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.
For current SMC, contact
the Office of the City Clerk

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.
(Ord. 118794 § 31, 1997: Ord. 110793 § 48, 1982: Ord. 110570 § 3(part), 1982.)

23.45.160 Bed and breakfasts.

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

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

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

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

D. Parking shall be required as provided in Chapter 23.54.
(Ord. 112777 § 23, 1986; Ord. 110570 § 3(part), 1982.)

23.45.162 Recycling collection station.

Recycling collection stations maintained in good condition shall be permitted in all multifamily zones.
(Ord. 110570 § 3(part), 1982.)

23.45.164 Heat recovery incinerators.

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

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

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

C. Adequate control measures for insects, rodents and odors shall be maintained continuously.
(Ord. 110570 § 3(part), 1982.)

23.45.166 Off-site parking facilities in Highrise Zones.

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

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

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

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

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

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

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

G. Any lighting used to illuminate a parking area shall be arranged so as to reflect the light away from residences or adjoining premises in any residential zone.
(Ord. 120117 § 19, 2000; Ord. 110793 § 49, 1982; Ord. 110570 § 3(part), 1982.)

Chapter 23.46
RESIDENTIAL-COMMERCIAL

Sections:

Savings: The amendment or repeal by the ordinance codified in this chapter of any section of the Land Use Code shall not affect any right or duty accrued or any proceeding commenced under the provisions of such amended or repealed sections prior to the effective date of the ordinance codified in this chapter.
(Ord. 112993 § 1 (part), 1986: Ord. 112777 § 59A (part), 1986.)

Seattle Municipal Code
December 2002 code update file
Text provided for historical reference only.
See ordinances creating and amending
sections for complete text, graphics,
and tables and for current legislation.
The Office of the City Clerk
For current SMC, contact
the Office of the City Clerk

23.46.002 Scope of provisions.

A. This chapter details those authorized commercial uses which are or may be permitted in Residential-Commercial (RC) zones.

B. All RC zones are assigned a residential zone classification on the Official Land Use Map. The development standards of the designated residential zone shall apply to all uses in the RC zone except commercial uses. The development standards of the designated residential zone shall apply to all structures in the RC zone, except that parking quantity shall be required as provided in Chapter 23.54.

C. The development standards of the RC zone shall apply to all commercial uses.

D. Methods for measurements are provided in Chapter 23.86. Standards for parking quantity access and design are provided in Chapter 23.54. Sign standards are provided in Chapter 23.55.

E. In addition to the provisions of this chapter, certain residential-commercial areas may be regulated by Overlay Districts, Chapter 23.59.

(Ord. 118414 § 29, 1996; Ord. 116795 § 7, 1993: Ord. 112777 § 24(part), 1986.)

Part 1 Use Provisions

23.46.004 Uses.

A. All uses, except commercial uses, which are permitted outright or by conditional use in the applicable residential zone shall be regulated by the residential zone provisions, including provisions relating to accessory uses.

B. The following commercial uses shall be permitted outright:

1. Personal and household retail sales and services;
2. Medical services;
3. Restaurants without cocktail lounges;
4. Business support services;
5. Offices; and
6. Food processing and craft work.

C. Permitted commercial uses shall be allowed as either a principal use or as an accessory use.

D. Permitted commercial uses shall be allowed only in structures containing at least one (1) dwelling unit according to the development standards of Section 23.46.012, Location of commercial uses.

E. Drive-in businesses shall be prohibited, either as principal or accessory uses.

F. Outdoor sales, outdoor display of rental equipment, and outdoor storage shall be prohibited, except for accessory recycling collection stations, and the accessory outdoor sales of fruits, vegetables and plants.

(Ord. 112777 § 24(part), 1986.)

23.46.006 Conditional uses.

A. Conditional use provisions of the applicable residential zone shall apply to all noncommercial conditional uses.

B. All conditional uses not regulated by subsection A shall meet the following criteria:

1. The use shall be determined not to be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

2. In authorizing a conditional use, adverse impacts may be mitigated by imposing requirements or conditions deemed necessary for the protection of other properties in the zone or vicinity, and the public interest. The Director shall deny the conditional use if it is determined that adverse impacts cannot be satisfactorily mitigated.

C. Parking at or below grade accessory to nonresidential uses in adjacent commercial zones may be permitted as a conditional use.

1. The Director may authorize such parking if:

a. The proposed parking is necessary to meet parking requirements, or the proposed parking will be used as a shared parking facility;

b. The proposed parking is necessary to avoid increased parking congestion in the adjacent commercial area;

c. The proposed parking is necessary to avoid creation or worsening of excessive spillover parking in adjacent residential areas;

d. Other parking options such as shared parking have been considered and found to be unavailable in the adjacent commercial zone; and

e. The proposed parking does not encourage substantial traffic to pass through adjacent residential areas.

2. If the Director authorizes a surface parking area, the following standards shall be met:

a. A minimum of fifteen (15) percent of the surface parking area shall be landscaped. Specific landscaped areas required in this subsection shall count toward the fifteen (15) percent.

b. A landscaped setback of at least ten (10) feet shall be provided along the front property line. A landscaped setback of at least five (5) feet in depth shall be provided along all other street property lines.

c. When abutting a property in a residential zone (including RC zones), six (6) foot high screening and a five (5) foot deep landscaped area inside the screening shall be provided.

d. When across the street from a residential zone (including RC zones), three (3) foot high screening shall be provided between the parking area and the landscaped setback along all street property lines.

e. Whenever possible, access to parking shall be from the commercial area.

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.

(Ord. 112777 § 24(part), 1986.)

Part 2 Development Standards for Commercial Uses

23.46.012 Location of commercial uses.

A. Commercial uses shall be permitted only on or below the ground floor of a structure which contains at least one (1) dwelling unit, except as provided in the Northgate Overlay District, Chapter 23.71.

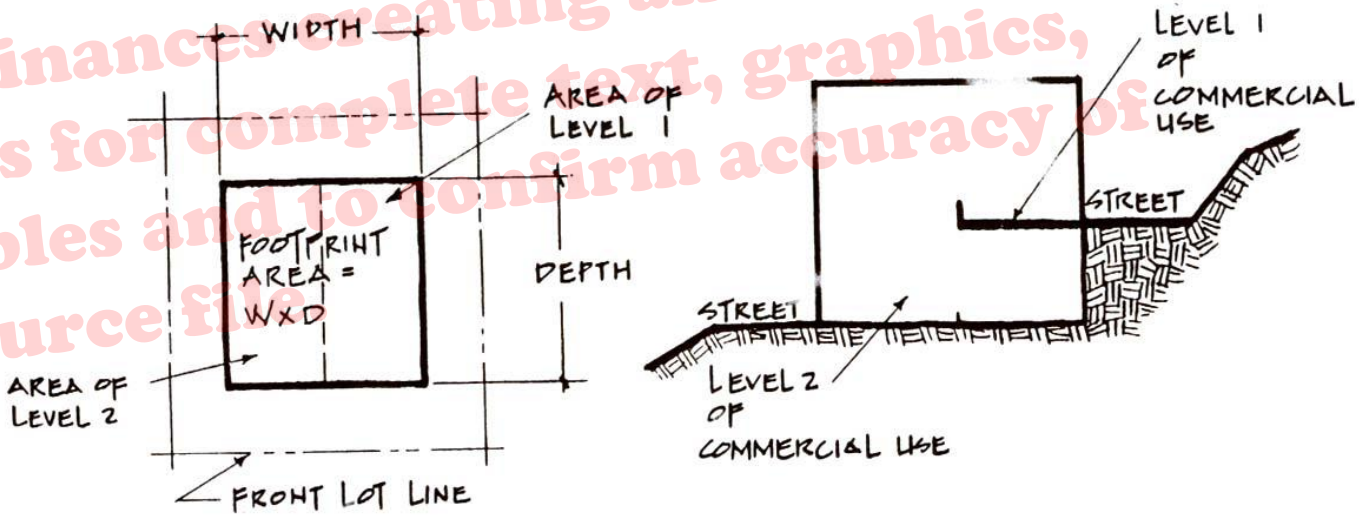
B. On sloping lots the commercial use may be located at more than one (1) level within the structure where the total commercial area does not exceed the area of the structure's footprint (Exhibit 23.46.012 A)

(Ord. 116795 § 8, 1993; Ord. 112777 § 24(part), 1986.)

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 23.46.012 A
Commercial Uses on the Ground Floor on Sloping Lots



TOTAL AREA OF LEVEL 1 PLUS LEVEL 2 MUST BE LESS THAN OR EQUAL TO THE FOOTPRINT AREA OF THE STRUCTURE

Seattle Municipal Code
December 2006 code update file
Text provided for historic reference only.
See Ordinances creating and amending this section for complete text, graphics, and tables and to confirm accuracy of this code file.
For current SMC, contact the Office of the City Clerk

23.46.014 Maximum size of commercial uses.

A. The maximum size limit for individual business establishments shall be four thousand (4,000) square feet, except that in MR/RC and HR/RC zones, multi-purpose convenience stores shall be permitted up to a maximum size of ten thousand (10,000) square feet.

B. Maximum size shall be calculated by taking the gross floor area of a structure(s) or portion of a structure(s) occupied by a single business establishment.

C. Any area used for permitted outdoor sales shall be limited to one thousand (1,000) square feet, and shall be included in determining the maximum size of a business establishment.

D. Maximum Size of Combined Uses Within a Business Establishment. Business establishments which include more than one (1) type of use shall be permitted, provided each use is permitted, and:

1. The size of each use shall not exceed the size limit for the individual use; and

2. The total size of the business establishment does not exceed the maximum size allowed for the type of use with the largest size limit.

E. Split Zoned Lots.

1. The total size of a business establishment occupying portions of a lot in more than one (1) zone shall not exceed the maximum size allowed in the zone with the larger size limit.

2. The total size of that portion of a business establishment in each zone shall not exceed the maximum size allowed for that business establishment in that zone.

F. Accessory exterior recycling collection stations maintained in good condition shall be permitted in surface parking areas up to a maximum size of five hundred (500) square feet or five percent (5%) of the parking area, whichever is less.

(Ord. 112777 § 24(part), 1986.)

23.46.016 Noise standards.

A. All fabricating uses, repairing, and refuse compacting activities shall be conducted wholly within an enclosed structure.

B. Major Noise Generators.

1. Exterior heat exchangers and other similar devices shall be considered major noise generators.

2. When a major noise generator is proposed, a report from an acoustical consultant shall be required to describe the measures to be taken by the applicant in order to meet noise standards for the area. Such measures may include, for example, the provision of buffers, reduction in hours of operation, relocation of mechanical equipment, increased setbacks, and use of specified construction techniques or building materials.

Measures to be used shall be specified on the plans. After a permit has been issued, any measures which were required by the permit to limit noise shall be maintained.

(Ord. 112777 § 24(part), 1986.)

23.46.018 Odor standards.

A. The venting of odors, fumes, vapors, smoke, cinders, dust and gas shall be at least ten feet (10′) above finished sidewalk grade and directed away as much as possible from residential uses within fifty feet (50′) of the vent.

B. Major Odor Sources. Uses which employ the following odor-emitting processes or activities shall be considered major odor sources except when the entire activity is provided on a retail or on-site customer-service basis:

1. Cooking of grains;
2. Smoking of food or food products;
3. Fish or fish meal processing;
4. Coffee or nut roasting;
5. Deep fat frying;
6. Dry cleaning; and
7. Other similar processes or activities.

C. When an application is made for a use which is determined to be a major odor source, the Director, in consultation with the Puget Sound Air Pollution Control Agency (PSAPCA), shall determine the appropriate measures to be taken by the applicant in order to significantly reduce potential odor emissions and airborne pollutants. The measures to be taken shall be indicated on plans submitted to the Director, and may be required as conditions for the issuance of any permit. After a permit has been issued, any measures which were required by the permit shall be maintained.

(Ord. 112777 § 24(part), 1986.)

23.46.020 Light and glare standards.

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

B. Interior lighting in parking garages shall be shielded, to minimize nighttime glare affecting nearby uses.

C. Exterior lighting on poles shall be permitted up to a maximum height of thirty feet (30′) from finished grade. In MR/RC and HR/RC zones, exterior lighting on poles shall be permitted up to a height of forty feet (40′) from finished grade, provided that ratio of watts to area is at least twenty percent (20%) below the maximum exterior lighting level permitted by the Energy Code.[1]

(Ord. 112777 § 24(part), 1986.)

1. Editor's Note: The Energy Code is codified at Subtitle VII of Title 22 of this Code.

23.46.022 Parking requirements.

A. Parking Quantity. Each permitted commercial use shall provide a minimum number of off-street parking spaces according to the requirements of Section 23.54.015, Required parking.

B. Location of Parking. Parking for commercial uses may be located:

Seattle Municipal Code
December 2009 code update file
Text provided for historic reference only.
See Municipal Code for complete text, graphics,
and maps and to confirm accuracy of
this source file.

1. On the same lot, according to the locational requirements of the designated residential zone; or

2. Within eight hundred (800) feet of the lot on which the commercial use is located, when either:

a. The parking is located in a commercial zone; or

b. The parking is part of the joint use of existing parking in an RC zone.

3. When parking is provided on a lot other than the lot of the use to which it is accessory, the provisions of Section 23.54.025, Parking covenants, shall apply.

(Ord. 112777 § 24(part), 1986.)

23.46.024 Transportation concurrency level-of-service standards.

Proposed uses in residential-commercial zones shall meet the transportation concurrency level-of-service standards prescribed in Chapter 23.52.

(Ord. 117383 § 5, 1994.)

Chapter 23.47
COMMERCIAL

Sections:

Savings: The amendment or repeal by the ordinance codified in this chapter of any section of the Land Use Code shall not affect any right or duty accrued or any proceeding commenced under the provisions of such amended or repealed sections prior to the effective date of the ordinance codified in this chapter.

(Ord. 112993 § 1(part), 1986: Ord. 112777 § 59A(part), 1986.)

23.47.002 Scope of provisions.

A. This chapter describes the authorized uses and development standards for the five (5) commercial zones: Neighborhood Commercial 1 (NC1), Neighborhood Commercial 2 (NC2), Neighborhood Commercial 3 (NC3), Commercial 1 (C1) and Commercial 2 (C2).

B. Commercial zones which have a pedestrian designation (P1 or P2) or a residential designation (R) on the Official Land Use Map shall be subject to the use and development standards of Subchapters I, II and III of this chapter. These subchapters may be modified by applicable overlay provisions.

C. Areas referred to as urban village commercial areas are those commercially zoned properties designated on the Comprehensive Plan Future Land Use Map as commercial/mixed use areas within urban centers/villages. These

For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
December 2002 code update file
Text provided for historical reference only.
See ordinances creating and amending
sections for complete text, graphics,
and effective dates.
This text is not the official version of
this code file.

commercial areas are indicated by a "V" on the Official Land Use Map.

D. In addition to the regulations of this chapter, certain commercial areas may be regulated by Subtitle IV, Division 3, Overlay Districts.

E. Requirements for streets, alleys and easements are provided in Chapter 23.53. Standards for parking quantity, access and design are provided in Chapter 23.54. Signs shall be regulated by Chapter 23.55. Methods for measurements are provided in Chapter 23.86. 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.

F. Departure from the development standards of this chapter may be permitted or required for public schools pursuant to procedures and criteria established in Chapter 23.79, Development Standard Departure for Public Schools.

(Ord. 120928 § 12, 2002; Ord. 117430 § 47, 1994: Ord. 117350 § 2, 1994; Ord. 116795 § 9, 1993; Ord. 116295 § 7, 1992; Ord. 115326 § 14, 1990; Ord. 114382 § 1, 1989; Ord. 112777 § 25(part), 1986.)

Subchapter I Uses in All Commercial Zones

23.47.004 Permitted and prohibited uses.

A. All uses shall either be permitted outright, prohibited or permitted as a conditional use according to Chart A, and this section, except to the extent that Chart A may be superseded by Chapter 23.67, Southeast Seattle Reinvestment Area, or by Chapter 23.73, Pike/Pine Overlay District.

B. All permitted uses shall be allowed as either a principal use or as an accessory use, unless otherwise indicated in Chart A.

C. In pedestrian-designated zones, certain street-level uses shall be required according to the provisions of Section 23.47.042.

D. The Director may authorize a use not otherwise permitted in the zone in a landmark structure, subject to the following criteria:

1. The use shall not require significant alteration of the structure; and

2. The design of the structure makes uses permitted in the zone impractical in the structure, or the permitted uses do not provide sufficient financial return to make use of the structure feasible; and

3. The physical impacts of the use shall not be detrimental to other properties in the zone or vicinity or to the public interest.

E. Residential Uses.

1. Residential Use in Single-purpose Residential Structures. The term "single-purpose residential structure" may include a structure with both residential and nonresidential uses, but does not include an assisted living facility or any structure that is part of a mixed-use development meeting the standards in Section 23.47.008. Residential use in single-purpose residential structures is permitted as an administrative conditional use, unless:

a. The structure is located within an area in which the use is either permitted outright or prohibited, as shown on the Maps 23.47.004 A, B, C, D, E, F, G, H, I, and J;

b. The structure is located in a pedestrian-designated zone, in which case residential use is prohibited at street level along the designated principal pedestrian street as provided in Section 23.47.042;

c. The structure is located within a zone which has a height limit of eighty-five (85) feet or higher, in which case single-purpose residential structures are prohibited;

d. The residential use is a nursing home, in which case it is permitted outright unless prohibited as provided in subsection E1b;

e. The structure is located within the Station Area Overlay District, in which case the provisions of Chapter 23.61 apply.

f. The structure is in a part of the International Special Review District east of the Interstate 5 Freeway, in which case residential use is permitted outright as provided in Section 23.66.330; or

g. The structure, in any commercial zone, is for a low-income housing project and:

(1) An application for a reservation of tax credit for 1988 and 1989 under the low-income tax credit program administered by the Washington State Housing Finance commission was filed on or before March 15, 1988; or

(2) A nonprofit corporation purchased sites, signed options or entered into a real estate purchase agreement prior to March 15, 1988, in either of which cases the residential use is permitted outright.

2. Residential Use in Mixed-use Development. Residential use in mixed-use development is permitted outright in NC1, NC2, NC2/R, NC3, NC3/R and C1 zones; provided that, for assisted living facilities, which are considered mixed-use development, private living units and parking accessory to those units are prohibited at street level.

F. Public Facilities.

1. Except as provided in subsection F2 below, uses in public facilities that are most similar to uses permitted outright or permitted as a conditional use under this chapter shall also be permitted outright or as a conditional use, subject to the same use regulations, development standards and conditional use criteria that govern the similar uses. The City Council may waive or modify applicable development standards or conditional use criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects consi-

For current SMC, contact
the Office of the City Clerk

dered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

2. Other Permitted Uses in Public Facilities Requiring City Council Approval. Unless specifically prohibited in Chart A, uses in public facilities that are not similar to uses permitted outright or permitted as a conditional use under this chapter may be permitted by the City Council. Uses in public facilities shall meet the development standards of the zone in which they are located. The City Council may waive or modify applicable development standards or conditional use criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects

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.
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 or amending sections for complete text, graphics, and tables. The Municipal Code is the accuracy of this source file.

Wallingford Urban Village

Single-purpose residential development prohibited.

Map 23.47.004 A

0 300 600

FEET

No warranties of any sort, including accuracy, fitness, or merchantability, accompany this product.

© 1999, City of Seattle, All rights reserved.

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.

University Community Urban Center

Single-purpose residential development permitted outright.

0 200 400 600

FEET

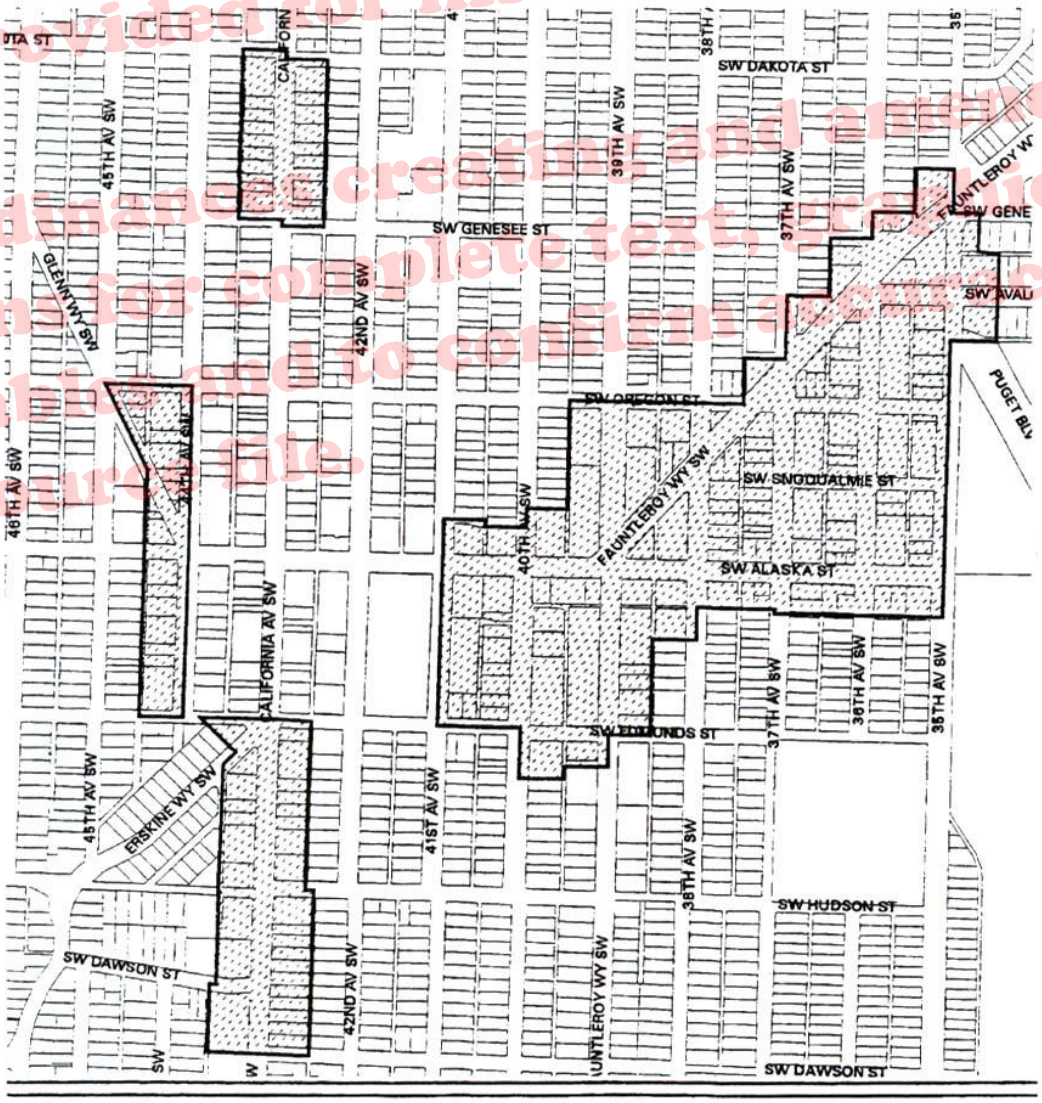
Map 23.47.004 B

No warranties of any sort, including accuracy, fitness, or merchantability, accompany this product.

© 1999, City of Seattle, All rights reserved.

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 section for complete text, graphics, and tables and to confirm accuracy of this secure file.



West Seattle Junction Hub Urban Village

Single-purpose residential permitted outright.

