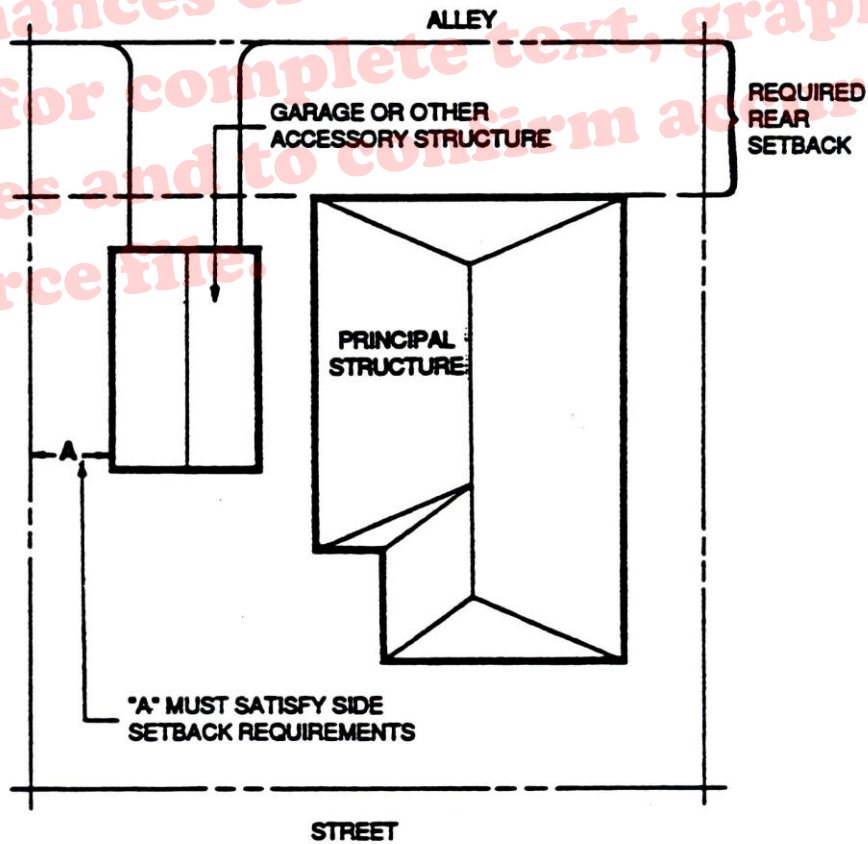
G. Structures in Required Setbacks.

1. Detached garages, carports, or other accessory structures are permitted in the required rear setback, provided that any accessory structure located between a principal structure and the side lot line shall provide the setback required for the principal structure. (See Exhibit 23.45.014 A.)

For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
December 2002 code update file
Text provided for historic reference only.

Exhibit 23.45.014 A
Accessory Structures in Required Setbacks



For current SMC, contact
the Office of the City Clerk

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

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

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

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

a. Fences, freestanding walls, signs and other similar structures six (6) feet or less in height above existing or finished grade whichever is lower, are permitted in required front, side, or rear setbacks. The six (6) foot height may be averaged above sloping grade for each six (6) foot long segment of the fence, but in no case may any portion of the fence exceed eight (8) feet.

Architectural features may be added to the top of the fence or freestanding wall above the six (6) foot height when the following provisions are met: horizontal architectural feature(s), no more than ten (10) inches high and separated by a minimum of six (6) inches of open area, measured vertically from the top of the fence, may be permitted when the overall height of all parts of the structure, including post caps, are no more than eight (8) feet high; averaging the eight (8) foot height is not permitted. Structural supports for the horizontal architectural feature(s) may be spaced no closer than three (3) feet on center.

b. The Director may allow variation from the development standards listed in subsection G4a above, according to the following:

i. No part of the structure may exceed eight (8) feet;

ii. Any portion of the structure above six (6) feet shall be predominately open, such that there is free circulation of light and air.

c. Bulkheads and retaining walls used to raise grade may be placed in any required yard when limited to six (6) feet in height, measured above existing grade. A guardrail no higher than forty-two (42) inches may be placed on top of a bulkhead or retaining wall existing as of the date of the ordinance codified in this section. If a fence is placed on top of a new bulkhead or retaining wall, the maximum combined height is limited to nine and one-half (9^{1/2}) feet.

d. Bulkheads and retaining walls used to protect a cut into existing grade may not exceed the minimum height necessary to support the cut or six (6) feet, whichever is greater. When the bulkhead is measured from the low side and it exceeds six (6) feet, an open guardrail of no more than forty-two (42) inches meeting Building Code

requirements may be placed on top of the bulkhead or retaining wall. A fence must be set back a minimum of three (3) feet from such a bulkhead or retaining wall.

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

6. Underground structures are permitted in all setbacks.

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

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

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

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

H. Front and rear setbacks may be reduced by twenty-five (25) percent, but no more than five (5) feet, if the site contains a required environmentally critical area buffer or other area of the property which can not be disturbed pursuant to the provisions of subsection A of Section 25.09.280 of SMC Chapter 25.09, Regulations for Environmentally Critical Areas.

(Ord. 120410 § 6, 2001; Ord. 120117 § 11, 2000; Ord. 119791 § 7, 1999; Ord. 119242 § 7, 1998; Ord. 119239 § 15, 1998; Ord. 118794 § 25, 1997; Ord. 118414 § 18, 1996; Ord. 117430 § 45, 1994; Ord. 117263 § 17, 1994; Ord. 117173 § 6, 1994; Ord. 116262 § 11, 1992; Ord. 115326 § 8, 1990; Ord. 115043 § 4, 1990; Ord. 114888 § 7, 1989; Ord. 114887 § 4(part), 1989.)

23.45.015 Screening and landscaping requirements—Lowrise zones.

A. Quantity.

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

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

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

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

5. Exceptions.

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

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

B. Development Standards.

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

- a. Along street property lines;
- b. Along property lines which abut single-family zoned lots;
- c. Along alleys across from single-family zoned lots.

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

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

C. Tree Requirements in Landscaped Areas in Lowrise Duplex/Triplex, Lowrise 1, and Lowrise 2 Zones.

1. Trees shall be required when new lowrise multifamily dwelling units are constructed. This requirement may be met using options in subsection C1a or C1b below. The minimum number of caliper inches of tree required per lot may be met through using either the tree preservation option or tree planting option set forth below, or through a combination of preservation and planting.

Trees within public and private rights-of-way may not be used to meet this standard.

a. Tree Preservation Option. For lots over three thousand (3,000) square feet, at least two (2) caliper inches of existing tree per one thousand (1,000) square feet of lot area must be preserved. On lots that are three thousand (3,000) square feet or smaller, at least three (3) caliper inches of existing tree must be preserved per lot. When this option is used, a tree preservation plan is required.

b. Tree Planting Option. For lots over three thousand (3,000) square feet, at least two (2) caliper inches of tree per one thousand (1,000) square feet of lot area must be planted. On lots that are three thousand (3,000) square feet or smaller, at least three (3) caliper inches of tree must be planted per lot.

2. Tree Measurements. Trees planted to meet the requirements in subsection C1 above shall be at least one and one-half (1.5) inches in diameter. The diameter of new trees shall be measured (in caliper inches) six (6) inches above the ground. Existing trees shall be measured four and one-half (4.5) feet above the ground. When an existing tree is three (3) to ten (10) inches in diameter, each one (1) inch counts as one (1) inch toward meeting the tree requirements in subsection C1 above. When an existing tree is more than ten (10) inches in diameter, each one (1) inch of the tree that is over ten (10) inches shall count as three (3) inches toward meeting the tree requirement.

3. Tree Preservation Plans. If the tree preservation option is chosen, a tree preservation plan must be submitted and approved. The plan may be submitted as part of the overall landscaping plan for the project. Tree preservation plans shall provide for protection of trees during construction according to standards promulgated by the Department of Design, Construction and Land Use. (Ord. 120117 § 12, 2000; Ord. 119792 § 2, 1999; Ord. 118409 § 178, 1996; Ord. 116744 § 2, 1993; Ord. 114887 § 4(part), 1989.)

23.45.016 Open space requirements—Lowrise zones.

A. Quantity of Open Space.

1. Lowrise Duplex/Triplex Zones.

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

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

- (1) A minimum of two hundred (200) square feet per unit shall be private usable open space; and
- (2) A minimum of one hundred fifty (150) square feet per unit shall be provided as common open space.

c. Structures with Two Dwelling Units. At least one (1) unit shall have direct access to a minimum of four

hundred (400) square feet of private, usable open space. The second unit shall also have direct access to four hundred (400) square feet of private, usable open space; or six hundred (600) square feet of common open space shall be provided on the lot.

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

2. Lowrise 1 Zones.

a. Ground-related Housing.

(1) An average of three hundred (300) square feet per unit of private, usable open space, at ground level and directly accessible to each unit, shall be required, except for cottage housing developments. No unit shall have less than two hundred (200) square feet of private, usable open space. When a new unit that is not a ground-related unit is added to an existing structure, common open space at ground level shall be provided for the new unit. As long as the average per unit amount of open space is maintained at three hundred (300) square feet on the lot, a minimum of two hundred (200) square feet of common open space at ground level shall be provided for the unit but it does not have to be directly accessible to the unit.

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

b. Apartments. An average of three hundred (300) square feet per unit of common open space, with a minimum of two hundred (200) square feet, shall be provided at ground level, but it does not have to be directly accessible to the unit.

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

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

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

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

a. Ground-related Housing.

(1) In Lowrise 2 and Lowrise 3 zones an average of three hundred (300) square feet per unit of private, usable open space, at ground level and directly accessible to each unit, shall be required. No unit shall have

less than two hundred (200) square feet of private, usable open space.

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

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

b. Apartments.

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

(2) Lowrise 3 and Lowrise 4 Zones.

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

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

B. Development Standards.

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

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

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

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

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

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

(1) In Lowrise 1 zones the required open space shall be provided in one (1) contiguous parcel, except that in cottage housing developments, the open space shall be allotted as described in subsections A2c above and B1c(5) below. In Lowrise 2, Lowrise 3 and Lowrise 4 zones, the required open space for each ground-related dwelling unit is not required to be in one (1) contiguous area, but no open space area shall be less than one hundred twenty (120) square feet. No horizontal dimension of the open space shall be less than ten (10) feet.

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

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

- i. The open space may be terraced; and
- ii. Minor adjustments in level shall be permitted as long as the difference in elevation between the highest and lowest point does not exceed two (2) feet.

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

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

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

(5) Lowrise 1 Zone—Cottage Housing Developments.

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

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

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

e. To ensure privacy of open space, openings such as windows and doors on the ground floor of walls of

a dwelling unit, or common areas which directly face the open space of a different unit, are prohibited, unless such openings are screened by view-obscuring fences, freestanding walls or wingwalls.

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

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

2. Lowrise 1, Lowrise 2, Lowrise 3 and Lowrise 4 Zones—Apartments.

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

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

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

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

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

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

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

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

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

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

g. When a transmitting antenna is sited or proposed to be sited on a rooftop where required open space is located, see Section 23.57.011.

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

C. Open Space Relationship to Grade.

1. The elevation of open space for ground-related housing must be within ten (10) feet of the elevation of the dwelling unit it serves. The ten (10) feet shall be measured between the finished floor level of the principal living areas of a dwelling unit and the grade of at least fifty (50) percent of the required open space. Direct access to the open space shall be from at least one (1) habitable room of at least eighty (80) square feet of the principal living areas of the unit. Principal living areas shall not include foyers, entrance areas, closets or storage rooms, hallways, bathrooms or similar rooms alone or in combination.

2. The grade of the open space can either be the existing grade or within eighteen (18) inches of existing grade. The portion of the open space which is within ten (10) feet of the unit shall include the point where the access to the open space from the unit occurs.

3. The elevation of private usable open space for Lowrise Duplex/Triplex structures must be within four (4) feet of the elevation of the dwelling unit it serves. The four (4) feet shall be measured between the finished floor level of the dwelling unit and the grade of at least fifty (50) percent of the required open space. The grade of the open space can either be the existing grade or within eighteen (18) inches of existing grade. The maximum difference in elevation at the point of access shall be four (4) feet.

(Ord. 120928 § 7, 2002; Ord. 120117 § 13, 2000; Ord. 119242 § 8, 1998; Ord. 119239 § 16, 1998; Ord. 118794 § 26, 1997; Ord. 118414 § 19, 1996; Ord. 117173 § 7, 1994; Ord. 115043 § 5, 1990; Ord. 114888 § 8, 1989; Ord. 114887 § 4(part), 1989.)

23.45.017 Light and glare standards—Lowrise zones.

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

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

C. To prevent vehicle lights from affecting adjacent properties, driveways and parking areas for more than two (2) vehicles shall be screened from adjacent properties by a fence or wall between five (5) feet and six (6) feet in height, or a solid evergreen hedge or landscaped berm at least five (5) feet in height. If the elevation of the lot line is different from the finished elevation of the driveway or parking surface, the difference in elevation may be measured as a portion of the required height of the screen so long as the screen itself is a minimum of three (3) feet in height. The Director may waive the requirement for the screening if it is not needed due to changes in topography, agreements to maintain an existing fence, or the nature and location of adjacent uses.
(Ord. 115043 § 6, 1990.)

23.45.018 Parking and access—Lowrise zones.

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

B. Access to Parking.

1. Alley Access Required. Access to parking shall be from the alley when the site abuts a platted alley improved to the standards of subsection C of Section 23.53.030 or when the Director determines that alley access is feasible and desirable to mitigate parking access impacts. Except as provided in subsections B2 or B3 of this section, street access shall not be permitted.

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

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

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

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

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

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

a. Topography makes alley access infeasible;

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

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

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

C. Location of Parking.

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

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

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

b. For apartments, the parking is screened from direct street view by the street-facing facades of the structure. For each permitted curbcut, the facades may

contain one (1) garage door, not to exceed the maximum width allowed for curbscuts (see Exhibit 23.45.018 A).

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

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

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

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

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

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

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

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

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

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

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

4. Location of Parking in Special Circumstances.

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

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

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

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

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

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

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

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

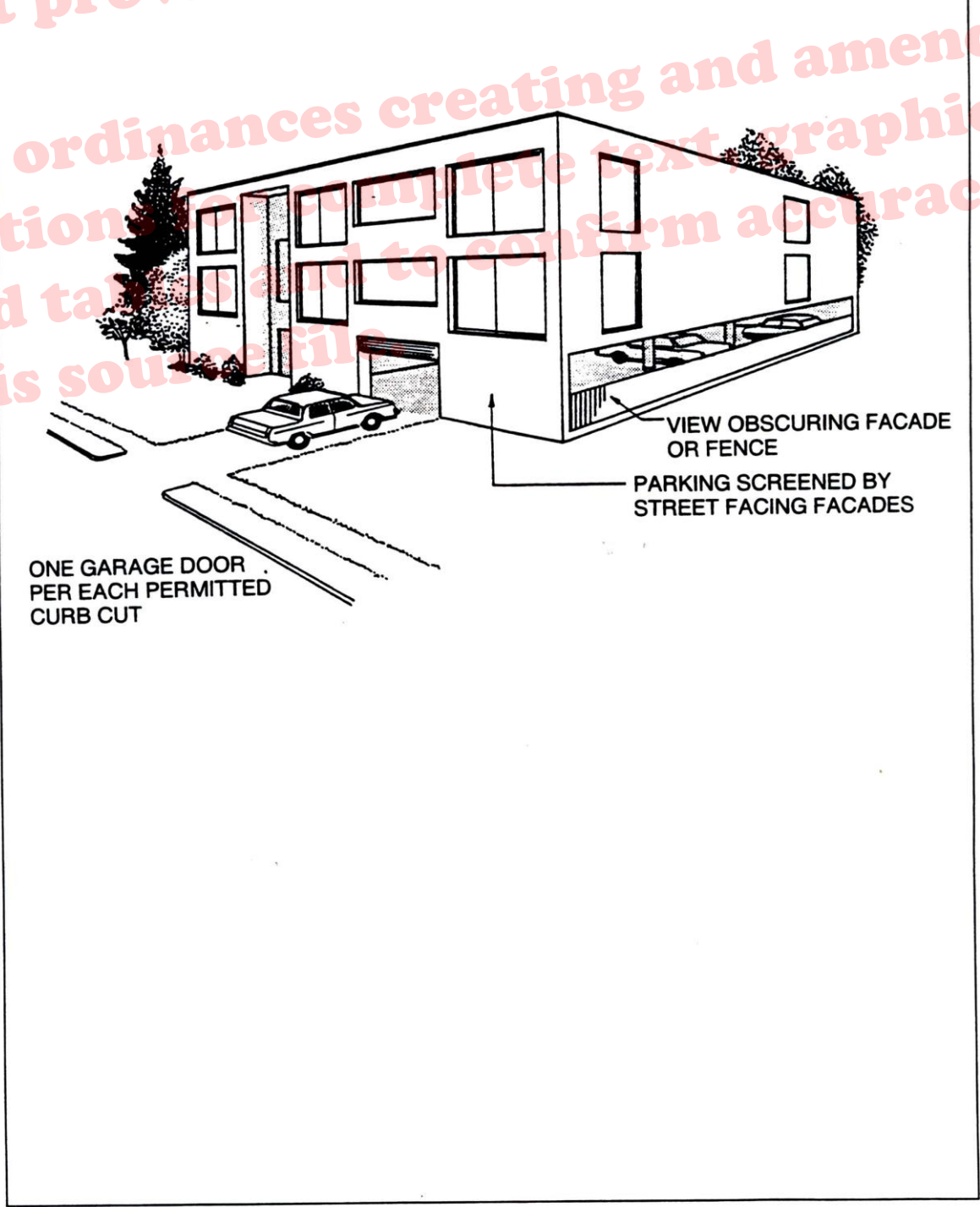
i. Ground-related Housing. Parking may be located between the structure and the front lot line,

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

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

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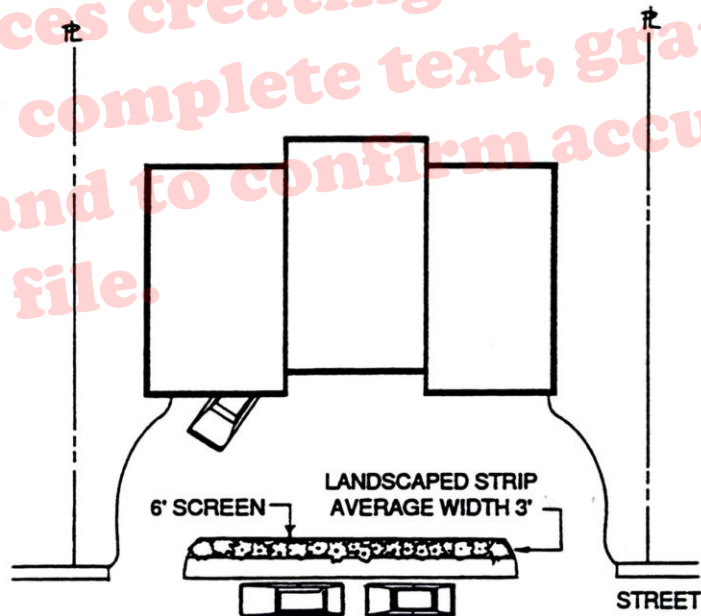
Exhibit 23.45.018 A
Parking Screened by Street Facing Facades



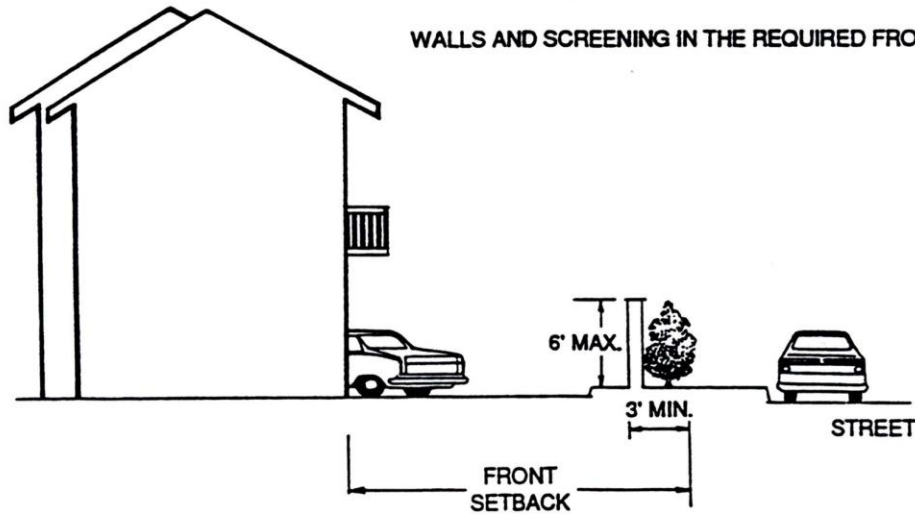
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Exhibit 23.45.018 B
Parking Screened by Fence and Landscaping
for Ground-Related Housing