Map 23.47.004 C

0 300 600

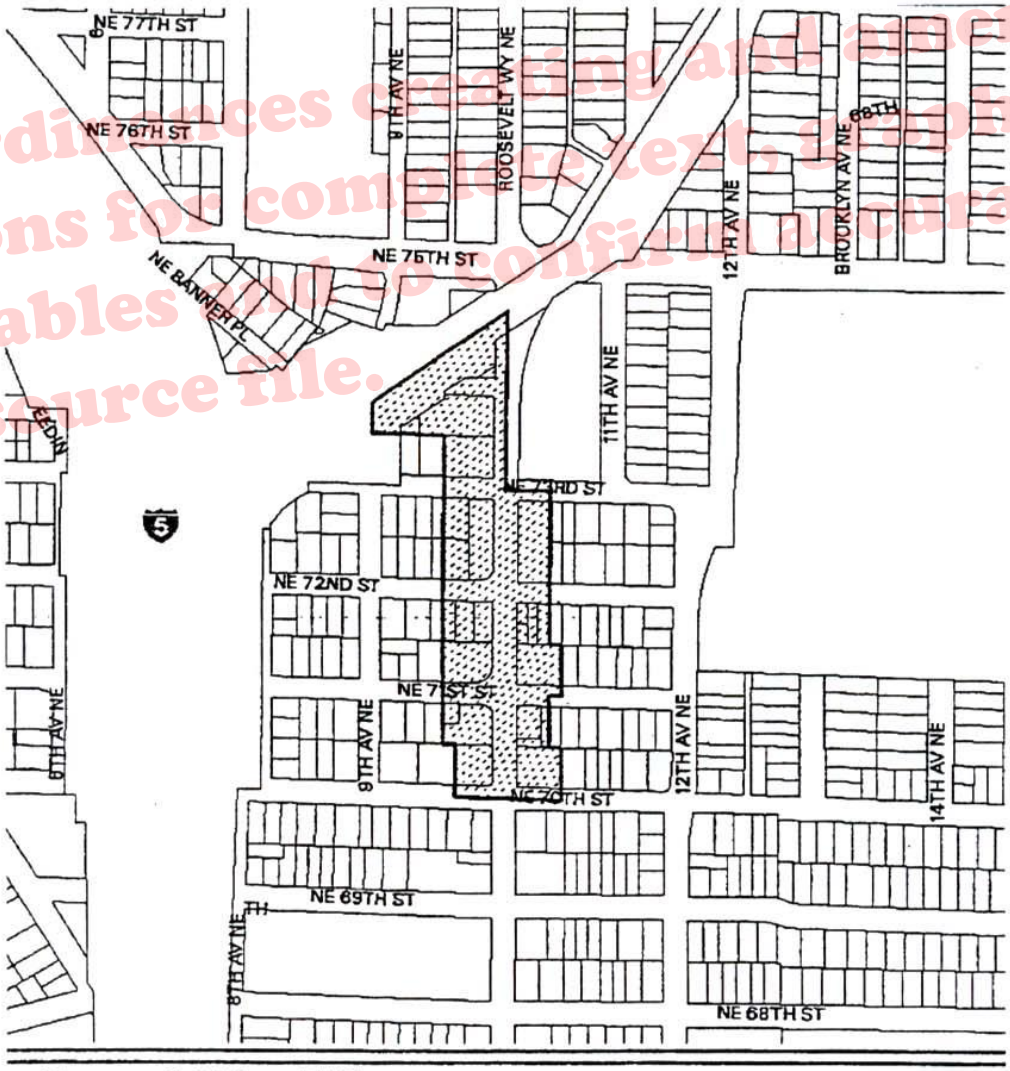
FEET

No warranties of any sort, including accuracy, fitness, or merchantability, accompany this product.

c 1999, City of Seattle, All rights reserved.

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.



Roosevelt Urban Village

Single-purpose residential development permitted outright.

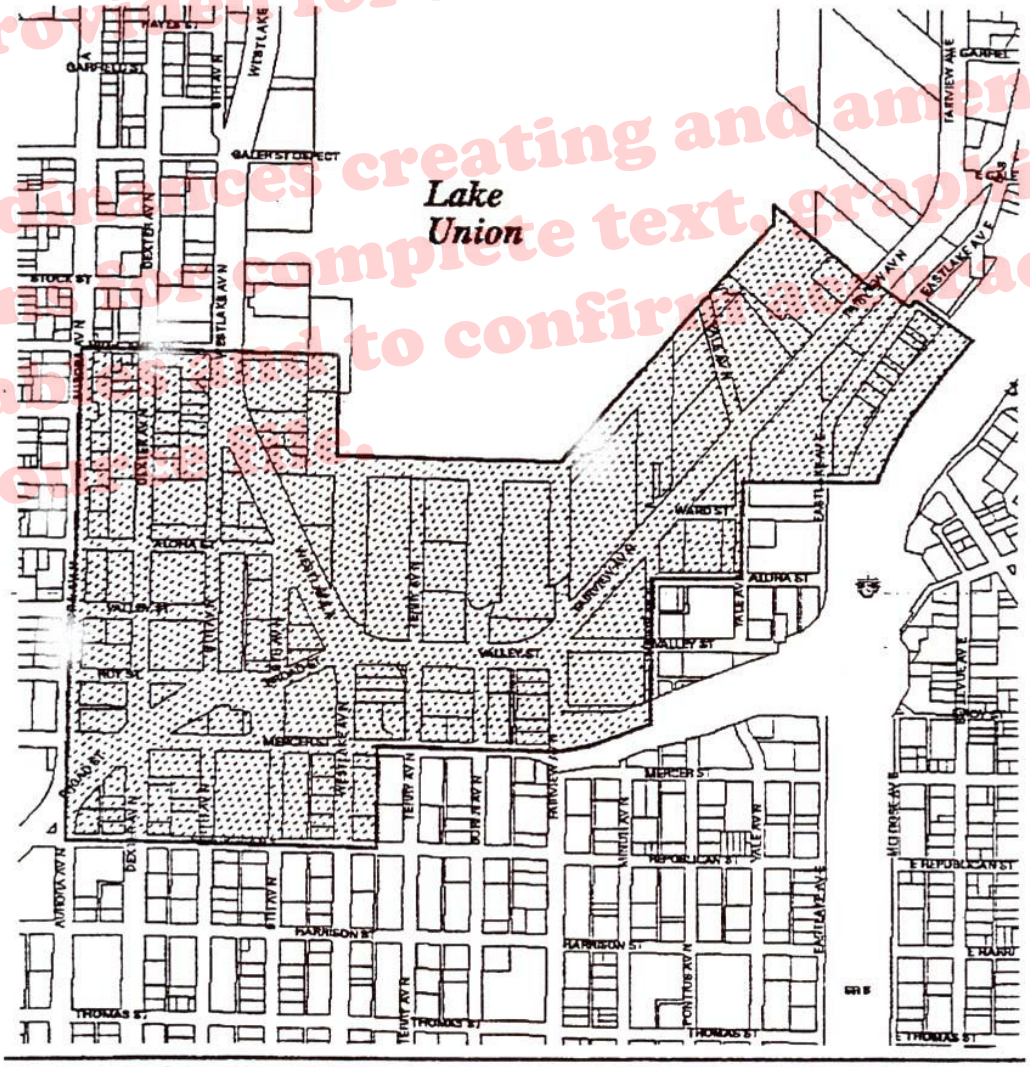
Map 23.47.004 D

No warranties of any sort, including accuracy, fitness, or merchantability, accompany this product.

© 1999, City of Seattle, All rights reserved.

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 the accuracy of
this section.
For current SMC, contact
the Office of the City Clerk



South Lake Union Urban Village

Single-purpose residential development prohibited.

0 400 800

FEET

N

W E

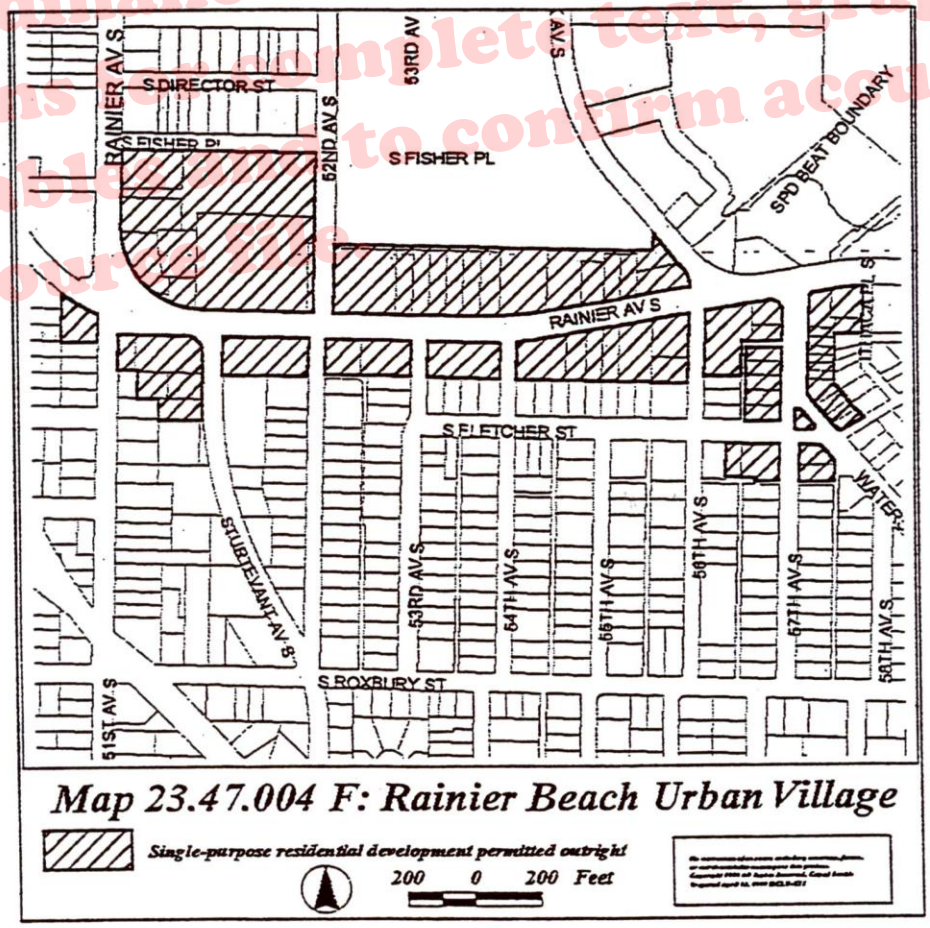
S

Map 23.47.004 E

No warranties of any sort, including accuracy, fitness, or merchantability, accompany this product.

© 1995, City of Seattle, All rights reserved.

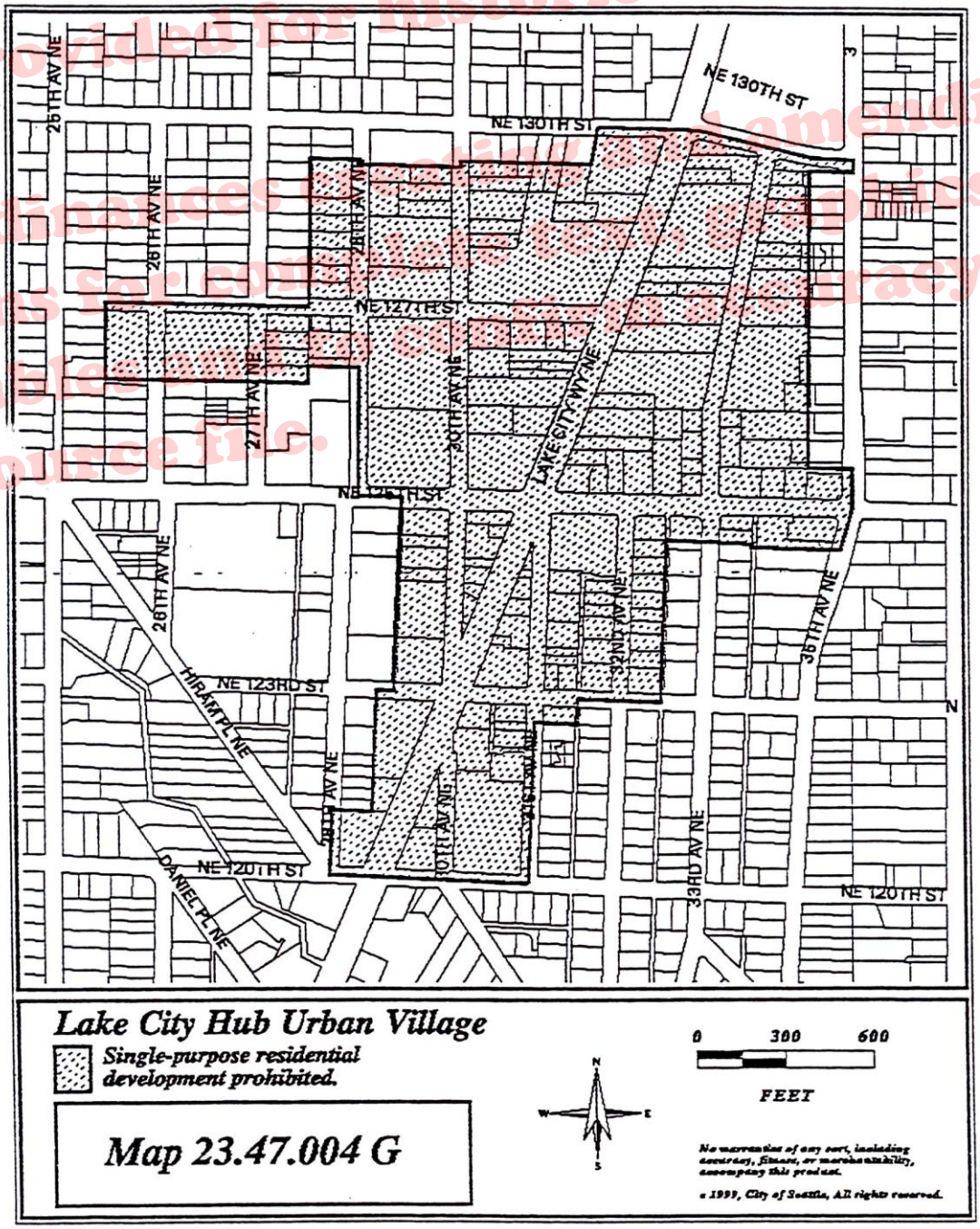
Seattle Municipal Code
December 2002 code update file
Text provided for historic reference only.
See ordinances creating and amending sections for complete text, graphics, and tables and to confirm accuracy of this source file.



Map 23.47.004 F: Rainier Beach Urban Village

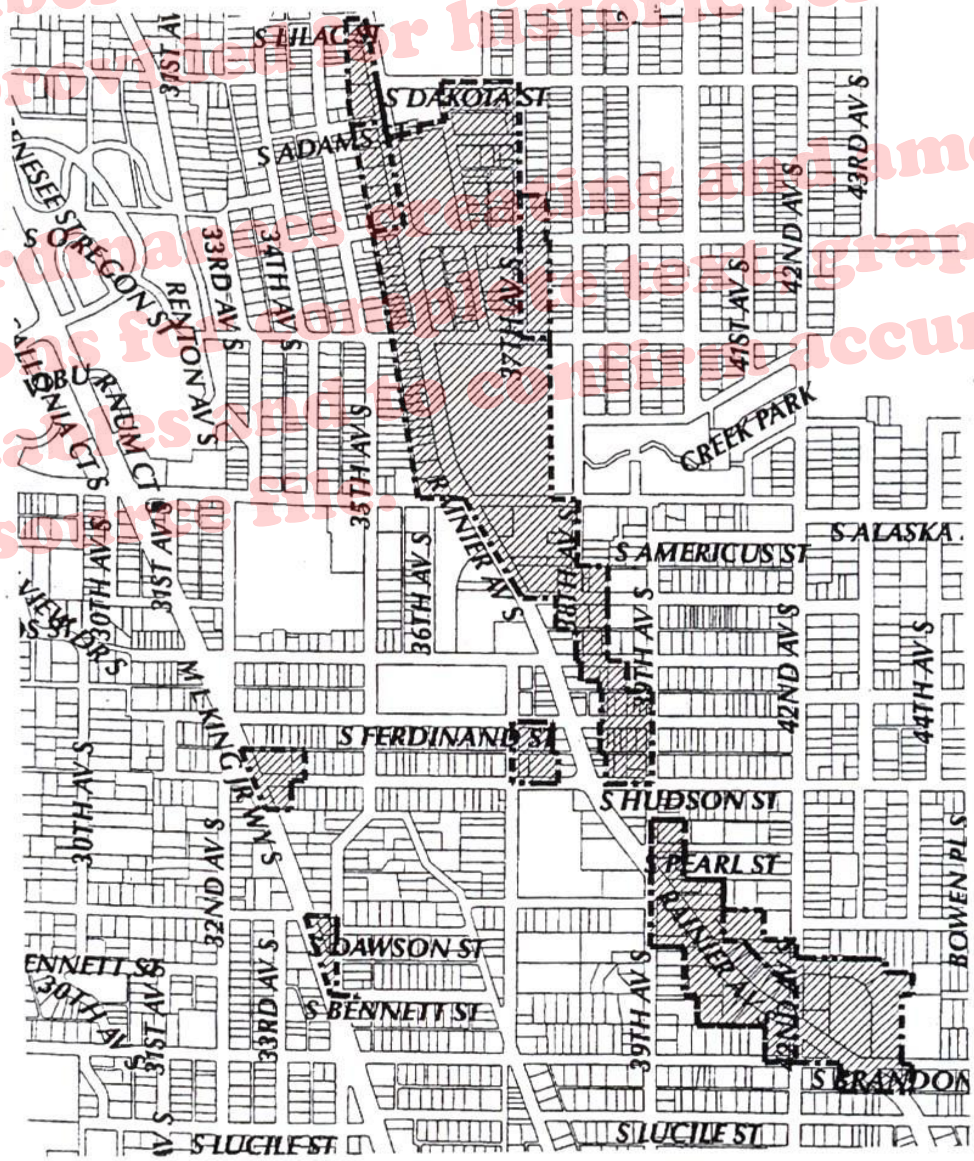
For current SMC, contact the Office of the City Clerk

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 the accuracy of this source file.



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.



Columbia City Residential Urban Village

Section 23.47.004E

Single-purpose residential permitted outright

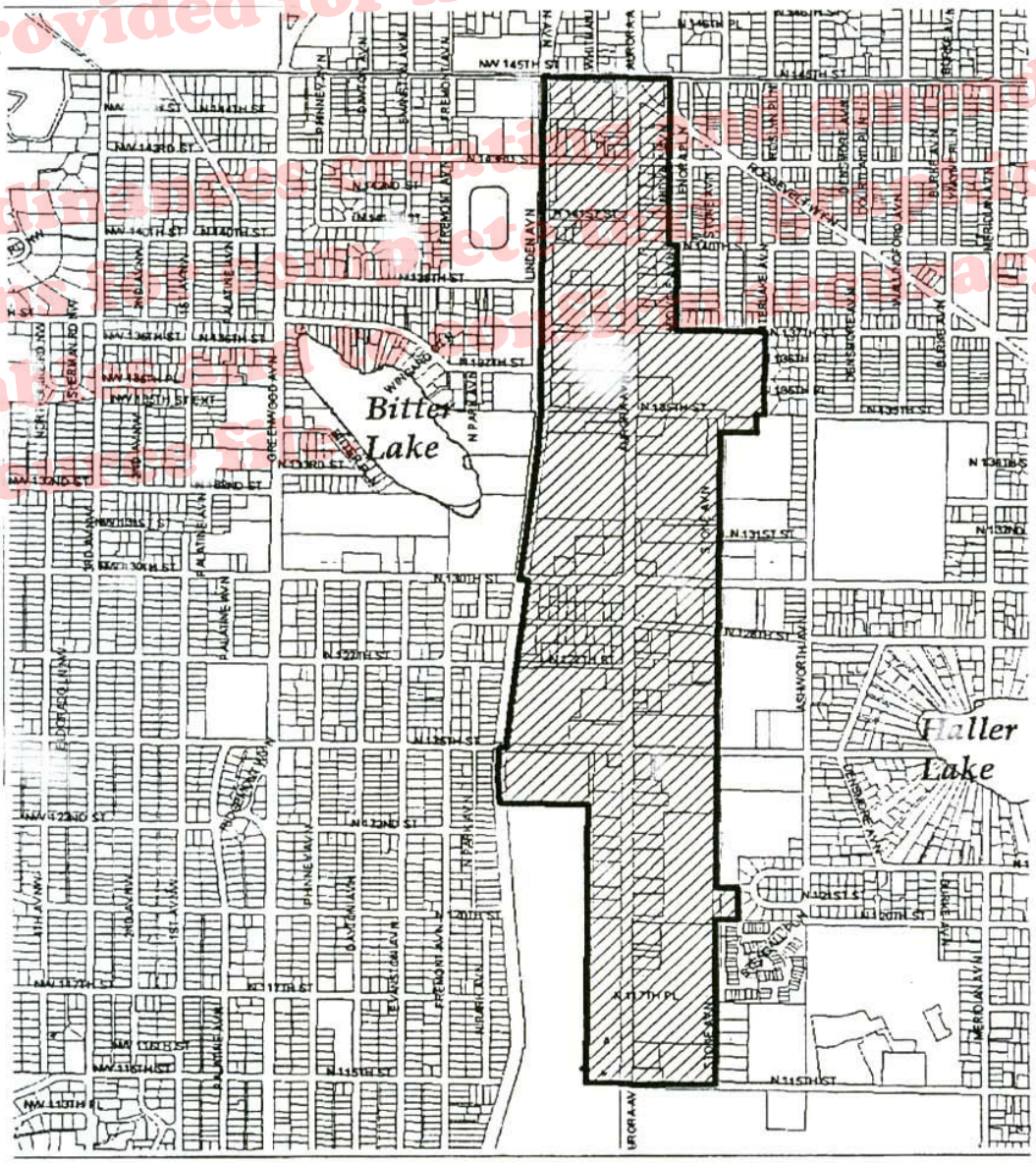
No warranties of any sort, including accuracy fitness, or merchantability accompany this product. Copyright 1999, City of Seattle, DCLU-GIS Prepared October 11, 1999

0 325 650 975
FEET

Map 23.47.004 H

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 or amending this section for complete text, graphics, and tables. Contact the Clerk's Office for a copy of this section as it exists on [illegible]
For current SMC, contact the Office of the City Clerk



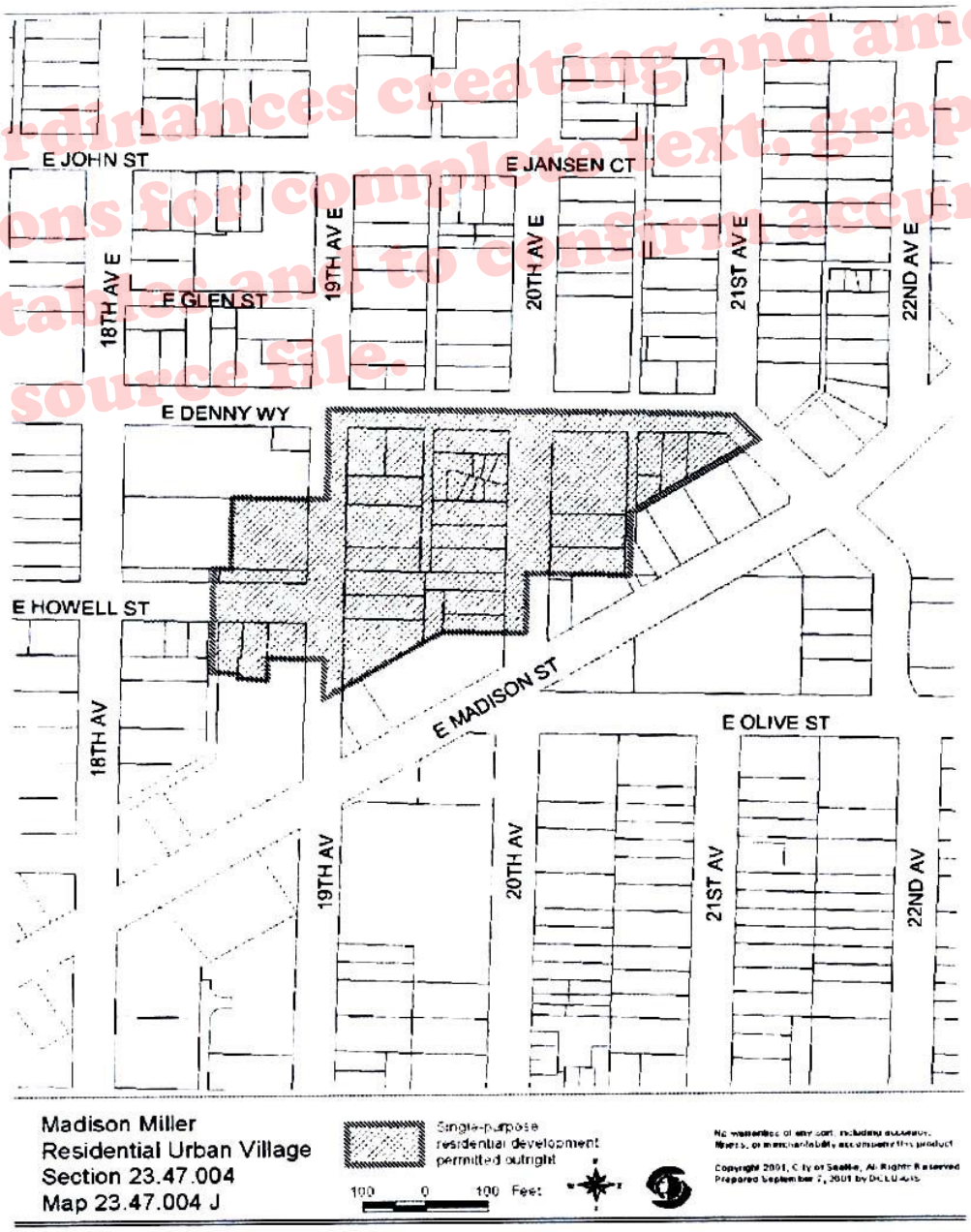
Bitter Lake Village Hub Urban Village

Single-purpose residential development prohibited.

Map 23.47.004 I

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.

Map J: Madison Miller Residential Urban Village



For current SMC, contact the Office of the City Clerk

Seattle Municipal Code
December 2002 code update file
Text provided for historical reference only.
See ordinances creating the various sections for complete text, graphics, and tables and to confirm currency of this portion of the code.
For current SMC, contact the Office of the City Clerk

considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

3. In all commercial zones, uses in public facilities not meeting development standards may be permitted by the Council if the following criteria are satisfied:

a. The project provides unique services which are not provided to the community by the private sector, such as police and fire stations; and

b. The proposed location is required to meet specific public service delivery needs; and

c. The waiver or modification to the development standards is necessary to meet specific public service delivery needs; and

d. The relationship of the project to the surrounding area has been considered in the design, siting, landscaping and screening of the facility.

4. Expansion of Uses in Public Facilities.

a. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections F1 and F2 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.

b. 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 F1 and F2 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.

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

G. Home occupations and the keeping of animals shall be permitted as accessory uses in commercial zones, according to the standards of Section 23.47.025, Home occupations, and Section 23.47.026, Standards for the keeping of animals.

H. 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).

(Ord. 120661 § 2, 2001; Ord. 120609 § 7, 2001; Ord. 120452 § 1, 2001; Ord. 120374 § 1, 2001; Ord. 120117 § 20, 2000; Ord. 119698 §§ 2, 3, 1999; Ord. 119691 § 3, 1999; Ord. 119633 § 4, 1999; Ord. 119616 § 1, 1999; Ord. 119614 § 5, 1999; Ord. 119525 § 4, 1999; Ord. 119506 § 5, 1999; Ord. 119238 § 3, 1998; Ord. 119230 § 3, 1998; Ord. 119217 § 4, 1998: Ord. 118984 § 3, 1998; Ord. 118794 § 33, 1997; Ord. 118672 § 6, 1997; Ord. 118472 § 5, 1997; Ord. 118362 § 7, 1996; Ord. 117514 § 2, 1995; Ord. 117430 §§ 48, 49, 1994; Ord. 117411 § 3, 1994; Ord. 117203 § 4, 1994; Ord. 117202 § 7, 1994; Ord. 116295 § 8, 1992; Ord. 116145 § 2, 1992; Ord. 115043 § 10, 1990; Ord. 115002 § 8, 1990; Ord. 114875 § 11, 1989; Ord. 114623 § 3, 1989; Ord. 113892 § 1, 1988; Ord. 113658 § 3, 1987; Ord. 113387 § 3, 1987; Ord. 113263 § 7, 1986; Ord. 112777 § 25(part), 1986.)

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.

COMMERCIAL USES: CHART A
For Section 23.47.004

	ZONES				
	NC1	**NC2**	**NC3**	**C1**	**C2**
I. COMMERCIAL USE					
A. Retail Sales and Services					
1. Personal and household retail sales and services					
— Multipurpose convenience stores	P	P	P	P	P
— General retail sales and service	P	P	P	P	P
— Major durables sales, service and rental	P	P	P	P	P
— Specialty food stores	P	P	P	P	P
2. Medical services	P/CU[1]	P/CU[1]	P/CU[1]	P/CU[1]	P/CU[1]
3. Animal services[2]					
— Animal health services	P	P	P	P	P
— Kennels	X	X	X	X	P
— Animal shelters	X	X	X	X	X
— Pet grooming services	P	P	P	P	P
4. Automotive retail sales and services					
— Gas stations	P	P	P	P	P
— Sales and rental of motorized vehicles	X	P	P	P	P
— Vehicle repair, minor	P	P	P	P	P
— Vehicle repair, major	X	P	P	P	P
— Car wash	X	P	P	P	P
— Towing services	X	X	X	P	P
— Automotive parts or accessory sales	P	P	P	P	P
5. Marine retail sales and services					
— Sales and rental of large boats	X	P	P	P	P
— Vessel repair, minor	P	P	P	P	P
— Vessel repair, major	X	X	X	S	S
— Marine service station	P	P	P	P	P
— Dry storage of boats	X	P	P	P	P
— Recreational marinas	S	S	S	S	S
— Commercial moorage	S	S	S	S	S
— Sale of boat parts or accessories	P	P	P	P	P
6. Eating and drinking establishments					
— Restaurants without cocktail lounges	P	P	P	P	P
— Restaurants with cocktail lounges	X	P	P	P	P
— Fast-food restaurant (750 square feet and under)	P	P	P	P	P
— Fast-food restaurant (over 750 square feet)	CU	CU	CU	CU	CU
— Tavern	CU	CU	P	P	P
— Brewpub	CU	CU	P	P	P

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.

COMMERCIAL USES: CHART A
For Section 23.47.004

	ZONES				
	NC1	**NC2**	**NC3**	**C1**	**C2**
7. Lodging					
— Hotel	X	X	P	P	P
— Motel	X	X	P	P	P
— Bed and breakfast	P[3]	P[3]	P	P	P
8. Mortuary services	X	P	P	P	P
9. Existing cemeteries[14]	P	P	P	P	P
B. Principal Use Parking	X	P	P	P	P
C. Nonhousehold Sales and Service					
1. Business support services	P	P	P	P	P
2. Business incubator	P	P	P	P	P
3. Sales, service and rental of office equipment	X	P	P	P	P
4. Sales, service and rental of commercial equipment and construction materials	X	X	P	P	P
5. Sale of heating fuel	X	X	P	P	P
6. Heavy commercial services	X	X	X	P	P
— Construction services	X	X	X	P	P
— Commercial laundries	X	X	X	P	P
D. Offices					
1. Customer service office	P	P	P	P	P
2. Administrative office	P	P	P	P	P
E. Entertainment					
1. Places of public assembly					
— Performing arts theater	X	P	P	P	P
— Spectator sports facility	X	P	P	P	P
— Lecture and meeting halls	X	P	P	P	P
— Motion picture theater	X	P	P	P	P
— Adult motion picture theater	X	P	P	P	P
— Adult panorams	X	X	X	X	X
2. Participant sports and recreation					
— Indoor	P	P	P	P	P
— Outdoor	X	X	X[4]	P	P
F. Wholesale Showroom	X	X	P	P	P
G. Mini-Warehouse	X	X	P	P	P
H. Warehouse	X	X	P	P	P

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.

COMMERCIAL USES: CHART A
For Section 23.47.004

		ZONES				
		NC1	NC2	NC3	C1	C2
I.	Outdoor Storage	X	X	X[5]	P	P
J.	Transportation Facilities					
1.	Personal transportation services	X	X	P	P	P
2.	Passenger terminals	X	X	P	P	P
3.	Cargo terminals	X	X	X	S	P
4.	Transit vehicle base	X	X	X	CCU[6]	CU[6]
5.	Helistops	X	X	CCU[7]	CCU[7]	CU[7]
6.	Heliports	X	X	X	X	X
7.	Airport, land-based	X	X	X	X	X
8.	Airport, water-based	X	X	X	X	S
9.	Railroad switchyard	X	X	X	X	X
10.	Railroad switchyard with mechanized hump	X	X	X	X	X
K.	Food Processing and Craft Work					
1.	Food processing for human consumption	P	P	P	P	P
2.	Custom and craft work	P	P	P	P	P
L.	Research and Development Laboratories	P	P	P	P	P
II.	SALVAGE AND RECYCLING					
A.	Recycling Collection Station	P	P	P	P	P
B.	Recycling Center	X	X	X	P	P
C.	Salvage Yard	X	X	X	X	X
III.	UTILITIES					
A.	Utility Service Uses	P	P	P	P	P
B.	Major Communication Utility[8]	X	X	X	CCU	CCU
C.	Minor Communication Utility[8]	P	P	P	P	P
D.	Solid Waste Transfer Station	X	X	X	X	X
E.	Power Plants	X	X	X	X	X
F.	Sewage Treatment Plants	X	X	X	X	X
G.	Solid Waste Incineration Facility	X	X	X	X	X
H.	Solid Waste Landfill	X	X	X	X	X
IV.	MANUFACTURING					
A.	Light Manufacturing	X	P	P	P	P
B.	General Manufacturing	X	X	X	P	P
C.	Heavy Manufacturing	X	X	X	X	X
V.	HIGH-IMPACT USES	X	X	X	X	X

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 or complete text, graphics
and tables and to confirm accuracy of
this source file.

COMMERCIAL USES: CHART A
For Section 23.47.004

		ZONES				
		NC1	**NC2**	**NC3**	**C1**	**C2**
VI.	INSTITUTIONS					
A.	Institute for Advanced Study	P	P	P	P	P
B.	Private Club	P	P	P	P	P
C.	Child Care Center	P	P	P	P	P
D.	Museum	P	P	P	P	P
F.	College	P	P	P	P	P
G.	Community Center	P	P	P	P	P
H.	Community Club	P	P	P	P	P
I.	Vocations within a Major Institution Overlay district subject to Chapter 23.69	P	P	P	P	P
J.	Hospital	P	P	P	P	P
K.	Religious Facility	P	P	P	P	P
L.	University	P	P	P	P	P
M.	Major Institutions within a Major Institution Overlay District Subject to Chapter 23.69	P	P	P	P	P
VII.	PUBLIC FACILITIES					
A.	Jails	X	X	X	X	X
B.	Work-release Center[9]	CCU	CCU	CCU	CCU	CCU
VIII.	PARK AND POOL/RIDE LOT					
A.	Park and Pool Lots	P[10]	P	P	P	P
B.	Park and Ride Lots	X	X	CU	CU	CU
IX	RESIDENTIAL					
A.	Single-family Dwelling Units	P/CU[12]	P/CU[12]	P/CU[12]	P/CU[12]	CU[12]
B.	Multifamily Structures	P/CU	P/CU	P/CU	P/CU	CU
C.	Congregate Residences	P/CU	P/CU	P/CU	P/CU	CU
D.	Floating Homes	S	S	S	S	S
E.	Mobile Home Park	X	X	X	P	CU
F.	Artist Studio/Dwelling	P/CU	P/CU	P/CU	P/CU	CU
G.	Caretaker's Quarters	P	P	P	P	P
H.	Adult Family Homes	P/CU	P/CU	P/CU	P/CU	P
I.	Home Occupations	P[13]	P[13]	P[13]	P[13]	P[13]
J.	Nursing Homes	P	P	P	P	P
K.	Assisted Living Facilities	P/CU	P/CU	P/CU	P/CU	CU
X.	OPEN SPACE					
A.	Parks	P	P	P	P	P
B.	Playgrounds	P	P	P	P	P

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.

COMMERCIAL USES: CHART A
For Section 23.47.004

	ZONES				
	NC1	NC2	NC3	C1	C2
XI. AGRICULTURAL USES					
A. Animal Husbandry	X[13]	X[13]	X[13]	X[13]	P
B. Horticultural Uses	P	P	P	P	P
C. Aquaculture	P	P	P	P	P

P - Permitted
X - Prohibited
CU - Administrative Conditional Use
CCU - Council Conditional Use
S - Permitted only in the Shoreline District, when permitted by the Seattle Shoreline Master Program

1. Medical service uses over ten thousand (10,000) square feet, within two thousand five hundred (2,500) feet of a medical Major Institution Overlay District boundary, shall require administrative conditional use approval, unless included in an adopted Major Institution master plan or located in a downtown zone. See Section 23.47.006.

2. The keeping of animals for other than business purposes shall be regulated by Section 23.47.026.

3. In existing structures only.

4. Outdoor participant sports and recreation uses are permitted at Seattle Center.

5. Outdoor storage is permitted at the Seattle Center, subject to the provisions of Section 23.47.011.

6. New transit vehicle bases accommodating one hundred fifty (150) or fewer buses or existing transit vehicle bases seeking to expand.

7. Permitted only as an accessory use according to Section 23.47.006.

8. See Chapter 23.57 for regulation of communication utilities.

9. Subject to disposition criteria in Section 23.47.006.

10. Permitted only on parking lots existing at least five (5) years prior to the proposed establishment of the park and pool lot.

11. Residential uses in mixed-use developments satisfying Section 23.47.008 and assisted living facilities are permitted outright in NCl, NC2, NC3, and Cl zones. Residential use in a single-purpose residential structure generally may be permitted in NCl, NC2, NC3 and Cl zones as an administrative conditional use pursuant to Section 23.47.006. Residential use in single-purpose residential structures is permitted outright in limited areas and circumstances, and is prohibited in certain areas as described in subsection 23 .47.004 E. "Single-purpose residential structure" may include a structure with both residential and nonresidential uses but does not include an assisted living facility or any structure that is part of a mixed-use development meeting the standards in Section 23.47.008. All residential uses, other than nursing homes, in the C2 zones are subject to an administrative conditional use approval. Nursing homes are permitted outright in all commercial zones, whether in a mixed-use structure or single-purpose residential use, except in pedestrian-designated Zones (See Section 23 .47.040).

12. An accessory dwelling unit added to a single-family residence shall be allowed outright and shall not require a separate conditional use permit. The unit shall be considered accessory to the single-family residence, shall meet the standards listed for accessory dwelling units in Section 23.44.041 and shall not be considered a separate dwelling unit for all development standard purposes in commercial zones.

13. Permitted only as an accessory use.

14. Subject to criteria in Section 23.47.004.

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 the various sections for complete text, graphics and effective dates. Confirm accuracy of this section with the City Clerk

23.47.006 Conditional uses.

A. All conditional uses shall be subject to the procedures described in Chapter 23.76, and shall meet the following criteria:

1. The use shall not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

2. In authorizing a conditional use, adverse impacts may be mitigated by imposing any conditions needed to protect other properties in the zone or vicinity and to protect the public interest. The Director shall deny or recommend denial of a conditional use if it is determined that adverse impacts cannot be mitigated satisfactorily.

B. The following uses, identified as administrative conditional uses on Chart A of Section 23.47.004, may be permitted by the Director when the provisions of this subsection and subsection A are met:

1. Fast-food restaurants which have a gross floor area greater than seven hundred fifty (750) square feet are identified as heavy traffic generators and may be permitted as a conditional use according to the following criteria:

a. The design of the structure, including architectural treatment, signage, landscaping and lighting, is compatible with other structures in the vicinity; and

b. Appropriate litter-control measures are provided; and

c. The applicant, if required by the Director, prepares an analysis of traffic, circulation and parking impacts, and demonstrates that the use does not:

(1) Cause significant additional traffic to circulate through adjacent residential neighborhoods, or

(2) Disrupt the pedestrian character of an area by significantly increasing the potential for pedestrian-vehicle conflicts, or

(3) Create traffic or access problems which will require the expenditure of City funds to mitigate, or

(4) Interfere with peak-hour transit operations, by causing auto traffic to cross a designated high-occupancy vehicle lane adjacent to the lot, or

(5) Cause cars waiting to use the facility to queue across the sidewalk or onto the street, or

(6) Interrupt established retail or service frontage designed to serve pedestrians;

d. In addition to the criteria in subsections B1a, B1b and B1c, in pedestrian-designated zones, the use shall not:

(1) Include a drive-in facility, or

(2) Provide any accessory parking, or

(3) Attract a significant number of customers who drive to the pedestrian district for the primary purpose of patronizing the business. This shall be determined by a transportation analysis of travel modes and patterns of customers of similar businesses in the same or similar commercial areas, which shall be prepared by a traffic consultant retained by the applicant;

e. Fast-food restaurants which are drive-in businesses shall also comply with the provisions of Section 23.47.028, Standards for drive-in businesses.

2. Taverns and brewpubs in NC1 and NC2 zones may be permitted as conditional uses. A tavern or brewpub in an NC1 or NC2 zone shall be evaluated according to the following criteria:

a. The size of the tavern or brewpub, design of the structure, signing and illumination shall be compatible with the character of the commercial area and other structures in the vicinity, particularly in areas where a distinct and definite pattern or style has been established.

b. The location, access and design of parking shall be compatible with adjacent residential zones.

c. Special consideration shall be given to the location and design of the doors and windows of taverns and brewpubs to ensure that noise standards will not be exceeded. The Director may require additional setbacks and/or restrict openings on lots which abut residential zones.

d. Taverns and brewpubs shall not generate traffic which creates traffic congestion or further aggravates spillover parking on residential streets.

3. Park-and-ride lots in NC3, C1 and C2 zones may be permitted as conditional uses.

a. Conditional Use Criteria.

(1) The park-and-ride lot shall have direct vehicular access to a designated arterial improved to City standards.

(2) If the proposed park-and-ride lot is located on a lot containing accessory parking for other uses, there shall be no substantial conflict in the principal operating hours of the park-and-ride lot and the other uses.

b. Mitigating Measures. Landscaping and screening in addition to that required for surface parking areas, noise mitigation, vehicular access controls, signage restrictions, and other measures may be required to provide comfort and safety for pedestrians and bicyclists and to insure the compatibility of the park-and-ride lot with the surrounding area.

4. Single-purpose residential structures may be permitted outright, permitted as an administrative conditional use or prohibited as provided by Section 23.47.004 E. In order to conserve the limited amount of commercially zoned land for commercial uses, single-purpose residential structures shall generally not be allowed in commercial zones. However, additions to, or on-site accessory structures for, existing single-family structures are permitted outright. Where single-purpose residential structures may be permitted as an administrative conditional use, such a permit may be granted only when the following circumstances exist:

a. Due to location or parcel size, the proposed site is not suited for commercial development; or

For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
December 2002 code update file
Text provided for historical 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

b. There is substantial excess supply of land available for commercial use near the proposed site, evidenced by such conditions as a lack of commercial activity in existing commercial structures for a sustained period, commercial structures in disrepair, and vacant or underused commercially zoned land; provided that single-purpose residential development shall not interrupt an established commercial street front. As used in this subsection, an "established commercial street front" may be intersected by streets or alleys, and some lots with no current commercial use.

5. Residential Uses in C2 Zones.

a. In order to conserve the limited amount of commercially zoned land for commercial uses, residential uses in single-purpose or mixed-use structures shall generally not be allowed in C2 zones. However, additions to, or on-site accessory structures for, existing single-family structures shall be permitted outright. Residential uses in single-purpose or mixed-use structures may be permitted in C2 zones as administrative conditional uses according to the following criteria:

(1) Availability of Suitable Land for C2 Activities. Residential uses shall generally be discouraged in areas which have limited vacant land and where, due to terrain and large parcel size, land is particularly suitable for commercial rather than residential development.

(2) Relationship to Transportation Systems. Residential uses shall generally be discouraged in areas with direct access to major transportation systems such as freeways, state routes and freight rail lines.

(3) Compatibility With Surrounding Areas. Residential uses shall not be allowed in close proximity to industrial areas and/or in areas where nonresidential uses may create a nuisance or adversely affect the desirability of the area for living purposes.

b. Residential uses required to obtain a shoreline conditional use shall not be required to obtain an administrative conditional use.

6. Development of a medical service use over ten thousand (10,000) square feet, outside but within two thousand five hundred (2,500) feet of a medical Major Institution overlay district boundary, shall be subject to administrative conditional use approval, unless included in an adopted master plan. In making a determination whether to approve or deny a medical service use, the Director shall determine whether an adequate supply of commercially zoned land for businesses serving neighborhood residents will continue to exist. The following factors shall be used in making this determination:

a. Whether the amount of medical service use development existing and proposed in the vicinity would reduce the current viability or significantly impact the longer-term potential of the neighborhood-serving character of the commercial area; and

b. Whether medical service use development would displace existing neighborhood-serving commercial uses at street level or disrupt a continuous commercial street front, particularly of retail and personal services uses, or significantly detract from an area's overall neighborhood-serving commercial character.

7. Change of One Nonconforming Use to Another.

a. A nonconforming use may be converted by an administrative conditional use authorization to a use not otherwise permitted in the zone based on the following factors:

(1) New uses shall be limited to those first permitted in the next more intensive zone;

(2) The relative impacts of size, parking, traffic, light, glare, noise, odor and similar impacts of the two (2) uses, and how these impacts could be mitigated.

b. The Director must find that the new nonconforming use is no more detrimental to property in the zone and vicinity than the existing nonconforming use.

C. The following uses, identified as Council Conditional Uses on Chart A of Section 23.47.004, may be permitted by the Council when the provisions of this subsection and subsection A of this section are met.

1. New bus bases for one hundred and fifty (150) or fewer buses, or existing bus bases which are proposed to be expanded to accommodate additional buses, in C1 or C2 zones.

a. Conditional Use Criteria.

(1) The bus base has vehicular access suitable for use by buses to a designated arterial improved to City standards; and

(2) The lot is of sufficient size so that the bus base includes adequate buffer space from the surrounding area.

b. Mitigating measures may include, but are not limited to:

(1) Noise mitigation measures, such as keeping maintenance building doors closed except when buses are entering or exiting; acoustic barriers; and noise-reducing operating procedures, shall be required when necessary.

(2) An employee ridesharing program established and promoted to reduce the impact of employee vehicles on streets in the vicinity of the bus base.

(3) Landscaping and screening, noise and odor mitigation, vehicular access controls, and other measures may be required to insure the compatibility of the bus base with the surrounding area and to mitigate any adverse impacts.

2. Helistops in NC3, C1 and C2 zones as accessory uses, according to the following standards and criteria:

a. The helistop is to be used for the takeoff and landing of helicopters serving public safety, news gathering or emergency medical care functions; is part of a City and regional transportation plan approved by the City Council and is a public facility; or is part of a City and

Seattle Municipal Code
December 2006 code update file
Text provided for historical reference only.
See ordinances creating and amending sections for complete text, graphics, and tables and to confirm accuracy of this section.
For current SMC, contact the Office of the City Clerk

regional transportation plan approved by the City Council and is not within two thousand (2,000) feet of a residential zone.

b. The helistop is located so as to minimize impacts on surrounding areas.

c. The lot is of sufficient size that the operations of the helistop are buffered from the surrounding area.

d. Open areas and landing pads are hard-surfaced.

e. The helistop meets all federal requirements, including those for safety, glide angles and approach lanes.

3. Work-Release Centers in all Commercial Zones—Conditional Use Criteria.

a. Maximum Number of Residents. No work-release center shall house more than fifty (50) persons, excluding resident staff.

b. If the work-release center is in a single-purpose residential structure, the requirements of Section 23.47.023 shall be followed. If the work-release center is in a mixed-use structure, the requirements for mixed-use structures in Chapter 23.47 shall be followed.

c. Dispersion Criteria.

(1) The lot line of any new or expanding work-release center shall be located six hundred (600) feet or more from any residential zone, any lot line of any special residence, and any lot line of any school.

(2) The lot line of any new or expanding work-release center shall be located one (1) mile or more from any lot line of any other work-release center.

(3) The Director shall determine whether a proposed facility meets the dispersion criteria from maps which shall note the location of current work-release centers and special residences. Any person who disputes the accuracy of the maps may furnish the Director with the new information and, if determined by the Director to be accurate, this information shall be used in processing the application.

d. The Council's decision shall be based on the following criteria:

(1) The extent to which the applicant can demonstrate the need for the new or expanding facility in the City, including a statement describing the public interest in establishing or expanding the facility;

(2) The extent to which the applicant has demonstrated that the facility can be made secure. The applicant shall submit a proposed security plan to the Director, and the Director, in consultation with the Seattle Police Department, shall consider and evaluate the plan. The security plan shall address, but is not limited to, the following:

i. Plans to monitor and control the activities of residents, including methods to verify the presence of residents at jobs or training programs, policies on sign-outs for time periods consistent with the stated purpose of the absence for unescorted trips by residents away from the center, methods of checking the records of persons sponsoring outings for work-release residents, and policies on penalties for drug or alcohol use by residents, and

ii. Staff numbers, level of responsibilities, and scheduling, and

iii. Compliance with the security standards of the American Corrections Association;

(3) The extent to which proposed lighting is located so as to minimize spillover light on surrounding properties while maintaining appropriate intensity and hours of use to ensure that security is maintained;

(4) The extent to which the facility's landscape plan meets the requirements of the zone while allowing visual supervision of the residents of the facility;

(5) The extent to which appropriate measures are taken to minimize noise impacts on surrounding properties. Measures to be used for this purpose may include: landscaping, sound barriers or fences, berms, location of refuse storage areas, and limiting the hours of use of certain areas;

(6) The extent to which the impacts of traffic and parking are mitigated by increasing on-site parking or loading spaces to reduce overflow vehicles or changing the access to and location of off-street parking;

(7) The extent to which the facility is well-served by public transportation or to which the facility is committed to a program of encouraging the use of public or private mass transportation;

(8) Verification from the Department of Corrections (DOC), which shall be reviewed by the Police Department, that the proposed work-release center meets DOC standards for such facilities and that the facility will meet state laws and requirements.

D. Any authorized conditional use which has been discontinued shall not be re-established or recommenced except pursuant to a new conditional use permit. The following shall constitute conclusive evidence that the conditional use has been discontinued:

1. A permit to change the use of the property has been issued and the new use has been established; or

2. The property has not been devoted to the authorized conditional use for more than twenty-four (24) consecutive months.

Property which is vacant, except for dead storage of materials or equipment of the conditional use, shall not be considered as being devoted to the authorized conditional use. The expiration of licenses necessary for the conditional use shall be evidence that the property is not being devoted to the conditional use. A conditional use in a 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. 120691 § 11, 2001; Ord. 120374 § 2, 2001; Ord. 119217 § 5, 1998; Ord. 118794 § 34, 1997; Ord. 118672 § 7, 1997; Ord. 117432 § 32, 1994; Ord. 117430 § 50, 1994; Ord. 117263 § 25, 1994; Ord. 116907 § 1, 1993;

Seattle Municipal Code
December 2008 code update file
Text provided for historical reference only.
See Sections creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this current material.
For current SMC, contact
the Office of the City Clerk

Ord. 116744 § 6, 1993; Ord. 116616 § 1, 1993; Ord. 116295 § 9, 1992; Ord. 115002 § 9, 1990; Ord. 114623 § 4, 1989; Ord. 113892 § 2, 1988; Ord. 113263 § 8, 1986; Ord. 113262 § 3, 1986; Ord. 112777 § 25(part), 1986.)