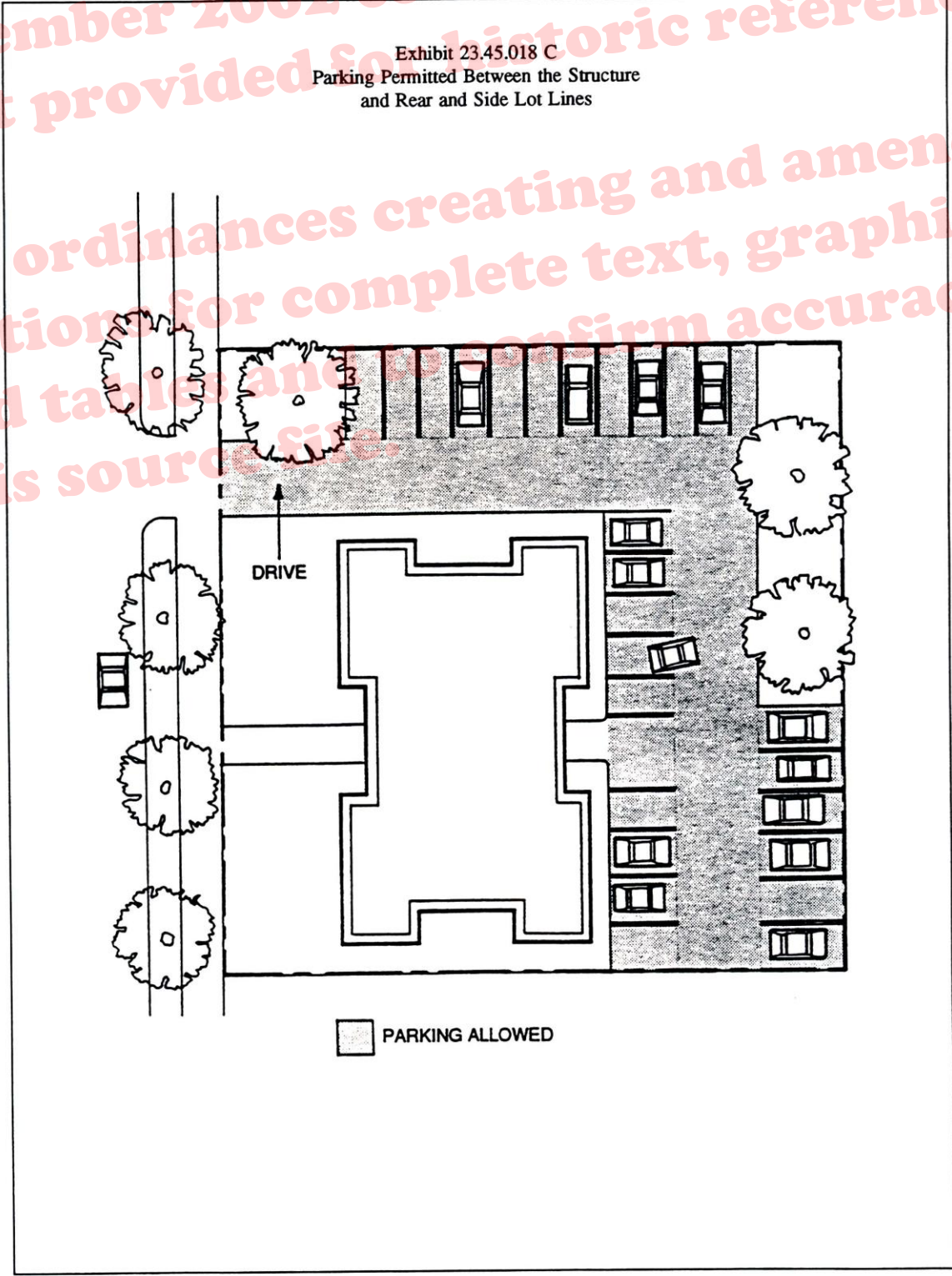
WALLS AND SCREENING IN THE REQUIRED FRONT



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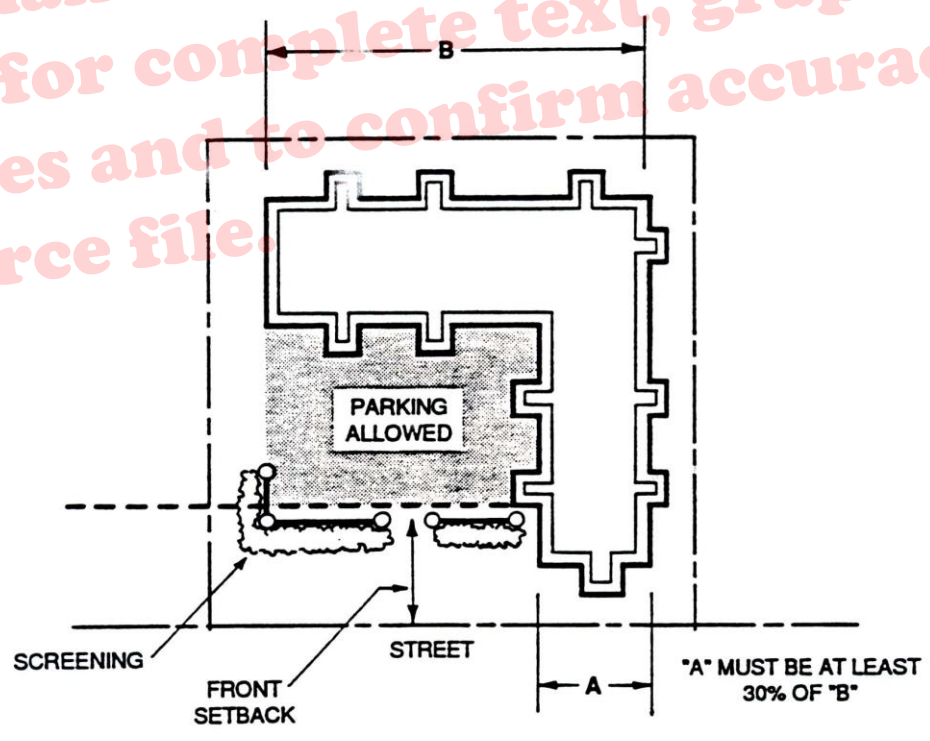
Exhibit 23.45.018 C
Parking Permitted Between the Structure
and Rear and Side Lot Lines



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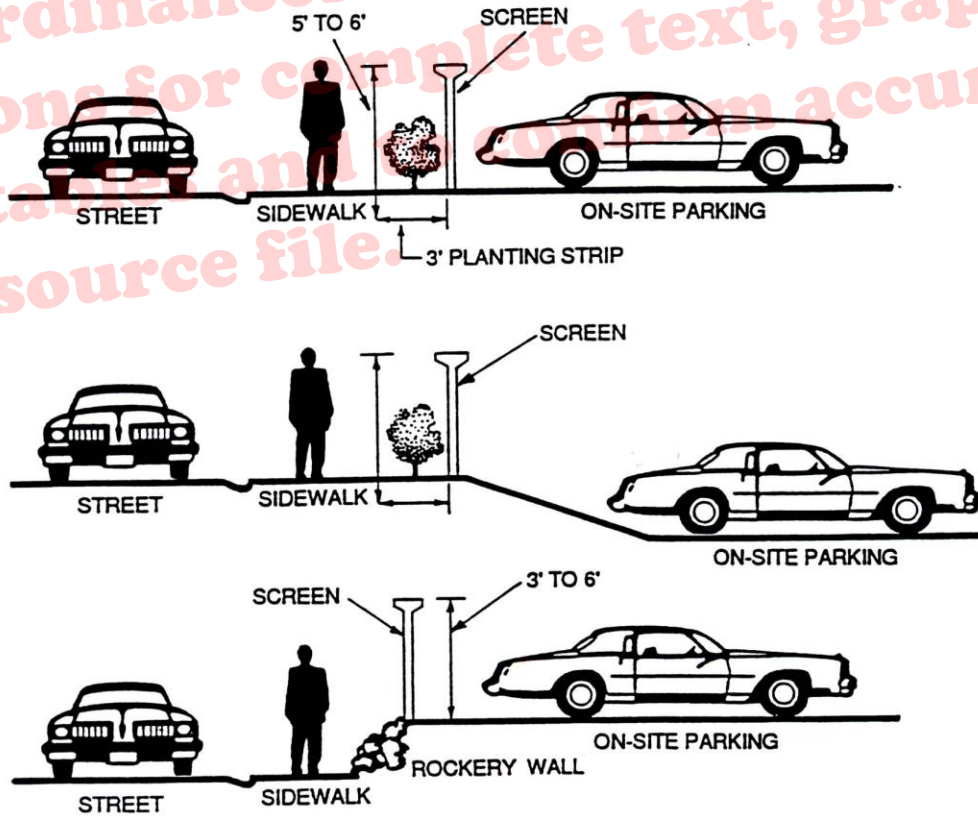
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Exhibit 23.45.018 D
Parking in Front of the Structure
When Beside a Portion of the Structure



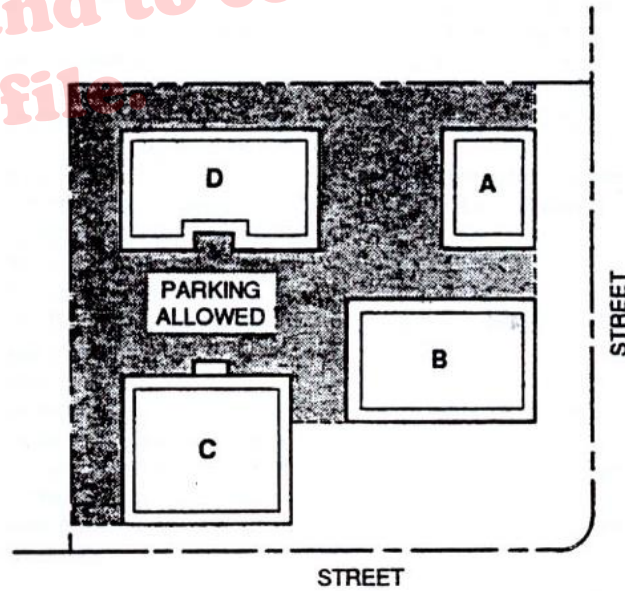
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Exhibit 23.45.018 F
Screening of Parking



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Exhibit 23.45.018 E
Parking in a Cluster Development



 PARKING PERMITTED
IN SHADED AREAS

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

D. Screening of Parking.

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

2. The height of the visual barrier created by the screen required in subsection D1 shall be measured from street level. If the elevation of the lot line is different from the finished elevation of the parking surface, the difference in elevation may be measured as a portion of the required height of the screen, so long as the screen itself is a minimum of three (3) feet in height (see Exhibit 23.45.018 F.).

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

(Ord. 120611 § 7, 2001; Ord. 120117 § 14, 2000; Ord. 118414 § 20, 1996; Ord. 117173 § 8, 1994; Ord. 115326 § 9, 1990; Ord. 114888 § 9, 1989; Ord. 114887 § 4(part), 1989.)

Part 3 (Reserved)

Part 4 (Reserved)

Part 5 Midrise

23.45.047 Midrise/85 zones.

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

(Ord. 116795 § 6.)

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

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

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

23.45.050 Midrise—Structure height.

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

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

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

D. Rooftop Features.

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

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

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

- a. Stair and elevator penthouses;
- b. Mechanical equipment;
- c. Play equipment and open-mesh fencing which encloses it, so long as the fencing is at least five (5) feet from the roof edge;
- d. Chimneys;
- e. Sun and wind screens;
- f. Penthouse pavilions for the common use

of residents;

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

h. Minor communication utilities and accessory communication devices, except that height is regulated according to the provisions of Section 23.57.011.

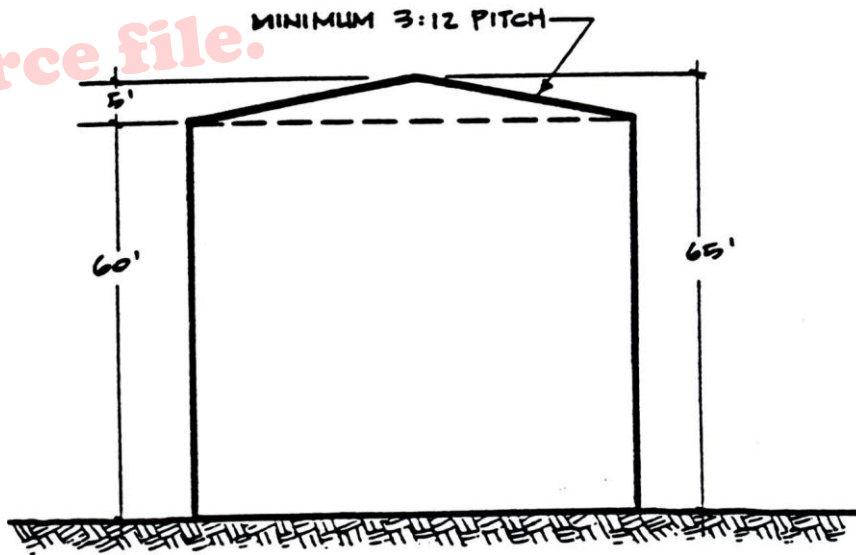
4. For height exceptions for solar collectors, see Section 23.45.146, Solar collectors.

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

- a. Solar collectors;
- b. Planters;
- c. Clerestories;
- d. Greenhouses;

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Exhibit 23.45.050 B
Midrise, Pitched Roof Exception



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e. Minor communication utilities and accessory communication devices, permitted according to the provisions of Section 23.57.011;

f. Nonfirewall parapets;

g. Play equipment;

h. Sun and wind screens;

i. Penthouse pavilions for the common use of residents.

6. For height limits and exceptions for communication utilities and devices, see Section 23.57.011. (Ord. 120928 § 8, 2002; Ord. 120117 § 15, 2000; Ord. 116295 § 5, 1992; Ord. 110793 § 27, 1982; Ord. 110570 § 3(part), 1982.)

23.45.052 Midrise—Structure width and depth.

A. Maximum Width.

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

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

B. Maximum Depth.

1. The maximum depth of a structure shall be:

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

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

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

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

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

b. When the lot area is larger than seven thousand (7,000) square feet, the required amount of usable open space shall be increased to thirty (30) percent of lot area. Not more than one-third (1/3) of the required open space may be provided above ground in the form of decks and balconies.

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

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

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

23.45.054 Midrise—Modulation requirements.

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

A. Front Facades.

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

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

B. Side Facades.

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

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

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

D. Modulation Standards.

1. Minimum Depth of Modulation.

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

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

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

3. Maximum Width of Modulation.

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

b. Exceptions to Maximum Width of Modulation.

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

(2) The maximum width of modulation may be increased when facades are set back from the lot line further than the required setback, according to the following guideline: The width of modulation of such a facade shall be permitted to exceed forty (40) feet by one (1) foot for every foot of facade setback beyond the required setback. This provision shall not be combined with

the provisions of D3b(1), nor shall it permit facades to exceed fifty (50) feet in width without modulation.

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

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

23.45.056 Midrise—Setback requirements.

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

A. Front Setback. The required front setback shall be the average of the setbacks of the first principal structures on either side, subject to the following provisions:

1. The front setback shall in no case be required to be more than five (5) feet greater than the setback of the first principal structure on either side which is closer to the front lot line.

2. The front setback shall in no case be required to exceed fifteen (15) feet.

3. Portions of the Structure in Front Setbacks.

a. Portions of a structure may project into the required front setback, as long as the average distance from the front property line to the structure satisfies the minimum front setback requirement.

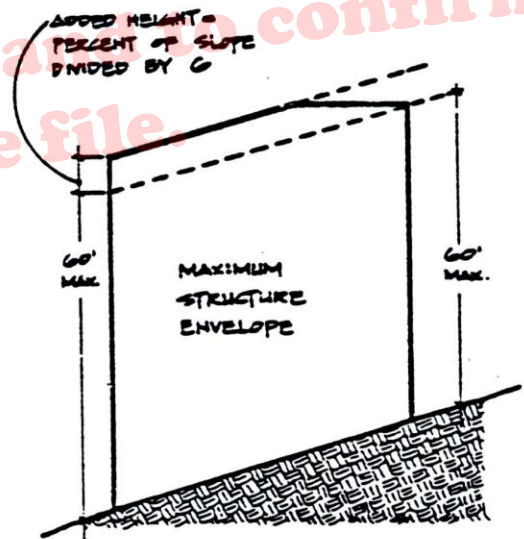
b. No portions of a structure between finished grade and eight (8) feet above finished grade shall be closer to the front lot line than five (5) feet.

c. Portions of the facade which begin eight (8) feet or more above finished grade may project up to four (4) feet beyond the lower portion of the facade, without being counted in setback averaging (Exhibit 23.45.056 A).

d. Portions of the facade which begin eight (8) feet or more above finished grade shall be no closer than three (3) feet to the front lot line (Exhibit 23.45.056 A).

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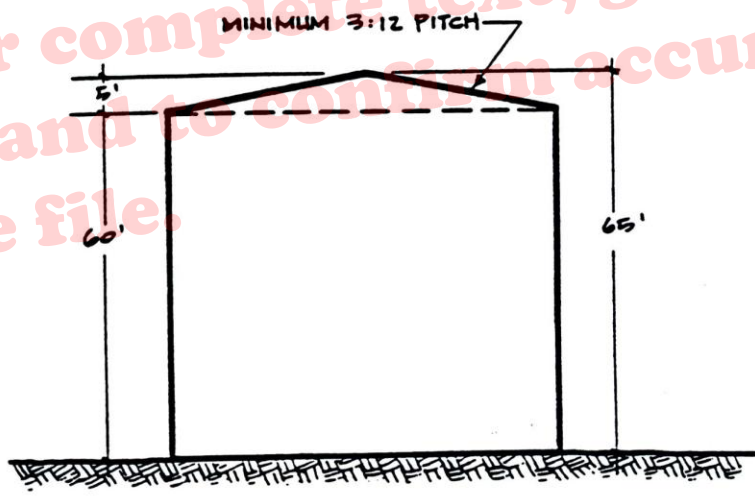
Exhibit 23.45.050 A
Midrise, Height Limit on Sloped Sites



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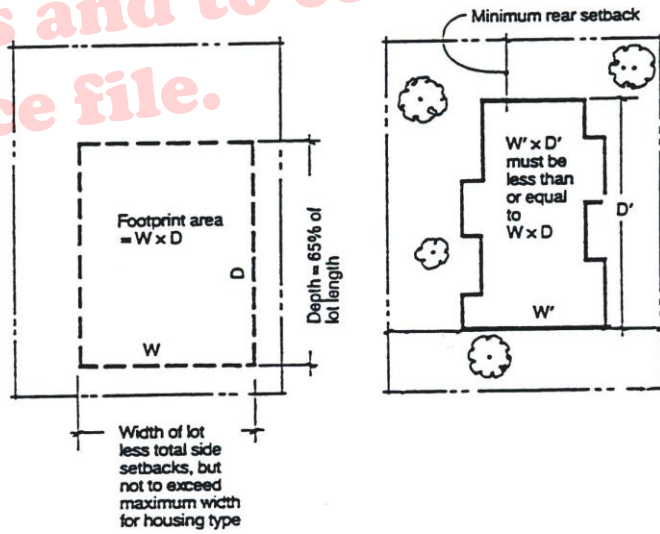
Exhibit 23.45.050 B
Midrise, Pitched Roof Exception



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Exhibit 23.45.052 A
Midrise, Structure Depth Exception

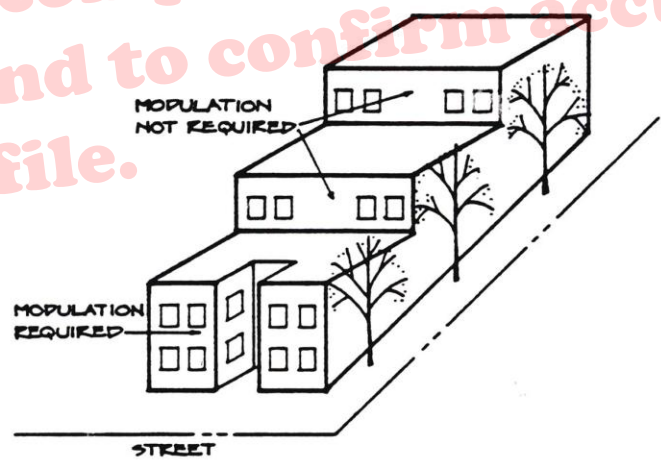
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Exhibit 23.45.054 A
Terraced Housing Modulation

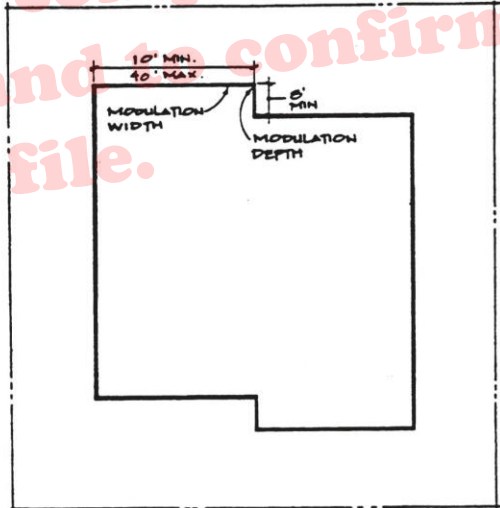


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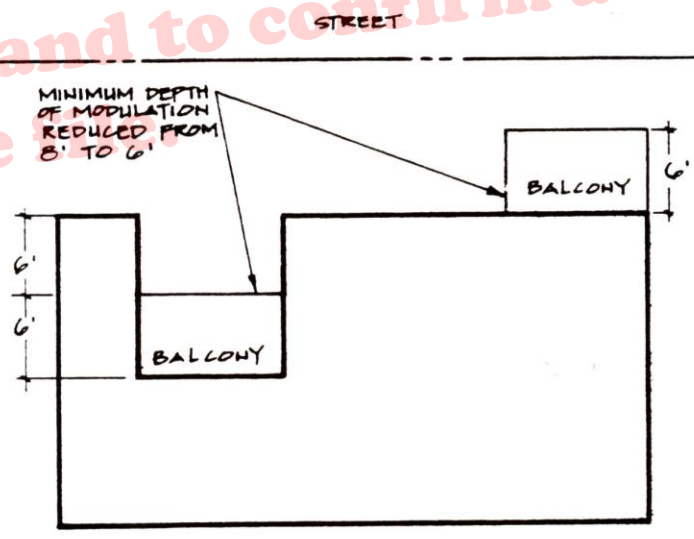
Exhibit 23.45.054 B
Midrise, Required Width and Depth of Modulation



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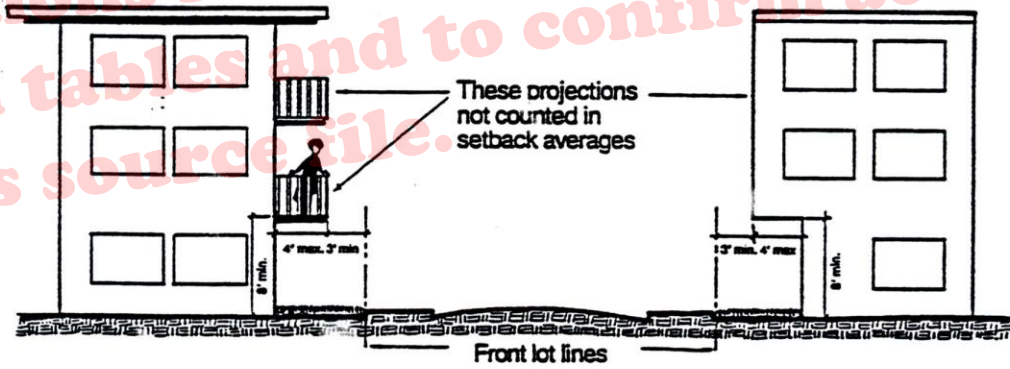
Exhibit 23.45.054 C
Midrise, Reduction in Modulation Depth
for Balcony



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Exhibit 23.45.056 A
Front Projections



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TABLE 23.45.056 A

Total Structure Depth in Feet	Height of Facade at Highest Point in Feet					Minimum Side Setback in Feet
	0—20	21—30	31—40	41—50	51 or more	
Average Side Setback in Feet						
65 or less	8	8	8	8	8	8
66—75	8.5	8.5	8.5	9.0	10.0	8
76—85	9.0	9.0	9.0	9.5	10.5	9
86—95	9.5	9.5	9.5	10.0	11.0	10
96—105	10.5	11.5	12.5	13.5	14.5	11
106—115	12.0	13.0	14.0	15.0	16.0	12
116—125	13.5	14.5	15.5	16.5	17.5	13
126—135	15.0	15.0	17.0	18.0	19.0	14
136—145	16.5	17.5	18.5	19.5	20.5	15
146—155	18.0	19.0	20.0	21.0	22.0	16
156—165	19.5	20.5	21.5	22.5	23.5	17
166—175	21.0	22.0	23.0	24.0	25.0	18
176—185	22.5	23.5	24.5	25.5	26.5	19
186—195	24.0	26.0	26.0	27.0	28.0	20

The pattern established in the table shall be continued for structures greater than one hundred ninety feet (190') in depth.