Subchapter II Development Standards Applicable in All Commercial Zones

23.47.007 Major Phased Developments.

A. An applicant may seek approval of a Major Phased Development, as defined in Section 23.84.025. A Major Phased Development proposal is subject to the provisions of the zone in which it is located and shall meet the following thresholds:

1. A minimum site size of five (5) acres, where the site is composed of contiguous parcels or contains a right-of-way within.

2. The project, which at time of application shall be a single, functionally interrelated campus, contains more than one building, with a minimum total gross floor area of two hundred thousand (200,000) square feet.

3. The first phase of the development consists of at least one hundred thousand (100,000) square feet in gross building floor area.

4. At the time of application, the project is consistent with the general character of development anticipated by Land Use Code regulations.

B. A Major Phased Development application shall be submitted, evaluated, and approved according to the following:

1. The application shall contain a level of detail which is sufficient to reasonably assess anticipated impacts, including those associated with a maximum buildout, within the timeframe requested for Master Use Permit extension.

2. A Major Phased Development component shall not be approved unless the Director concludes that anticipated environmental impacts, such as traffic, open space, shadows, construction impacts and air quality, are not significant or can be effectively monitored and conditions imposed to mitigate impacts over the extended life of the permit.

3. Expiration or renewal of a permit for the first phase of a Major Phased Development is subject to the provisions of Chapter 23.76, Master Use Permits and Council Land Use Decisions. The Director shall determine the expiration date of a permit for subsequent phases of the Major Phased Development through the analysis provided for above; such expiration shall be no later than fifteen (15) years from the date of issuance.

C. Changes to the approved Major Phased Development. When an amendment to an approved project is requested, the Director shall determine whether or not the amendment is minor.

1. A minor amendment meets the following criteria:

a. Substantial compliance with the approved site plan and conditions imposed in the existing Master Use Permit with the Major Phased Development component with no substantial change in the mix of uses and no major departure from the bulk and scale of structures originally proposed; and

b. Compliance with the requirements of the zone in effect at the time of the original Master Use Permit approval; and

c. No significantly greater impact would occur.

2. If the amendment is determined by the Director to be minor, the site plan may be revised and approved as a Type I Master Use Permit. The Master Use Permit expiration date of the original approval shall be retained, and shall not be extended through a minor revision.

3. If the Director determines that the amendment is not minor, the applicant may either continue under the existing MPD approval or may submit a revised MPD application. The revised application shall be a Type II decision. Only the portion of the site affected by the revision shall be subject to regulations in effect on the date of the revised MPD application. The decision may retain or extend the existing expiration date on the portion of the site affected by the revision.

(Ord. 120691 § 12, 2001; Ord. 117598 § 1, 1995.)

23.47.008 Mixed use development.

A. A mixed use development consists of residential and nonresidential use in the same structure or in separate structures on the same lot and meeting the standards specified in this section, except as provided in the Northgate Overlay District, Chapter 23.71. When an application for a mixed use development with residential and nonresidential uses in separate structures is submitted, a temporary certificate of occupancy shall not be issued for the residential structure(s) until a schedule for completion of the nonresidential building is presented to and approved by the Director, and substantial construction of the nonresidential structure is completed. Substantial construction means that the framing of the exterior walls has been inspected and approved.

B. A minimum of eighty (80) percent of a structure's street front facade at street level shall be occupied by nonresidential uses. Except in zones designated NC2/R and NC3/R, the required nonresidential use shall extend at least thirty (30) feet in depth at street level from the street front facade of the structure, provided that the minimum required depth may be averaged, with no depth less than fifteen (15) feet. In no instance shall more than fifty (50) percent of the structure's footprint be required to be in nonresidential uses. If the street front facade and depth requirements result in a space greater than fifty (50) percent of the structure's footprint, the Director may modify the street front facade and depth requirements to reduce the space to fifty (50) percent of the structure's footprint.

Seattle Municipal Code
December 2009 code update file
Text provided for historic reference only.
See Seattle.gov/Clerk for updating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this document.

In all NC and C zones, the nonresidential use portion of the development shall also be subject to the following:

1. For purposes of calculating the eighty (80) percent of a structure's street front facade at street level, twenty-two (22) feet for the width of a driveway accessing parking may be subtracted from the length of the street front facade if the access cannot be provided from a side street or alley.

2. If the nonresidential and residential uses are located in separate structures, the eighty (80) percent requirement shall apply to the lot's lineal street frontage at street level.

3. Areas required to be in nonresidential use under this section shall be uses other than principal use or accessory parking, mini-warehouses, warehouses, lodging uses or utility uses.

4. Where the lot fronts on two (2) or more streets and abuts a lot which is not zoned commercial, the street front facade requirement shall apply to the structure's facade along the street with the greatest continuous lineal feet of commercially zoned frontage.

5. Where a lot fronts on two (2) or more streets and only abuts lots which are zoned commercial, the street front facade requirement shall be calculated by totaling the combined street front facades of the structure containing the required nonresidential use. On a through lot, the Director may waive the requirement for one (1) or more, but not all of the street fronts if the streets are not major commercial streets. The Director may require screening of garbage cans, parking and utility meters where the street front facade requirement is waived.

6. A minimum of fifty-one (51) percent of the portion of a structure's street front facade which contains required nonresidential use shall be at or above sidewalk grade.

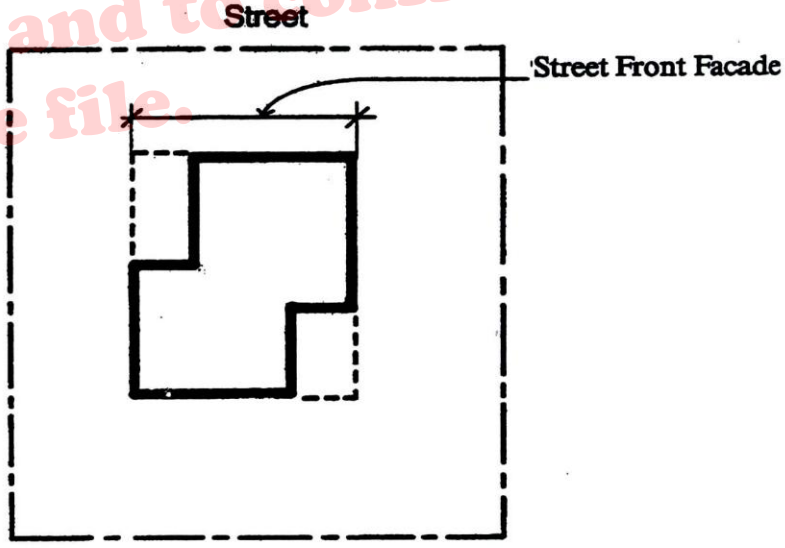
7. The entrance to required nonresidential uses at street level shall be no more than three (3) feet above or below sidewalk grade. If the entranced to required nonresidential use at street level in C1 and C2 zones is provided from a surface parking lot located between the street and the structure, the entrance shall be no more than three (3) feet above or below the surface parking lot grade.

8. For the purposes of this section, a structure's street front facade shall be measured by drawing the least rectangle that encloses the structure and measuring the length of the side of that rectangle most closely parallel to the front of streetside lot line(s) (Exhibit 23.47.008 A).

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.
For current SMC, contact the Office of the City Clerk

Exhibit 23.47.008 A
Measurement of Street Front Facade



Seattle Municipal Code
December 2002 code update file
Text provided for historic reference only.
See ordinances creating and amending
sections for complete text, exceptions,
and effective dates. Seattle Municipal Code
this source file.

C. Height for Mixed Use Development.

1. Mixed use development shall be subject to the height provisions of Section 23.47.012 A.

2. Except in zones designated NC2/R and NC3/R, mixed use development at street level shall have a minimum floor to floor height of thirteen (13) feet.

3. In zones with a thirty (30) foot or forty (40) foot height limit, the Director shall permit the height of the structure to exceed the height limit of the zone by up to four (4) feet, only if the residential and nonresidential uses are located in the same structure and subject to the following:

a. The additional height will result in floor to floor heights of thirteen (13) feet or more for the nonresidential use at street level and eight and one half (8½) feet or less for each of the other levels of the structure; and

b. The additional height will not permit an additional story to be built beyond what could be built under the applicable height limit if a thirteen (13) foot ceiling height were not required at street level.

4. In zones with a thirty (30) foot or forty (40) foot height limit, the Director may permit the height of the structure to exceed the height limit of the zone by up to four (4) feet, only if the residential and nonresidential uses are located in the same structure and subject to the following:

a. The additional height will result in floor to floor heights of thirteen (13) feet or more for the nonresidential use at street level and greater than eight and one half (8½) feet for any or all of the other levels of the structure; and

b. The additional height of the structure will not permit an additional story to be built beyond what could be built under the applicable height limit if a thirteen (13) foot ceiling height were not required at street level; and

c. If the additional height of the structure (up to four (4) feet) significantly blocks views from neighboring residential structures of the following: Mount Rainier, the Olympic and Cascade Mountains, the downtown skyline, Greenlake, Puget Sound, Lake Washington, Lake Union and the Ship Canal, the Director shall not permit the additional height except as provided in subsection C3 of this section.

D. Above thirteen (13) feet from finished grade, the residential portion of a structure containing residential and nonresidential uses shall be limited to a maximum lot coverage of sixty-four (64) percent. Portions of structures exempted from structure width as provided in Section 23.86.014 C shall also be exempt from lot coverage calculations. If the nonresidential and residential uses are located in separate structures, this provision shall apply only to the portion of the residential structure more than thirteen (13) feet above finished grade. This provision shall not apply when an area in an existing building, in nonresidential use as of April 3, 1995, is converted to residential use, provided that the structure is not modified in any way that increases the coverage to greater than sixty-four (64) percent of the portion of the structure in residential use and over thirteen (13) feet above finished grade. This subsection D does not apply within the Station Area Overlay District, Chapter 23.61.

E. Any new detached structure which contains residential uses and does not meet the requirements for mixed use development as provided in this section shall be considered a single-purpose residential structure, and is subject to the standards of Section 23.47.023.

F. Any detached structure existing as of July 25, 1996, that contains residential and nonresidential uses and does not meet the requirements for mixed use development as provided in subsection B of this section may add additional residential units, provided that:

1. An area equal to at least ten (10) percent of the gross floor area of the structure or fifty (50) percent of the structure's footprint, whichever is greater, is already in nonresidential use qualifying under subsection B3 of this section above and occupies at least sixty (60) percent of the structure's street front facade at street level; or

2. No decrease is proposed in the percentage of the street front facade at street level that is in qualifying nonresidential use unless at least eighty (80) percent of the street front facade at street level will remain in qualifying nonresidential use; and no decrease is proposed in the area in nonresidential use, or the depth of nonresidential space extending from the street front facade shall be at least thirty (30) feet.

G. Any detached structure existing as of July 25, 1996, which contains residential and nonresidential uses and exceeds the density limits for single-purpose residential structures may decrease the amount of space devoted to nonresidential uses or decrease the amount of the structure's street front facade at street level that is occupied by nonresidential use provided that:

1. The amount of the structure's street front facade at street level that is occupied by nonresidential uses does not decrease to less than eighty (80) percent of the structure's street front facade; and

2. The amount of space devoted to nonresidential uses at street level does not decrease to less than a depth of thirty (30) feet, provided that the depth may be averaged, with no depth less than fifteen (15) feet.

(Ord. 120452 § 2, 2001; Ord. 120177 § 21, 2000; Ord. 119239 § 17, 1998; Ord. 118414 § 30, 1996: Ord. 117430 § 51, 1994: Ord. 117350 § 3, 1994; Ord. 116795 § 10, 1993; Ord. 113892 § 3, 1988.)

23.47.009 Density limits for residential uses.

A. Density limits shall not apply to residential uses in mixed use development, except as established in the Northgate Overlay District as provided in Chapter 23.71.

B. Density limits shall not apply to single-purpose residential structures with the Station Area Overlay Dis-

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 printed file.

trict pursuant to Chapter 23.61, or along selected streets in the Pike/Pine Overlay District, pursuant to Chapter 23.73 and for Seattle Housing Authority structures permitted pursuant to Section 23.47.004 Ele. Where the Station Area Overlay District and the Pike/Pine Overlay District overlap, the provisions of the Pike/Pine Overlay District shall prevail.

C. Density limits shall apply for single-purpose residential structures subject to the following, except as provided in subsection D of this section:

1. In the Northgate Overlay District, as provided in Chapter 23.71.

2. In NC1 zones the density limit shall be one (1) unit per one thousand six hundred (1,600) square feet of lot area.

3. In NC2, NC3, C1 and C2 zones with either thirty (30) foot or forty (40) foot height limits, the density limit shall be one (1) unit per one thousand two hundred (1,200) square feet of lot area.

4. In NC2, NC3, C1 and C2 zones with sixty-five (65) foot height limits, the density limit shall be one (1) unit per eight hundred (800) square feet of lot area.

5. There shall be no residential density limit for single-purpose residential structures in the NC2/R or NC3/R zone.

D. The following density limits for single-purpose residential structures shall apply in commercial areas where there has been a review and approval by the City Council subsequent to January 1, 1995 to determine whether single-purpose residential structures shall continue to be conditional uses, permitted outright or prohibited, and if the area is to be included within an urban village or urban center, an urban village boundary has been established:

1. Inside urban village commercial areas as shown on the Official Land Use Map.

a. In NC zones with thirty (30) foot height limits, the density limit shall be one (1) unit per seven hundred (700) square feet of lot area.

b. In NC zones with forty (40) foot height limits, the density limit shall be one (1) unit per five hundred (500) square feet of lot area.

c. In NC zones with sixty-five (65) foot height limits, the density limit shall be one (1) unit per four hundred (400) square feet of lot area.

d. In C1 and C2 zones with thirty (30) foot, forty (40) foot or sixty-five (65) foot height limits, the density limit shall be one (1) unit per one thousand (1,000) square feet of lot area except as provided in subsection D1e below.

e. Density limits in a C1 or C2 zone may be increased to the density limit for single-purpose residential structures in the NC zone with the corresponding height designation if the structure is developed according to the standards for NC zones as listed below:

(1) Outdoor storage areas, per Section 23.47.011 E1;

(2) Screening for gas stations, per Section 23.47.016 D3c;

(3) Blank facades, per Section 23.47.016 E;

(4) Drive-in lanes, per Section 23.47.028 A3; and

(5) Location of parking, per Section 23.47.032 B.

f. There shall be no residential density limit for single-purpose residential structures in the NC2/R or NC3/R zone.

2. Outside urban village commercial areas as shown on the Official Land Use Map.

a. In NC zones with thirty (30) foot height limits, the density limit shall be one (1) unit per eight hundred (800) square feet of lot area.

b. In NC zones with forty (40) foot and sixty-five (65) foot height limits, the density limit shall be one (1) unit per six hundred (600) square feet of lot area.

c. In C1 and C2 zones with thirty (30) foot, forty (40) foot or sixty-five (65) foot height limits, the density limit shall be one (1) unit per one thousand (1,000) square feet of lot area.

(Ord. 120452 § 4, 2001; Ord. 120374 § 3, 2001; Ord. 120117 § 22, 2000; Ord. 118414 § 31, 1996: Ord. 117430 § 52, 1994: Ord. 116795 § 11, 1993.)

23.47.010 Maximum size of nonresidential use.

A. Maximum Size of Nonresidential Use Per Individual Business Establishment and Per Lot.

1. Maximum size regulations shall apply to individual business establishments according to Chart B.

2. Maximum size for all nonresidential uses in NC2/R and NC3/R shall apply per lot as follows:

a. Nonresidential uses shall be limited to the size of the lot area or twenty thousand (20,000) square feet, whichever is greater.

b. Nonresidential uses in zones designated NC2/R and NC3/R with a height limit of thirty (30) or forty (40) feet may be increased in size up to one and one-half (1.5) times the lot area if the nonresidential use is in a mixed use structure according to the provisions of Section 23.47.008, and if a minimum of thirty-five (35) percent of the gross floor area of the mixed use structure is in residential use, not including parking.

c. Nonresidential uses in zones designated NC2/R and NC3/R with a height limit of sixty-five (65) feet may be increased in size up to two (2) times the lot area if the nonresidential use is in a mixed use structure according to the provisions of Section 23.47.008, and if a minimum of thirty-five (35) percent of the gross floor area of the mixed use structure is in residential use, not including parking.

3. For each lot, office uses in C1 and C2 zones shall be limited to the size of the lot area or thirty-five

For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
December 2002 code update file
Text provided for historical 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

thousand (35,000) square feet, whichever is greater. Office uses in C1 and C2 zones are exempt from this limit if the structure meets the following standards for NC zones:

a. Outdoor storage areas, per Section 23.47.011 E1;

b. Screening for gas stations, per Section 23.47.016 D3c;

c. Blank facades, per Section 23.47.016 E;

d. Drive-in lanes, per Section 23.47.028 A; and

e. Location of parking, per Section 23.47.032 B.

B. The size limits for specific outdoor activities shall be as provided in Section 23.47.011, Outdoor activities.

C. Maximum size shall be calculated by taking the gross floor area of a structure(s) or portion of a structure(s) occupied by a single use or business establishment, except that any gross floor area used for accessory parking shall be exempted from maximum size calculation.

D. In NC1 and NC2 zones, any area used for outdoor sales shall also be included in determining the maximum size of a business establishment. In NC1, NC2 and NC3 zones, any area used for the outdoor display of rental equipment shall also be included in determining the maximum size of a business establishment.

E. Maximum Size of Combined Uses Within a Business Establishment. Business establishments which include more than one (1) type of use shall be permitted, provided each use is permitted, and:

1. The size of each use within a business establishment does not exceed the size limit for that individual use;

2. The total size of the business establishment does not exceed the maximum size allowed for the type of use with the largest size limit. When one (1) of the uses has no maximum size limit, the business establishment shall have no maximum size limit.

F. Split Zoned Lots.

1. The total size of a business establishment and the total size of each use within a business establishment occupying portions of a lot in more than one (1) zone shall not exceed the maximum size allowed in the zone with the larger size limit.

2. The total size of that portion of a business establishment or of a use within a business establishment in each zone shall not exceed the maximum size allowed for that business establishment or use in that zone.

G. Increases in Maximum Size Limits.

1. Increases in maximum size limits for operating business establishments or uses may be permitted as Special Exceptions according to the procedures set forth in Chapter 23.76, Master Use Permits and Council Land Use Decisions, subject to the following:

a. Operating business establishments or uses in NC1 zones may be expanded up to a maximum of ten thousand (10,000) square feet.

b. Operating business establishments or uses in NC2 zones which are limited to a maximum size of five thousand (5,000) square feet may be expanded to a maximum size of ten thousand (10,000) square feet, and operating business establishments or uses which are limited to a maximum size of fifteen thousand (15,000) square feet may be expanded to a maximum size of twenty-five thousand (25,000) square feet.

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.

CHART B
For Section 23.47.010

Nonresidential Uses Subject to Maximum Size Limit	ZONE NC1*	NC2*[1]	NC3*[1]	C1	C2
Nonresidential uses including institutions and public facilities unless otherwise specified	4,000 sq. ft	15,000 sq. ft.	N.M.S.L.	N.M.S.L. 35,000 sq. ft.[4]	N.M.S.L. 35,000 sq. ft.[4]
Medical services	10,000 sq. ft.	15,000 sq. ft.	N.M.S.L.	N.M.S.L.	N.M.S.L.
Multi-purpose convenience store	10,000 sq. ft.	50,000 sq. ft.	N.M.S.L.	N.M.S.L.	N.M.S.L.
Food processing and craft work	4,000 sq. ft.	5,000 sq. ft.	10,000 sq. ft.	N.M.S.L.	N.M.S.L.
Light manufacturing	X	5,000 sq. ft.	10,000 sq. ft.	N.M.S.L.	N.M.S.L.
Fast-food restaurant[2]	750 sq. ft.	750 sq. ft.	750 sq. ft.	750 sq. ft.	750 sq. ft.
Fuel sales	4,000 sq. ft.	8,000 sq. ft.	N.M.S.L.	N.M.S.L.	N.M.S.L.
Sales, service and rental of commercial equipment and construction materials Passenger terminals	X	X	25,000 sq. ft.	N.M.S.L.	N.M.S.L.
Indoor participant sport and recreation	4,000 sq. ft.	15,000 sq. ft.	25,000 sq. ft.[3]	N.M.S.L.	N.M.S.L.
General manufacturing	X	X	X	15,000 sq. ft.	N.M.S.L.
Wholesale showroom warehouse	X	X	15,000 sq. ft.	25,000 sq. ft.	N.M.S.L.
Mini-warehouses	X	X	15,000 sq. ft.	40,000 sq. ft.	N.M.S.L.
Public schools	N.M.S.L.	N.M.S.L.	N.M.S.L.	N.M.S.L.	N.M.S.L.

N.M.S.L. — No Maximum Size Limitations.

* — Increases in maximum size limits may be allowed for operating business establishments according to provisions of subsection G.

X — Does not apply, use not permitted in zone.

1 — Maximum size for all nonresidential uses in NC2/R and NC3/R is described in Section 23.47.010 A2.

2 — Fast-food restaurants larger than seven hundred fifty (750) square feet are conditional uses.

3 — At the Seattle Center, maximum size limit does not apply.

4 — No maximum size limitation for nonresidential uses except office uses in C1 and C2 zones shall be limited to the size of the lot area or thirty-five thousand (35,000) square feet, whichever is greater. Office uses in C1 and C2 zones may be exempt from this limit if the structure meets specified standards for NC zones as listed in Section 23.47.010 A3.

For current SMC, contact the Office of the City Clerk

Seattle Municipal Code December 2002 code update file Text provided for historical reference only. See ordinances creating and amending sections for complete text, graphics, and tables. Seattle Municipal Code is the official version of this source file. For current SMC, contact the Office of the City Clerk

c. Operating business establishments or uses in NC3 zones which are limited to a maximum of ten thousand (10,000) or fifteen thousand (15,000) square feet may be expanded to a maximum size of twenty thousand (20,000) square feet.

2. The decision to permit, condition or deny an increase in size shall be based upon an assessment of the following factors:

a. The impacts of the operating business establishment and the anticipated impacts if an increase in size were permitted;

b. The availability of commercial space in the zone for uses which contribute to the function and desired characteristics of the zone, as described in Chapter 23.34;

c. The number of business establishments present in the zone that are similar to the business establishment for which expansion is proposed;

d. The compatibility of the operating business establishment with the character and scale of the business district and the surrounding neighborhood; and

e. The length of time the business establishment has been operating.

(Ord. 119239 § 18, 1998; Ord. 118794 § 35, 1997; Ord. 117919 § 1, 1995; Ord. 117430 § 53, 1994; Ord. 117411 § 3, 1994; Ord. 114382 § 2, 1989; Ord. 113263 § 9, 1986: Ord. 112777 § 25(part), 1986.)

23.47.011 Outdoor activities.

A. Outdoor activities associated with permitted commercial uses shall be permitted in commercial zones subject to the standards of the zone.

B. In certain zones outdoor sales areas and outdoor display areas for rental equipment shall be included in determining the maximum size of business establishments or uses as provided in subsection D of Section 23.47.010, Maximum size of nonresidential use.

C. Outdoor sales areas in NC1 and NC2 zones shall be limited as follows:

1. NC1 Zones. Forty (40) percent of lot area or one thousand five hundred (1,500) square feet, whichever is less;

2. NC2 Zones. Forty (40) percent of lot area or ten thousand (10,000) square feet, whichever is less;

3. There shall be no limitation on the size of an outdoor sales area in NC3, C1 or C2 zones.

D. Outdoor display areas for rental equipment shall be limited as follows:

1. NC1 Zones. Ten (10) percent of lot area or five hundred (500) square feet, whichever is less;

2. NC2 and NC3 Zones. Fifteen (15) percent of lot area or one thousand (1,000) square feet, whichever is less;

3. There shall be no limitation on the size of outdoor display of rental equipment in C1 or C2 zones.

E. Outdoor Storage Area.

1. Outdoor storage areas shall be prohibited in NC1, NC2 and NC3 zones, except at the Seattle Center, where outdoor storage may not exceed one thousand (1,000) square feet at any one (1) location nor ten thousand (10,000) square feet in total for the entire site.

2. Outdoor storage areas shall be permitted with no size limitation in C1 and C2 zones.

F. Outdoor Recycling Collection Stations. Outdoor recycling collection stations shall be limited to the following:

1. NC1 Zones. Ten (10) percent of lot area or five hundred (500) square feet, whichever is less;

2. NC2 and NC3 Zones. Ten (10) percent of lot area or one thousand (1,000) square feet, whichever is less;

3. C1 and C2 Zones. Ten (10) percent of lot area or one thousand (1,000) square feet, whichever is less, provided that larger outdoor recycling collection stations may be allowed if they comply with the screening and landscaping standards for outdoor storage.