4. A greater setback may be required in order to meet the provisions of Section 23.53.015, Improvement requirements for existing streets in residential and commercial zones.

5. Front Setback Exceptions.

a. Structures Along Heavily Traveled Arterials. In order to reduce noise and glare impacts, multi-family structures located on principal arterials designated on Exhibit 23.53.015 A shall be allowed a reduction in the required front setback. The required front setback along these arterials may be reduced to either fifty (50) percent of the front setback specified in the development standards, or the front setback of the principal structure on either side, whichever is less.

b. Through Lots. In the case of a through lot, each setback abutting a street except a side setback shall be a front setback. Rear setback requirements shall not apply to the lot.

c. Parking in Rear. For sites which are required to locate the parking in the rear and have no alley, the required front setback shall be reduced by five (5) feet, so long as this does not reduce the required front setback to less than ten (10) feet.

d. Sloped Lots. On sloped lots with no alley access, the required front setback shall be fifteen (15) feet minus one (1) foot for each two (2) percent of slope. Slope shall be measured from the midpoint of the front lot line to the rear lot line, or for a depth of sixty (60) feet, whichever is less.

B. Rear Setback. The minimum rear setback shall be either:

1. Ten (10) feet, with modulation required along the rear facade according to the standards of Section 23.45.054 C; or

2. An average of fifteen (15) feet; provided, that no part of the setback shall be less than ten (10) feet.

C. Side Setbacks.

1. The required side setback shall be determined by structure depth and height, according to Table 23.45.056 A. The side setback may be averaged, provided that the setback is not less than three (3) feet for decks, balconies, and architectural features such as chimneys and cornices, and the minimum setback set forth in the table is observed for all portions of the structure.

2. Side Setback Exceptions. The side street setback of a reversed corner lot shall be as follows:

a. When the required front setback of the key lot is less than eight (8) feet, the side street setback shall be equal to the key lot's front setback.

b. When the required front setback of the key lot is at least eight (8) feet but not more than sixteen (16) feet, the side street setback shall be eight (8) feet.

c. When the required front setback of the key lot is greater than sixteen (16) feet, the side street setback shall be one-half (1/2) the depth of the key lot's front set-

back. The setback may be averaged along the entire structure depth, but shall at no point be less than five (5) feet.

d. When the actual setback of the structure on the key lot is less than eight (8) feet, the side street setback shall be equal to the distance between the front lot line of the key lot and structure regardless of the front setback requirement.

D. General Setback Exceptions.

1. Required Setbacks for Cluster Developments.

a. Where two (2) or more principal structures are located on a lot, the required setback between those portions of interior facades which face each other shall be as follows:

Length of Facing Portions of Facades (in feet)	Average Setback (in feet)	Minimum Setback (in feet)
40 or less	15	15
41—60	20	15
61—80	25	15
81—100	30	15
101—150	40	15
151 or more	50	15

b. Structures in cluster developments may be connected by underground garages or elevated walkways; provided, that:

(1) One (1) elevated walkway shall be permitted to connect any two (2) structures in the development;

(2) Additional elevated walkways, in excess of one (1), between any two (2) structures may be permitted by the Director when it is determined that by their location or design a visual separation between structures is maintained;

(3) All elevated walkways shall meet the following standards:

i. The roof planes of elevated walkways shall be at different levels than the roofs or parapets of connected structures.

ii. Walkways shall be set back from street lot lines and the front facades of the structures they connect, and whenever possible shall be located or landscaped so that they are not visible from a street.

iii. The design of the walkways and the materials used shall seek to achieve a sense of openness and transparency.

iv. Elevated walkways shall add to the effect of modulation rather than detract from it.

2. Structures in Required Setbacks.

a. Detached garages, carports or other accessory structures are permitted in the required rear or side setbacks, provided that any accessory structure located between a principal structure and the side lot line shall provide the setback required for the principal structure

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(Exhibit 23.45.056 D). All such accessory structures shall be no greater than twelve (12) feet in height, with open rails permitted above twelve (12) feet.

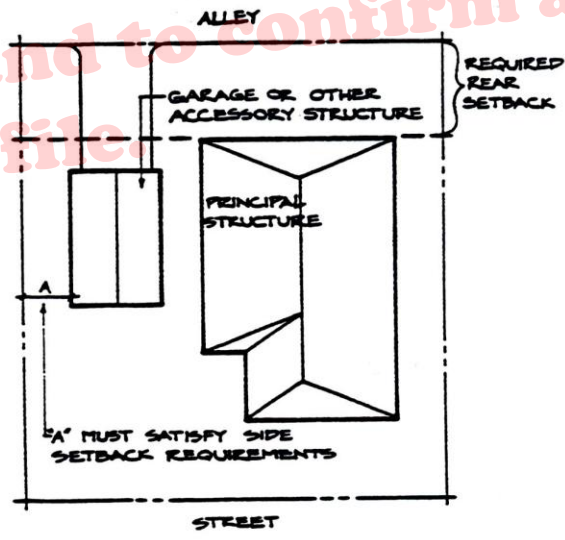
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Exhibit 23.45.056 D
Accessory Structures in Required Setbacks



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b. Ramps or other devices necessary for access for the disabled and elderly, which meet Washington State Building Code, Chapter 11—Accessibility, are permitted in required front, side or rear setbacks.

c. Uncovered, unenclosed pedestrian bridges, necessary for access and less than five (5) feet in width, are permitted in required front, side and rear setbacks.

d. Permitted fences, freestanding walls, bulkheads, signs and other similar structures, no greater than six (6) feet in height, are permitted in required front, side or rear setbacks.

e. Decks which average no more than eighteen (18) inches above existing grade may project into required setbacks. Such decks shall not be permitted within five (5) feet of any lot line, unless they abut a permitted fence or freestanding wall, and are at least three (3) feet below the top of the fence or wall. The fence or wall shall be no higher than six (6) feet.

f. Underground structures are permitted in all setbacks.

g. Solar collectors are permitted in required setbacks, subject to the provisions of Section 23.45.146, Solar collectors.

h. Fences, Freestanding Walls, Bulkheads, Signs and Other Similar Structures.

(1) Fences, freestanding walls, signs and similar structures six (6) feet or less in height above existing or finished grade whichever is lower, may be erected in each required setback. The six (6) foot height may be averaged along sloping grade for each six (6) foot long segment of the fence, but in no case may any portion of the fence exceed eight (8) feet.

Architectural features may be added to the top of the fence or freestanding wall above the six (6) foot height when the following provisions are met: horizontal architectural feature(s), no more than ten (10) inches high, and separated by a minimum of six (6) inches of open area, measured vertically from the top of the fence, may be permitted when the overall height of all parts of the structure, including post caps, are not more than eight (8) feet high; averaging the eight (8) foot height is not permitted. Structural supports for the horizontal architectural feature(s) may be spaced no closer than three (3) feet on center.

(2) The Director may allow variation from the development standards listed in subsection D2h(1) above, according to the following:

i. No part of the structure may exceed eight (8) feet; and

ii. Any portion of the structure above six (6) feet shall be predominately open, such that there is free circulation of light and air.

(3) Bulkheads and retaining walls used to raise grade may be placed in each required setback when limited to six (6) feet in height, measured above existing grade. A guardrail no higher than forty-two (42) inches

may be placed on top of a bulkhead or retaining wall existing as of the effective date of the ordinance codified in this section.¹ If a fence is placed on top of a new bulkhead or retaining wall, the maximum combined height is limited to nine and one-half (9½) feet.

(4) Bulkheads and retaining walls used to protect a cut into existing grade may not exceed the minimum height necessary to support the cut or six (6) feet whichever is greater. When the bulkhead is measured from the low side and it exceeds six (6) feet, an open guardrail of no more than forty-two (42) inches meeting Building Code requirements may be placed on top of the bulkhead or retaining wall. A fence must be set back a minimum of three (3) feet from such a bulkhead or retaining wall.

i. Arbors. Arbors may be permitted in required setbacks under the following conditions:

(1) In each required setback, an arbor may be erected with no more than a forty (40) square foot footprint, measured on a horizontal roof plane inclusive of eaves, to a maximum height of eight (8) feet. Both the sides and the roof of the arbor must be at least fifty (50) percent open, or, if latticework is used, there must be a minimum opening of two (2) inches between crosspieces.

(2) In each required setback abutting a street, an arbor over a private pedestrian walkway with no more than a thirty (30) square foot footprint, measured on the horizontal roof plane and inclusive of eaves, may be erected to a maximum height of eight (8) feet. The sides of the arbor shall be at least fifty (50) percent open, or, if latticework is used, there must be a minimum opening of two (2) inches between crosspieces.

3. Front and rear setbacks may be reduced by twenty-five (25) percent, but no more than five (5) feet, if the site contains a required environmentally critical area buffer or other area of the property which can not be disturbed pursuant to the provisions of subsection A of Section 25.09.280 of SMC Chapter 25.09, Regulations for Environmentally Critical Areas.

(Ord. 120410 § 7, 2001; Ord. 119791 § 8, 1999; Ord. 118414 § 22, 1996; Ord. 116262 § 12, 1992; Ord. 115326 § 10, 1990; Ord. 113203 § 4, 1986; Ord. 113041 § 15, 1986; Ord. 112971 § 8, 1986; Ord. 111390 § 28, 1983; Ord. 110793 § 30, 1982; Ord. 110570 § 3(part), 1982.)

1. Editor's Note: Ordinance 118414 was signed by the Mayor on December 3, 1996 and became effective on January 3, 1997.

23.45.057 Midrise—Screening and landscaping standards.

A. Quantity.

1. A minimum landscaped area which is equivalent in square footage to three (3) feet times the total length of all property lines shall be provided, except as specified in subsection A5.

2. If screening and landscaping of parking from direct street view is provided according to subsection

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23.45.060 D, that amount of landscaped area may be counted towards fulfilling the total amount of landscaped area required by this section.

3. Landscaped usable open space which is provided for apartments or terraced housing according to Section 23.45.058 and located at ground level, may be counted towards fulfilling the total amount of landscaped area required by this section.

4. Street trees shall be provided in the planting strip according to Seattle Transportation Tree Planting Standards, unless it is not possible to meet the standards. Existing street trees may count toward meeting the street tree requirement.

5. Exceptions.

a. If full landscaping is not possible because of the location of existing structures and/or existing parking, the amount of required landscaped area may be reduced by up to fifty (50) percent. The Director may require landscaping which cannot be provided on the lot be provided in the planting strip.

b. If landscaping would obscure the visibility of retail uses or obstruct pedestrian access to retail uses, and there is no other location on the lot for the landscaping, the Director may reduce or waive the amount of landscaping required in those locations. No reduction or waiver shall apply to screening and landscaping of parking required by subsection 23.45.060 D or open space required by Section 23.45.058.

B. Development Standards.

1. Except for the screening and landscaping of parking, which shall be provided according to subsection 23.45.060 D, landscaping may be provided on all sides of the lot, or may be concentrated in one (1) or more areas. However, a landscaped area at least three (3) feet deep shall be provided at the following locations, except as provided in subsection B2:

- a. Along street property lines;
- b. Along property lines which abut single-family zoned lots;
- c. Along alleys across from single-family zoned lots.

2. Breaks in required screening and landscaping shall be permitted to provide pedestrian and vehicular access. Breaks in required screening and landscaping for vehicular access shall not exceed the width of permitted curb cuts and any required sight triangles. When an alley is used as an aisle, the Director may reduce or waive the required screening or landscaping along the alley.

3. Required landscaping shall meet standards promulgated by the Director. (Ord. 118409 § 179, 1996; Ord. 116744 § 3, 1993; Ord. 114046 § 10, 1988.)

23.45.058 Midrise—Open space requirements.

Open space shall be provided for all lots, subject to the following provisions:

A. Quantity.

1. Ground-related Housing.

a. A minimum of three hundred (300) square feet per unit of private, usable open space, at ground level and directly accessible to each unit, shall be required. Decks may project into setbacks in accordance with 23.45.056 D.

b. On lots with slopes of twenty (20) percent or more, decks of the same size as the required ground-level open space may be built over the sloping ground-level open space. In order to qualify for this provision, such decks shall not cover the open space of another unit, nor be above the living space of any unit.

2. Apartments.

a. A minimum of twenty-five (25) percent of the lot area shall be provided as usable open space at ground level, except as provided in subsection A2b.

b. A maximum of one-third (1/3) of the required open space may be provided above ground in the form of balconies or decks if the total amount of required open space is increased to thirty (30) percent of lot area.

3. Terraced Housing on Slopes of Twenty-five (25) Percent or More.

a. A minimum of forty (40) percent of the lot area shall be provided as usable open space.

b. Ground-level open space may be reduced from forty (40) percent to ten (10) percent of lot area when an equivalent amount of open space is provided above ground in the form of balconies, decks and/or rooftop areas.

B. Development Standards.

1. Required open space shall be landscaped according to standards promulgated by the Director.

2. Ground-related Housing.

a. The required open space for each unit is not required to be in one (1) contiguous area, but no open space area shall be less than one hundred twenty (120) square feet, and no horizontal dimension shall be less than ten (10) feet.

b. Required open space may be located in the front, sides or rear of the structure.

c. Required open space may be located a maximum of ten (10) feet above or below the unit it serves, provided that the access to such open space does not go through or over common circulation areas, common or public open space, or the open space serving another unit, except as permitted in subsection B2g.

d. The grade of the open space can either be the existing grade or within eighteen (18) inches of existing grade. The portion of the open space which is within ten (10) feet of the unit shall include the point where the access to the open space from the unit occurs.

e. Direct access to the open space shall be from at least one (1) habitable room of at least eighty (80) square feet of the principal living areas of the unit. Principal living areas shall not include foyers, entrance areas,

closets or storage rooms, hallways, bathrooms or similar rooms, alone or in combination.

f. At least fifty (50) percent of the required open space for a unit shall be level, provided that:

(1) The open space may be terraced; and

(2) Minor adjustments in level shall be permitted as long as the difference in elevation between the highest and lowest point does not exceed two (2) feet.

g. For additional dwelling units proposed within a structure existing on August 11, 1982, the vertical distance between the unit and the private, landscaped open space may exceed ten (10) feet where the following criteria are met:

(1) Where the structure was constructed with floor-to-floor heights in excess of ten (10) feet, the open space may be located a maximum of ten (10) feet plus the height between floors in excess of ten (10) feet, above or below the unit it serves; or

(2) Where the structure was constructed with the first floor in excess of two (2) feet above grade, the open space may be located a maximum of ten (10) feet plus the additional height of the first floor in excess of two (2) feet above grade, above or below the unit it serves.

h. To ensure privacy of open space, openings such as windows and doors on the ground floor of walls of a dwelling unit or common area which directly faces the open space of a different unit are prohibited, unless such openings are screened by view-obscuring fences, freestanding walls, or wingwalls. Fences, freestanding walls, or wingwalls located in setbacks shall be no more than six (6) feet in height in accordance with Section 23.45.014 G.

i. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Building Code, Chapter 11—Accessibility, shall not be counted as open space.

3. Apartments.

a. No horizontal dimension for required ground-level open space shall be less than ten (10) feet.

b. Required open space is permitted in the front, sides or rear of the structure.

c. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Building Code, Chapter 11—Accessibility, shall not be counted as open space.

d. In order to qualify as aboveground open space, balconies and decks shall have a minimum horizontal dimension of at least six (6) feet, and the minimum area shall be sixty (60) square feet.

e. For cluster development, at least twenty (20) percent of the required open space shall be provided in one (1) contiguous area.

f. When a transmitting antenna is sited or proposed to be sited on a rooftop where required open space is located, see Section 23.57.011.

4. Terraced Housing on a Slope of Twenty-five (25) Percent or More.

a. No horizontal dimension for required ground-level open space shall be less than ten (10) feet.

b. Required open space is permitted in the front, sides or rear of the structure.

c. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Building Code, Chapter 11—Accessibility, shall not be counted as open space.

d. In order to qualify as aboveground open space, rooftop areas, balconies and decks shall have a minimum horizontal dimension of at least ten (10) feet, and a total area of at least one hundred twenty (120) square feet.

C. Open Space Exception. When all parking and access to parking is uncovered and is surfaced in permeable material, except gravel, the quantity of required ground-level open space shall be reduced by five (5) percent of the total lot area.

(Ord. 120928 § 9, 2002; Ord. 120117 § 16, 2000; Ord. 118794 § 27, 1997; Ord. 118414 § 23, 1996; Ord. 113041 § 16, 1986; Ord. 111390 § 29, 1983; Ord. 110793 § 31, 1982; Ord. 110570 § 3(part), 1982.)

23.45.059 Midrise—Light and glare standards.

A. Exterior lighting shall be shielded and directed away from adjacent properties.

B. Interior lighting in parking garages shall be shielded to minimize nighttime glare on adjacent properties.

C. To prevent vehicle lights from affecting adjacent properties, driveways and parking areas for more than two (2) vehicles shall be screened from adjacent properties by a fence or wall between five (5) feet and six (6) feet in height, or a solid evergreen hedge or landscaped berm at least five (5) feet in height. If the elevation of the lot line is different from the finished elevation of the driveway or parking surface, the difference in elevation may be measured as a portion of the required height of the screen so long as the screen itself is a minimum of three (3) feet in height. The Director may waive the requirement for the screening if it is not needed due to changes in topography, agreements to maintain an existing fence, or the nature and location of adjacent uses.

(Ord. 114046 § 11, 1988.)

23.45.060 Midrise—Parking and access.

A. Parking Quantity. Parking shall be required as provided in Chapter 23.54.

B. Access to Parking.

1. Alley Access Required. Except when one (1) of the conditions listed in subsections B2 or B3 applies, access to parking shall be from the alley when the site abuts an alley improved to the standards of Section 23.53.030 C. Street access shall not be permitted.

2. Street Access Required. Access to parking shall be from the street when:

- a. Due to the relationship of the alley to the street system, use of the alley for parking access would create a significant safety hazard;
- b. The lot does not abut a platted alley;
- c. Apartments or terraced housing are proposed across an alley from a Single-family, Lowrise Duplex/Triplex, Lowrise 1 or Lowrise 2 Zone.

3. Street or Alley Access Permitted. Access to parking may be from either the alley or the street when the conditions listed in subsection B2 do not apply, and one (1) or more of the following conditions are met:

- a. Ground-related housing is proposed across the alley from a Single-family, Lowrise Duplex/Triplex, Lowrise 1 or Lowrise 2 Zone;
- b. Topography or designation of any portion of the site as environmentally critical makes alley access infeasible;
- c. The alley is not improved to the standards of Section 23.53.030 C.

If such an alley is used for access, it shall be improved according to the standards of Section 23.53.030 C;

d. Access to required barrier-free parking spaces which meet the Washington State Building Code, Chapter 11 may be from either the street or alley, or both.

C. Location of Parking.

1. Parking shall be located on the same site as the principal use.

2. Parking may be located in or under the structure provided that:

- a. For ground-related housing, the parking is screened from direct street view by the street-facing facades of the structure (Exhibit 23.45.060 B), by garage doors, or by a fence and landscaping as provided in Section 23.45.060 D (Exhibit 23.45.060 A);
- b. For apartments and terrace housing the parking is screened from direct street view by the street-facing facades of the structure. For each permitted curb cut, the facades may contain one (1) garage door, not to exceed the maximum width allowed for curb cuts (Exhibit 23.45.060 B).

3. Parking may be located outside a structure provided it maintains the following relationships to lot lines and structures. In all cases parking located outside of a structure shall be screened from direct street view as provided in Section 23.45.060 D.

- a. Parking may be located between any structures on the same lot.
- b. Rear Lot Lines. Parking may be located between any structure and the rear lot line of the lot (Exhibit 23.45.060 C).
- c. Side Lot Lines. Parking may be located between any structure and a side lot line which is not a street side lot line (Exhibit 23.45.060 C). Where the loca-

tion between the structure and a side lot line is also between a portion of the same structure and the front lot line, subsection C3d(3) shall apply (Exhibit 23.45.060 D).

d. Front and Street Side Lot Lines. Parking may be located between any structure and the front and street side lot lines provided that:

(1) On a through lot, parking may be located between the structure and one (1) of the front lot lines provided that on lots one hundred twenty-five (125) feet or more in depth, parking shall not be located in either front setback. The frontage in which the parking may be located shall be determined by the Director based on the prevailing character and setback patterns of the block.

(2) For ground-related housing on corner lots, parking may be located between the structure and a street lot line along one (1) street frontage only.

(3) Parking may be located between the front lot line and a portion of a structure provided that:

— The parking is also located between a side lot line, other than a street side lot line, and a portion of the same structure which is equal to at least thirty (30) percent of the total width of the structure (Exhibit 23.45.060 D);

— The parking is not located in the front setback and in no case is closer than fifteen (15) feet to the front lot line.

4. Location of Parking in Special Circumstances.

a. For a cluster development, the location of parking shall be determined in relation to the structure or structures which have perimeter facades facing a street (Exhibit 23.45.060 E).

b. The Director may permit variations from the development standards for parking location and design, and curb cut quantity and width, for lots meeting the following conditions:

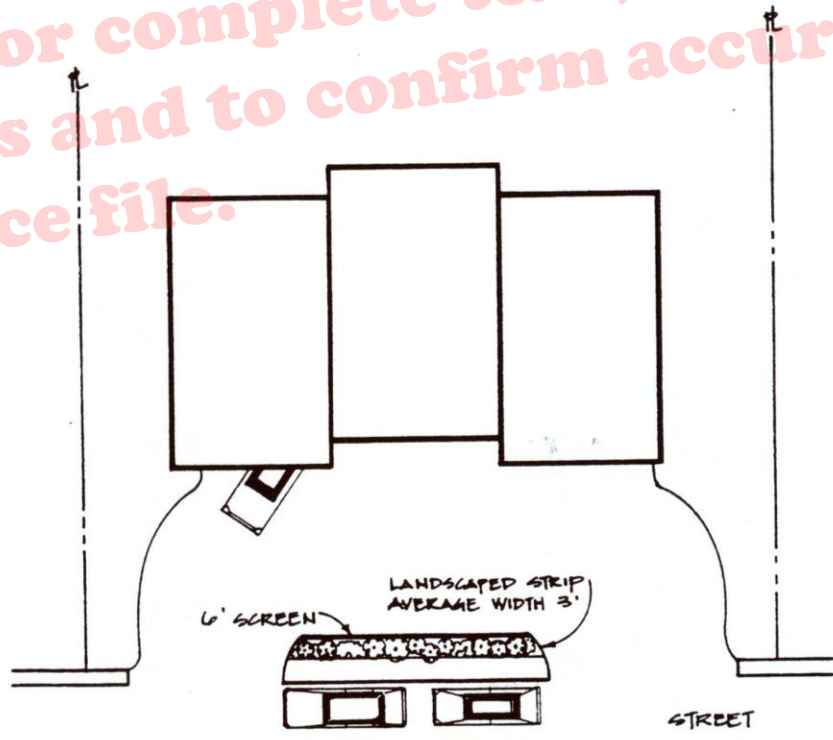
(1) Lots proposed for ground-related housing with no feasible alley access and with:

(A) Less than eighty (80) feet of street frontage, or

Seattle Municipal Code
December 2002 code update file
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Exhibit 23.45.060 A
Parking Screened by Fence and Landscaping
for Ground Related Housing

See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this source file.

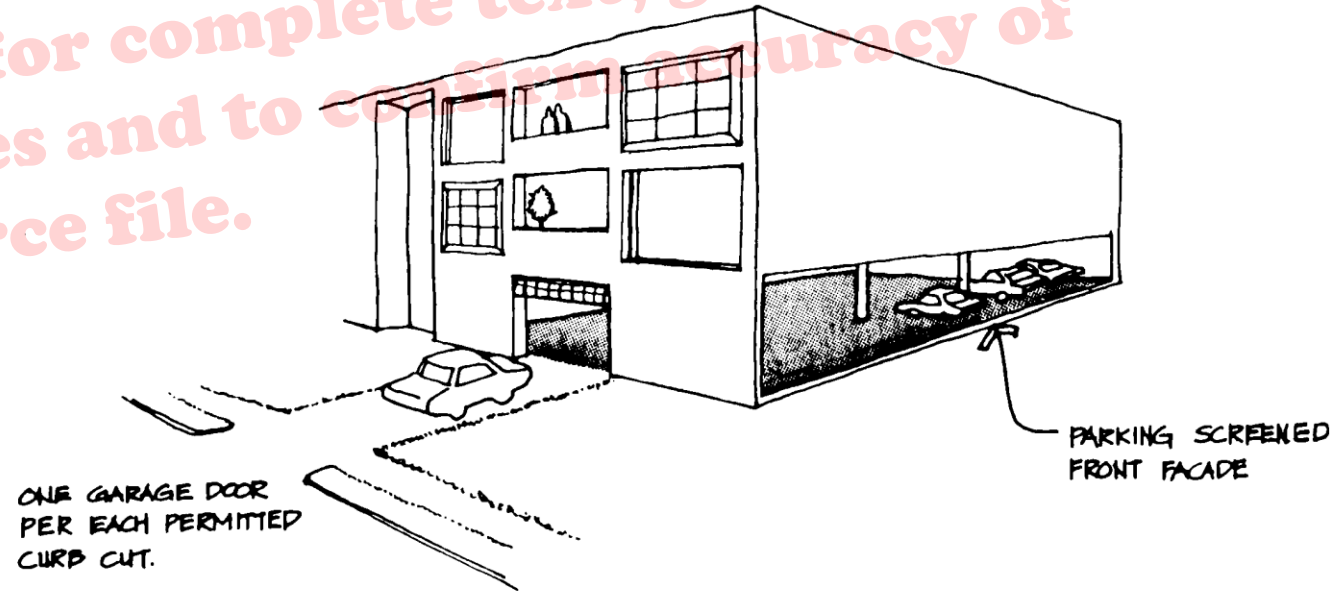


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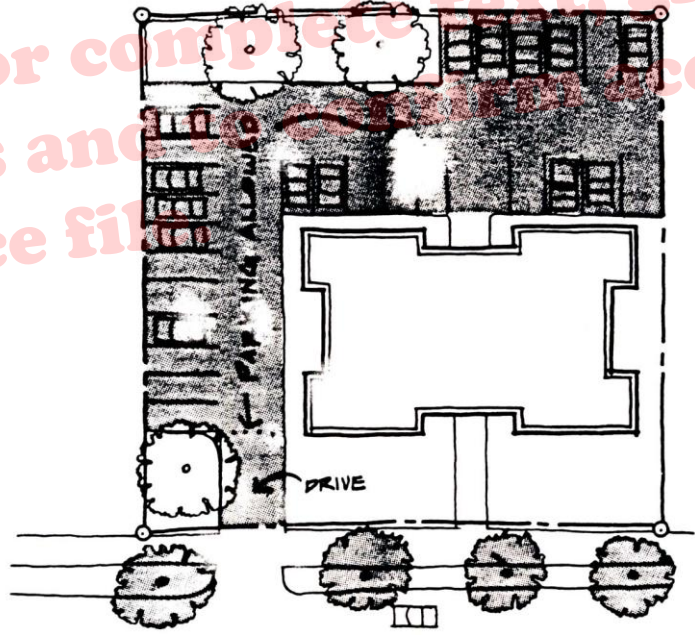
Exhibit 23.45.060 B
Parking Screened by Street-facing Facades
or Garage Doors

See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
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Seattle Municipal Code
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Exhibit 23.45.060 C
Parking Permitted Between the Structure
and
Rear and Side Lot Lines

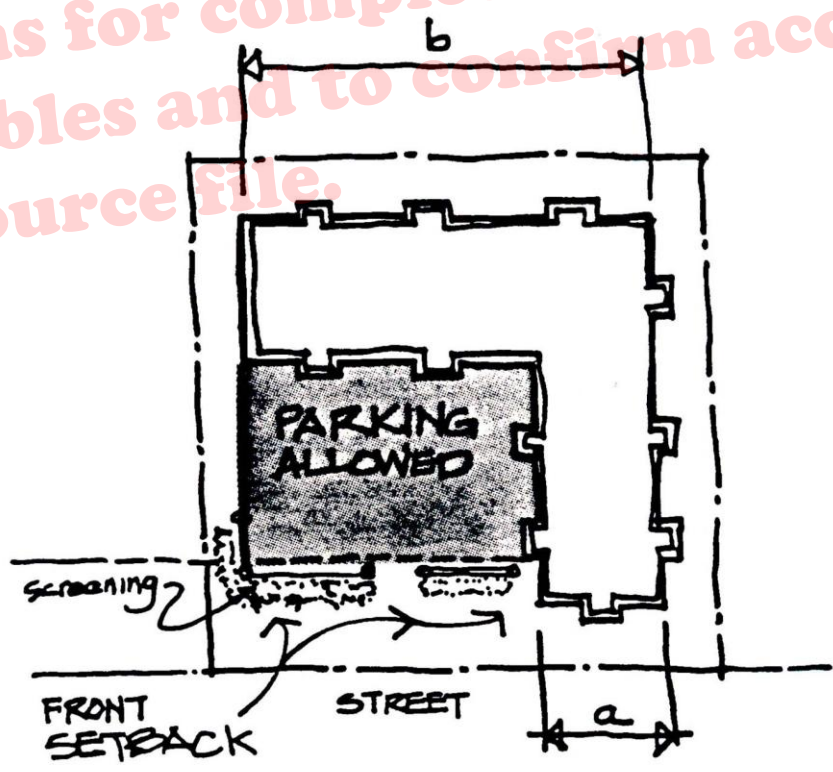


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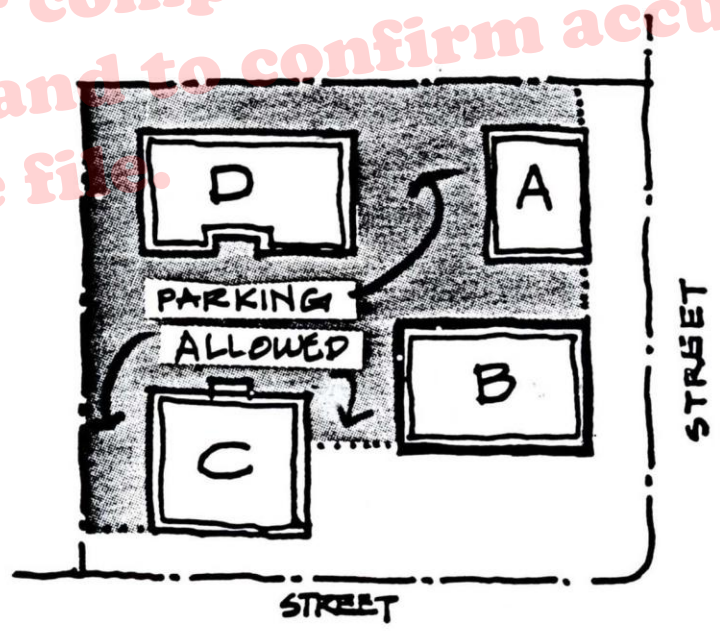
Exhibit 23.45.060 D
Parking in Front of the Structure When Beside
a Portion of the Structure
("a" must be at least 30% of "b")



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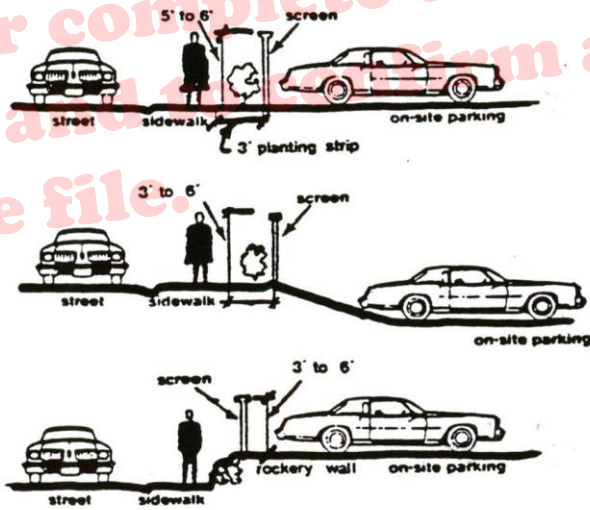
Seattle Municipal Code
December 2002 code update file
Text provided for historic reference only.

Exhibit 23.45.060 E
Parking in a Cluster Development
(parking permitted in shaded areas)



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Exhibit 23.45.060 F
Screening of Parking



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(B) Lot depth of less than one hundred (100) feet, or

(C) A rise or drop in elevation of at least twelve (12) feet in the first sixty (60) feet from the front lot line; and

(2) Lots proposed for apartments and terraced housing with no feasible alley access and a rise or drop in elevation of at least twelve (12) feet in the first sixty (60) feet from the front lot line;

(3) Lots proposed for either ground-related, apartment or terraced housing which are waterfront lots and are developed in accordance with Section 24.60.395, Shoreline Master Program;

(4) On lots meeting the standards listed in subsections C4b(i) through (3), the following variations may be permitted:

(A) Ground-related housing: parking may be located between the structure and the front lot line,

(B) Apartments or terraced housing: parking may be located in or under the structure if screened from direct street view by garage doors or by fencing and landscaping;

(5) In order to permit such alternative parking solutions, the Director must determine that siting conditions, such as the topography of the rest of the lot, or soil and drainage conditions, warrant the exception, and that the proposed alternative solution meets the following objectives: maintaining on-street parking capacity, an attractive environment at street level, landscaped street setbacks, unobstructed traffic flow and, where applicable, the objectives of the Shoreline Master Program. In no case shall a curb cut be authorized to exceed thirty (30) feet in width.

D. Screening of Parking.

1. Parking shall be screened from direct street view by the front facade of a structure, by garage doors, or by a fence or wall between five (5) and six (6) feet in height. When the fence or wall runs along the street front, there shall be a landscaped area a minimum of three (3) feet deep on the street side of the fence or wall. The screening shall be located outside any required sight triangle.

2. The height of the visual barrier created by the screen required in subdivision 1 of this subsection shall be measured from street level. If the elevation of the lot line is different from the finished elevation of the parking surface, the difference in elevation may be measured as a portion of the required height of the screen, so long as the screen itself is a minimum of three (3) feet in height (Exhibit 23.45.060 F).

3. Screening may also be required to reduce glare from vehicle lights, according to Section 23.45.059, light and glare standards.

(Ord. 118794 § 28, 1997; Ord. 118414 § 24, 1996; Ord. 117263 § 19, 1994; Ord. 115326 § 11, 1990; Ord. 114196 § 9, 1988; Ord. 114046 § 12, 1988; Ord. 112777 § 14,

1986; Ord. 111390 § 30, 1983; Ord. 110793 § 32, 1982; Ord. 110570 § 3(part), 1982.)

Part 6 Highrise

23.45.064 Highrise—General provisions.

In Highrise Zones, structures may be built either to the development standards described below, or to the development standards of the Midrise Zone. Structures built to Midrise standards shall have no limit to width or depth when modulated according to the standards of Section 23.45.054 C, midrise modulation requirements. (Ord. 110570 § 3(part), 1982.)

23.45.066 Highrise—Structure height.

A. Maximum Height.

1. The maximum height shall be one hundred sixty (160) feet.

B. Additional Height Permitted. The Director may authorize additional height up to a maximum height of two hundred forty (240) feet, as a special exception pursuant to Chapter 23.76, Master Use Permit. In order to qualify, the applicant shall comply with the following provisions:

1. The applicant shall provide for adequate spacing between existing and proposed towers in order to minimize blockage of views from public places, and to minimize casting of shadows on public places. The applicant shall provide shadow diagrams for December 21st, March 21st and June 21st, as well as elevations showing the degree, if any, of view blockage that would occur. The Director may limit or condition the amount of extra height and bulk granted in order to minimize blocking of views from public places and to casting of shadows on public places.

2. If the provisions of subsection B1 of this section have been met, additional height above one hundred sixty (160) feet may be allowed in return for the provision of one (1) of the public benefits listed below, or any combination of these benefits. The amount of additional height shall be determined based on the following criteria, and on the design of the proposed project and the public benefits that are provided.

a. When a proposed highrise development provides new low- and/or moderate-income housing, or preserves existing low- and/or moderate-income housing, additional height may be allowed according to the following provisions:

(1) The housing provided in order to qualify for additional height shall be in addition to any housing provided to replace demolished units.

(2) Housing provided to replace demolished units must be provided on the same site as the proposed highrise. Additional housing preserved or provided to qualify for additional height may be either within the proposed project, or within its immediate vicinity.

(3) For every one (1) percent of the total gross floor area in the proposed structure that is reserved as low-income housing, an additional eight (8) feet in height may be allowed; and for every one (1) percent of the total gross floor area in the proposed structure that is reserved as moderate income housing, an additional five (5) feet in height may be allowed.

(4) The units provided to gain additional height shall be reserved as low- or moderate-income housing by ownership and restrictive covenants for a minimum of twenty (20) years from the date a certificate of occupancy is issued.

(5) Two (2) years after the adoption of this provision, or at a time when an adequate number of projects are available for analysis, the Director shall review this provision and recommend any revisions that are necessary consistent with the City's land use and housing objectives.

b. Landscaped Public Open Space. When proposed highrise developments provide landscaped, usable public open space in addition to the open space required for the exclusive use of residents of the development, additional height up to a maximum of forty (40) feet may be allowed according to the following provisions:

(1) Open space for public use shall either be dedicated, or upon written agreement with The City of Seattle be available to the public during reasonable and predictable hours each day of the week.

(2) The open space may be provided on-site or in the immediate vicinity of the project.

(3) The location of the open space shall enhance street-level activity by providing:

(A) A focal point in a highly dense or active area; and/or

(B) A unique amenity suited to the area and of public benefit; and

(C) Better pedestrian access and siting of an existing public facility or historic landmark.

(4) The space shall be of a sufficient size to be functional, and shall be contiguous to pedestrian pathways that make it readily accessible to users.

(5) The design of the open space shall enhance unique site characteristics such as views, topography, trail systems and significant trees or landscaping.

(6) Public open space and equipment located there shall be designed to provide safety and security for user groups.

(7) The open space shall be designed so that its solar exposure encourages its use.

(8) Outdoor common areas and pedestrian access shall be separated from the paths of moving vehicles.

(9) The outdoor common areas shall function as more than pedestrian walkways or passage-ways between areas. Active areas and/or passive areas

shall be provided depending on the needs of the adjacent neighborhood.

c. Structures of Architectural and Historical Significance. Additional heights may be allowed when new multifamily developments preserve structures of architectural or historical significance, according to the following provisions:

(1) Preservation of designated City landmarks, with proceedings and controls adopted pursuant to Seattle Municipal Code, Chapter 25.12, Landmarks Preservation Ordinance, may qualify for eighty (80) feet of additional height.

(2) The significant structure to be preserved may be located either on the project site or within the immediate vicinity.

C. Height Exceptions.

1. Flagpoles and religious symbols for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided they are no closer than fifty (50) percent of their height above existing grade or, if attached only to the roof, no closer than fifty (50) percent of their height above the roof portion where attached, to any adjoining lot line.

2. Railings, planters, skylights, clerestories, greenhouses, parapets, and firewalls may extend four (4) feet above the maximum height limit set in subsections A and B of this section.

3. The following rooftop features may extend up to ten (10) feet above the maximum height limit, so long as the combined total coverage of all features does not exceed fifteen (15) percent of the roof area, or twenty (20) percent of the roof area if the total includes screened mechanical equipment:

- a. Stair and elevator penthouses;
- b. Mechanical equipment;
- c. Play equipment and open-mesh fencing which encloses it, so long as the fencing is at least five (5) feet from the roof edge;
- d. Chimneys;
- e. Sun and wind screens;
- f. Penthouse pavilions for the common use of residents;
- g. Minor communication utilities and accessory communication devices, except that height is regulated according to the provisions of Section 23.57.011.

4. For height exceptions for solar collectors, see Section 23.45.146, Solar collectors.

5. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed below at least ten (10) feet from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21st at noon no more than would a structure built to maximum permitted bulk:

- a. Solar collectors;

- b. Planters;
- c. Clerestories;
- d. Greenhouses;
- e. Minor communication utilities and accessory communication devices, permitted according to the provisions of Section 23.57.011;
- f. Nonfirewall parapets;
- g. Play equipment;
- h. Sun and wind screens;
- i. Penthouse pavilions for the common use of residents.

6. For height limits and exceptions for communication utilities and devices, see Section 23.57.011. (Ord. 120928 § 10, 2002; Ord. 120117 § 17, 2000; Ord. 116295 § 6, 1992; Ord. 114450 § 1, 1989; Ord. 110793 § 33, 1982; Ord. 110570 § 3(part), 1982.)

23.45.068 Highrise structure width and depth.

A. Maximum Width.

1. For facades or portions of facades along the street which are thirty-seven (37) feet in height or less, and which are not modulated according to the standards of Section 23.45.070 B, maximum width shall be thirty (30) feet.

2. For facades or portions of facades along the street which are thirty-seven (37) feet in height or less, and which are modulated according to the standards of Section 23.45.070 B, there shall be no maximum width limit.

3. Facades or portions of facades which begin thirty-seven (37) feet or more above existing grade shall have a maximum width limit of one hundred (100) feet, whether they are modulated or not (Exhibit 23.45.068 A).

B. Maximum Depth.

1. For facades or portions of facades thirty-seven (37) feet or less in height, which are not along a street, there shall be no maximum depth limit.

2. Facades or portions of facades above thirty-seven (37) feet in height shall not exceed one hundred (100) feet in depth (Exhibit 23.45.068 B). (Ord. 110570 § 3(part), 1982.)

23.45.070 Highrise—Modulation requirements.

A. Modulation shall be required along street fronts for facades thirty-seven (37) feet or less in height, when the width of the facade exceeds thirty (30) feet.

B. Modulation Standards.

1. The minimum depth of modulation shall be four (4) feet (Exhibit 23.45.070 A).

2. When balconies are part of the modulation and have a minimum dimension of at least six (6) feet and a minimum area of sixty (60) square feet, the minimum depth of modulation shall be reduced by two (2) feet (Exhibit 23.45.070 B).

3. The minimum width of modulation shall be five (5) feet (Exhibit 23.45.070 A).

4. Maximum Width of Modulation.

- a. The maximum width of modulation shall be thirty (30) feet.
- b. Exceptions to Maximum Width of Modulation.

(1) When facades provide greater depth of modulation than required by subsections B1 and B2, then for every additional full foot of modulation depth, the width of modulation may be increased by two and one-half (2½) feet, to a maximum width of fifty (50) feet, and Section 23.86.002 B, Measurements, shall not apply.

(2) The maximum width of modulation may be increased when facades are set back from the lot line further than the required setback, according to the following guide: The width of modulation of such a facade shall be permitted to exceed thirty (30) feet by one (1) foot for every foot of facade setback beyond the required setback. This provision shall not be combined with the provisions of subsection B4b1 above nor shall it permit facades to exceed fifty (50) feet in width without modulation.

5. Required modulation may start a maximum of ten (10) feet above existing grade, and shall be continued up to a height of at least thirty-seven (37) feet. (Ord. 111390 § 31, 1983; Ord. 110793 § 34, 1982; Ord. 110570 § 3(part), 1982.)

23.45.072 Highrise—Setback requirements.

Front, rear and side setbacks shall be provided for all lots according to the following provisions:

A. Front Setbacks.

1. Facades or Portions of Facades Thirty-seven (37) Feet in Height or Less. The minimum front setback for facades or portions of facades thirty-seven (37) feet in height or less shall be the average of the setbacks of the first principal structures on either side, subject to the following provisions:

a. The front setback shall in no case be required to be more than five (5) feet greater than the setback of the first principal structure on either side which is closer to the front lot line.

b. The front setback shall in no case be required to exceed ten (10) feet except that a greater setback may be required in order to meet the provisions of Section 23.53.015, Improvement requirements for existing streets in residential and commercial zones.

c. Portions of the Structure in Front Setbacks.

(1) Portions of a structure may project into the required front setback, as long as the average distance from the front property line to the structure satisfies the minimum front setback requirements.

(2) Any projection of the facade which begins at finished lot grade shall be no closer to the front lot line than the finished grade facade projection nearest the front lot line of a structure on either side, or five (5) feet, whichever is less.

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2. Facades or Portions of Facades Above Thirty-seven (37) Feet. Facades or portions of facades which begin thirty-seven (37) feet or more above finished grade shall have a front setback of twenty (20) feet. This setback may be averaged.

3. Front Setback Exceptions.

a. In the case of a through lot, each setback abutting a street except a side setback shall be a front setback. Rear setback requirements shall not apply to the lot.

b. If the street facade is in retail use, no front setback is required.