G. The following outdoor activities shall be located at least fifty (50) feet from a residentially zoned lot, except when the elevation of the commercial property line is at least fifteen (15) feet above the residential property at the lot line:

1. Outdoor sales and/or service of food or beverages;

2. Outdoor recycling collection stations;

3. Outdoor storage;

4. Outdoor sports and recreation;

5. Outdoor loading berths.

H. Outdoor activities shall be screened and landscaped according to the provisions of Section 23.47.016.

(Ord. 117411 § 4, 1994; Ord. 117263 § 26, 1994; Ord. 113263 § 10, 1986; Ord. 112777 § 25(part), 1986.)

23.47.012 Structure height and floor area ratio.

A. Maximum Height. The maximum structure height for commercial zones shall be thirty (30) feet, forty (40) feet, sixty-five (65) feet, eighty-five (85) feet, one hundred twenty-five (125) feet, or one hundred sixty (160) feet, as designated on the Official Land Use Map, Chapter 23.32. In addition, mixed use structures located in commercial zones with a thirty (30) foot or forty (40) foot height limit may exceed the height limit of the zone by up to four (4) feet, according to the provisions of Section 23.47.008.

B. Floor Area Ratios.

1. Floor area ratios (FARs) are hereby established for structures in zones with eighty-five (85) foot, one hundred twenty-five (125) foot and one hundred sixty (160) foot maximum height limits according to Chart C. Structures sixty-five (65) feet in height or less in these zones shall not be subject to floor area ratio provisions. For the provisions of this section, a "mixed-use structure" is a building containing a residential use, excluding caretaker's quarters, and at least one (1) other type of use.

CHART C
PERMITTED FLOOR AREA RATIO (FAR)

Structures Higher	Height	Limit	Zones
than 65 Feet	85′	125′	160′

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
the source files.
For current SMC, contact
the Office of the City Clerk

CHART C
PERMITTED FLOOR AREA RATIO (FAR)

Structures Higher	Height Limit	Zones
Mixed-use structure total	6	6	7
Any single use within a mixed-use structure	4.5	5	5
Single-purpose structure	4.5	5	5

2. Within a mixed-use structure in the First Hill Urban Village, residential floor area constructed or substantially rehabilitated for occupancy by households whose annual incomes do not exceed one hundred twenty (120) percent of median household income for Seattle, shall be allowed in addition to residential floor area in the maximum amount allowed for a single use provided in Chart C, on the terms set forth below in this subsection:

a. The mixed-use structure must satisfy the provisions of Section 23.47.008, Mixed use development, and, together with any other structures on the lot, may not exceed the maximum "mixed-use structure total" FAR provided in Chart C.

b. A dwelling unit shall be considered to be constructed or substantially rehabilitated for occupancy by an eligible household if the initial sale or rental of such unit after completion of construction or substantial rehabilitation is made to an eligible household and such household occupies the unit.

c. The additional residential floor area permitted in a mixed-use structure by this subsection B2 includes common areas serving only such dwelling units and an allocable portion of common areas serving such dwelling units and other portions of the structure, as determined by the Director.

C. Additional Height Permitted. Within the area bounded by Valley and Mercer Streets and Westlake and Fairview Avenues North, maximum structure height may be increased from forty (40) feet to sixty-five (65) feet as a special exception pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. In order to grant the special exception, the Director must find that all of the following criteria are met:

1. The lot is not located within the shoreline district. However, if a lot is located partially within the shoreline district, those portions of that lot which are not in the shoreline district may be eligible for the special exception.

2. In order to reduce potential height, bulk and scale and view impacts, enhance pedestrian connections across Valley and Mercer Streets, and provide greater opportunities for public open space, the following development standards must apply:

a. A minimum of twenty (20) percent of the total development area must be provided as useable open space at street level. The useable open space must be directly accessible to the public during the hours of operation of South Lake Union Park, and no occupied portion of the structure may extend into the required useable open space.

b. If the Director determines that greater public benefit will result, a portion of the required useable open space may be located above street level, provided the following criteria are met:

(1) A minimum of twenty-five (25) percent of the total development area is provided as useable open space.

(2) The useable open space is directly accessible to the public during the hours of operation of South Lake Union Park, and no occupied portion of the structure may extend into the required useable open space.

(3) The useable open space enhances visual and physical pedestrian connection(s) between South Lake Union Park and the development area.

(4) The required useable open space is provided at heights less than forty (40) feet, measured from existing or finished grade, whichever is lower.

c. If the Director determines that greater public benefit will result, a portion of the required useable open space may be located below street level, provided the criteria listed in this subsection are met. When useable open space is provided below street level, the height of facades that abut the useable open space shall be measured from existing grade.

(1) A minimum of twenty-five (25) percent of the total development area is provided as useable open space.

(2) The useable open space is directly accessible to the public during the hours of operation of South Lake Union Park, and no occupied portion of the structure may extend into the required useable open space.

(3) The useable open space enhances the pedestrian connection(s) between South Lake Union Park and the development area.

(4) The useable open space provides visual and physical connections from street level to the useable open space. Required useable open space allows for ease of access to pedestrians from street level and may include streetscape elements such as semitransparent fencing and low-level vegetation.

(5) The design and siting of the required useable open space provides adequate light and air exposure and encourages lively pedestrian activity.

d. All portions of a structure that exceed forty (40) feet in height are limited to a maximum lot coverage of sixty-four (64) percent. In addition, portions of a structure above forty (40) feet in height must be located at least fifteen (15) feet from the street property line along Valley Street and Westlake, Terry, Boren, and Fairview Avenues North.

e. Departures from development standards may be granted pursuant to Chapter 23.41, Part I, Design Review, except for open space quantity or upper level lot coverage requirements in this section.

3. In buildings constructed under permits applied for after the effective date of this ordinance, all uses at street level, except for parking, must have a minimum

Seattle Municipal Code
December 2006 code update file
Text provided for historic reference only.
See Ordinances for citation to amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this compilation.

floor to floor height of thirteen (13) feet. Along Terry Avenue North between Valley and Mercer Streets and along Valley Street between Westlake and Boren Avenues North, the following standards apply:

a. A minimum of eighty (80) percent of a structure's street front facade at street level must be occupied by uses other than parking. For purposes of calculating the eighty (80) percent, twenty-two (22) feet for the width of a driveway to access parking may be subtracted from the length of the street front facade if the Director determines that access to parking from Valley Street or Terry Avenue North is the best opportunity to avoid traffic problems or pedestrian conflicts.

b. A minimum depth of thirty (30) feet from the street front facade of the structure must be occupied by uses other than parking. The minimum required depth may be averaged, with no depth less than fifteen (15) feet.

c. If the street front facade and depth requirements result in a space greater than fifty (50) percent of the structure's footprint, the Director may modify the street front facade and depth requirements to reduce the space to fifty (50) percent of the structure's footprint.

D. Exemptions From FAR Calculations. The following areas shall be exempted from FAR calculations:

1. All gross floor area below grade;

2. All gross floor area used for accessory parking.

E. Split Zoned Lots. When a lot is subject to more than one (1) height and FAR limit, the height and FAR limits for each zone shall apply to the portion of the lot located in that zone.

F. 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 23.47.012 A).

G. Pitched Roofs. The ridge of pitched roofs may extend up to five (5) feet above the maximum height limit in zones with height limits of thirty (30) or forty (40) feet. All parts of the roof above the height limit shall be pitched at a rate of not less than three to twelve (3:12) (Exhibit 23.47.012 B). No portion of a shed roof shall be permitted to extend beyond the height limit under this provision.

H. Rooftop Features.

1. Smokestacks; chimneys; 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 a minimum of ten (10) feet from any side or rear lot line.

2. Open railings, planters, skylights, clerestories, greenhouses, parapets and firewalls may extend no higher than the ridge of a pitched roof as permitted by Section 23.47.012F or up to four (4) feet above the maximum height limit with unlimited rooftop coverage.

3. Solar Collectors.

a. In zones with height limits of thirty (30) or forty (40) feet, solar collectors may extend up to four (4) feet above the maximum height limit, with unlimited rooftop coverage.

b. In zones with height limits of sixty-five (65) feet or more, solar collectors may extend up to seven (7) feet above the maximum height limit, with unlimited rooftop coverage.

4. The following rooftop features may extend up to fifteen (15) feet above the maximum height limit, so long as the combined total coverage of all features listed in this subsection does not exceed twenty (20) percent of the roof area or twenty-five (25) percent of the roof area if the total includes stair or elevator penthouses or screened mechanical equipment:

a. Solar collectors;

b. Stair and elevator penthouses;

c. Mechanical equipment;

d. Play equipment and open-mesh fencing which encloses it, so long as the fencing is at least fifteen (15) feet from the roof edge; and

e. Minor communication utilities and accessory communication devices, except that height is regulated according to the provisions of Section 23.57.012.

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

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 23.47.012 A
Height Limits on Sloped Sites

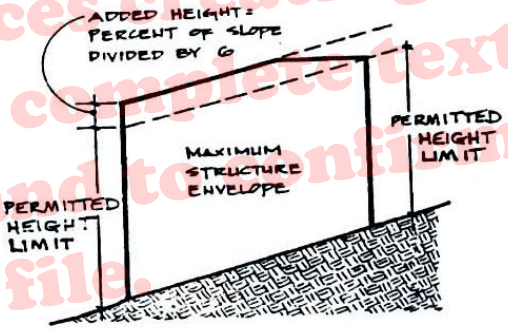
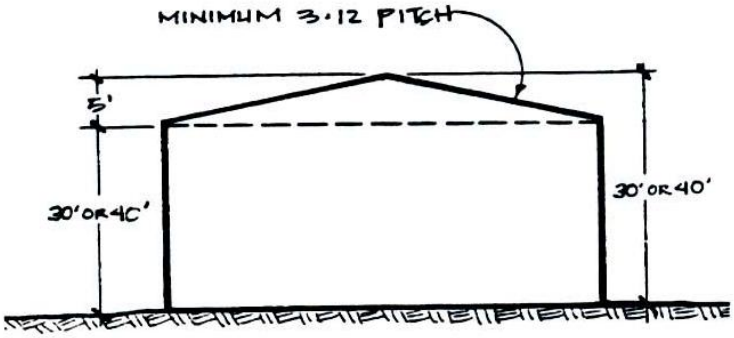


Exhibit 23.47.012 B
Pitched Roof Height Exception



For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code December 2002 code update file Text provided for historical reference only. See ordinances creating and amending sections for complete text, graphics, and tables and to confirm currency of this code file.

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 23.57.012;

f. Nonfirewall parapets;

g. Play equipment.

6. Structures existing prior to May 10, 1986 may add new or replace existing mechanical equipment up to fifteen (15) feet above the roof elevation of the structure and shall comply with the noise standards of Section 23.47.018.

7. For height limits and exceptions for communication utilities and accessory communication devices, see Section 23.57.012.

I. Solar Retrofits. The Director may permit the retrofitting of solar collectors on conforming or nonconforming structures existing on June 9, 1986 as a special exception pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. Such a retrofit may be permitted even if it exceeds established height limits, if the following conditions are met:

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

2. The positioning of such collector(s) minimizes view blockage and shading of property to the north, while still providing adequate solar access for the collectors; and

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

J. Height Exceptions for Public Schools.

1. For new public school construction on new public school sites, the maximum permitted height shall be the maximum height permitted in the zone.

2. For new public school construction on existing public school sites, the maximum permitted height shall be the maximum height permitted in the zone or thirty-five (35) feet plus fifteen (15) feet for a pitched roof, whichever is greater.

3. For additions to existing public schools on existing public school sites, the maximum height permitted shall be the maximum height permitted in the zone, the height of the existing school, or thirty-five (35) feet plus fifteen (15) feet for a pitched roof, whichever is greater.

4. Development standard departure for structure height may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79. For construction of new structures on new and existing public school sites to the extent not otherwise permitted outright, maximum height which may be granted as a development standard departure in zones with height limits of thirty (30) or forty (40) feet 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. All height maximums may be waived by the Director when waiver would contribute to reduced demolition of residential structures.

5. To qualify for the pitched roof exception, all parts of the roof above the height limit must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof shall extend above the height limit under this provision.

(Ord. 120928 § 13, 2002; Ord. 120609 § 8, 2001; Ord. 120267 § 1, 2001; Ord. 120117 § 23, 2000; Ord. 119837 § 2, 2000; Ord. 119370 § 2, 1999; Ord. 117430 § 54, 1994; Ord. 11350 § 4, 1994; Ord. 116295 § 10, 1992; Ord. 114382 § 3, 1989; Ord. 113892 § 4, 1988; Ord. 113263 § 11, 1986: Ord. 112777 § 25(part), 1986.)

23.47.014 Setback requirements.

A. For the purposes of this section, portions of structures shall include those features listed in Section 23.47.012 G, Rooftop Features.

B. Setbacks for Mixed Use Development, Single-purpose Residential Structures and Structures Containing No Residential Uses.

1. A setback shall be required on lots which abut the intersection of a side and front lot line of a residentially zoned lot. The required setback shall be a triangular area. Two (2) sides of the triangle shall extend fifteen (15) feet from the intersection of the street property line and the property line abutting the residentially zoned lot. The third side shall connect these two (2) sides with a diagonal line across the lot (Exhibits 23.47.014 A and 23.47.014 B).

2. A setback shall be required along any side lot line which abuts a side lot line of a residentially zoned lot as follows:

a. Zero (0) feet for portions of structures thirteen (13) feet in height or lower; and

b. Ten (10) feet for portions of structures above thirteen (13) feet in height to a maximum of sixty-five (65) feet; and

c. For portions of structures above sixty-five (65) feet in height, an additional one (1) foot of setback shall be required for every ten (10) feet in excess of sixty-five (65) feet (Exhibit 23.47.014 C).

3. For structures containing no residential uses, a setback shall be required along any rear lot line which abuts a lot line of a residentially zoned lot or which is across an alley from a residentially zoned lot, as follows:

a. Zero (0) feet for portions of structures thirteen (13) feet in height or lower; and

b. Ten (10) feet for portions of structures above thirteen (13) feet in height to a maximum of sixty-five (65) feet; and

c. For portions of structures above sixty-five (65) feet in height, an additional one (1) foot of setback

For current SMC, contact the Office of the City Clerk

shall be required for every ten (10) feet in excess of sixty-five (65) feet (Exhibit 23.47.014 C).

4. For mixed use developments and single-purpose residential structures, a setback shall be required along any rear lot line which abuts a lot line of a residentially zoned lot or which is across an alley from a residentially zoned lot, as follows:

a. Zero (0) feet for portions of structures thirteen (13) feet in height or lower; and

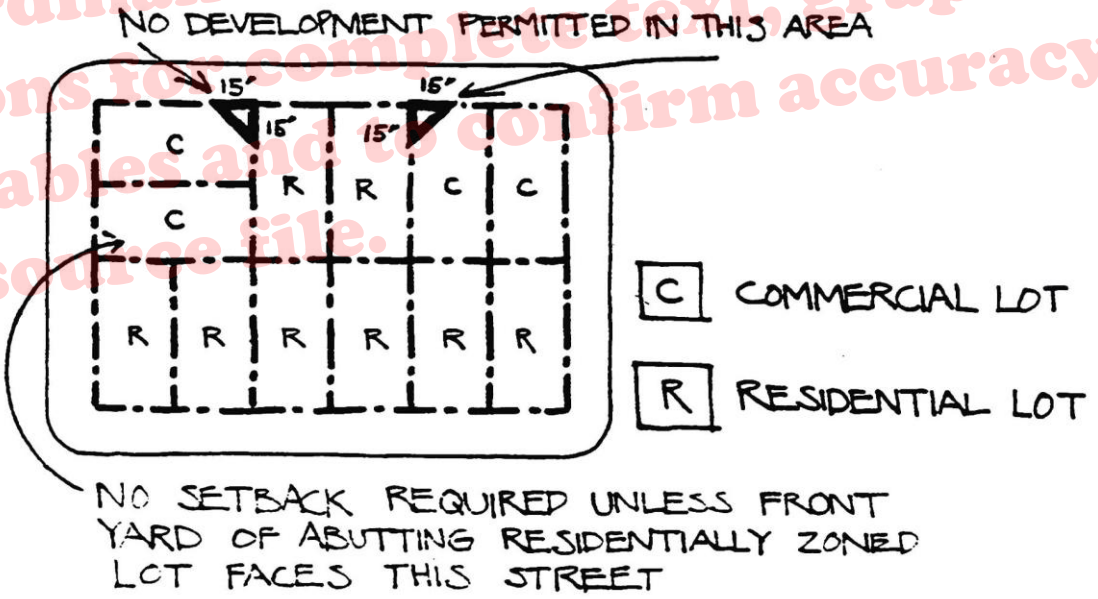
b. Fifteen (15) feet for portions of structures above thirteen (13) feet in height to a maximum of forty (40) feet; and

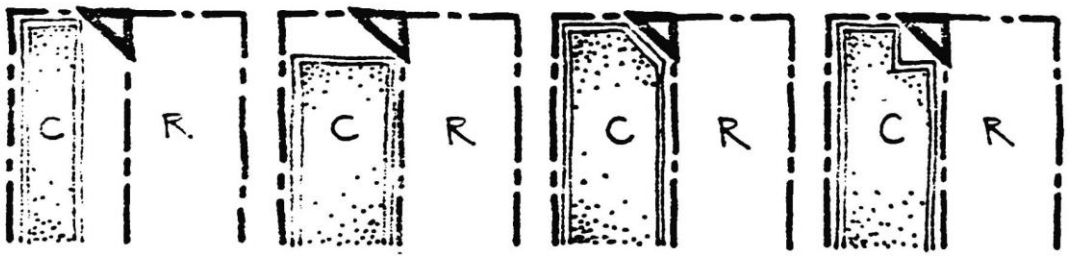
c. For portions of structures above forty (40) feet in height, an additional two (2) feet of setback shall be required for every ten (10) feet in excess of forty (40) feet (Exhibit 23.47.014 D).

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.
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.

Exhibits 23.47.014 A and 23.47.014 B
Setback Abutting a Side or Rear Lot Line of a
Residentially Zoned Lot

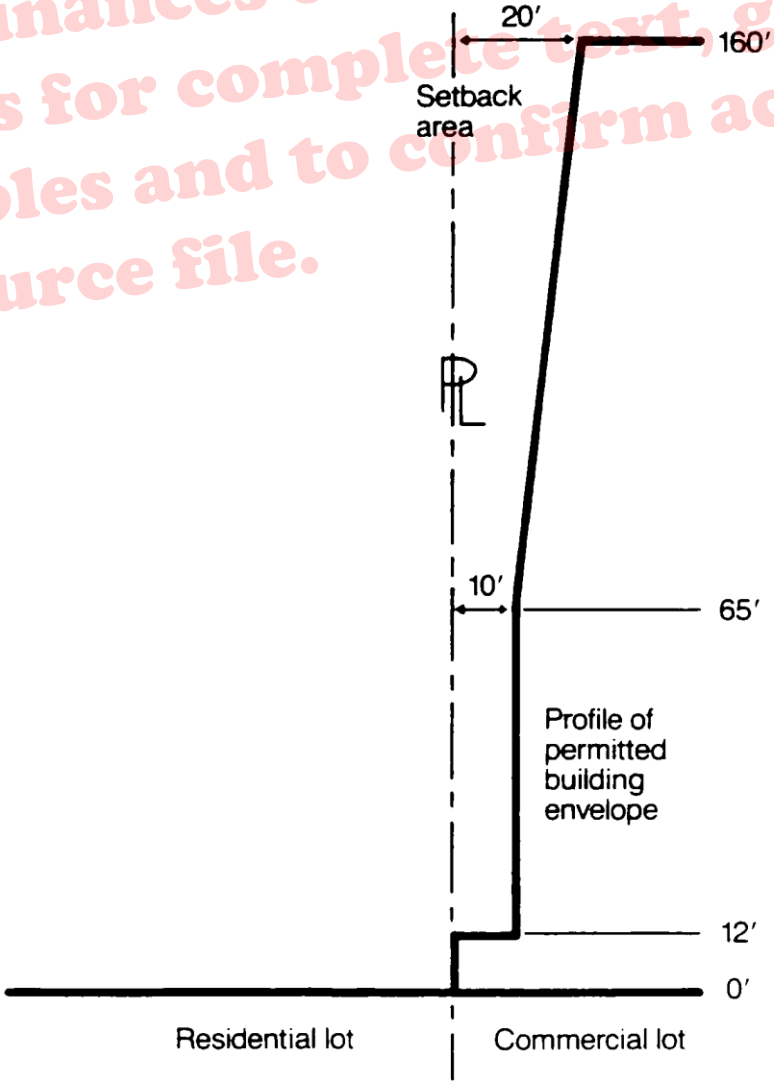




For current SMC, contact the Office of the City Clerk

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.

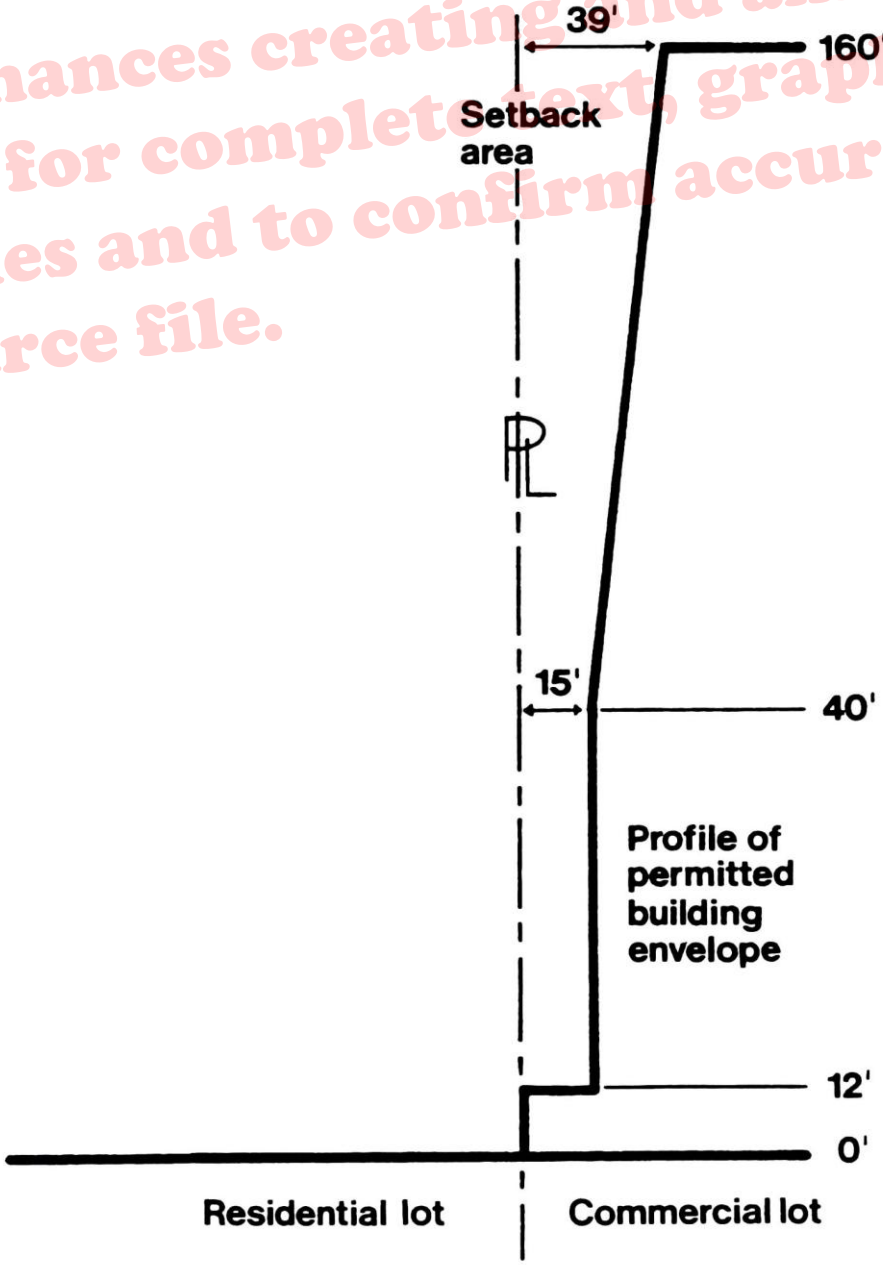
Exhibit 23.47.014 C
Setback Abutting a Side or Rear Lot Line of a Residentially Zoned Lot



For current SMC, contact the Office of the City Clerk

Seattle Municipal Code
December 2002 code update file
Text provided for historical reference only.
See ordinances creating and amending sections for complete texts, graphics, and tables and to confirm accuracy of this source file.
For current SMC, contact the Office of the City Clerk

Exhibit 23.47.014 D
Setback For Mixed Use Development and
Single-purpose Residential Structures Along
Rear Lot Line Abutting Residentially Zoned Lot



Seattle Municipal Code
December 2002 code update file
Text provided for historical reference only.
See ordinances creating the following sections for complete text, graphics, and tables and to confirm accuracy of this online file.
For current SMC, contact the Office of the City Clerk

5. One-half (1/2) alley width may be counted as part of the required setback.

6. No entrance, window, or other opening shall be permitted closer than five (5) feet to a residentially zoned lot.

C. A five (5) foot setback shall be required from all street property lines where street trees are required and it is not feasible to plant them in accordance with City standards. The setback shall be landscaped according to Section 23.47.016, Screening and landscaping standards.