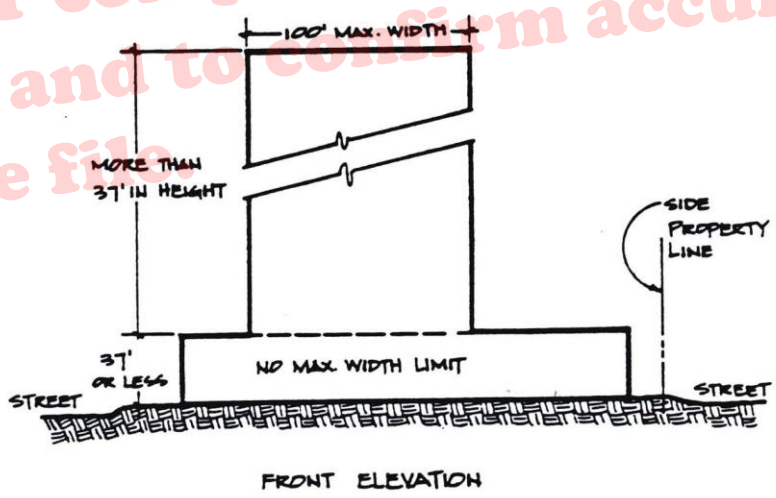
c. Sloped Lots. On sloped lots with no alley access, the required front setback shall be fifteen (15) feet minus one (1) foot for each two (2) percent of slope. Slope shall be measured from the midpoint of the front lot line, to the rear lot line or for a depth of sixty (60) feet, whichever is less.

B. Rear Setback.

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Exhibit 23.45.068 A
Highrise, Structure Width Limits

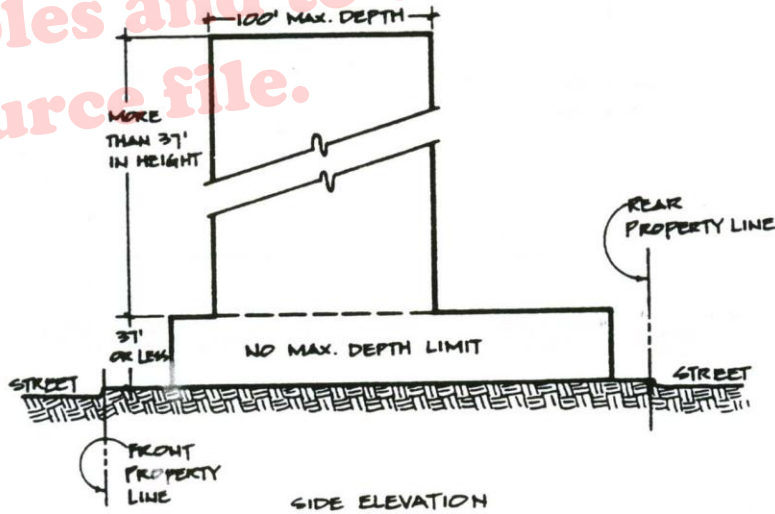


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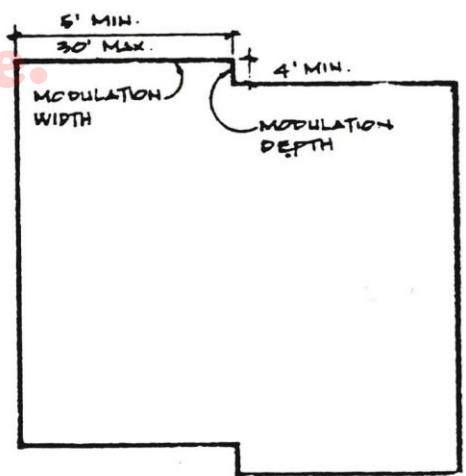
Exhibit 23.45.068 B
Highrise, Structure Depth Limit



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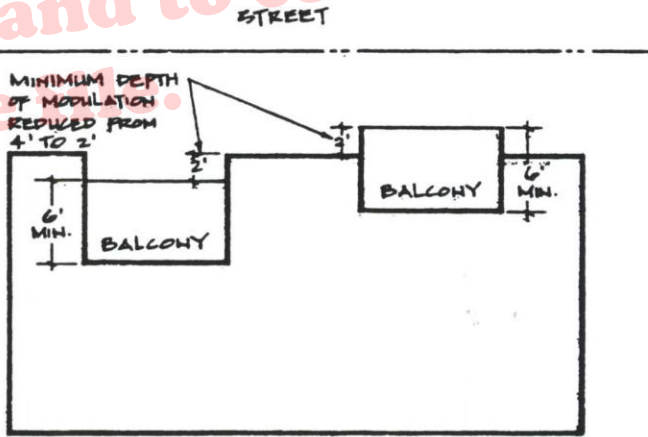
Exhibit 23.45.070 A
Highrise, Required Width and Depth of
Modulation



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Exhibit 23.45.070 B
Highrise, Reduction in Modulation Depth
for Balconies



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1. The minimum rear setback for structures or portions of structures sixty (60) feet or less in height shall be ten (10) feet.

2. The minimum rear setback for portions of structures greater than sixty (60) feet in height shall be twenty (20) feet.

C. Side Setback.

1. The minimum side setback (Exhibit 23.45.072 A) shall be as follows:

Elevation of Facade or Portion of Facade from Existing Grade (in feet)	Combined Total of Both Side Setbacks Must Be At Least (in feet)	Neither Side Setback May Be Less Than (in feet)
	37 or less	10
38—60	16	8
61—90	25	10
91—120	30	14
121 or higher	40	16

2. When properties abutting the site are developed to the side property line, the base structure of a proposed development may be joined to the abutting structure.

D. General Setback Exceptions.

1. Required Setbacks for Cluster Developments. Where two (2) or more principal structures are located on one (1) lot, or where two (2) or more portions of the same structure exceed sixty (60) feet in height above existing grade, setbacks between structures or portions of structures shall be provided as follows:

a. Interior facades shall be separated as follows:

Elevation of Facade or Portion of Facade From Existing Grade (in feet)	Minimum Separation (in feet)
60 or less	16
61—90	20
91—120	28
121 or higher	32

b. Within a cluster development, interior facades need not be modulated. Perimeter facades shall follow standard development requirements.

c. Structures or portions of structures over sixty (60) feet in height may be connected by underground garages or portions of structures thirty-seven (37) feet or less in height.

2. Structures in Required Setbacks.

a. Detached garages, carports or other accessory structures are permitted in the required rear or side setbacks, provided that any accessory structure located between a principal structure and the side lot line shall provide the setback required for the principal structure (Exhibit 23.45.072 B). All such accessory structures shall be no greater than twelve (12) feet in height above existing grade, with open rails permitted above twelve (12) feet.

b. Ramps or other devices necessary for access for the disabled and elderly, which meet Washington State Building Code, Chapter 11—Accessibility, are permitted in required front, side or rear setbacks.

c. Uncovered, unenclosed pedestrian bridges, necessary for access and less than five (5) feet in width, are permitted in required front, side and rear setbacks.

d. Permitted fences, freestanding walls, bulkheads, signs and other similar structures, no greater than six (6) feet in height, are permitted in required front, side or rear setbacks.

e. Decks which average no more than eighteen (18) inches above existing or finished grade, whichever is lower, may project into required setbacks. Such decks shall not be permitted within five (5) feet of any lot line, unless they abut a permitted fence or freestanding wall, and are at least three (3) feet below the top of the fence or wall. The fence or wall shall be no higher than six (6) feet.

f. Underground structures are permitted in all setbacks.

g. Solar collectors are permitted in required setbacks, subject to the provisions of Section 23.45.146, Solar collectors.

h. Fences, Freestanding Walls, Bulkheads, Signs and Other Similar Structures.

(1) Fences, freestanding walls, signs and similar structures six (6) feet or less in height above existing or finished grade whichever is lower, may be erected in each required setback. The six (6) foot height may be averaged along sloping grade for each six (6) foot long segment of the fence, but in no case may any portion of the fence exceed eight (8) feet.

Architectural features may be added to the top of the fence or freestanding wall above the six (6) foot height when the following provisions are met: horizontal architectural feature(s), no more than ten (10) inches high, and separated by a minimum of six (6) inches of open area, measured vertically from the top of the fence, may be permitted when the overall height of all parts of the structure, including post caps, are no more than eight (8) feet high; averaging the eight (8) foot height is not permitted. Structural supports for the horizontal architectural feature(s) may be spaced no closer than three (3) feet on center.

(2) The Director may allow variation from the development standards listed in subsection D2h(1) above, according to the following:

i. No part of the structure may exceed eight (8) feet; and

ii. Any portion of the structure above six (6) feet shall be predominately open, such that there is free circulation of light and air.

(3) Bulkheads and retaining walls used to raise grade may be placed in each required setback when limited to six (6) feet in height, measured above existing grade. A guardrail no higher than forty-two (42) inches may be placed on top of a bulkhead or retaining wall existing as of the effective date of the ordinance codified in this section.¹ If a fence is placed on top of a new bulkhead or retaining wall, the maximum combined height is limited to nine and one-half (9¹/₂) feet.

(4) Bulkheads and retaining walls used to protect a cut into existing grade may not exceed the minimum height necessary to support the cut or six (6) feet whichever is greater. When the bulkhead is measured from the low side and it exceeds six (6) feet, an open guardrail of no more than forty-two (42) inches meeting Building Code requirements may be placed on top of the bulkhead or retaining wall. A fence must be set back a minimum of three (3) feet from such a bulkhead or retaining wall.

i. Arbors. Arbors may be permitted in required setbacks under the following conditions:

(1) In each required setback, an arbor may be erected with no more than a forty (40) square foot footprint, measured on a horizontal roof plane inclusive of eaves, to a maximum height of eight (8) feet. Both the sides and the roof of the arbor must be at least fifty (50) percent open, or, if latticework is used, there must be a minimum opening of two (2) inches between crosspieces.

(2) In each required setback abutting a street, an arbor over a private pedestrian walkway with no more than a thirty (30) square foot footprint, measured on the horizontal roof plane and inclusive of eaves, may be erected to a maximum height of eight (8) feet. The sides of the arbor shall be at least fifty (50) percent open, or, if latticework is used, there must be a minimum opening of two (2) inches between crosspieces.

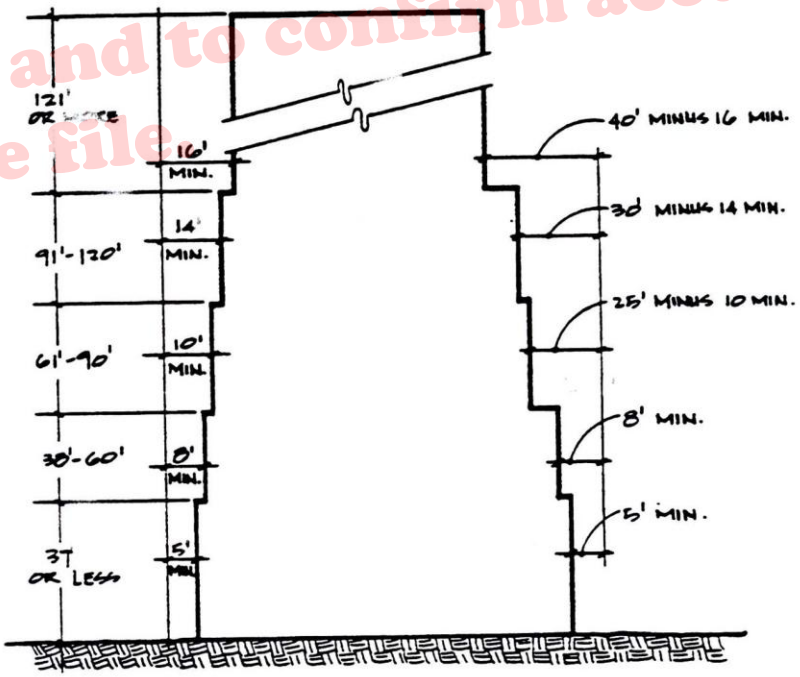
3. Front and rear setbacks may be reduced by twenty-five (25) percent, but no more than five (5) feet, if the site contains a required environmentally critical area buffer or other area of the property which can not be disturbed pursuant to the provisions of subsection A of Section 25.09.280 of SMC Chapter 25.09, Regulations for Environmentally Critical Areas.

(Ord. 118414 § 25, 1996; Ord. 116262 § 13, 1992; Ord. 115326 § 12, 1990; Ord. 112971 § 9, 1986; Ord. 110793 § 35, 1982; Ord. 110570 § 3(part), 1982.)

1. Editor's Note: Ordinance 118414 was signed by the Mayor on December 3, 1996 and became effective January 3, 1997.

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Exhibit 23.45.072 A
Highrise, Required Side Setbacks



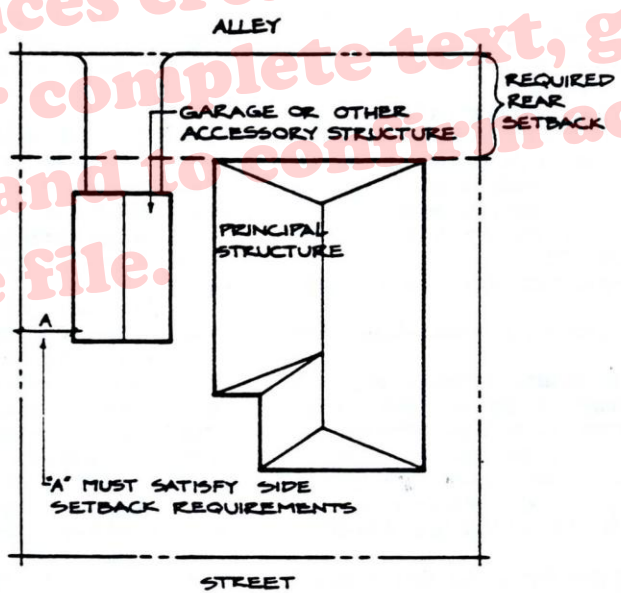
FRONT ELEVATION

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Exhibit 23.45.072 B
Accessory Structures in Required Setbacks



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23.45.073 Highrise—Screening and landscaping standards.**A. Quantity.**

1. A minimum landscaped area which is equivalent in square footage to three (3) feet times the total length of all property lines shall be provided, except as specified in subsection A5.

2. If screening and landscaping of parking from direct street view is provided according to subsection 23.45.076 D, that amount of landscaped area may be counted towards fulfilling the total amount of landscaped area required by this section.

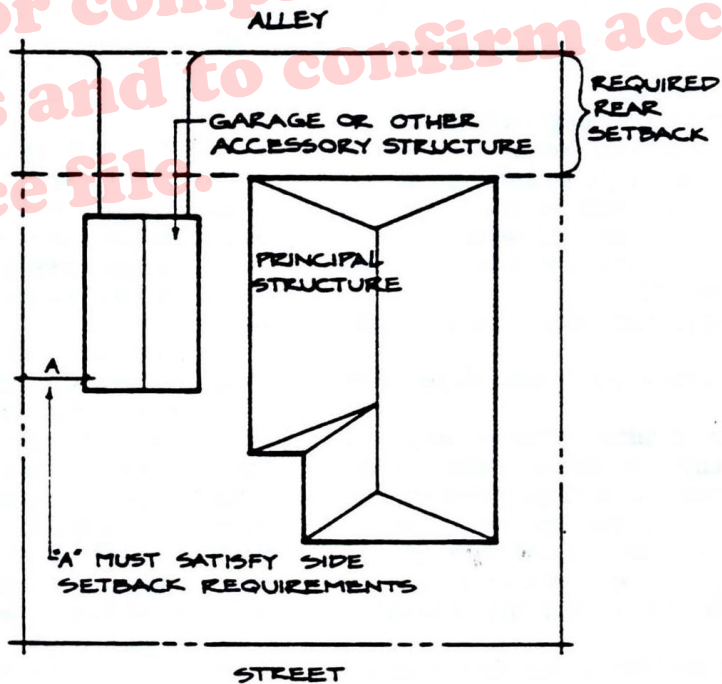
3. Landscaped usable open space which is provided for apartments or terraced housing according to Section 23.45.074 and located at ground level may be counted towards fulfilling the total amount of landscaped area required by this section.

4. Street trees shall be provided in the planting strip according to Seattle Transportation Tree Planting Standards, unless it is not possible to meet the standards. Existing street trees may count toward meeting the street tree requirement.

5. Exceptions.

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Exhibit 23.45.072 B
Accessory Structures in Required Setbacks



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a. If full landscaping is not possible because of the location of existing structures and/or existing parking, the amount of required landscaped area may be reduced by up to fifty (50) percent. The Director may require landscaping which cannot be provided on the lot be provided in the planting strip.

b. If landscaping would obscure the visibility of retail uses or obstruct pedestrian access to retail uses, and there is no other location on the lot for the landscaping, the Director may reduce or waive the amount of landscaping required in those locations. No reduction or waiver shall apply to screening and landscaping of parking required by Section 23.45.076 D or open space required by Section 23.45.072.

B. Development Standards.

1. Except for the screening and landscaping of parking, which shall be provided according to Section 23.45.076 D, landscaping may be provided on all sides of the lot, or may be concentrated in one (1) or more areas. However, a landscaped area at least three (3) feet deep shall be provided at the following locations, except as provided in subsection B2:

a. Along property lines which abut single-family zoned lots;

b. Along alleys across from single-family zoned lots.

2. Breaks in required screening and landscaping shall be permitted to provide pedestrian and vehicular access. Breaks in required screening and landscaping for vehicular access shall not exceed the width of permitted curb cuts and any required sight triangles. When an alley is used as an aisle, the Director may reduce or waive the required screening or landscaping along the alley.

3. Required landscaping shall meet standards promulgated by the Director.

(Ord. 118409 § 180, 1996; Ord. 116744 § 4, 1993; Ord. 114046 § 13, 1988.)

23.45.074 Highrise—Open space requirements.

Open space shall be provided for all lots, subject to the following provisions:

A. Quantity.

1. A minimum of fifty (50) percent of the lot area shall be provided as landscaped open space at ground level.

2. **Quantity Exception for Apartments.** Ground-level open space may be reduced from fifty (50) percent to a minimum of twenty-five (25) percent of lot area according to the following scale: for every square foot of difference between fifty (50) percent of lot area and the actual ground-level open space provided, one and two-tenths ($1\frac{2}{10}$) square feet shall be provided above ground in the form of decks and balconies or on the roof of the base structure.

B. Development Standards.

1. No horizontal dimension for required open space at ground level or on the roof of the base structure shall be less than fifteen (15) feet, nor shall any open space area be less than two hundred twenty-five (225) square feet.

2. In order to qualify as above-ground-level open space, balconies, decks, or open space on the roof of a base structure shall be thirty-seven (37) feet or less above existing grade.

3. Required open space is permitted in the front, side or rear of the structure.

4. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Building Code, Chapter 11, shall not be counted as open space.

5. In order to qualify as above-ground open space, no horizontal dimension for balconies and decks shall be less than six (6) feet, and the minimum area for balconies and decks shall be sixty (60) feet.

6. When a transmitting antenna is sited or proposed to be sited on a rooftop where required open space is located, see Section 23.57.011.

(Ord. 120928 § 11, 2002; Ord. 110570 § 3(part), 1982.)

23.45.075 Highrise—Light and glare standards.

A. Exterior lighting shall be shielded and directed away from adjacent properties.

B. Interior lighting in parking garages shall be shielded to minimize nighttime glare on adjacent properties.

C. To prevent vehicle lights from affecting adjacent properties, driveways and parking areas for more than two (2) vehicles shall be screened from adjacent properties by a fence or wall between five (5) feet and six (6) feet in height, or a solid evergreen hedge or landscaped berm at least five (5) feet in height. If the elevation of the lot line is different from the finished elevation of the driveway or parking surface, the difference in elevation may be measured as a portion of the required height of the screen so long as the screen itself is a minimum of three (3) feet in height. The Director may waive the requirement for the screening if it is not needed due to changes in topography, agreements to maintain an existing fence, or the nature and location of adjacent uses.

(Ord. 114046 § 14, 1988.)

23.45.076 Highrise—Parking and access.

A. **Parking Quantity.** Parking shall be required as provided in Chapter 23.54.

B. Access to Parking.

1. **Alley Access Required.** Except when one (1) of the conditions of subsections B2 or B3 applies, access to parking shall be from the alley when the site abuts an alley improved to the standards of Section 23.53.030 C. Access from the street shall not be permitted.

2. Street Access Required. Access to parking shall be from the street when:

- a. The alley borders on a Single Family, Lowrise Duplex/Triplex, Lowrise 1 or Lowrise 2 Zone;
- b. The lot does not abut an alley;
- c. Due to the relationship of the alley to the street system, use of the alley for parking access would create a significant safety hazard.

3. Street or Alley Access Permitted. Access to parking may be from either the alley or the street when the conditions listed in subsection B2 do not apply, and one (1) or more of the following conditions are met:

- a. Topography or designation of any portion of the site as environmentally critical makes alley access infeasible;
- b. The alley is not improved to the standards of Section 23.53.030 C.

If such an alley is used for access, it shall be improved according to the standards of Section 23.53.030 C;

- c. Access to required barrier-free parking spaces which meet the Washington State Building Code, Chapter 11 may be from either the street or alley, or both.

C. Location of Parking.

1. Parking shall be located on the same site as the principal use, except accessory off-site parking permitted according to Section 23.45.166.

2. Parking may be located in or under the structure, provided that the parking is screened from street view by the front facade of the structure (Exhibit 23.45.076 A). Parking is permitted on all levels of a base structure, with the limitation that a maximum of fifty (50) percent of the area of the floor closest to the grade of the street may be used for parking. If the street-level facade is in retail use, sixty (60) percent of the street-level floor area may be used for parking. For each permitted curb cut, the facades may contain one (1) garage door, not to exceed the maximum width allowed for curb cuts.

3. Parking may be located outside a structure provided it maintains the following relationships to lot lines and structures. In all cases parking located outside of a structure shall be screened from direct street view as provided in Section 23.45.076 D:

- a. Parking may be located between any structures on the same lot.
- b. Parking may be located between any structure and the rear lot line of the lot (Exhibit 23.45.076 B).
- c. Parking may be located between any structure and the side lot lines of the lot (Exhibit 23.45.076 B).
- d. Parking shall not be located between any structure and the front lot line of a lot.

4. Location of Parking in Special Circumstances. For a cluster development, the location of parking shall be determined in relation to the structure or structures which have perimeter facades facing a street (Exhibit 23.45.076 C).

D. Screening of Parking.

1. Parking shall be screened from direct street view by the facade of a structure, by garage doors, or by a fence or wall between five (5) and six (6) feet in height. When the fence or wall runs along the street front, there shall be a landscaped area a minimum of three (3) feet deep on the street side of the fence or wall. Such screening shall be located outside any required sight triangle.

2. The height of the visual barrier created by the screen required in subdivision 1 of this subsection shall be measured from street level. If the elevation of the lot line is different from the finished elevation of the parking surface, the difference in elevation may be measured as a portion of the required height of the screen, so long as the screen itself is a minimum of three (3) feet in height (Exhibit 23.45.076 D).

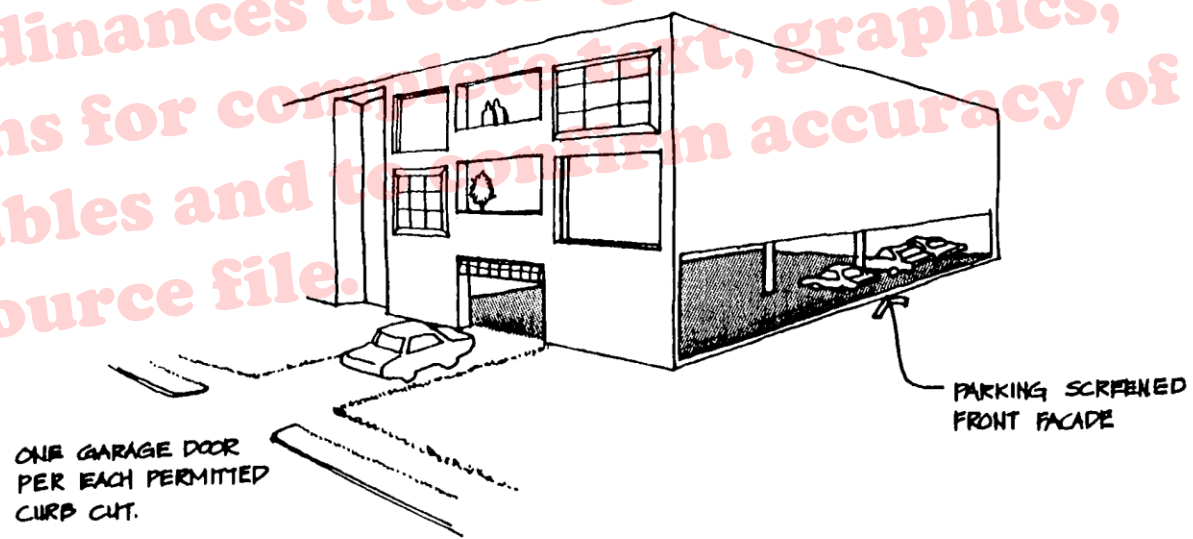
3. Screening may also be required to reduce glare from vehicle lights, according to Section 23.45.075, light and glare standards.

(Ord. 118794 § 29, 1997; Ord. 118414 § 26, 1996; Ord. 117263 § 20, 1994; Ord. 115326 § 13, 1990; Ord. 114196 § 10, 1988; Ord. 114046 § 15, 1988; Ord. 112777 § 15, 1986; Ord. 111390 § 32, 1983; Ord. 110793 § 36, 1982; Ord. 110570 § 3(part), 1982.)

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Exhibit 23.45.076 A
Parking Screened by Street-facing Facades
or Garage Doors

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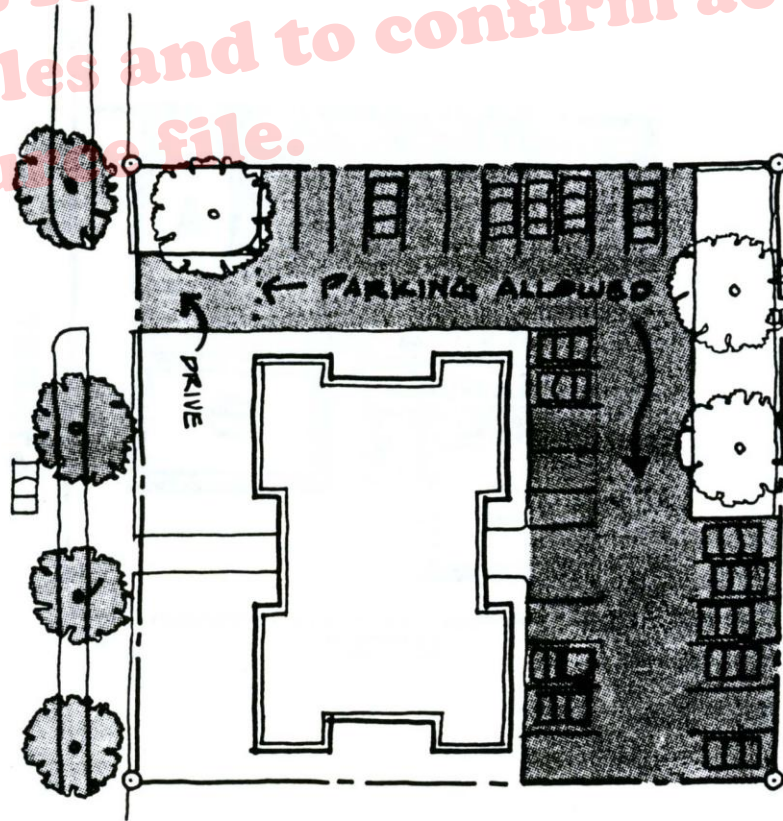


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Exhibit 23.45.076 B
Parking Permitted Between the Structure
and
Rear and Side Lot Lines

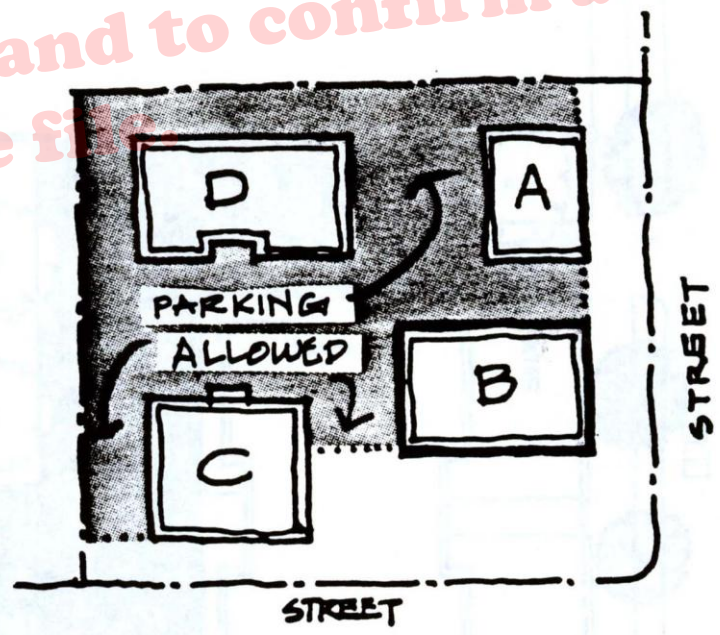
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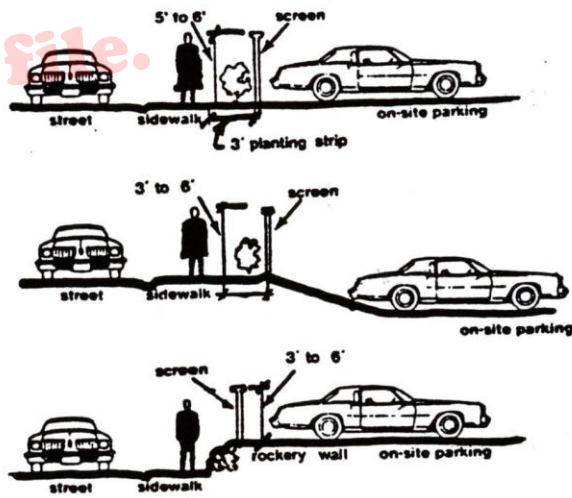
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Exhibit 23.45.076 C
Parking in a Cluster Development
(parking permitted in shaded areas)



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Exhibit 23.45.076 D
Screening of Parking



Part 7 Other Principal Uses Permitted Outright

23.45.080 Congregate residences.

A. Bulk and Siting. Congregate residences shall be subject to the development standards of the multifamily zone in which they are located.

B. Parking Quantity. Parking shall be required as provided in Chapter 23.54.

(Ord. 117202 § 4, 1994; Ord. 112777 § 16, 1986; Ord. 110570 § 3(part), 1982.)

23.45.082 Assisted living facilities use and development standards.

A. Assisted living facilities shall be subject to the development standards of the zone in which they are located except as provided below:

1. Density. Density limits do not apply to assisted living facilities; and

2. Open Space. Open space requirements do not apply to assisted living facilities.

B. Other Requirements.

1. Minimum Unit Size. Assisted living units shall be designed to meet the minimum square footage required by WAC 388-110-140.

2. Facility Kitchen. There shall be provided a kitchen on-site which services the entire assisted living facility.

3. Communal Area. Communal areas (e.g., solariums, decks and porches, recreation rooms, dining rooms, living rooms, foyers and lobbies that are provided with comfortable seating, and gardens or other outdoor landscaped areas that are accessible to wheelchairs and walkers) with sufficient accommodations for socialization and meeting with friends and family shall be provided:

a. The total amount of communal area shall, at a minimum, equal twenty (20) percent of the total floor area in assisted living units. In calculating the total floor area in assisted living units, all of the area of each of the individual units shall be counted, including counters, closets and built-ins, but excluding the bathroom;

b. No service areas, including, but not limited to, the facility kitchen, laundry, hallways and corridors, supply closets, operations and maintenance areas, staff areas and offices, and rooms used only for counseling or medical services, shall be counted toward the communal area requirement; and

c. A minimum of four hundred (400) square feet of the required communal area shall be provided outdoors, with no dimension less than ten (10) feet. A departure from the required amount and/or dimension of outdoor communal space may be permitted as part of the design review process, pursuant to Section 23.41.012 A.

(Ord. 119238 § 2, 1998.)

23.45.088 Nursing homes meeting development standards.

A. General Provisions. The establishment of new nursing homes which meet the development standards of this section shall be permitted outright in all multifamily zones. If the expansion of an existing nursing home meets all development standards, it shall be permitted outright.

B. Development Standards. Nursing homes shall be subject to the following standards:

1. A nursing home is subject to the development standards of the multifamily zone in which it is located.

2. Parking Quantity. Parking shall be provided as required in Chapter 23.54, unless the applicant can demonstrate that less parking is needed due to unique features of the program. In such a case, the applicant shall enter into an agreement with the Director, specifying the parking required and linking the parking reduction to the features of the program which allow such reduction. Such parking reductions shall be valid only under the conditions specified, and if the conditions change, the standard requirements must be met.

(Ord. 117202 § 5, 1994; Ord. 112777 § 18, 1986; Ord. 110570 § 3(part), 1982.)

23.45.090 Institutions—General provisions.

A. The establishment of new institutions, such as religious facilities, community centers, private schools and child care centers, which meet the development standards of Sections 23.45.092 through 23.45.102, shall be permitted outright in all multifamily zones. Institutions not meeting all the development standards of these sections may be permitted as administrative conditional uses subject to the requirements of Section 23.45.122.

B. Public schools shall be permitted as regulated in Section 23.45.112.

C. If the expansion of an existing institution meets all development standards of Sections 23.45.092 through 23.45.102, it shall be permitted outright. Expansions not meeting development standards may be permitted as administrative conditional uses subject to the requirements of Section 23.45.122. Structural work which does not increase usable floor area or seating capacity and does not exceed the height limit shall not be considered expansion. Such work includes but is not limited to roof repair or replacement, and construction of uncovered decks and porches, bay windows, dormers, and eaves. The establishment of a child care center in a legally established institution devoted to the care or instruction of children which does not require expansion of the existing structure or violate any condition of approval of the existing institutional use shall not be considered an expansion of the use. Institutions in Lowrise Duplex/Triplex zones shall meet the development standards for institutions in Lowrise 1 zones.

D. The provisions of this section shall apply to Major Institution uses as provided in Chapter 23.69, Major Institution Overlay District. All major institutions shall be so designated and their boundaries approved by the Council. (Ord. 115043 § 8, 1990; Ord. 115002 § 6, 1990; Ord. 114910 § 1, 1990; Ord. 114875 § 4, 1989; Ord. 114196 § 11, 1988; Ord. 112539 § 5, 1985; Ord. 110793 § 38, 1982; Ord. 110570 § 3(part), 1982.)

23.45.092 Institutions—Structure height.

A. Maximum height limits for institutions shall be as provided for multifamily structures in the same multifamily zone.

B. In the Lowrise zones, for gymnasiums and auditoriums that are necessary to an institution the maximum permitted height shall be thirty-five (35) feet if all portions of the structure above the height limit of the zone are set back at least twenty (20) feet from all property lines. Pitched roofs on the auditorium or gymnasium with a slope of not less than three to twelve (3:12) may extend ten (10) feet above the thirty-five (35) foot height limit. No portion of a shed roof on a gymnasium or auditorium shall be permitted to extend beyond thirty-five (35) feet. (Ord. 118414 § 27, 1996; Ord. 114910 § 2, 1990; Ord. 113400 § 1, 1987; Ord. 110570 § 3(part), 1982.)

23.45.094 Institutions—Structure width and depth.

A. Maximum Width.

1. The maximum width for institutions shall be as follows:

Zone	Maximum Width Without Modulation or Landscaping Option (feet)	Maximum Width With Modulation or Landscaping Option (feet)
Lowrise 1	45	75
Lowrise 2	45	90
Lowrise 3	60	150
Midrise	60	150
Highrise		
—Facades or portions of facades below 37' in height	90	No maximum width
—Facades or portions of facades above 37' in height	100	100

2. In order to reach the maximum width permitted in each zone, institutional structures shall be required to reduce the appearance of bulk through one (1) of the following options:

a. Modulation Option. Front facades, and side and rear facades facing street lot lines, shall be modulated (Exhibit 23.45.094 A) according to the following provisions:

(1) The minimum depth of modulation shall be four (4) feet in Lowrise 1, Lowrise 2 and Lowrise 3 Zones, and six (6) feet in Midrise and Highrise Zones.

(2) The minimum height of modulation shall be five (5) feet.

(3) The minimum width of modulation shall be twenty (20) percent of the total structure width or ten (10) feet, whichever is greater.

(4) Any unmodulated portion of the facade shall not comprise more than fifty (50) percent of the total facade area.

(5) In Highrise Zones, modulation shall only be required for the first sixty (60) feet in height of an institution's facade; or if the facade above thirty-seven (37) feet is set back twenty (20) feet or more from the lot lines, modulation shall only be required for the first thirty-seven (37) feet in height of the structure. The maximum width of any unmodulated portion of the facade in Highrise Zones shall be ninety (90) feet.

b. Landscape Option. Front setbacks and landscaping shall be provided as follows:

(1) The required front setback shall be five (5) feet more than the required minimum setback for the lot.

(2) One (1) tree and three (3) shrubs are required for each three hundred (300) square feet of required front setback and street-facing side and rear setbacks. When new trees are planted, at least half must be deciduous.

(3) Trees and shrubs which already exist in the required planting area or have their trunk or center within ten (10) feet of the area may be substituted for required plantings on a one-tree-to-one-tree or one-shrub-to-one-shrub basis if the minimum standards in Section 23.86.022 (Measurements) are met. In order to give credit for large existing trees, a tree may count as one (1) required tree for every three hundred (300) feet of its canopy spread.

(4) The planting of street trees may be substituted for required trees on a one-to-one (1:1) basis. All street trees shall be planted according to City standards.

(5) Each setback required to be landscaped shall be planted with shrubs, grass and/or evergreen ground cover.

(6) Landscape features such as decorative paving, sculptures or fountains are permitted to a maximum of twenty-five (25) percent of each required landscaped area.

(7) A plan shall be filed showing the layout of the required landscaping.

(8) The property owner shall maintain all landscape material and replace any dead or dying plants.

(9) Authorization of the use shall be subject to the posting by the applicant of a cash deposit or the pledge of an interest-bearing account with the City Director of Executive Administration in the amount equal to sixty (60) percent of the estimated cost of the landscaping, guaranteeing compliance. The deposit shall be refunded or the pledge released by the City Director of Executive Administration five (5) years from the date of issuance of the covering use permit at the request of the permittee upon presentation of a certificate of compliance from the Director of Design, Construction and Land Use. The deposit or pledge account shall be forfeited to the City if the landscaping requirements have not been complied with by the end of the five (5) year period, and the proceeds shall be used by the Director to effect compliance; provided, that such forfeiture shall not relieve the permittee from compliance with the landscaping requirements.

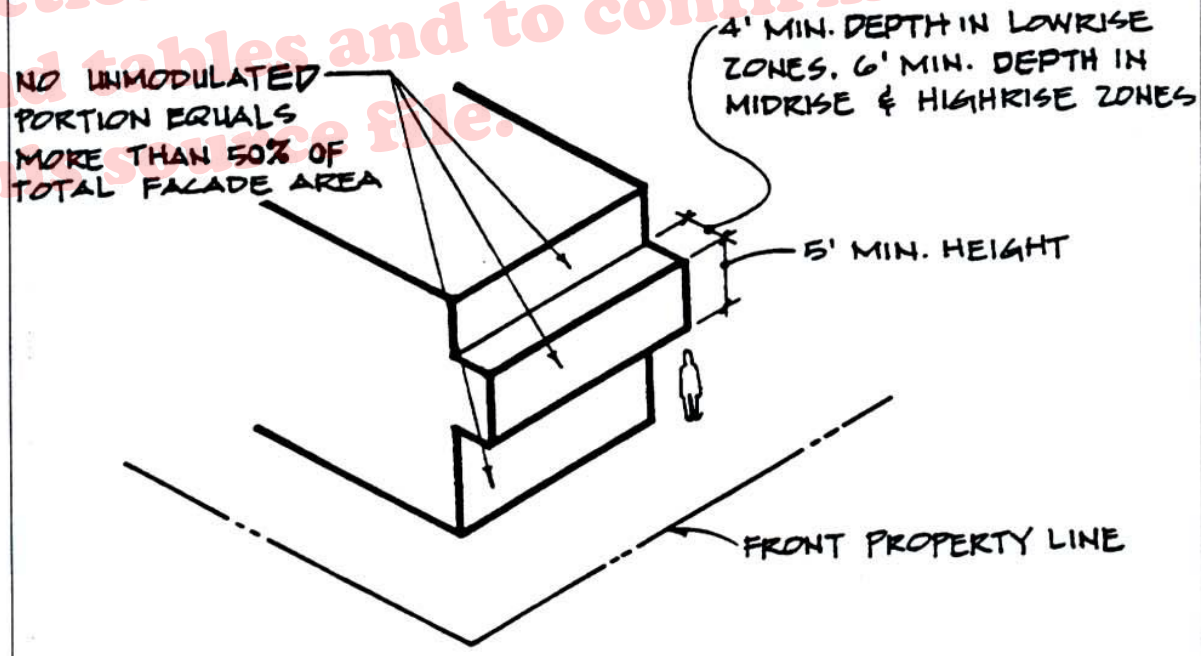
B. Maximum Depth. The maximum depth of institutional structures shall be sixty-five (65) percent of lot depth.

(Ord. 120794 § 294, 2002; Ord. 116368 § 303, 1992; Ord. 110570 § 3(part), 1982.)

For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
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Exhibit 23.45.094 A
Institutions, Modulation Requirements



For current SMC, contact
the Office of the City Clerk

23.45.096 Institutions—Setback requirements.

A. Front Setback. The minimum depth of the required front setback shall be determined by the average of the setbacks of structures on adjoining lots, but is not required to exceed twenty (20) feet. In Lowrise 1, Lowrise 2 and Lowrise 3 Zones, the setback shall not be reduced below an average of ten (10) feet, and no portion of the structure shall be closer than five (5) feet to the front lot line.

In Highrise Zones, where the street front is devoted to retail and service use, no front yard setback shall be required.

B. Rear Setback. The minimum rear setback shall be ten (10) feet in Lowrise 1, 2 and 3 and Midrise Zones. The minimum rear setback in Highrise Zones shall be twenty (20) feet.

C. Side Setback.

1. The minimum side setback shall be ten (10) feet from a side lot line which abuts any other residentially zoned lot. A five (5) foot setback shall be required in all other cases, except that the minimum side street setback shall be ten (10) feet.

In Highrise Zones, structures which are between ninety-one (91) and one hundred twenty (120) feet in height shall have a minimum side setback of fourteen (14) feet; structures which are taller than one hundred twenty (120) feet shall have a minimum side setback of sixteen (16) feet (Exhibit 23.45.096 A).

2. When the depth of a structure exceeds sixty-five (65) feet, an additional setback shall be required for that portion in excess of sixty-five (65) feet. This additional setback may be averaged along the entire length of the wall. The side setback requirement for portions of walls subject to this provision shall be provided as shown in the following chart.

Side Setback Requirements for Structures Greater than Sixty-Five Feet in Depth

	11-	21-	31-	41-	51-	61-	71-	81-	91-	
H	0-10	21	30	40	50	60	70	80	90	160
D										
66—70	11	12	13	14	15	16	17	18		
71—80	12	13	14	15	16	17	18	19	20	21
81—90	13	14	15	16	17	18	19	20	21	22
91—100	14	15	16	17	18	19	20	21	22	23
101—110	15	16	17	18	19	20	21	22	23	24

D. Setbacks for Specific Items. In Lowrise 1, Lowrise 2 and Lowrise 3 zones, the following items shall be located at least twenty (20) feet from any abutting residentially zoned lot:

1. Emergency entrances;
2. Main entrance door of the institutional structure;
3. Outdoor play equipment and game courts;

4. Openable window of gymnasium, assembly hall or sanctuary;
5. Garbage and trash disposal mechanism;
6. Kitchen ventilation;
7. Air-conditioning or heating mechanism;
8. Similar items causing noise and/or odors as determined by the Director.

E. Landscaping and Screening of Required Setbacks.

1. Institutions shall provide landscaping for setbacks which abut a street. Such setbacks shall be planted with trees, shrubs, grass and/or evergreen ground cover. The planting of street trees shall also be considered as part of the landscaping. Landscape features such as decorative paving, sculptures or fountains are permitted to a maximum of twenty-five (25) percent of each required landscaped area. If the landscaping option of Section 23.45.094 A2b is used, that shall fulfill all the requirements of this section.

a. A plan shall be filed showing the layout of the required landscaping. This landscaping plan shall meet the standards established by the Director.