D. A five (5) foot setback shall be provided along all street lot lines of a mobile home park. The setback shall be landscaped according to the provisions of Section 23.47.016 D6.

E. Structures in Required Setbacks.

1. Decks and balconies with open railings may extend into the required setback, but shall not be permitted within five (5) feet of a residentially zoned lot, except as provided in subsection E6.

2. Eaves, cornices and gutters projecting no more than eighteen (18) inches from the structure facade shall be permitted in required setbacks.

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

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

5. Fences, freestanding walls and other similar structures.

a. Fences, freestanding walls and other similar structures six (6) feet or less in height above existing or finished grade, whichever is lower, are permitted in required setbacks. The six (6) foot height may be averaged along sloping grade for each six (6) foot long segment of the fence, but in no case may any portion of the fence exceed eight (8) feet.

b. Bulkheads and retaining walls used to raise grade may be placed in any required setback when limited to six (6) feet in height, measured above existing grade. A guardrail no higher than forty-two (42) inches may be placed on top of a bulkhead or retaining wall existing as of the date of the ordinance codified in this section. If a fence is placed on top of a new bulkhead or retaining wall, the maximum combined fence is limited to nine and one-half (91/2) feet.

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

6. Decks which are accessory to residential uses and are no more than eighteen (18) inches above existing or finished grade, whichever is lower, may project into required setbacks.

7. Underground structures are permitted in all setbacks.

8. Detached solar collectors shall be permitted in required setbacks. Such collectors shall be no closer than five (5) feet to any other principal or accessory structure, and no closer than three (3) feet to any lot line which abuts a residentially zoned lot.

9. Dumpster and other trash receptacles, except for trash compactors, located outside of structures shall not be permitted within ten (10) feet of any lot line which abuts a residentially zoned lot and shall be screened from the residential lot with a minimum six (6) foot high screen fence.

F. Setback Requirements for Specific Uses or Structures.

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

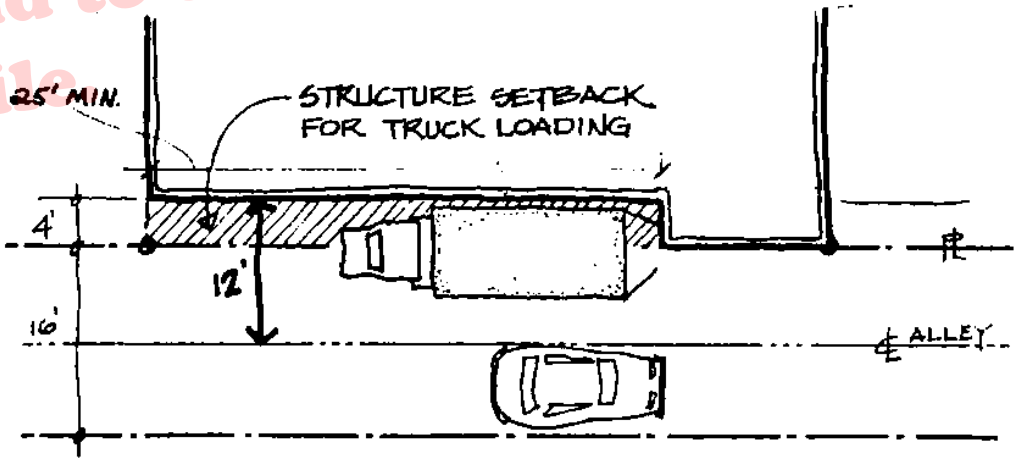
2. Beehives shall not be located within twenty-five (25) feet of any property line except when located eight (8) feet or more above the grade immediately adjacent to the subject lot or when situated less than eight (8) feet above the adjacent existing grade and behind a solid fence or hedge six (6) feet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

3. Parking occupying the street-level frontage of a structure shall be set back at least five (5) feet from all street lot lines and along all property lines abutting residentially zoned lots for any portion of a structure which contains parking that is not screened from the residential zone by the exterior wall of the structure. This setback shall be landscaped and the parking screened according to the requirements of Section 23.47.016, Screening and landscaping standards.

4. Where access to a loading berth is from the alley, and truck loading is parallel to the alley, a setback of twelve (12) feet shall be required for the loading berth, measured from the centerline of the alley (Exhibit 23.47.014 E). This setback shall be maintained up to a height of sixteen (16) feet.

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 23.47.014 E
Structure Setback for Truck Loading



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.

For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
December 2002 code update file
Text provided for historical reference only.
See ordinances creating and amending sections for complete text, graphics, and tables and to confirm accuracy of this source file.

G. A setback may be required in order to meet the provisions of Section 23.53.015, Improvement requirements for existing streets in residential and commercial zones, and Section 23.53.030, Alley improvements in all zones.

(Ord. 120609 § 9, 2001; Ord. 118794 § 36, 1997; Ord. 118414 § 32, 1996; Ord. 117430 § 55, 1994; Ord. 117263 § 27, 1994; Ord. 116596 § 2, 1993; Ord. 116295 § 11, 1992; Ord. 115326 § 15, 1990; Ord. 113892 § 6, 1988; Ord. 113263 § 12, 1986: Ord. 112971 § 10, 1986; Ord. 112777 § 25(part), 1986.)[1]

1. Editor's Note: Ordinance No. 113892 contained two (2) sections numbered "6." The other is codified in Section 23.47.023.

23.47.015 View corridors.

A. On lots which are partially within the Shoreline District, a view corridor shall be required for the entire lot if the portion of the lot in the Shoreline District is required to provide a view corridor under the Seattle Shoreline Master Program.

B. Measurement and modification of the view corridor requirement shall be according to the Shoreline District measurement regulations.

(Ord. 113263 § 13, 1986.)

23.47.016 Screening and landscaping standards.

A. The following types of screening and landscaping may be required for specific uses according to the provisions of this chapter.

1. Three (3) Foot High Screening on Street Property Lines. Three (3) foot high screening may be either:

a. A fence or wall at least three (3) feet in height; or

b. A hedge or landscaped berm at least three (3) feet in height.

2. Six (6) Foot High Screening on Property Lines. Six (6) foot high screening may be either:

a. A fence or wall six (6) feet in height; or

b. A landscaped berm at least five (5) feet in height or a hedge planted in conformance with landscaping rules promulgated by the Director.

3. Landscaped Areas and Berms. Each area or berm required to be landscaped shall be planted with trees, shrubs, and grass or evergreen groundcover. Features such as pedestrian access meeting the Washington State Building Code, Chapter 11—Accessibility, decorative pavers, sculptures or fountains may cover a maximum of thirty (30) percent of each required landscaped area or berm. Landscaping shall be provided according to standards promulgated by the Director.

4. Landscaping of Surface Parking Areas. When landscaping of a surface parking area is required, the following standards shall be met:

a. **Total Number of Parking Spaces**	**Required Landscape Area**
20 to 50	18 square feet/ parking space
51 to 99	25 square feet/ parking space
100 or more	35 square feet/ parking space

b. The minimum size of a required landscaped area shall be one hundred (100) square feet. Berms and other landscaped areas provided to meet screening standards may be counted as part of a landscaped area. No part of a landscaped area shall be less than four (4) feet in dimension except those parts created by turning radii or angles of parking spaces.

c. No stall shall be more than sixty (60) feet from a required landscaped area.

d. One (1) tree shall be required for every ten (10) parking spaces.

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

f. Hardy evergreen groundcover shall be planted in accordance with rules promulgated by the Director. Trees in parking areas shall be selected in consultation with the City Arborist.

5. Combinations of Screening and Landscaping Requirements. When there is more than one (1) type of use which requires screening or landscaping, the requirement which results in the greater amount of screening and landscaping shall be followed. Street trees required by subsection C shall be provided in addition to landscaping required for specific uses in subsection D.

B. Landscaping for New Construction.

1. An amount of landscaping equal to five (5) percent of lot area shall be required for new construction on any vacant lot. This five (5) percent landscaping requirement may include landscaping otherwise required by this chapter. The landscaping shall be in a location which is visible to pedestrians or customers and which has adequate sunlight and space necessary to insure plant survival.

2. The Director shall have the discretion to waive or reduce the requirement of subsection B1 based on the following factors:

a. No useable space for landscaping exists between the proposed new structure and existing structures on adjoining lots because of inadequate sunlight or inadequate width;

b. No setback is provided in front of the new structure;

c. Landscaping in the rear would not be visible to pedestrians or customers;

d. Planter boxes in the right-of-way are not feasible due to narrow sidewalks or other potential for pedestrian conflict.

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 section.
For current SMC, contact
the Office of the City Clerk

C. Street Trees.

1. Street trees shall be provided in the planting strip. Existing street trees may count toward meeting the street tree requirement.

2. Exceptions to Street Tree Requirements.

a. If a lot borders a platted but unopened street, the Director may reduce or waive the street tree requirement on that frontage if after consultation with the Director of Transportation it is determined that the street is unlikely to be developed.

b. Street tree requirements shall not apply to single-family dwelling units in commercial zones.

c. Street trees shall not be required when a change of use is the only permit requested.

d. Street trees shall not be required for temporary use permits.

e. Street trees shall not be required when expanding an existing structure unless an expansion equal to or greater than one thousand (1,000) square feet of expansion is proposed. Two (2) street trees shall be required for each additional one thousand (1,000) square feet of expansion. Rounding, per Section 23.86.002 B, shall not be permitted. The maximum number of street trees shall be controlled by the Department of Transportation standard.

f. Street trees shall not be required when an existing surface parking area is expanded by less than ten (10) percent in area or in number of spaces.

g. If street trees would obscure the visibility of retail uses or obstruct pedestrian access to retail uses, and there is no other location on the lot for the landscaping, the Director may reduce or waive the street tree requirement after consultation with the City Arborist.

3. If it is not feasible to plant street trees according to City standards, either a five (5) foot deep landscaped setback shall be required along the street property line or landscaping other than trees may be located in the planting strip according to Department of Transportation rules. The street trees shall be planted in the landscaped area at least two (2) feet from the street lot line if they cannot be placed in the planting strip. Where retail sales and service uses have customer entrances located along the street frontage, street trees shall not be required. The Director may reduce or waive this setback and tree requirement where physically infeasible.

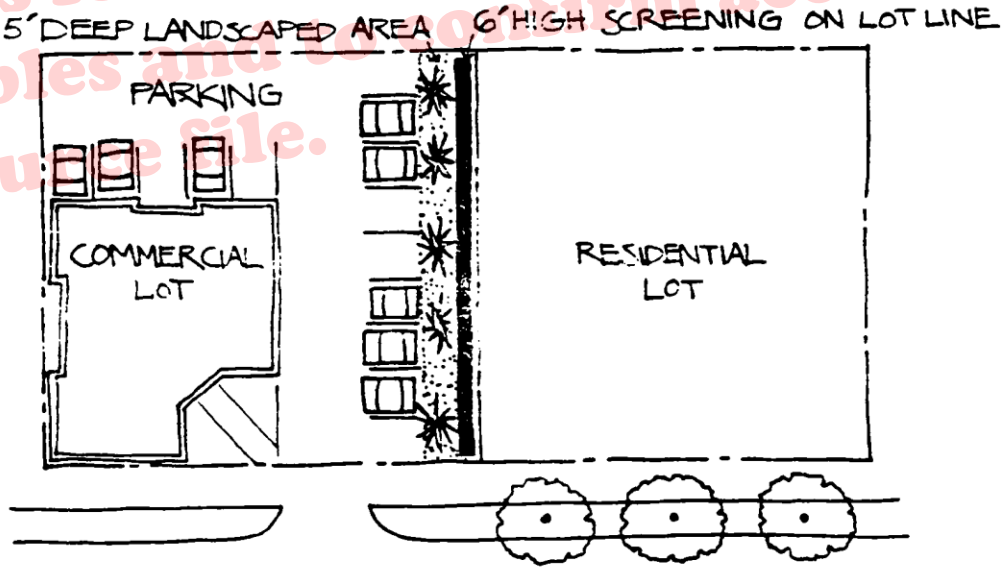
D. Screening and Landscaping Requirements for Specific Uses.

1. Surface Parking Areas.

a. When a surface parking area abuts a lot in a residential zone, six (6) foot high screening along the abutting lot line(s) shall be required. A five (5) foot deep landscaped area shall be required inside the screening (Exhibit 23.47.016 A).

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 23.47.016 A
Screening of Surface Parking Areas Abutting a
Residentially Zoned Lot



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.

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 document.

b. When a surface parking area is across an alley from a lot in a residential zone, six (6) foot high screening along the alley shall be required. A five (5) foot deep landscaped area shall be required inside the screening. The Director may reduce or waive the screening and landscaping requirement for part or all of the lot abutting the alley, or may waive only the landscaping requirement, when required parking can only be provided at the rear lot line and the alley is necessary to provide aisle space. In making the determination to waive or reduce the landscaping and screening requirements, the Director shall consider the following criteria:

(1) Whether the lot width and depth permit a workable plan for the building and parking which would preserve the screening and landscaping; and

(2) Whether the character of use across the alley, such as multifamily parking structures, makes the screening and landscaping less necessary; and

(3) Whether the property is located in a pedestrian-designated zone and therefore access to parking from the street is not feasible or is undesirable; and

(4) Whether a topographic break between the alley and the residential zone makes screening less necessary.

c. Surface parking areas for nineteen (19) or fewer cars shall be screened by three (3) foot high screening along the street lot line.

d. Surface parking areas for more than nineteen (19) cars shall provide three (3) foot high view-obscuring landscaping along street lot lines, and landscaping according to subsection A4 of this section. The Director may reduce or waive this requirement for reasons of safety, to assure adequate maneuvering room for service vehicles, or to prevent the number of parking spaces from being reduced to less than the required amount.

2. Parking Within or Under Structures.

a. When parking occupies any portion of the street-level frontage of a structure between a height of five (5) feet and eight (8) feet above sidewalk grade, the portion of the structure containing the parking shall be required to have a five (5) foot deep landscaped area along street lot lines. In addition, the parking shall be screened by:

(1) The facade of the structure; or

(2) Six (6) foot high screening between the structure and the landscaped area (Exhibit 23.47.016 B).

For current SMC, contact
the Office of the City Clerk

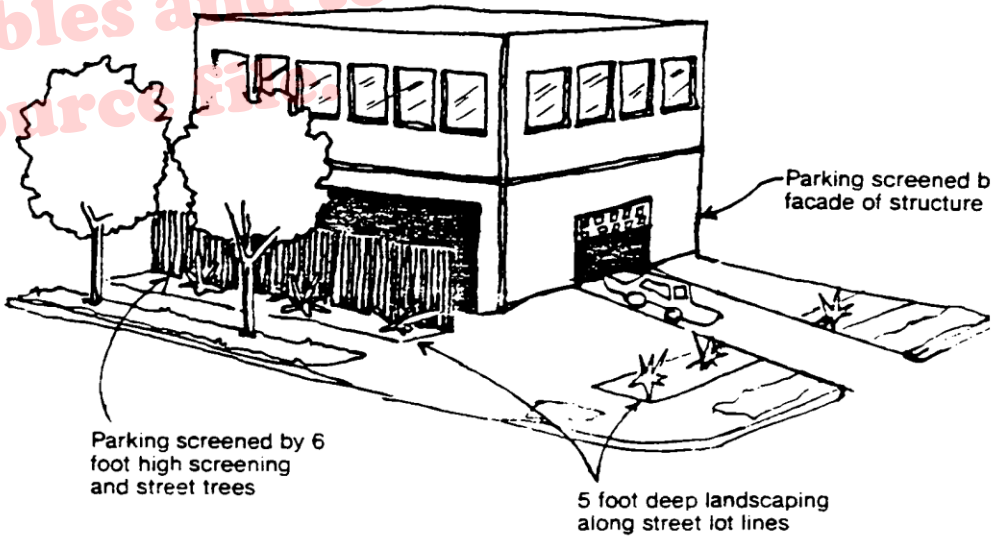
Seattle Municipal Code
December 2002 code update file
Text provided for historic reference only.

See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this source file.

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 23.47.016 B
Screening of Parking Within or Under a Structure



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.

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 text.

b. A five (5) foot setback shall be required along all property lines abutting residentially zoned lots for any portion of a structure which contains parking that is not screened from the residential zone by the exterior wall of the structure. At ground level, the setback shall be landscaped according to subsection 23.47.016 C3 and six (6) foot high screening along the abutting property line(s) shall be provided. Above ground level, parking that is required to provide a five (5) foot setback shall have an opaque screen at least three and one-half (3½) feet high.

c. When access is through a street-facing facade, the facade shall contain one (1) garage door, not to exceed the maximum width allowed for the curbcut.

d. The perimeter of each floor of parking which is eight (8) feet or more above sidewalk grade shall have an opaque screen at least three and one-half (31/2) feet high.

3. Drive-in Business.

a. Drive-in businesses, including gas stations, abutting or across an alley from a residentially zoned lot, shall provide six (6) foot high screening along the abutting or alley lot lines. A five (5) foot deep landscaped area inside the screening shall be required when the drive-in portion of the business or its queuing lanes abut a lot in a residential zone.

b. Drive-in businesses other than gas stations in which the drive-in portion of the business or its queuing lanes is across the street from a residentially zoned lot shall provide three (3) foot high screening for the drive-in portion.

c. Gas stations shall provide three (3) foot high screening along street lot lines in all NC1, NC2 and NC3 zones. In C1 and C2 zones, three (3) foot high screening shall only be required when a gas station is across the street from a residentially zoned lot.

4. Outdoor Sales and Outdoor Display of Rental Equipment.

a. When an outdoor sales area or outdoor display of rental equipment area is abutting or across an alley from a residentially zoned lot, six (6) foot high screening shall be provided along the abutting or alley lot lines.

b. When an outdoor sales area or outdoor display of rental equipment is across the street from a residentially zoned lot, three (3) foot high screening along the street lot line shall be provided.

5. Outdoor Storage.

a. C1 Zones. Outdoor storage shall be screened by a structure's facade or by six (6) foot high screening between the storage area and all property lines. A five (5) foot deep landscaped area shall be provided between all street lot lines and the six (6) foot high screening (Exhibit 23.47.016 C).

b. C2 Zones.

(1) When an outdoor storage area is across the street from a residentially zoned lot it shall be screened from the street by the facade of a structure, or by six (6) foot high screening along the street lot lines.

(2) When a lot containing outdoor storage abuts a residentially zoned lot, the outdoor storage area shall set back fifty (50) feet from abutting residentially zoned lot lines and be screened by a structure's facade or by six (6) foot high screening between the outdoor storage and all abutting property lines (Exhibit 23.47.016 D).

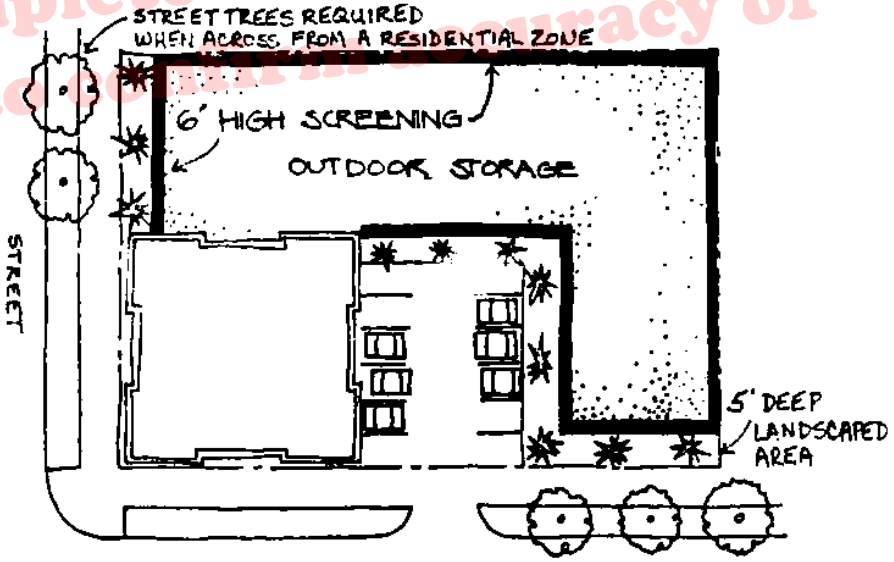
For current SMC, contact
the Office of the City Clerk

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.

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 the accuracy of this source file.

Exhibit 23.47.016 C
Screening of Open Storage Areas in C1 Zones



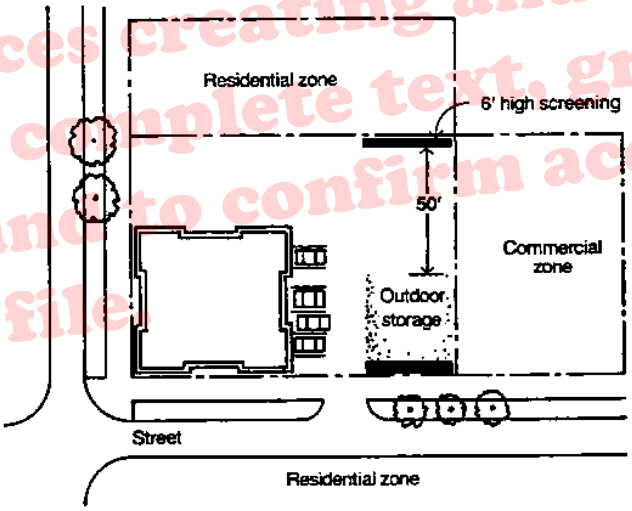
Seattle Municipal Code
December 2002 code update file
Text provided for historic reference only.

See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this source file.

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 23.47.016 D
Screening of Open Storage Areas in C2 Zones



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.

For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
December 2002 code update file
Text provided for historical reference only.
See ordinances creating and amending
sections for complete text, graphics,
and effective dates.
For current SMC, contact
the Office of the City Clerk

c. Outdoor Dry Storage of Boats. Screening shall be required for the outdoor dry storage of boats in the Shoreline District according to the provisions for outdoor storage in C1 zones, subsection D5a, unless the dry storage of boats is located in a C2 zone, in which case screening shall be required according to the provisions for outdoor storage in C2 zones, subsection D5b.

6. Mobile Home Parks. Mobile home parks shall be screened by six (6) foot high screening along all nonstreet lot lines. A five (5) foot deep landscaped area shall be provided along all street lot lines of a mobile home park. A five (5) foot planting strip with street trees may be provided instead of the five (5) foot deep landscaped area.

7. Lots Within the Shoreline District. On lots within the Shoreline District where view corridors are required, the height of screening may be reduced and the location and type of required landscaping may be modified so that view corridors are not obstructed.

8. When one (1) of the specific uses listed in this subsection is proposed for expansion, the applicable landsca4ping requirement shall be met. The Director may reduce or waive the landscaping requirements where physically infeasible due to the location of existing structures or required parking.

E. Blank Facades.

1. One (1) of the following shall be required along each street frontage with blank facades greater than thirty (30) feet in width in all NC1, NC2, NC2/R, NC3, and NC3/R zones or in C1 and C2 zones when across a street from a residentially zoned lot:

a. Ivy or similar vegetation shall be planted in front of or on the street-facing side of the blank facade; or

b. A five (5) foot setback shall be provided in front of the blank facade, and the setback shall be planted with trees and shrubs according to rules promulgated by the Director; or

c. Artwork on the blank facade which has been approved by the Seattle Art Commission.

2. Blank facade requirements shall apply to the area of the facade between two (2) feet and eight (8) feet above the sidewalk.

3. Any portion of a facade which is not transparent shall be considered to be a blank facade. Clear or lightly tinted glass in windows, doors and display windows shall be considered transparent. Transparent areas shall allow views into the structure or into display windows from the outside.

4. Portions of a facade of a structure which are separated by transparent areas of at least four (4) feet in width and between two (2) feet and eight (8) feet above the sidewalk shall be considered separate facade segments for the purposes of this subsection.

F. Access Through Required Screening and Landscaping. Breaks in required screening shall be permitted to provide pedestrian and vehicular access. Breaks in required screening for vehicular access shall not exceed the width of permitted curbcuts.

(Ord. 120609 § 10, 2001: Ord. 119239 § 19, 1998; Ord. 118414 § 33, 1996; Ord. 118409 § 182, 1996: Ord. 117430 § 56, 1994; Ord. 117263 § 28, 1994; Ord. 116744 § 7, 1993; Ord. 115164 § 1, 1990; Ord. 114046 § 16, 1988: Ord. 113263 § 14, 1986; Ord. 112777 § 25(part), 1986.)

23.47.018 Noise standards.

A. All permitted manufacturing, fabricating, repairing, refuse compacting and recycling activities shall be conducted wholly within an enclosed structure in an NC1, NC2 or NC3 zone. In a C1 or C2 zone, location within an enclosed structure shall be required only when the lot is located within fifty (50) feet of a residential zone, except when required as a condition for permitting a major noise generator according to subsection B.

B. Major Noise Generators.

1. The following uses or devices shall be considered major noise generators:

a. Light and general manufacturing;

b. Major vessel repair;

c. Aircraft repair shops;

d. Major vehicle repair;

e. Exterior heat exchangers, and other similar devices (e.g., ventilation, air-conditioning, refrigeration);

f. Cargo terminals;

g. Recycling centers;

h. Other similar uses.

2. When a major noise generator is proposed, and when an existing major noise generator is proposed to be expanded, a report from an acoustical consultant shall be required to describe the measures to be taken by the applicant in order to meet noise standards for the area. Such measures may include, for example, the provision of buffers, reduction in hours of operation, relocation of mechanical equipment, increased setbacks and use of specified construction techniques or building materials. Measures to be used shall be specified on the plans. After a permit has been issued, any measures which were required by the permit to limit noise shall be maintained.

(Ord. 113263 § 15, 1986: Ord. 112777 § 25(part), 1986.)

23.47.020 Odor standards.

A. The venting of odors, vapors, smoke, cinders, dust, gas and fumes shall be at least ten (10) feet above finished sidewalk grade, and directed away as much as possible from residential uses within fifty (50) feet of the vent.

B. Major Odor Sources.

1. Uses which employ the following odor-emitting processes or activities shall be considered major odor sources:

a. Lithographic, rotogravure or flexographic printing;

b. Film burning;

c. Fiberglassing;

Seattle Municipal Code
December 2006 code update file
Text provided for historic reference only.
See ordinances creating various sections for complete text, graphics, and tables and to confirm accuracy of this section.

d. Selling of gasoline and/or storage of gasoline in tanks larger than two hundred sixty (260) gallons;
e. Handling of heated tars and asphalts;
f. Incinerating (commercial);
g. Tire buffing;
h. Metal plating;
i. Vapor degreasing;
j. Wire reclamation;
k. Use of boilers (greater than 106 British Thermal Units per hour, ten thousand (10,000) pounds steam per hour, or thirty (30) boiler horsepower);
l. Animal food processing;
m. Other similar processes or activities.

2. Uses which employ the following processes shall be considered major odor sources, except when the entire activity is conducted as part of a retail sales and service use:
a. Cooking of grains;
b. Smoking of food or food products;
c. Fish or fishmeal processing;
d. Coffee or nut roasting;
e. Deep fat frying;
f. Dry cleaning;
g. Other similar processes or activities.

C. When an application is made for a use which is determined to be a major odor source, the Director, in consultation with the Puget Sound Air Pollution Control Agency (PSAPCA), shall determine the appropriate measures to be taken by the applicant in order to significantly reduce potential odor emissions and airborne pollutants. The measures to be taken shall be indicated on plans submitted to the Director and may be required as conditions for the issuance of any permit. After a permit has been issued, any measures which were required by the permit shall be maintained.
(Ord. 112777 § 25(part), 1986.)

23.47.022 Light and glare standards.

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

B. Interior lighting in parking garages shall be shielded, to minimize nighttime glare affecting nearby uses.

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

D. Height.

1. Exterior lighting on poles shall be permitted up to a maximum height of thirty (30) feet from finished grade. In zones with a forty (40) foot or greater height limit, exterior lighting on poles shall be permitted up to a height of forty (40) feet from finished grade, provided that the ratio of watts to area is at least twenty (20) percent below the maximum exterior lighting level permitted by the Energy Code.[1]

2. Athletic Fields.

a. Light poles for illumination of athletic fields on new and existing public school sites will be allowed to exceed the maximum permitted height set forth in Section 23.47.022 D1, 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 poles 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 poles 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 (1/8) one-eighth 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.

E. Glare diagrams which clearly identify potential adverse glare impacts on residential zones and on arterials shall be required when:

1. Any structure proposed to have facades of reflective coated glass or other highly reflective material,

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.

and/or new structures or expansion of existing structures greater than sixty-five (65) feet in height which have more than thirty (30) percent of the facades comprised of clear or tinted glass; and

2. The facade(s) surfaced or comprised of such materials either:

a. Are oriented toward and are less than two hundred (200) feet from any residential zone, and/or

b. Are oriented toward and are less than four hundred (400) feet from a major arterial with more than fifteen thousand (15,000) vehicle trips per day, according to Engineering Department data.

3. When glare diagrams are required, the Director may require modification of the plans to mitigate adverse impacts, using methods including but not limited to the following:

a. Minimizing the percentage of exterior facade that is composed of glass;

b. Using exterior glass of low reflectance;

c. Tilting glass areas to prevent glare which could affect arterials, pedestrians or surrounding structures;

d. Alternating glass and nonglass materials on the exterior facade; and

e. Changing the orientation of the structure.

(Ord. 120266 § 4, 2001; Ord. 114046 § 17, 1988; Ord. 113263 § 16, 1986; Ord. 112777 § 25(part), 1986.)

1. Editor's Note: The Energy Code is codified at Subchapter VII of Title 22 of this Code.

23.47.023 Standards for single-purpose residential structures.

A. In all commercial zones, single-purpose residential structures shall be subject to the density standards provided for in Section 23.47.009, except as provided for in the Northgate Overlay District, Chapter 23.71, and in the Pike/Pine Overlay District, Chapter 23.73, and except for Seattle Housing Authority development permitted pursuant to Section 23.47.004 Ele.

B. In all commercial zones with a height limit of eighty-five (85) feet or greater, except those designated NC/R, single-purpose residential structures are prohibited.

C. Single-purpose residential structures shall meet all other development standards applicable to mixed use development, except that the street level frontage may be occupied by residential use other than parking.

D. A single-purpose residential structure developed pursuant to Section 23.47.004 E1e shall meet all development standards applicable to mixed use development, except that Section 23.47.008 B shall not apply, and that the structure at street level shall not be required to meet the minimum thirteen (13) foot floor to floor height specified in Section 23.47.008 C2.

(Ord. 120374 § 4, 2001; Ord. 119239 § 20, 1998; Ord. 118414 § 34, 1996; Ord. 117430 § 57, 1994: Ord. 117263 § 29, 1994; Ord. 116795 § 12, 1993; Ord. 113892 § 6, 1988.)[1]

1. Editor's Note: Ordinance No. 113892 contained two (2) sections numbered "6." The other is codified in Section 23.47.014.

23.47.024 Open space standards.

Usable open space is intended for use by the residents of the development or structure, and shall be required for all residential uses in mixed use development and single-purpose residential structures according to the following:

A. Open Space Quantity. Usable open space shall be required for all residential uses in an amount equal to twenty (20) percent of the structure's gross floor area in residential use. Calculation of a structure's gross floor area, for the purposes of this subsection, shall exclude area used for mechanical equipment, accessory parking and unenclosed decks, balconies or porches.

B. Open Space Development Standards.

1. When permitted, required usable open space may be provided at ground level or may be provided above the ground in the form of balconies, decks, solaria, greenhouses, or roof gardens or decks.

2. Balconies and decks provided above the ground as open space shall have a minimum area of sixty (60) square feet and no horizontal dimension shall be less than six (6) feet.

3. Usable open space at ground level, and roof gardens, solaria, and greenhouses provided above ground as open space shall have a minimum area of two hundred fifty (250) square feet. No horizontal dimension shall be less than ten (10) feet.

4. Required usable open space is permitted at the front, sides, or rear of the structure.

5. Parking areas, driveways, and pedestrian access to the nonresidential or residential entrances, except for pedestrian access meeting the Washington State Building Code, Chapter 11—Accessibility, shall not be counted as open space.

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

7. When a transmitting antenna is sited or proposed to be sited on a rooftop where required open space is located, see Section 23.57.012.

(Ord. 120928 § 14, 2002; Ord. 118794 § 37, 1997; Ord. 118414 § 35, 1996: Ord. 117430 § 58, 1994; Ord. 113892 § 7, 1988: Ord. 113263 § 17, 1986: Ord. 112777 § 25(part), 1986.)

23.47.025 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:

For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
December 1996 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.

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

B. The address of the home occupation shall not be given in any advertisement including but not limited to commercial telephone directories, newspapers, magazines, off-premises signs, flyers, radio, television or any other media.

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

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

E. To preserve the residential character and use of the structure, only internal alterations customary to residential use shall be permitted and no external alterations shall be permitted to accommodate a home occupation.

F. Except for daycare programs, not more than one (1) person who is not a resident of the dwelling unit may work in the dwelling unit of the home occupation whether or not compensated. This includes persons working offsite who come to the site for business purposes at any time as well as persons working on site.

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

H. The home occupation shall not cause or add to on-street parking congestion or cause a substantial increase in traffic through residential areas.

I. A maximum of two (2) private passenger vehicles, vans and similar vehicles each not exceeding a gross vehicle weight of ten thousand (10,000) pounds shall be permitted to operate in connection with the home occupation.

J. The home occupation shall be conducted so that odor, dust, light and glare, and electrical interference and other similar impacts are not detectable by sensory perception at or beyond the property line of the lot where the home occupation is located.

K. Signs shall be regulated by Sections 23.55.028 and 23.55.030.

(Ord. 113387 § 4, 1987.)

23.47.026 Standards for the keeping of animals.

Animals which are not being kept in connection with animal husbandry or animal service uses may be kept as an accessory use on any lot in a commercial zone according to the following standards:

A. Domestic Fowl. Up to three (3) domestic fowl may be kept on any lot. For each one thousand (1,000) square feet of lot area in excess of five thousand (5,000) square feet, one (1) additional domestic fowl may be kept.

B. Farm Animals. Cows, horses, and other similar farm animals are permitted only on lots at least twenty thousand (20,000) square feet in size. One (1) farm animal for every ten thousand (10,000) square feet of lot area is permitted.

C. Beekeeping. Beekeeping is permitted when it is registered with the State Department of Agriculture. No more than four (4) hives shall be kept on lots of ten thousand (10,000) square feet or less. For each two thousand five hundred (2,500) square feet of lot area in excess of ten thousand (10,000) square feet, one (1) additional hive may be kept. Each hive shall have only one (1) swarm.

D. Small Animals. Up to three (3) small animals per business establishment or dwelling unit may be kept in commercial zones. That type of swine commonly known as the Vietnamese, Chinese, or Asian Potbelly Pig (Sus scrofa bittatus) shall be permitted as a small animal provided such swine is no greater than twenty-two (22) inches in height at the shoulder and no more than one hundred fifty (150) pounds in weight. No more than one (1) such swine may be kept per business establishment or dwelling unit.

(Ord. 116694 § 3, 1993: Ord. 112777 § 25(part), 1986.)

23.47.027 Landmark Districts and designated landmark structures.

A. The Director may waive or modify standards for open space, setbacks, width and depth limits and screening and landscaping for designated landmark structures or within a Landmark District pursuant to Seattle Municipal Code, Chapter 25.12 or within a Special Review District pursuant to Seattle Municipal Code, Chapter 23.66.

B. The Director's decision to waive or modify development standards shall be consistent with adopted District design and development guidelines and shall be consistent with the recommendations of the Landmarks Preservation Board or the Director of Neighborhoods except when potential environmental impacts clearly require lesser waivers or modifications.

(Ord. 116744 § 8, 1993; Ord. 113892 § 8, 1988.)

23.47.028 Standards for drive-in businesses.

A. Number of Drive-in Lanes Permitted.

1. Zones Designated NC2/R and NC3/R. Drive-in businesses are prohibited in zones designated NC2/R and NC3/R.

2. NC1 Zones. Gas stations shall be limited to a maximum of four (4) drive-in lanes. Other drive-in businesses are prohibited.

3. NC2 Zones. All drive-in businesses in NC2 zones shall be limited to a maximum of two (2) drive-in lanes, except gas stations which shall be allowed a maximum of four (4) drive-in lanes.

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 document.

4. NC3 Zones. All drive-in businesses in NC3 zones shall be limited to a maximum of four (4) drive-in lanes, except gas stations which shall have no restrictions on the number of drive-in lanes.

5. C1 and C2 Zones. There shall be no restriction on the number of drive-in lanes in C1 and C2 zones.

B. Drive-in businesses shall provide queuing spaces according to the following:

1. Banks with drive-in facilities shall provide a minimum of five (5) queuing spaces per lane when the number of lanes does not exceed two (2).

2. Banks with three (3) or more drive-in lanes shall provide a minimum of three (3) queuing spaces per lane.

3. Car washes shall provide a minimum of ten (10) queuing spaces.

C. If the drive-in bank or car wash is located along either a principal arterial, a minor arterial, or along a street with only one (1) lane for moving traffic in each direction, the Director shall determine, after consulting with Seattle Transportation whether additional queuing spaces are necessary or whether access should be restricted. The Director may for the purpose of environmental mitigation restrict access to the facility from that arterial or street, or may require additional queuing space up to a maximum of:

1. Banks with one (1) or two (2) drive-in lanes, eight (8) spaces per lane;

2. Banks with three (3) or more drive-in lanes, six (6) spaces per lane;

3. Car washes, twenty (20) spaces per lane.

D. The Director shall establish the minimum number of queuing spaces needed for similar uses which are not listed above, using the quantities of subsection B as a guide.

E. Drive-in businesses shall provide screening and landscaping according to the requirements of Section 23.47.016, Screening and landscaping standards.

(Ord. 120611 § 8, 2001; Ord. 117432 § 33, 1994; Ord. 117430 § 59, 1994; Ord. 113263 § 18, 1986; Ord. 112777 § 25(part), 1986.)

23.47.029 Solid waste and recyclable materials storage space.

A. Storage space for solid waste and recyclable materials containers shall be provided for all new structures permitted in commercial zones 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

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.

For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
December 2007 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.

Structure Type	Structure Size	Minimum Area for Storage Space	Container Type
Multifamily*	7—15 units	75 square feet	Rear-loading
	16—25 units	100 square feet	Rear-loading
	26—50 units	150 square feet	Front-loading
	51—100 units	200 square feet	Front-loading
	More than 100 units	200 square feet plus 2 square feet for each additional unit	Front-loading
Commercial*	0—5,000 square feet	82 square feet	Rear-loading
	5,001—15,000 square feet	125 square feet	Rear-loading
	15,001—50,000 square feet	175 square feet	Front-loading
	50,001—100,000 square feet	225 square feet	Front-loading
	100,001—200,000 square feet	275 square feet	Front-loading
	200,001 plus square feet	500 square feet	Front-loading

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

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

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

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

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

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

1. The storage space shall be located within 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;

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

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

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

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

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

a. Any proposed ramps to the storage space shall be of six (6) percent slope or less, and

b. Any proposed gates or access routes must be a minimum of six (6) feet wide; and

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

a. Direct access shall be provided from the alley or street to the containers,

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

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

E. The solid waste and recyclable materials storage space specifications required in subsections A, B, C, and D of this section above, in addition to the number and sizes of containers, shall be included on the plans submitted with the permit application.

F. The Director, in consultation with the Director of Seattle Public Utilities, shall have the discretion to modify the requirements of subsections A, B, C, and D of this section above under the following circumstances:

1. Then the applicant can demonstrate difficulty in meeting any of the requirements of subsections A, B, C, and D of this section; or

2. When the applicant proposes to expand a multifamily or mixed-use building, and the requirements of subsections A, B, C, and D of this section conflict with

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 current file.

opportunities to increase residential densities and/or retain ground-level retail uses; and

3. When the applicant proposes alternative, workable measures that meet the intent of this section.

(Ord. 120117 § 24, 2000; Ord. 119836 § 2, 2000.)

23.47.030 Required parking.

A. Each use shall provide a minimum number of off-street parking spaces according to the requirements of Section 23.54.015, Required parking.

B. In pedestrian-designated zones, parking shall also be provided according to the requirements of Section 23.47.044, Required parking in pedestrian-designated zones.

C. Loading Berth Requirements. Loading berths shall be required for certain commercial uses according to the requirements of Section 23.54.030.

(Ord. 113263 § 19, 1986; Ord. 112777 § 25(part), 1986.)

23.47.032 Parking location and access.

A. Parking for nonresidential uses shall be located on the lot or built into or under the structure or within eight hundred (800) feet of the lot on which the use is located. When parking is provided on a lot other than the lot of the use to which it is accessory, the provisions of Section 23.54.025, Parking covenants, shall apply. Parking for residential uses must be located on the same lot as the residential use to which it is accessory.

B. Location of Parking in NC1, NC2 and NC3 Zones. Parking which is located outside a structure shall maintain the following relationships to lot lines and structures:

1. Side and Rear Lot Lines. Parking may be located between a structure and a side or rear lot line (Exhibit 23.47.032 B).

2. Front Lot Lines.

a. When a lot fronts on two or more streets, parking may be located between the structure and the lot line on the street with the fewest lineal feet of commercially zoned frontage.

b. When a lot fronts on two or more streets on which the lineal feet of commercially zoned frontage are equal, the Director shall determine the front lot line for the purposes of location of parking. In making a determination, the Director shall consider the following criteria:

(1) The extent to which parking along a street would disrupt an established commercial street's pedestrian-oriented character or commercial continuity;

(2) The potential for pedestrian and automobile conflicts;

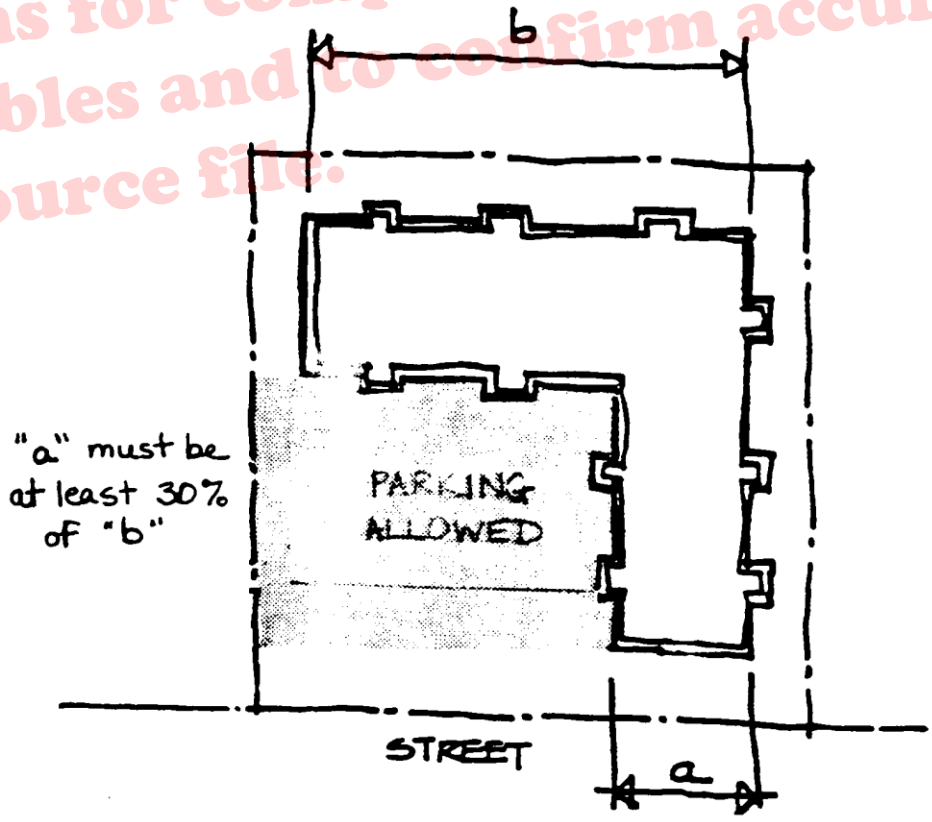
(3) The relative traffic capacity of a street as an indicator of a street's role as a principal commercial street along which parking would be prohibited.

c. Parking may be located between the front lot line and a portion of a structure where the parking is also located between a side lot line, other than a street side lot line, and a portion of the same structure which is equal to at least thirty (30) percent of the total width of the structure (Exhibit 23.47.032 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.
See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this source file.

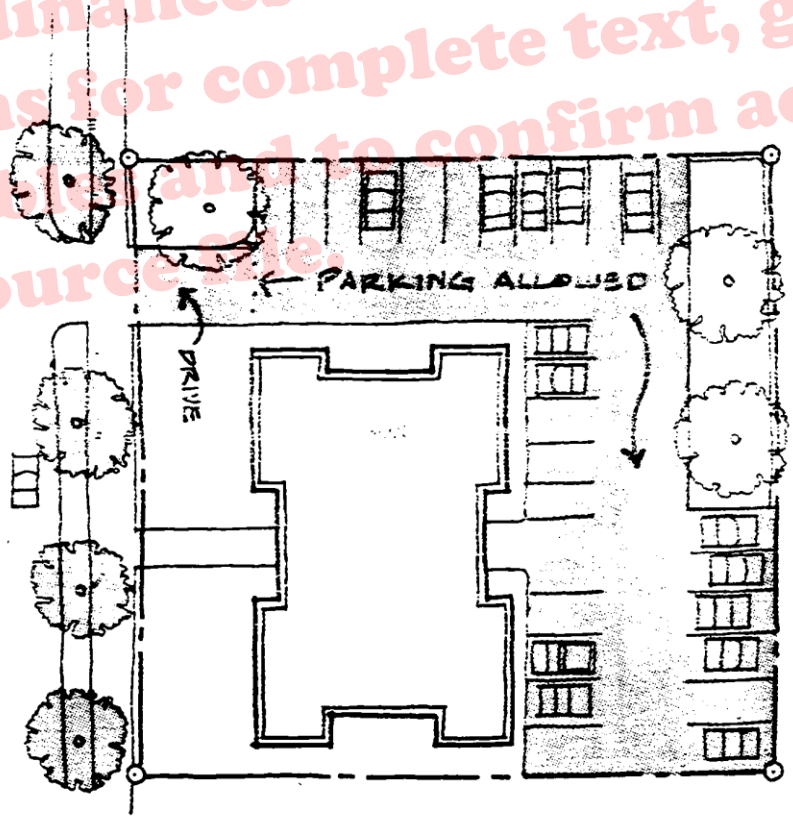
Exhibit 23.47.032 A
Parking in Front of the Structure When Beside a Portion of the Structure



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 23.47.032 B
Parking Permitted Between the Structure and Rear and Side Lot Lines



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 effective dates.
We cannot guarantee accuracy of
this source file.
For current SMC, contact
the Office of the City Clerk

d. On waterfront lots in the Shoreline District, parking may be located between the structure and the front lot line, if necessary, to prevent blockage of view corridors or to keep parking away from the edge of the water as required by the Shoreline Master Program.

e. The Director may permit parking in front of structures in NC2 zones as a special exception if the Director finds that while most of the characteristics of an NC2 area are present, the development of a pedestrian-oriented shopping area is very unlikely and the placement of parking on the side or in back of commercial structures is infeasible or undesirable. Such a conclusion would be appropriate only where all or most of the following circumstances are present:

(1) There are extensive curbcuts, a lack of sidewalks, intense auto traffic and/or a pattern of parking in front of businesses which creates an unfriendly environment for pedestrians, increasing the likelihood that customers will drive from one (1) business establishment to another;

(2) The lots are narrow and alley access is infeasible, so that a disproportionate amount of the lot would have to be devoted to a driveway if parking is not located in front;

(3) The zone in which the lot is located lacks strong edges to buffer adjacent low-density residential areas from parking areas.

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

4. In all cases parking shall be screened as provided in Section 23.47.016 B.

C. Location of Parking in C1 and C2 Zones.

1. There shall be no restrictions on the location of parking on lots in C1 and C2 zones.

D. Access to Off-street Parking in All Commercial Zones.

1. Access to off-street parking may be from a street or from an alley when the lot abuts a platted alley improved to the standards of Section 23.53.030 C.

2. Access to off-street parking shall be from a street when, due to the relationship of an alley to the street system, use of the alley for parking access would create a significant safety hazard as determined by the Director.

3. Direct access to a loading berth from a street shall be permitted only when no alley improved to the standards of Section 23.53.030 C is available for access.

4. Access to off-street parking in pedestrian-designated zones shall be provided according to Section 23.47.048, Parking, access and curbcuts in pedestrian-designated zones.

(Ord. 120004 § 2, 2000; Ord. 115326 § 16, 1990; Ord. 113263 § 20, 1986; Ord. 112777 § 25(part), 1986.)

23.47.033 Transportation concurrency level-of-service standards.

Proposed uses in commercial zones shall meet the transportation concurrency level-of-service standards prescribed in Chapter 23.52.

(Ord. 117383 § 6, 1994.)

23.47.034 Sidewalk requirements.

When new development is proposed, the Director may require that sidewalks be provided if no sidewalks exist. The sidewalk shall be developed in accordance with rules promulgated by the Director.

(Ord. 112777 § 25(part), 1986.)

23.47.035 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 § 4, 1998.)

Seattle Municipal Code
December 2002 code update file
Text provided for historical reference only.
See ordinances creating and amending sections for complete text, graphics, and tables and to confirm accuracy of this source file.

Subchapter III. (Reserved)

Subchapter IV Pedestrian-Designated Zones

23.47.040 General provisions for pedestrian-designated zones.

A. There shall be two (2) pedestrian-designated zones: Pedestrian 1 (P1) and Pedestrian 2 (P2), as designated on the Official Land Use Map, Chapter 23.32.

B. The development standards of the underlying commercial zone shall apply to all uses within pedestrian-designated zones unless otherwise provided by this subchapter.