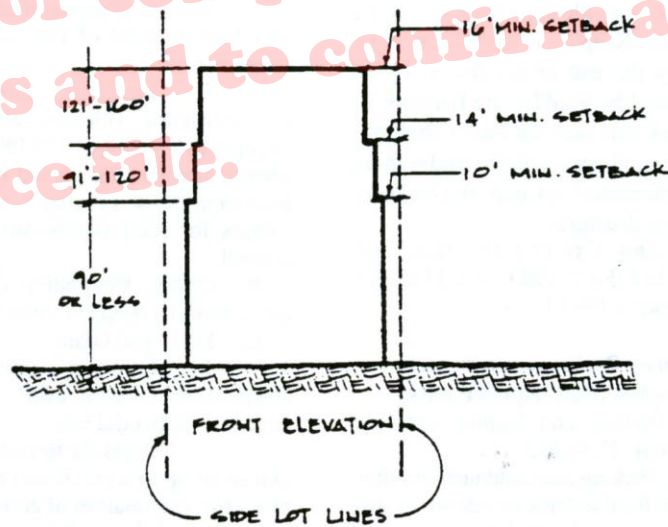
b. The property owner shall maintain all landscape material and replace any dead or dying plants.

c. Authorization of the use shall be subject to the posting by the applicant of a cash deposit or the pledge of an interest-bearing account with the City Director of Executive Administration in the amount of sixty (60) percent of the estimated cost of the landscaping, guaranteeing compliance. The deposit shall be refunded or the pledge released by the City Director of Executive Administration five (5) years from the date of issuance of the covering master use permit at the request of the permittee upon presentation of a certificate of compliance from the Director. The deposit or pledge account shall be forfeited to the City if the landscaping requirements have not been complied with by the end of the five (5) year period, and the proceeds shall be used by the Director to effect compliance; provided, that such forfeiture shall not relieve the permittee from compliance with the landscaping requirements. This requirement shall not apply to child care facilities locating in existing structures.

(Ord. 120794 § 295, 2002; Ord. 120117 § 18, 2000; Ord. 116368 § 304, 1992; Ord. 114875 § 5, 1989; Ord. 110793 § 39, 1982; Ord. 110570 § 3(part), 1982.)

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Exhibit 23.45.096 A
Institutions, Side Setback Requirements
in Highrise Zones



For current SMC, contact
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23.45.098 Institutions—Parking, access and transportation plan requirements.

A. **Parking Quantity.** Parking and loading shall be required as provided in Section 23.54.015.

B. **Location of Parking.** Parking areas and facilities may not be located in the required front setback or side street side setback. Otherwise, parking may be located in or under the structure, or in the front, side or rear of the structure.

C. **Screening of Parking.** Access or parking areas and facilities for more than five (5) vehicles shall be screened in accordance with the following requirements.

1. Screening shall be provided on each side of the parking area which abuts on or faces across a street, alley or access easement any lot in a residential zone.

2. Screening shall consist of a fence, solid evergreen hedge or wall between four (4) and six (6) feet in height. Sight triangles shall be provided.

3. The height of the visual barrier created by the screen required in paragraph 2 shall be measured from street level. If the elevation of the lot line is different from the finished elevation of the parking surface, the difference in elevation may be measured as a portion of the required height of the screen, so long as the screen itself is a minimum of three (3) feet in height (Exhibit 23.45.098 A).

D. **Landscaping of Parking.** Accessory parking areas for more than twenty (20) vehicles shall be landscaped according to the following requirements:

1. One (1) tree per every five (5) parking spaces shall be required.

2. Each required tree shall be planted in a landscaped area and shall be three (3) feet away from any curb of a landscaped area or edge of the parking area. Permanent curbs or structural barriers shall enclose each landscaped area.

3. Hardy evergreen ground cover shall be planted to cover each landscaped area.

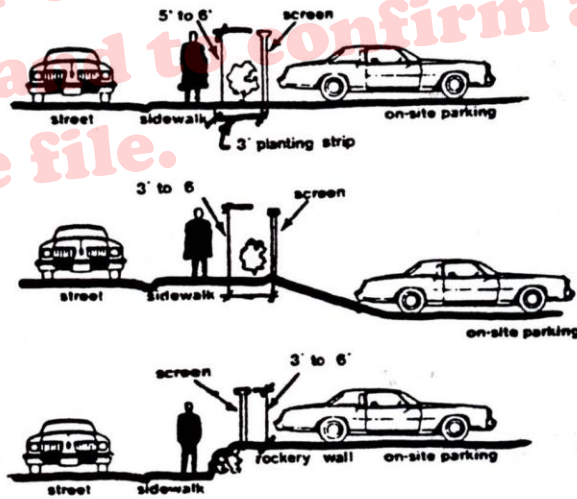
4. The trees and landscaped areas shall be located within the parking area in such a manner that large expanses of pavement and cars are visually broken and softened.

(Ord. 114875 § 6, 1989; Ord. 112777 § 19, 1986; Ord. 110793 § 40, 1982; Ord. 110570 § 3(part), 1982.)

**For current SMC, contact
the Office of the City Clerk**

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Exhibit 23.45.098 A
Screening of Parking



See ordinances creating and amending sections for complete text, graphics, and tables and to confirm accuracy of this source file.

For current SMC, contact the Office of the City Clerk

23.45.100 Institutions—Noise, odors, light and glare, and signs.

A. Noise.

1. Institutions shall be designed to meet the terms of Chapter 25.08 of the Seattle Municipal Code (Noise Control).

2. Institutions which are the origin or destination of emergency vehicles which emit noise specifically exempted by Chapter 25.08 shall be located only on an arterial street as designated in Chapter 11.18 of the Seattle Municipal Code (Traffic Code). Access to emergency entrances for such institutions shall also be located on the arterial.

B. Odors. Ventilation devices and other sources of odors shall be directed away from residential property.

C. Light and Glare.

1. Exterior lighting for institutions shall be shielded or directed away from principal structures on adjacent residential lots.

2. Poles for freestanding exterior lighting shall be permitted up to a maximum height of thirty (30) feet. Light poles for illumination of athletic fields on new and existing public school sites will be allowed to exceed thirty (30) feet subject to the requirements of Section 23.45.112, Public schools.

(Ord. 120266 § 2, 2001; Ord. 112830 § 4, 1986; Ord. 110570 § 3(part), 1982.)

23.45.102 Institutions—Dispersion criterion.

A. The lot line of any new or expanding institution other than child care centers locating in legally established institutions shall be located six hundred (600) feet or more from any lot line of any other institution in a residential zone with the following exceptions:

1. An institution may expand even though it is within six hundred (600) feet of a public school if the public school is constructed on a new site subsequent to December 12, 1985.

2. A proposed institution may be located less than six hundred (600) feet from a lot line of another institution if the Director determines that the intent of the dispersion criteria is achieved due to the presence of physical elements such as bodies of water, large open spaces or topographical breaks or other elements such as arterials, freeways or nonresidential uses, which provide substantial separation from other institutions.

(Ord. 114875 § 7, 1989; Ord. 112539 § 6, 1985; Ord. 110793 § 41, 1982; Ord. 110570 § 3(part), 1982.)

1. Editor's Note: Ordinance 112539 was adopted on November 12, 1985.

23.45.106 Public facilities.

A. Except as provided in subsections B, E, F and G of this section below, uses in public facilities that are similar to uses permitted outright or permitted as an administrative

conditional use under this chapter shall also be permitted outright or as an administrative conditional use, subject to the same use regulations, development standards and administrative conditional use criteria that govern the similar use. The City Council may waive or modify applicable development standards or administrative conditional use criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial Decisions and City facilities considered as Type V legislative decisions.

B. Other Permitted Uses in Public Facilities Requiring City Council Approval. The following uses in public facilities shall be permitted outright in all multifamily zones, when the development standards for institutions (Sections 23.45.092 through 23.45.102) are met:

1. Police precinct stations;
2. Fire stations;
3. Public boat moorages;
4. Utility service uses; and
5. Other similar uses.

If the proposed public facility use does not meet the development standards for institutions, the City Council may waive or modify applicable development standards according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

C. In all multifamily zones, uses in public facilities not meeting development standards may be permitted by the Council if the following criteria are satisfied:

1. the project provides unique services which are not provided to the community by the private sector, such as police and fire stations; and
2. The proposed location is required to meet specific public service delivery needs; and
3. The waiver or modification to the development standards is necessary to meet specific public service delivery needs; and
4. The relationship of the project to the surrounding area has been considered in the design, siting, landscaping and screening of the facility.

D. Expansion of Uses in Public Facilities.

1. **Major Expansion.** Major expansions may be permitted to uses in public facilities allowed in subsections A and B of this section above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. **Minor Expansion.** When an expansion falls below the major expansion threshold level, it is a minor

expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections A and B of this section above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

E. The following public facilities shall be prohibited in all multifamily zones:

1. Jails;
2. Work-release centers;
3. METRO operating bases;
4. Park and Ride lots;
5. Sewage treatment plants;
6. Solid waste transfer stations;
7. Animal control shelters; and
8. Post office distribution centers.

F. Specific Development Standards for Public Facilities.

1. Sale and consumption of beer during daylight hours on public park premises shall be permitted in a building or within fifty (50) feet of the building on an adjoining terrace; provided, that such use shall be in a completely enclosed building or enclosed portion of building when within one hundred (100) feet of any lot in a residential zone.

2. Sale and consumption of alcoholic beverages under a Class H liquor license on municipal golf course premises during the established hours of operation of the golf course shall be permitted in a building or within fifty (50) feet of the building on an adjoining terrace, provided, that such use shall be in a completely enclosed building or enclosed portion of building when within one hundred (100) feet of any lot in a residential zone.

G. Convention Center. The location or expansion of a public convention center may be permitted in the Highrise Zone through a Type IV Council land use decision. The following shall be considered in evaluating and approving, conditioning or denying public convention center proposals:

1. In making its decision, the Council shall determine whether the facility serves the public interest. This determination shall be based on an evaluation of the public benefits and the adverse impacts of the facility. The Council shall approve the facility only if it finds that public benefits outweigh the adverse impacts of the facility which cannot otherwise be mitigated.

2. In evaluating the public benefits and adverse impacts of a proposed convention center, the Council shall consider, but is not limited to, the following factors:

a. Economic impacts including, but not limited to, the net fiscal impacts on The State of Washington and City of Seattle, increased employment opportunities, demand for new development and increased tourism in the City and state;

b. Public amenities incorporated in the project including, but not limited to, open spaces accessible to the public and improved pedestrian circulation systems;

c. The relationship of the project to its surroundings with respect to height, bulk, scale, massing, landscaping, aesthetics, view enhancement or blockage, shadows and glare;

d. Impacts of the facility on traffic, parking, street systems, transit and pedestrian circulation;

e. Impacts of the facility on existing residential development in the vicinity of the project, including but not limited to direct and indirect housing loss;

f. Impacts of the facility on local governmental services and operations, including, but not limited to police and fire protection, and water, sewer and electric utilities;

g. Impacts of the facility relative to noise and air quality;

h. Cumulative impacts of the project on governmental services and facilities, natural systems, or the surrounding area, considering the project's impacts in aggregate with the impacts of prior development and the impacts of future development which may be induced by the project;

i. Additional information as the Council deems necessary to fully evaluate the proposal.

3. If the Council approves a convention center, it may attach conditions to its approval as necessary to protect the public interest or to mitigate adverse impacts. Conditions required by the Council may include, but are not limited to, landscaping, screening or other design amenities; parking facilities adequate to accommodate potential parking demands; a traffic management plan; measures to mitigate housing loss; and measures to reduce energy consumption.

H. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities. (Ord. 118672 § 5, 1997; Ord. 117430 § 46, 1994; Ord. 114623 § 2, 1989; Ord. 112522 § 11, 1985; Ord. 111702 § 1, 1984; Ord. 110793 § 42, 1982; Ord. 110570 § 3(part), 1982.)

23.45.108 Public or private parks and playgrounds.

The establishment of new or expansion of existing public or private parks and playgrounds, including customary structures and activities, shall be permitted outright in all multifamily zones. Garages and service or storage areas accessory to parks shall be located one hundred (100) feet or more from any other lot in a residential zone and shall be screened from view from such lot.

(Ord. 110793 § 43, 1982.)

For current SMC, contact
the Office of the City Clerk

23.45.110 Ground-floor business and commercial use in Midrise and Highrise zones.

Certain commercial uses shall be permitted outright on the ground floor of multifamily structures in Midrise and Highrise zones under the following conditions. These provisions shall not apply to Midrise and Highrise zones which have been designated Residential-Commercial on the Official Land Use Map.

A. Location.

1. In Midrise Zones, the use may be located only within a one (1) block radius of a commercial zone.
2. In Highrise Zones, the use may be located anywhere in the zone.
3. The commercial use may be located only on the ground floor of a multifamily structure. On sloping sites, the commercial use may be located at more than one (1) level within the structure as long as the commercial area does not exceed the area of the structure's footprint (Exhibit 23.45.110 A).

B. Permitted Commercial Uses. The following uses shall be permitted as ground-floor commercial uses in Midrise and Highrise zones:

1. Personal and household retail sales and services;
2. Medical services;
3. Restaurants without cocktail lounges;
4. Business support services;
5. Offices; and
6. Food processing and craft work.

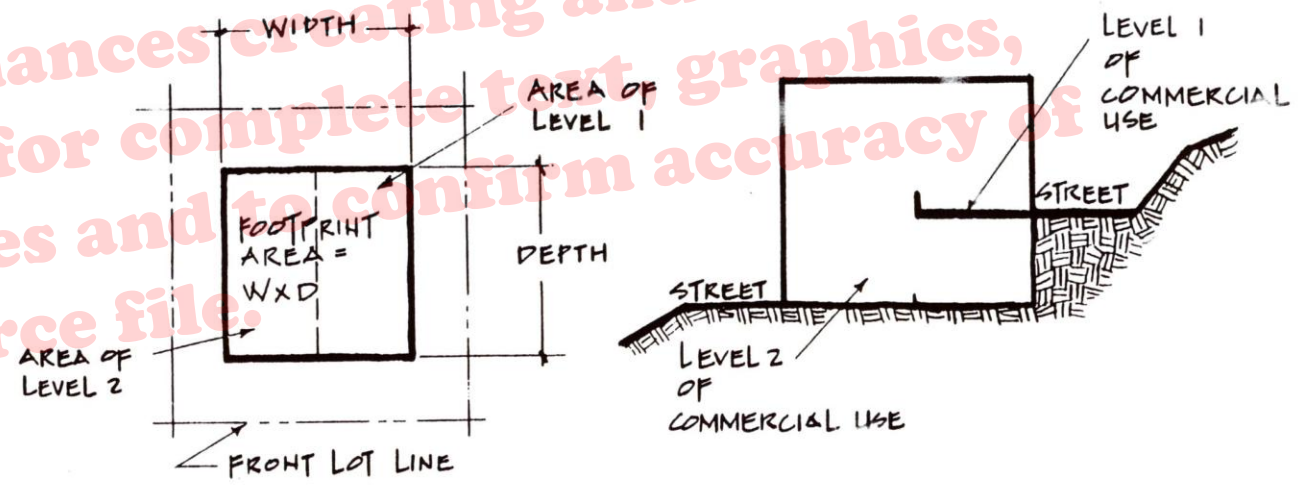
C. Ground-floor commercial uses shall meet the following standards:

1. All business, service, repair, processing, storage or merchandise display shall be conducted wholly within an enclosed structure, except for off-street vehicle parking and off-street loading. All goods produced shall be sold at retail on the premises where produced.
 2. The maximum gross floor area of any one (1) business enterprise shall be no greater than four thousand (4,000) square feet, except that the maximum gross floor area of a multi-purpose convenience store shall be ten thousand (10,000) square feet.
 3. Processes and equipment employed and goods processed or sold shall be limited to those which do not produce noticeable odors, dust, smoke, cinders, gas, noise, vibration, refuse matter or water-carried waste.
 4. Parking shall be required as provided in Chapter 23.54.
 5. No loading berths shall be required for ground-floor commercial uses. If provided, loading berths shall be located so that access to residential parking is not blocked.
 6. Identifying signs shall be permitted according to Chapter 23.55, Signs.
- (Ord. 113662 § 1, 1987; Ord. 112777 § 20, 1986; Ord. 112830 § 5, 1986; Ord. 110570 § 3(part), 1982.)¹

1. Editor's Note: Ordinance 112777 was signed by the Mayor on April 10, 1986 and became effective June 9, 1986. Ordinance 112830 was signed by the Mayor on May 9, 1986 and became effective on June 8, 1986; thus Ordinance 112777 is the later ordinance.

Seattle Municipal Code
December 2002 code update file
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Exhibit 23.45.110 A
Business and Commercial Use on the
Ground Floors of Sloping Sites



TOTAL AREA OF LEVEL 1 PLUS LEVEL 2
MUST BE LESS THAN OR EQUAL TO THE
FOOTPRINT AREA OF THE STRUCTURE

23.45.112 Public schools.

Public Schools Meeting Development Standards. New public schools or additions to existing public schools and accessory uses including child care centers which meet the following development standards shall be permitted in all multifamily zones. Public schools in Lowrise Duplex/Triplex (LDT) zones shall meet the development standards for public schools in Lowrise 1 (L1) zones. Departures from development standards of this section may be permitted or required pursuant to procedures and criteria established in Chapter 23.79, Establishment of Development Standard Departure for Public Schools.

A. Height.

1. For new public school construction on new public school sites, the maximum permitted height shall be the maximum height permitted in the zone for multifamily structures. For gymnasiums and auditoriums in the lowrise zones which are accessory to the public school, the maximum permitted height shall be thirty-five (35) feet plus ten (10) feet for a pitched roof if all portions of the structure above the height limit of the zone are set back at least twenty (20) feet from all property lines. All parts of a gymnasium or auditorium roof above the height limit must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof on a gymnasium or auditorium shall be permitted to extend above the thirty-five (35) foot height limit under this provision.

2. For new public school construction on existing public school sites, the maximum permitted height shall be the maximum height permitted in the zone for multifamily structures or thirty-five (35) feet plus fifteen (15) feet for a pitched roof, whichever is greater. If the thirty-five (35) foot height limit applies, all parts of the roof above the height limit must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the thirty-five (35) foot height limit under this provision.

3. For additions to existing public schools on existing public school sites, the maximum height permitted shall be the maximum height permitted in the zone for multifamily structures, the height of the existing school, or thirty-five (35) feet plus fifteen (15) feet for a pitched roof, whichever is greater. When the height limit is thirty-five (35) feet, all parts of the roof above the height limit must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the thirty-five (35) foot height limit under this provision.

4. Development standard departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79. For construction of new structures on new and existing public school sites to the extent not otherwise permitted outright, maximum height which may be granted as a development standard departure shall be thirty-five (35) feet plus fifteen (15) feet for a pitched roof for elementary schools and sixty (60) feet plus fifteen (15) feet for a pitched roof for secondary schools. The

standards for roof pitch at paragraph 3 shall apply. All height maximums may be waived by the Director when waiver would contribute to reduced demolition of residential structures.

5. The provisions regarding height for sloped lots, pitched roofs, and rooftop features for the zone in which the public school is located shall apply.

6. Light Standards.

a. Light standards for illumination of athletic fields on new and existing public school sites will be allowed to exceed the maximum permitted height, up to a maximum height of one hundred (100) feet, where determined by the Director to be necessary to ensure adequate illumination and where the Director determines that impacts from light and glare are minimized to the greatest extent practicable. The applicant must submit an engineer's report demonstrating that impacts from light and glare are minimized to the greatest extent practicable. When proposed light standards are reviewed as part of a project being reviewed pursuant to Chapter 25.05, Environmental Policies and Procedures, and requiring a SEPA determination, the applicant must demonstrate that the additional height contributes to a reduction in impacts from light and glare.

b. When proposed light standards are not included in a proposal being reviewed pursuant to Chapter 25.05, the Director may permit the additional height as a special exception subject to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

(1) When seeking a special exception for taller light standards, the applicant must submit an engineer's report demonstrating that the additional height contributes to a reduction in impacts from light and glare. When the proposal will result in extending the lighted area's duration of use, the applicant must address and mitigate potential impacts, including but not limited to, increased duration of noise, traffic, and parking demand. The applicant also must demonstrate it has conducted a public workshop for residents within one-eighth (1/8) of a mile of the affected school in order to solicit comments and suggestions on design as well as potential impacts.

(2) The Director may condition a special exception to address negative impacts from light and glare on surrounding areas, and conditions may also be imposed to address other impacts associated with increased field use due to the addition of lights, including, but not limited to, increased noise, traffic, and parking demand.

B. Setbacks.

1. General Requirements.

a. No setbacks shall be required for new public school construction or for additions to existing public school structures for that portion of the site across a street or an alley or abutting a lot in a nonresidential zone. When any portion of the site is across a street or an alley from or abuts a lot in a residential zone, setbacks shall be required for areas facing or abutting residential zones as provided in subsections B2 through B5 below. Setbacks for sites

23.45.112 LAND USE CODE

across a street or alley from or abutting lots in Residential-Commercial (RC) zones shall be based upon the residential zone classification of the RC lot.

b. The minimum setback requirement may be averaged along the entire structure facade with absolute minimums for areas abutting lots in residential zones as provided in subsections B2b, B3b and B4b.

c. Trash disposals, openable windows in a gymnasium, main entrances, play equipment, kitchen ventilators or other similar items shall be located at least thirty (30) feet from any single-family zoned lot and twenty (20) feet from any multifamily zoned lot.

d. The general setback exceptions regulations of the zone in which the public school is located shall apply.

2. New Public School Construction on New Public School Sites.

a. New public school construction on new public school sites across a street or alley from lots in residential zones shall provide minimum setbacks according to the facade height of the school and the designation of the facing residential zone, as follows:

Facade Height ¹	Minimum Setbacks Zone from which Across			
	SF/L1	L2/L3	MR	HR
	Average			
Up to 20'	15'	10'	5'	0'
21' to 35'	15'	10'	5'	0'
36' to 50'	20'	15'	5'	0'
51' or more	25'	20'	10'	0'

1. Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

b. New public school construction on new public school sites abutting lots in residential zones shall provide minimum setbacks according to the facade height of the school and the designation of the abutting residential zone, as follows:

Facade Height ¹	SF/L1	Minimum Setbacks Abutting Zone		
		L2/L3	MR	HR
		Average (minimum)		
Up to 20'	20' (10')	15' (10')	10' (5')	0' (0')
21' to 35'	25' (10')	20' (10')	10' (5')	0' (0')
36' to 50'	25' (10')	20' (10')	10' (5')	0' (0')
51' or more	30' (15')	25' (10')	15' (5')	0' (0')

1. Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

3. New Public School Construction on Existing Public School Sites.

a. New public school construction on existing public school sites across a street or alley from lots in residential zones shall provide either the setback of the pre-

vious structure on the site or minimum setbacks according to the facade height of the school and the designation of the facing residential zone, as follows, whichever is less:

Facade Height ¹	Minimum Setbacks Zone from which Across			
	SF/L1	L2/L3	MR	HR
	Average			
Up to 20'	10'	5'	5'	0'
21' to 35'	10'	5'	5'	0'
36' to 50'	15'	10'	5'	0'
51' or more	20'	15'	10'	0'

1. Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

b. New public school construction on existing public school sites abutting lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the facade height of the school and the designation of the abutting residential zone, as follows, whichever is less:

Facade Height ¹	Minimum Setbacks Abutting Zone			
	SF/L1	L2/L3	MR	HR
	Average (minimum)			
Up to 20'	15' (10')	10' (5')	10' (5')	0' (0')
21' to 35'	20' (10')	15' (10')	10' (5')	0' (0')
36' to 50'	25' (10')	20' (10')	10' (5')	0' (0')
51' or more	30' (15')	25' (10')	15' (5')	0' (0')

1. Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

4. Additions to Existing Public School Structures on Existing Public School Sites. (See Exhibit 23.44.017 A in Chapter 23.44.)

a. Additions to existing public school structures on existing public school sites across a street or alley from lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the facade height of the school and the designation of the facing residential zone, as follows, whichever is less:

Facade Height ¹	Minimum Setbacks Zone from which Across			
	SF/L1	L2/L3	MR	HR
	Average			
Up to 20'	5'	5'	5'	0'
21' to 35'	10'	5'	5'	0'
36' to 50'	15'	10'	5'	0'
51' or more	20'	15'	10'	0'

1. Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

b. Additions to public schools on existing public school sites abutting lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the facade height of the school and the designation of the abutting residential zone, as follows, whichever is less:

Facade Height ¹	Minimum Setbacks			
	SF/L1	Abutting Zone		
		L2/L3	MR	HR
	Average (minimum)			
Up to 20'	10' (5')	10' (5')	10' (5')	0' (0')
21' to 35'	15' (5')	10' (5')	10' (5')	0' (0')
36' to 50'	20' (10')	20' (10')	10' (5')	0' (0')
51' or more	25' (10')	25' (10')	15' (5')	0' (0')

1. Height of facade or portion of facade and height of pitched roof to ridge from existing grade.

5. Development standard departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 as follows:

a. The minimum average setback may be reduced to ten (10) feet and the minimum setback to five (5) feet for structures or portions of structures across a street or alley from lots in residential zones.

b. The minimum average setback may be reduced to fifteen (15) feet and the minimum setback to five (5) feet for structures or portions of structures abutting lots in residential zones.

c. The limits in paragraphs a and b of this subdivision 5 may be waived by the Director when waiver would contribute to reduced demolition of residential structures.

C. Structure Width.

1. When a new public school structure is built on a new public school site or on an existing public school site, the maximum width of a structure shall be sixty-five (65) feet unless either the modulation option in subsection C1a or the landscape option in subsection C1b of this section is met.

a. Modulation Option. Front facades and side and rear facades facing street lot lines shall be modulated according to the following provisions:

(1) The minimum depth of modulation shall be four (4) feet.

(2) The minimum width of modulation shall be twenty (20) percent of the total structure width or ten (10) feet, whichever is greater.

b. Landscape Option. Setbacks and landscaping shall be provided as follows:

(1) One (1) tree and three (3) shrubs are required for each three hundred (300) square feet of required setback. When new trees are planted, at least half must be deciduous.

(2) Trees and shrubs which already exist in the required planting area or have their trunk or center

within ten (10) feet of the area may be substituted for required plantings on a one (1) tree to one (1) tree or one (1) shrub to one (1) shrub basis if the minimum standards in Chapter 23.86, Measurements, are met, except that shrub height need not exceed two (2) feet at any time. In order to give credit for large existing trees, a tree may count as one (1) required tree for every three hundred (300) square feet of its canopy spread.

(3) The planting of street trees may be substituted for required trees on a one-to-one (1:1) basis. All street trees shall be planted according to City of Seattle Transportation Department tree planting standards.

(4) Each setback required to be landscaped shall be planted with shrubs, grass, and/or evergreen ground cover.

(5) Landscape features such as decorative paving are permitted to a maximum of twenty-five (25) percent of each required landscaped area.

(6) A plan shall be filed showing the layout of the required landscaping.

(7) The School District shall maintain all landscape material and replace any dead or dying plants.

2. There is no maximum width limit for additions to existing public school structures on existing public school sites. The Director may require landscaping to reduce the appearance of bulk.

3. Development standard departure from the modulation and landscaping standards may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 to permit other techniques to reduce the appearance of bulk. Modulation and landscaping standards may be waived by the Director when waiver would contribute to reduced demolition of residential structures.

D. Parking Quantity. Parking shall be as required as provided in Chapter 23.54.

E. Parking Location. Parking may be located:

1. Within the principal structure; or

2. On any portion of the site except the front setback when separated from streets and from abutting lots in residential zones by a five (5) foot deep area which is landscaped with trees and ground cover determined by the Director as adequate to soften the view of the parking from adjacent properties. In the case of a through lot, parking may also be located in one (1) front setback when landscaped as described in this subsection.

3. Development standard departure may be granted or required pursuant to the procedures set forth in Chapter 23.79 to permit parking location anywhere on the site and to reduce required landscaping. Landscaping may be waived in whole or in part if the topography of the site or other circumstances result in the purposes of landscaping being served, as, for example, when a steep slope shields parking from the view of abutting properties. This test may be waived by the Director when waiver would contribute to reduced demolition of residential structures.

F. Bus and Truck Loading and Unloading.

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1. An off-street bus loading and unloading area of a size reasonable to meet the needs of the school shall be provided and may be located in any required setback. The bus loading and unloading area may be permitted in a landscaped area provided under subsection C1b if the Director determines that landscaping around the loading and unloading area softens the impacts of its appearance on abutting properties.

2. One (1) off-street loading berth shall be required for new public school construction.

3. Development standard departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 from the requirements and standards for bus and truck loading and unloading areas and berths only when departure would contribute to reduced demolition of residential structures.

G. Noise, Odor, Light and Glare. The development standards for small institutions set forth in subsections A1, B and C of Section 23.45.100 shall apply. Development standard departure from these standards may be granted or required pursuant to the procedures set forth in Chapter 23.79 only when departure would contribute to reduced demolition of residential structures.

(Ord. 120266 § 3, 2001; Ord. 118794 § 30, 1997; Ord. 118414 § 28, 1996; Ord. 118409 § 181, 1996; Ord. 116744 § 5, 1993; Ord. 114875 § 8, 1989; Ord. 114196 § 12, 1988; Ord. 112777 § 21, 1986; Ord. 112830 § 6, 1986; Ord. 112539 § 7, 1985.)¹

1. Editor's Note: Ordinance 112777 was signed by the Mayor on April 10, 1986 and became effective June 9, 1986. Ordinance 112830 was signed by the Mayor on May 9, 1986 and became effective on June 8, 1986; thus Ordinance 112777 is the later ordinance.

Subchapter II Administrative Conditional Uses

**23.45.116 Administrative conditional uses—
General provisions.**

A. Only those uses identified in this subchapter as conditional uses may be authorized as conditional uses in multifamily zones. The master use permit process shall be used to authorize these uses.

B. Unless otherwise specified in this subchapter, conditional uses shall meet the development standards for uses permitted outright in Subchapter I.

C. The Director may approve, condition or deny a conditional use. The Director's decision shall be based on a determination whether the proposed use meets the criteria for establishing a specific conditional use and whether the use will be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

D. In authorizing a conditional use, the Director may mitigate adverse negative impacts by imposing requirements and conditions deemed necessary for the protection of other properties in the zone or vicinity and the public interest.

E. The Director shall issue written findings of fact and conclusions to support the Director's decision.

F. Any authorized conditional use which has been discontinued shall not be reestablished or recommenced except pursuant to a new conditional use permit. The following shall constitute conclusive evidence that the conditional use has been discontinued:

1. A permit to change the use of the property has been issued and the new use has been established; or

2. The property has not been devoted to the authorized conditional use for more than twenty-four (24) consecutive months.

Property which is vacant, except for dead storage of materials or equipment of the conditional use, shall not be considered as being devoted to the authorized conditional use. The expiration of licenses necessary for the conditional use shall be evidence that the property is not being devoted to the conditional use. A conditional use in a multifamily structure or a multi-tenant commercial structure shall not be considered as discontinued unless all units are either vacant or devoted to another use.

(Ord. 113262 § 2, 1986; Ord. 110570 § 3(part), 1982.)

**23.45.122 Institutions other than public schools
not meeting development standards.**

Institutions other than public schools which do not meet development standards established in Section 23.45.090 may be permitted in multifamily zones as administrative conditional uses. The provisions of this section shall apply to Major Institution uses as provided in Chapter 23.69, Major Institution Overlay District.

The following criteria shall be used to evaluate and/or condition the proposals:

A. Bulk and Siting. In order to accommodate the special needs of the proposed institution, and to better site the facility with respect to its surroundings, the Director may modify the applicable development standards for modulation, landscaping, provision of open space, and structure width, depth and setbacks. In determining whether to allow such modifications, the Director shall balance the needs of the institution against the compatibility of the proposed institution with the residential scale and character of the surrounding area.

B. Dispersion Criteria. An institution which does not meet the dispersion criteria of Section 23.45.102 may be permitted by the Director upon determination that it would not substantially aggravate parking shortages, traffic safety hazards, and noise in the surrounding residential area.

C. Noise. The Director may condition the permit in order to mitigate potential noise problems. Measures to be used by the Director for this purpose include, but are not limited to the following: landscaping, sound barriers or fences, mounding or berming, adjustments to yards or the location of refuse storage areas, or parking development standards, design modification and fixing of hours for use of areas.

D. Transportation Plan.

1. A transportation plan shall be required for proposed new institutions and for those institutions proposing expansions which are larger than four thousand (4,000) square feet of structure area and/or required to provide twenty (20) or more parking spaces.

2. The Director shall determine the level of detail to be disclosed in the transportation plan based on the probable impacts and/or scale of the proposed institution. Consideration of the following elements and other similar factors may be required:

a. Traffic. Number of staff during normal working hours; users, guests and others regularly associated with the institution; level of vehicular traffic generated; traffic peaking characteristics of the institution and the immediate area; likely vehicle use patterns; extent of congestion; types and number of vehicles associated with the use; and mitigating measures to be taken by the applicant;

b. Parking Area. Number of spaces; extent of screening from public or abutting lots; direction of vehicle light glare; direction of lighting; sources of possible vibration; prevailing direction of exhaust fumes; location of driveway and curb cuts; accessibility and convenience of the parking area; and mitigating measures to be taken by the applicant, such as parking space preferences for car-pool or vanpool vehicles and provisions for bicycle racks;

c. Parking Overflow. Number of vehicles expected to park in the street; percentage of on-street parking supply to be used by the proposed use; opportunities available to share existing parking areas; trends in local area development and mitigating measures to be taken by the applicant;

d. Safety. Number of driveways which cross pedestrian walkways; location of passenger loading areas;

e. Availability of Mass Transportation. Bus route location and frequency of service; private transportation programs, including carpools and vanpools, to be provided by the applicant.

3. The Director may condition a permit to mitigate potential traffic and parking problems. Measures which may be used by the Director for this purpose include, but are not limited to, the following:

a. Implementing the institution's transportation plan to encourage use of public or private mass transit;

b. Increasing on-site parking or loading space requirements to reduce overflow of vehicles into the on-street parking supply;

c. Changing access and location of parking;

d. Decreasing on-site parking or loading space requirements, if the applicant can demonstrate that less than the required amount of parking is necessary due to the specific features of the institution or the activities and programs it offers. In such cases, the applicant shall enter into an agreement with the Director, specifying the amount of parking required and linking the parking reduction to the features of the institution which justify the reduction. Such parking reductions shall be valid only under the conditions

specified, and if those conditions change, the standard requirement shall be satisfied.

(Ord. 115002 § 7, 1990; Ord. 114875 § 9, 1989; Ord. 112539 § 8, 1985; Ord. 110793 § 45, 1982; Ord. 110570 § 3(part), 1982.)

23.45.124 Landmark structures.

A. The Director may authorize a use not otherwise permitted in a multifamily zone within a structure designated as a landmark pursuant to the Seattle Municipal Code, Chapter 25.12, Landmark Preservation Ordinance, subject to the following development standards:

1. The use shall be compatible with the existing design and/or construction of the structure without significant alteration; and

2. The use shall be allowed only when it is demonstrated that uses permitted by the zone are impractical because of structure design and/or that no permitted use can provide adequate financial support necessary to sustain the structure in reasonably good physical condition; and

3. The use shall not be detrimental to other properties in the zone or vicinity or to the public interest.

B. The parking requirements for a use allowed in a landmark are those listed in Chart A of Section 23.54.015. These requirements may be waived pursuant to Section 23.54.020 C.

(Ord. 112777 § 2, 1986; Ord. 111390 § 33, 1983; Ord. 110570 § 3(part), 1982.)

23.45.126 Park and pool lot.

The Director may authorize a park and pool lot under the management of a public agency responsible for commuter pooling efforts if the Director shall determine that:

A. It is to be located on an existing parking lot;

B. The parking proposed for the park and pool lot is not needed by the principal use or its accessory uses during the hours proposed for park and pool use; and

C. The park and pool use shall not interfere or conflict with the peak hour activities associated with the principal use and its accessory uses. The Director may control the number and location of parking spaces to be used.

(Ord. 110570 § 3(part), 1983.)

Subchapter III Accessory Uses

23.45.140 General provisions.

A. The accessory uses listed in this subchapter are permitted in all multifamily zones unless otherwise specified. In addition, other accessory uses customarily incidental to principal uses may be permitted, subject to the provisions of Chapter 23.42, General Use Provisions.

B. Accessory structures shall be counted in structure width and depth if less than three (3) feet from the principal structure at any point. Such detached accessory structures shall have a height limit of twelve (12) feet.

23.45.142 LAND USE CODE

(Ord. 113978 § 4, 1988; Ord. 110793 § 46, 1982; Ord. 110570 § 3(part), 1982.)

23.45.142 Private garages and private carports.

Private garages and private carports shall be permitted as accessory uses in multifamily zones and shall be subject to the standards of the zone in which they are located.

(Ord. 110570 § 3(part), 1982.)

23.45.144 Swimming pools.

Private, permanent swimming pools, hot tubs and other similar uses are permitted as accessory uses subject to the following standards:

A. Swimming pools may be located in any required setbacks, provided that:

1. No part of any swimming pool shall project more than eighteen (18) inches above existing grade in a required front setback; and

2. No swimming pool shall be placed closer than five (5) feet to any front or side lot line.

B. All pools shall be enclosed with a fence, or located within a yard enclosed by a fence, not less than four (4) feet in height and designed to resist the entrance of children.

C. Swimming pools may be included in the measurement of required open space.

(Ord. 110570 § 3(part), 1982.)

23.45.146 Solar collectors.

A. Solar Greenhouses in Required Setbacks. Solar greenhouses attached and integrated with the principal structure and no more than twelve (12) feet in height are permitted as accessory uses. Such solar greenhouses may extend a maximum of six (6) feet into required front and side setbacks. Attached solar greenhouses in required setbacks shall be no closer than:

1. Three (3) feet from side lot lines; and

2. Eight (8) feet from front lot lines.

3. Solar greenhouses may be built to a rear lot line which abuts an alley, provided that the greenhouse is no taller than ten (10) feet along the rear property line, and of no greater average height than twelve (12) feet for a depth of fifteen (15) feet from the rear property line, and the greenhouse is no wider than fifty (50) percent of lot width for a depth of fifteen (15) feet from the rear property line. Otherwise solar greenhouses shall be no closer than five (5) feet from the rear lot line.

B. Solar Collectors in Required Setbacks. Solar collectors which meet minimum written energy conservation standards administered by the Director are permitted in required setbacks according to the following provisions:

1. Detached solar collectors shall be permitted in required rear setbacks. Such collectors shall be no closer than five (5) feet to any other principal or accessory structure.

2. Detached solar collectors shall be permitted in required side setbacks. Such collectors shall be no closer

than five (5) feet to any other principal or accessory structure, and no closer than three (3) feet to the side lot line.

3. The area covered or enclosed by solar collectors may be counted as required open space.

4. Sunshades which provide shade for solar collectors which meet minimum written energy conservation standards administered by the Director may project into southern front or rear setbacks. Those which begin at eight (8) feet or more above finished grade may be no closer than three (3) feet from the property line. Sunshades which are between finished grade and eight (8) feet above finished grade shall be no closer than five (5) feet to the property line.

C. Solar Collectors on Rooftops.

1. Lowrise Zones. Solar collectors which are located on rooftops and which meet minimum written energy conservation standards administered by the Director shall be permitted to project up to four (4) feet above the maximum height limit. The four (4) feet permitted for rooftop solar collectors shall not be added to extra height allowed for pitched roofs.

2. Midrise and Highrise Zones.

a. Solar greenhouses which meet minimum energy conservation standards administered by the Director shall be permitted to project up to ten (10) feet above the maximum height limit, including the additional height allowed for sloped lots. The combined total coverage of all rooftop features shall not exceed fifteen (15) percent if the total includes screened mechanical equipment.

b. Rooftop solar collectors other than solar greenhouses shall be permitted to project up to seven (7) feet above the maximum height limit, including the additional height allowed for sloped lots.

c. Extra height permitted for rooftop solar collectors shall not be added to extra height allowed for pitched roofs.

D. Nonconforming Solar Collectors. The Director may permit the installation of solar collectors which cause an existing structure to become nonconforming, or which increase an existing nonconformity, as a special exception pursuant to Chapter 23.76, Master Use Permit. Such an installation may be permitted even if it exceeds the height limits established in Section 23.45.146 C if the following conditions are met:

1. There is no feasible alternative solution to placing the collector(s) on the roof;

2. Such collector(s) are located so as to minimize view blockage for surrounding properties and shading of property to the north, while still providing adequate solar access for the collectors; and

3. Such collector(s) meet minimum energy standards administered by the Director.

(Ord. 115043 § 9, 1990; Ord. 113401 § 4, 1987; Ord. 112971 § 11, 1986; Ord. 111591 § 1, 1984; Ord. 110793 § 47, 1982; Ord. 110570 § 3(part), 1982.)

23.45.148 Keeping of animals.

A. Small Animals.
1. Up to three (3) small domestic animals per dwelling unit may be kept in multifamily zones; however, only one (1) may be a miniature potbelly pig (see subsection B of this section).

2. Accessory structures, including kennels, for four (4) or more animals shall be at least ten (10) feet from any other residentially zoned lot.

B. Miniature Potbelly Pigs. That type of swine commonly known as the Vietnamese, Chinese, or Asian Potbelly Pig (*Sus scrofa bittatus*) may be kept as domestic pets as a small animal, provided that no swine may be kept in the City which is greater than twenty-two (22) inches in height at the shoulder or more than one hundred fifty (150) pounds in weight.

C. Domestic Fowl. Up to three (3) domestic fowl may be kept on any lot in addition to the small animals permitted in the preceding subsection. For each one thousand (1,000) square feet of lot area in excess of five thousand (5,000) square feet, one (1) additional domestic fowl may be kept.

D. Farm Animals. Cows, horses and other similar farm animals are permitted only on lots at least twenty thousand (20,000) square feet in size. The keeping of swine is prohibited except for miniature potbelly pigs allowed under subsection B of this section.

1. Only one (1) farm animal for every ten thousand (10,000) square feet of lot area is permitted.

2. Farm animals and structures housing them shall be at least fifty (50) feet from any other residentially zoned lot.
(Ord. 116694 § 2, 1993; Ord. 110570 § 3(part), 1982.)

23.45.150 Beekeeping.

Beekeeping is permitted as an accessory use, when registered with the State Department of Agriculture, and provided that:

A. No more than four (4) hives, each with only one (1) swarm, shall be kept on lots of less than ten thousand (10,000) square feet.

B. Hives shall not be located within twenty-five (25) feet of any property line except when located eight (8) feet or more above the grade immediately adjacent to the subject lot or when situated less than eight (8) feet above the adjacent existing grade and behind a solid fence or hedge six (6) feet high, parallel to any property line within twenty-five (25) feet of a hive and extending at least twenty-five (25) feet beyond the hive in both directions.
(Ord. 110570 § 3(part), 1982.)

23.45.152 Home occupations.

Home occupations of a person residing in a dwelling unit are permitted in that dwelling unit as accessory uses, subject to the following development standards:

A. The occupation shall be clearly incidental and accessory to the use of the property as a dwelling.

B. The address of the home occupation shall not be given in any advertisement, including but not limited to commercial telephone directories, newspapers, magazines, off-premises signs, flyers, radio, television and any other media. Addresses may be listed on business cards, but a statement must be included to the effect that business is by appointment only.

C. The occupation shall be conducted only within the principal structure and not in an accessory structure, except that parking of vehicles associated with a home occupation shall be permitted anywhere that parking is permitted on the lot.

D. To preserve the residential appearance of the structure, there shall be no evidence of the home occupation from the exterior of the structure; provided, that one (1) sign, and outdoor play areas for daycare programs and outdoor activities normally associated with residential use shall be permitted. No outdoor storage shall be permitted in connection with a home occupation.

E. To preserve the residential character and use of the structure, only internal alterations customary to residential use shall be permitted and no external alterations shall be permitted to accommodate a home occupation.

F. Except for child care programs, not more than one (1) person who is not a resident of the dwelling unit may work in the dwelling unit of the home occupation whether or not compensated. This includes persons working off-site who come to the site for business purposes at any time as well as persons working on site.

G. Commercial pickup and deliveries shall be limited to one (1) per day on weekdays and shall be prohibited on weekends.

H. The home occupation shall not cause or add to on-street parking congestion or cause a substantial increase in traffic through residential areas.

I. A maximum of two (2) passenger vehicles, vans and similar vehicles each not exceeding a gross vehicle weight of ten thousand (10,000) pounds shall be permitted to operate in connection with the home occupation.

J. The home occupation shall be conducted so that odor, dust, light and glare, and electrical interference and other similar impacts are not detectable by sensory perception at or beyond the property line of the lot where the home occupation is located.

K. Signs shall be regulated by Section 23.55.022.

L. Child care programs in the home of the operator shall be limited to twelve (12) children including the children of the operator.
(Ord. 117263 § 21, 1994; Ord. 114875 § 10, 1989; Ord. 113387 § 2, 1987; Ord. 110570 § 3(part), 1982.)

23.45.154 Open wet moorage for private pleasure craft.

Open wet moorage facilities for residential structures are permitted as an accessory use as regulated in Chapter 23.60, Shoreline District, provided that only one (1) slip per residential unit is provided.

23.45.154 LAND USE CODE

(Ord. 118794 § 31, 1997; Ord. 110793 § 48, 1982; Ord. 110570 § 3(part), 1982.)

**Seattle Municipal Code
December 2022 code update file
Text provided for historic reference only.**

See ordinances creating and amending sections for complete text, graphics, and tables and to confirm accuracy of this source file.

**For current SMC, contact
the Office of the City Clerk**