C. For purposes of this subchapter, the following streets are principal pedestrian streets when located within a pedestrian-designated zone:

10th Avenue;
11th Avenue;
12th Avenue;
15th Avenue East;
23rd Avenue;
25th Avenue Northeast;
Beacon Avenue South;
Boren Avenue;
Boylston Avenue;
Broadway;
Broadway East;
California Avenue Southwest;
East Greenlake Drive North;
East Madison Street;
East Olive Way;
East Pike Street;
East Union Street;
First Avenue North;
Fremont Avenue North;
Fremont Place North;
Greenwood Avenue North;
Lake City Way Northeast;
Madison Street;
Martin Luther King Jr. Way South;
Mercer Street;
North 85th Street;
Northeast 43rd Sreet;
Northeast 45th Street;
Northwest Market Street;
Queen Anne Avenue North;
Rainier Avenue South;
Roosevelt Way Northeast;
Roy Street;
South Alaska Street;
South Henderson Street;
South Lander Street;
South McClellan Street;
South Othello Street
Southwest Alaska Street;
Summit Avenue;
Terry Avenue;
University Way Northeast; and
Woodlawn Avenue Northeast.

(Ord. 120460 § 3, 2001; Ord. 120458 § 3, 2001; Ord. 120457 § 3, 2001; Ord. 120456 § 3, 2001; Ord. 120455 § 3, 2001; Ord. 120454 § 2, 2001; Ord. 120453 § 3, 2001; Ord. 120208 § 2, 2000: Ord. 120004 § 3, 2000; Ord. 119235 § 2, 1998; Ord. 119218 § 2, 1998; Ord. 119178 § 2, 1998; Ord. 118414 § 36, 1996; Ord. 112777 § 25(part), 1986.)

23.47.042 Uses in pedestrian-designated zones.

A. Uses shall be regulated by the underlying zone except as provided in this section.

B. Fast-food restaurants up to twenty-five hundred (2,500) square feet in size which provide indoor dining areas and do not provide off-street parking shall be permitted outright. All other heavy traffic generators may be permitted as a conditional use, subject to the provisions of Section 23.47.006.

C. Drive-in businesses, including gas stations, are prohibited in pedestrian-designated zones.

D. Street-level Uses Required.

1. Street-level uses shall be required along the principal pedestrian street front, except as provided in subsection D4, and shall be limited to the following retail sales and service and office uses if permitted in the underlying commercial zone:

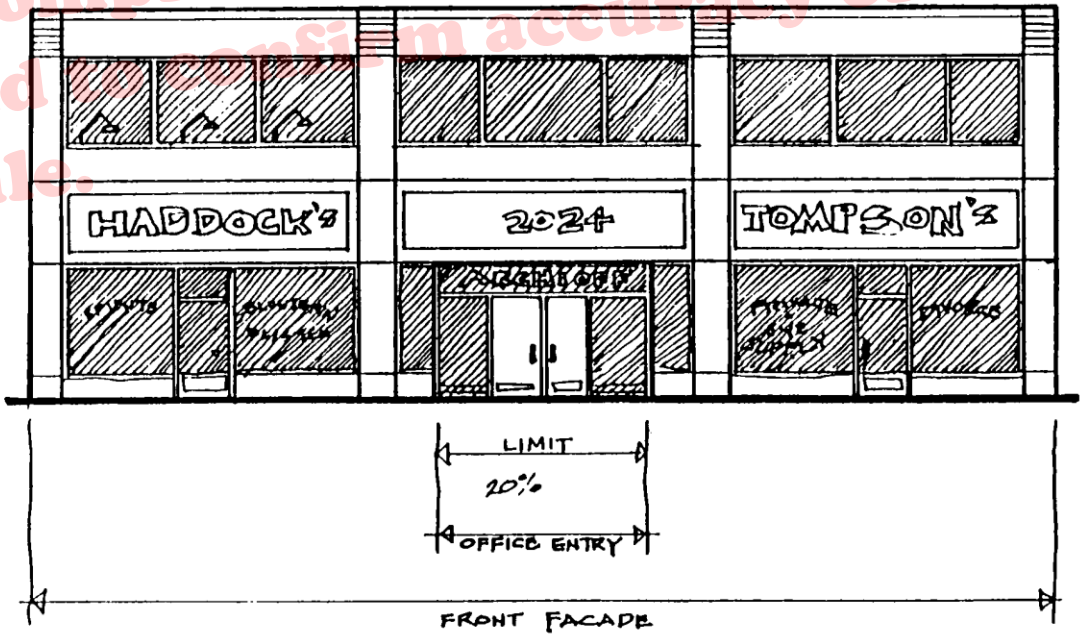
a. Personal and household retail sales and service uses;
b. Eating and drinking establishments;
c. Customer service offices;
d. Entertainment uses;
e. Pet grooming services;
f. Public library.

2. A minimum of eighty (80) percent of each street frontage to which street-level use requirements apply shall be occupied by uses listed in subsection D1. The remaining twenty (20) percent of the street frontage may contain other permitted uses and/or pedestrian entrances (Exhibit 23.47.042 A).

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 23.47.042 A
Pedestrian Access at Street Level



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.

For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
December 2009 code update file
Text provided for historical reference only.
See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this computer file.

3. Required street-level uses shall be set back no more than ten (10) feet from the street property line and shall occupy at least the first ten (10) feet above sidewalk grade.

4. Street-level use requirements shall not apply to public school development along principal pedestrian streets.

(Ord. 120609 § 11, 2001; Ord. 120117 § 25, 2000; Ord. 114382 § 4, 1989; Ord. 113263 § 23, 1986; Ord. 112777 § 25(part), 1986.)

23.47.044 Required parking in pedestrian-designated zones.

A. Minimum parking requirements shall be according to the provisions of Section 23.54.015, Required parking, except as modified by this section.

B. Reductions to Required Parking.

1. Reductions to required parking shall be permitted in pedestrian-designated zones according to the provisions of Section 23.54.020, Parking quantity exceptions, except as modified by this section and Chart E.

2. Once the amount of required parking has been calculated according to the provisions of Section 23.54.020, further reductions may be permitted for the types of uses listed in Chart E.

3. The parking waivers permitted by Chart E shall apply to each business establishment in a structure.

C. Additional parking waivers may be permitted by the Director as a special exception according to the following provisions:

1. In P1 designated zones, additional parking waivers may be permitted up to the maximum size of use permitted outright or permitted by special exception for the following uses:

a. Personal and household retail sales and service uses;

b. Eating and drinking establishments;

c. Customer service offices;

d. Entertainment uses.

2. In P2 designated zones, additional parking waivers may be permitted as special exception for the following uses:

a. Eating and drinking establishments, up to a maximum waiver of five thousand (5,000) square feet;

b. Motion picture theaters, up to a maximum waiver of three hundred (300) seats.

3. The following factors shall be considered by the Director in determining whether to permit additional parking waivers:

a. Anticipated parking demand for the proposed use;

b. The extent to which an additional parking waiver is likely to create or add significantly to spillover parking in adjacent residential areas;

c. The availability of shared parking opportunities ithin eight hundred (800) feet of the business;

d. Whether land is available for parking without demolishing an existing commercial structure, displacing a commercial use, or rezoning property to commercial.

4. Transportation Study.

a. In order to determine whether to permit, condition, or deny additional parking waivers, the Director may require that a transportation study be submitted for review.

b. The Director shall determine the level of detail to be disclosed in the transportation study based on the following factors:

(1) The size and type of the proposed use; and

(2) The size of the requested parking waiver; and

(3) Any anticipated impacts of an additional parking waiver.

D. The transit reduction permitted in Section 23.54.020 F2 shall not apply to uses in pedestrian-designated zones.

(Ord. 117432 § 34, 1994; Ord. 117263 § 31, 1994; Ord. 113263 § 24, 1986; Ord. 112777 § 25(part), 1986.)

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.

Seattle Municipal Code
December 2002 code update file
Text provided for historical reference only.
See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this source file.

Chart E for Section 23.47.044
REDUCTION TO REQUIRED PARKING IN P1 AND P2 DESIGNATED ZONES

	P1[1]	P2[1]
Retail sales and service uses, except eating and drinking establishments; customer service offices; and entertainment uses, except motion picture theaters.	NC1—Parking waived for first 4,000 square feet NC2—Parking waived for first 15,000 square feet NC3—Parking waived for first 25,000 square feet	NC1—Parking waived for first 4,000 square feet NC2—Parking waived for first 5,000 square feet NC3—Parking waived for first 5,000 square feet
Motion picture theaters	Parking waived for first 150 seats	Parking waived for first 150 seats
Eating and drinking establishments	NC1, NC2 and NC3—Parking waived for first 2,500 square feet	NC1, NC2 and NC3—Parking waived for first 2,500 square feet

[1] Additional parking waiver for business establishments may be permitted as a special exception according to criteria of subsection C.

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.

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.

23.47.046 Parking location in pedestrian-designated zones.

A. In P1 and P2 designated zones parking may be located at the rear of a structure, or may be built into or under a structure, or be located within eight hundred (800) feet of the lot to which it is accessory, according to the provisions of Section 23.54.025, Parking covenants.

B. In P1-designated zones, parking shall not be allowed on the lot along the principal pedestrian street front.

C. In P2-designated zones, parking may be located to the side of a structure if parking to the rear or within eight hundred (800) feet is unavailable without the demolition of commercial structures. Parking to the side of a structure shall not exceed a maximum of sixty (60) feet along the principal pedestrian street front (Exhibit 23.47.046 A). (Ord. 112777 § 25(part), 1986.)

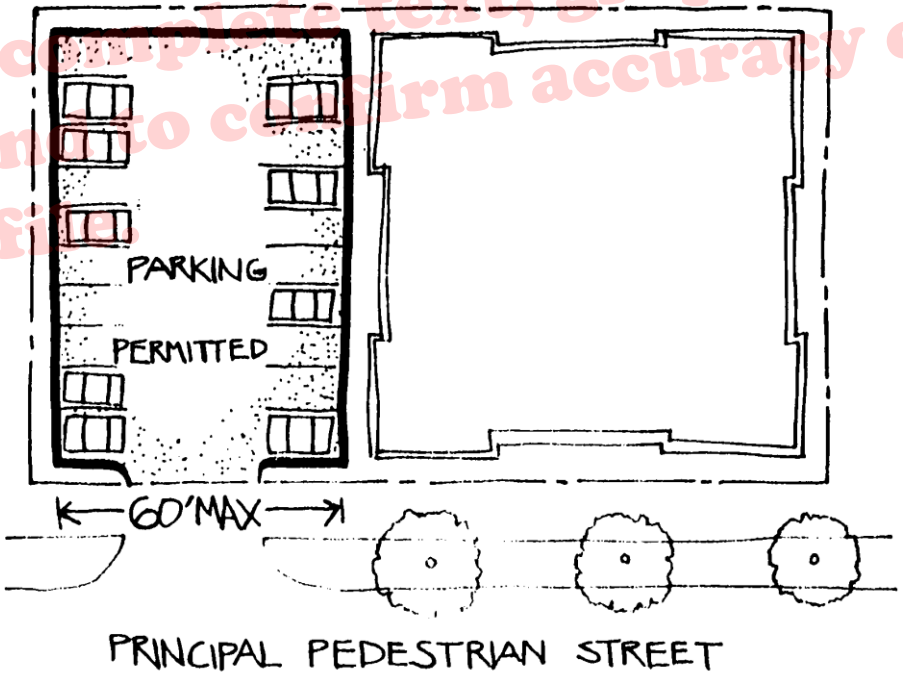
For current SMC, contact the Office of the City Clerk

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.

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 23.47.046 A
Parking to the Side of a Structure in P2
Designated Zones



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.
For current SMC, contact
the Office of the City Clerk

23.47.048 Parking access and curbcuts in P1 and P2 designated zones.

A. Access to parking shall be from the alley when the lot abuts an alley improved to the standards of Section 23.53.030 C; provided, that when the lot fronts on more than one (1) street access may be from the street which is not the principal pedestrian street.

B. When the lot does not abut an alley, and the lot fronts on more than one (1) street, access to parking shall be from the street which is not the principal pedestrian street.

C. If the lot does not abut an improved alley, and only abuts a principal street or streets, access may be permitted from a principal pedestrian street, and such access shall be limited to one (1) two (2) way curbcut.

(Ord. 115326 § 17, 1990; Ord. 112777 § 25(part), 1986.)

23.47.050 Blank facades in pedestrian-designated zones.

A. Blank facades shall not exceed thirty (30) feet in width in pedestrian-designated zones.

B. Blank facade requirements shall apply to the area of the facade between two (2) feet and eight (8) feet above the sidewalk.

C. Any portion of a facade which is not transparent shall be considered to be a blank facade. Clear or lightly tinted glass in windows, doors and display windows shall be considered transparent. Transparent areas shall allow views into the structure or into display windows from the outside.

D. Portions of a facade of a structure which are separated by transparent areas of at least two (2) feet in width shall be considered separate facade segments for the purposes of this subsection.

E. The total of all blank facade segments shall not exceed forty (40) percent of the facade of the structure along the principal pedestrian street.

(Ord. 113263 § 25, 1986: Ord. 112777 § 25(part), 1986.)

Chapter 23.48
SEATTLE CASCADE MIXED

Sections:

23.48.002 Scope of provisions.

A. This chapter identifies uses that are or may be permitted in the Seattle Cascade Mixed (SCM) zone. The SCM zone boundaries are shown on the Official Land Use Map. The SCM zone is divided into the following subareas: Seattle Cascade Mixed/Residential (SCM/R), and Seattle Cascade Mixed/one hundred twenty-five (125) foot height limit (SCM/125′).

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

(Ord. 120928 § 15, 2002; Ord. 119239 § 21, 1998; Ord. 118302 § 9 (part), 1996.)

Subchapter I Use Provisions

23.48.004 Permitted uses.

All uses are permitted outright, either as principal or accessory uses, except those specifically prohibited by Section 23.48.006 and those permitted only as conditional uses by Section 23.48.008.

(Ord. 118302 § 9 (part), 1996.)

23.48.006 Prohibited uses.

The following uses shall be prohibited as both principal and accessory uses, except as otherwise noted:

A. All high-impact uses;

B. All heavy manufacturing uses;

C. General manufacturing uses greater than twenty-five thousand (25,000) square feet of gross floor area for an individual business establishment;

D. Drive-in businesses, except gas stations;

E. Jails;

F. Adult motion picture theaters and adult panorams;

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 effective dates. Check to confirm accuracy of this source file.

G. Outdoor storage, except for outdoor storage associated with florists and horticultural uses;

H. Principal use surface parking;

I. Kennels;

J. Animal shelters;

K. Animal husbandry;

L. Park and pool lots;

M. Park and ride lots;

N. Work release centers;

O. All salvage and recycling uses, except recycling collection stations; and

P. Mobile home parks.

(Ord. 118302 § 9 (part), 1996.)

23.48.008 Conditional uses.

A. All conditional uses shall be subject to the procedures described in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, and shall meet the following criteria:

1. The use shall not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

2. In authorizing a conditional use, adverse impacts may be avoided or mitigated by imposing requirements or conditions. The Director shall deny or recommend denial of a conditional use if it is determined that the negative impacts cannot be mitigated satisfactorily.

B. The following uses may be permitted by the Director as administrative conditional uses when the provisions of this subsection and subsection A are met:

1. Mini-warehouses and Warehouses. The Director may authorize mini-warehouses or warehouses if:

a. The mini-warehouse or warehouse, at the street level, fronts only on an east/west oriented Class II Pedestrian Street, as depicted on Map B, or an alley; and

b. Vehicular entrances, including those for loading operations, will not disrupt traffic or transit routes; and

c. The traffic generated will not disrupt the pedestrian character of an area by significantly increasing the potential for pedestrian-vehicle conflicts on Class I Pedestrian Streets or north/south oriented Class II Pedestrian Streets.

2. Fast-food Restaurants which Have a Gross Floor Area Greater than Seven Hundred fifty Square Feet. The Director may authorize such fast-food restaurants if:

a. The use does not include a drive-in facility; and

b. Appropriate litter-control measures are provided; and

c. The applicant, if required by the Director, prepares an analysis of traffic, circulation and parking impacts, and demonstrates that the use does not:

(1) Create pedestrian-vehicle conflicts on Class I Pedestrian Streets or north/south oriented Class II Pedestrian Streets, or

(2) Create traffic or parking impacts, particularly impacts which will require the expenditure of City funds to mitigate, or

(3) Vehicular entrances, including those for loading operations, will not disrupt traffic or transit routes.

C. Any authorized conditional use which has been discontinued shall not be reestablished or recommended except pursuant to a new conditional use permit. The following shall constitute conclusive evidence that the conditional use has been discontinued:

1. A permit to change the use of the property has been issued and the new use has been established; or

2. The property has not been devoted to the authorized conditional use for more than twenty-four (24) consecutive months.

(Ord. 118302 § 9 (part), 1996.)

Subchapter II Development Standards

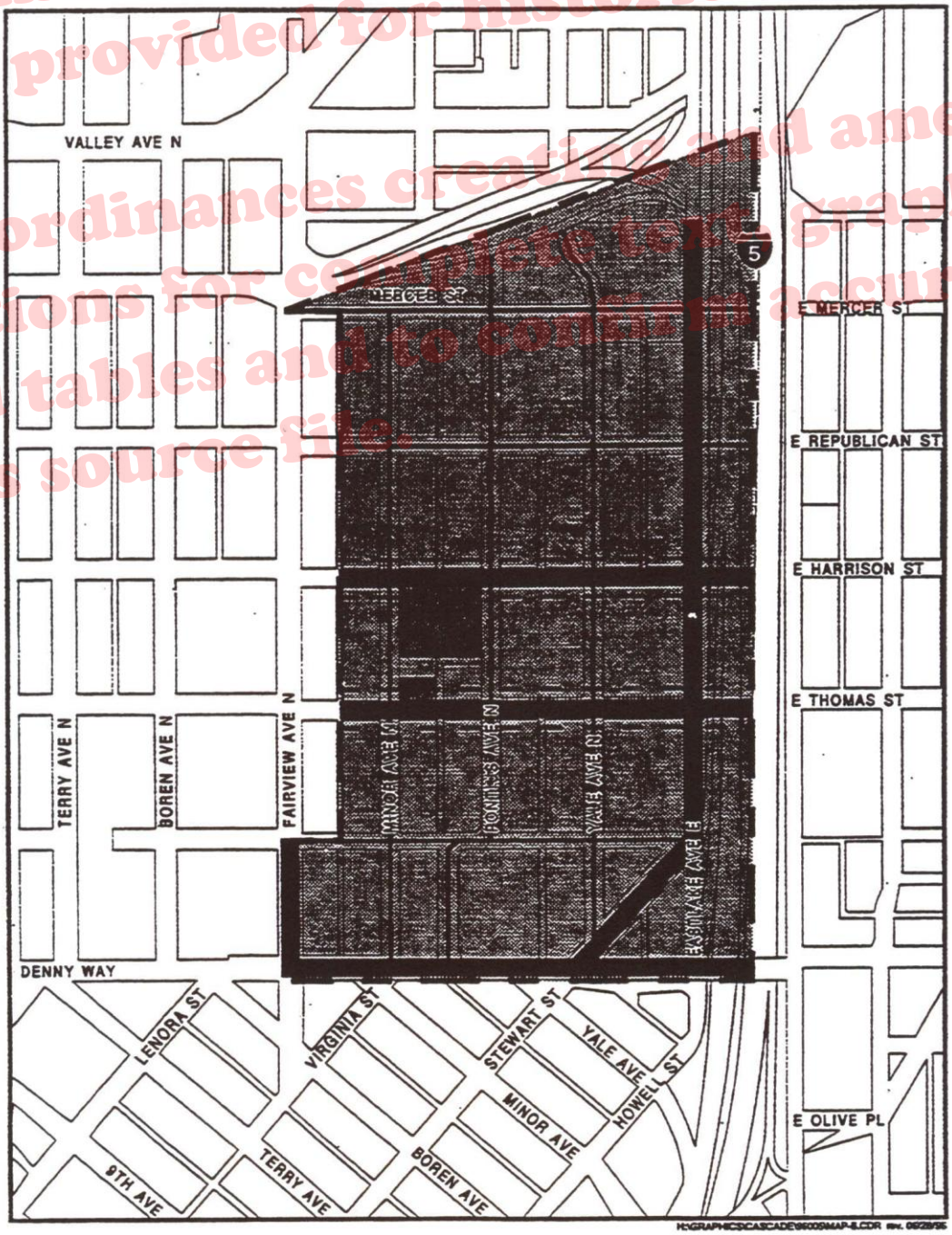
23.48.010 General structure height.

A. Maximum Height. Maximum structure height shall be fifty-five (55) feet seventy-five (75) feet or one hundred twenty-five (125) feet as designated on the Official Land Use Map, Chapter 23.32.

B. Pitched Roofs. The ridge of pitched roofs with a minimum slope of six to twelve (6:12) may extend ten (10) feet above the height limit. The ridge of pitched roofs with a minimum slope of four to twelve (4:12) may extend five (5) feet above the height limit (Exhibit 23.48.010 A). No portion of a shed roof shall be permitted to extend beyond the height limit under this provision.

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 the accuracy of this source file.

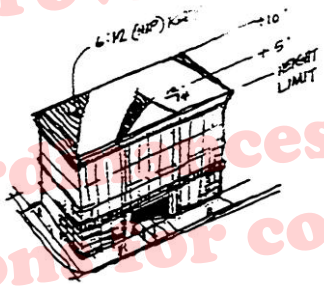


For current SMC, contact the Office of the City Clerk

Seattle Municipal Code
December 2002 code update file
Text provided for historical reference only.
See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this source file.

Exhibit 23.48.010 A

Pitched Roofs



C. Rooftop Features.

1. Smokestacks; chimneys; 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 a minimum of ten (10) feet from any side or rear lot line.

2. Open railings, planters, skylights, clerestories, greenhouses, parapets and firewalls may extend up to four (4) feet above the maximum height limit with unlimited rooftop coverage.

3. Solar collectors may extend up to seven (7) feet above the maximum height limit, with unlimited rooftop coverage.

4. The following rooftop features may extend up to fifteen (15) feet above the maximum height limit, so long as the combined total coverage of all features listed in this subsection D4 does not exceed twenty (20) percent of the roof area, or twenty-five (25) percent of the roof area if the total includes stair or elevator penthouses or screened mechanical equipment:

a. Solar collectors;

b. Stair and elevator penthouses;

c. Mechanical equipment;

d. Atriums, greenhouses, and solariums;

e. Play equipment and open-mesh fencing which encloses it, as long as the fencing is at least fifteen (15) feet from the roof edge; and

f. Minor communication utilities and accessory communication devices, except that height is regulated according to the provisions of Section 23.57.012.

5. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed in this subsection D5 at least ten (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. Atriums, greenhouses and solariums;

e. Minor communication utilities and accessory communication devices according to the provisions of Section 23.57.012;

f. Nonfirewall parapets;

g. Play equipment.

6. Screening. Rooftop mechanical equipment and elevator penthouses shall be screened with fencing, wall enclosures, or other structures.

7. For height limits and exceptions for communication utilities and accessory communication devices, see Section 23.57.012.

(Ord. 120928 § 16, 2002; Ord. 120117 § 26, 2000; Ord. 118302 § 9 (part), 1996.)

23.48.012 Upper-level setback requirements.

A. Upper-level Setbacks.

1. Structures on lots abutting designated Green Streets and neighborhood parks (for the purposes of this section, a "neighborhood park" is a publicly accessible park within the SCM zone which is more than one quarter (¼) of an acre in area), as depicted on Map C, shall provide an upper-level setback for the facade facing these streets or the neighborhood park, for any portion of the structure greater than forty-five (45) feet in height.

2. Structures on lots abutting an alley in the SCM/R designated area shall provide an upper-level setback for the facade facing the alley, for any portion of the structure greater than twenty-five (25) feet in height.

3. Structures on lots abutting east/west oriented Class I Pedestrian Streets, that are not designated Green Streets, as depicted on Map C, within the SCM/125′ area, as depicted on the Official Land Use Map, shall provide an upper level setback, for the facade facing the east/west oriented Class I Pedestrian Street, for any portion of the structure greater than seventy-five (75) feet in height.

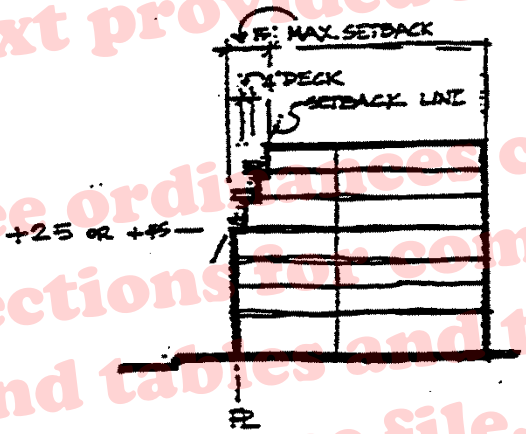
B. Upper-level setbacks shall be provided as follows: Any portion of the structure shall be set back at least one (1) foot for every two (2) feet of height above twenty-five (25) feet, forty-five (45) feet, or seventy-five (75) feet whichever is applicable pursuant to subsection A of this section, up to a maximum required setback of fifteen (15) feet (Exhibit 23.48.012 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.
See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this source file.

Exhibit 23.48.012 A

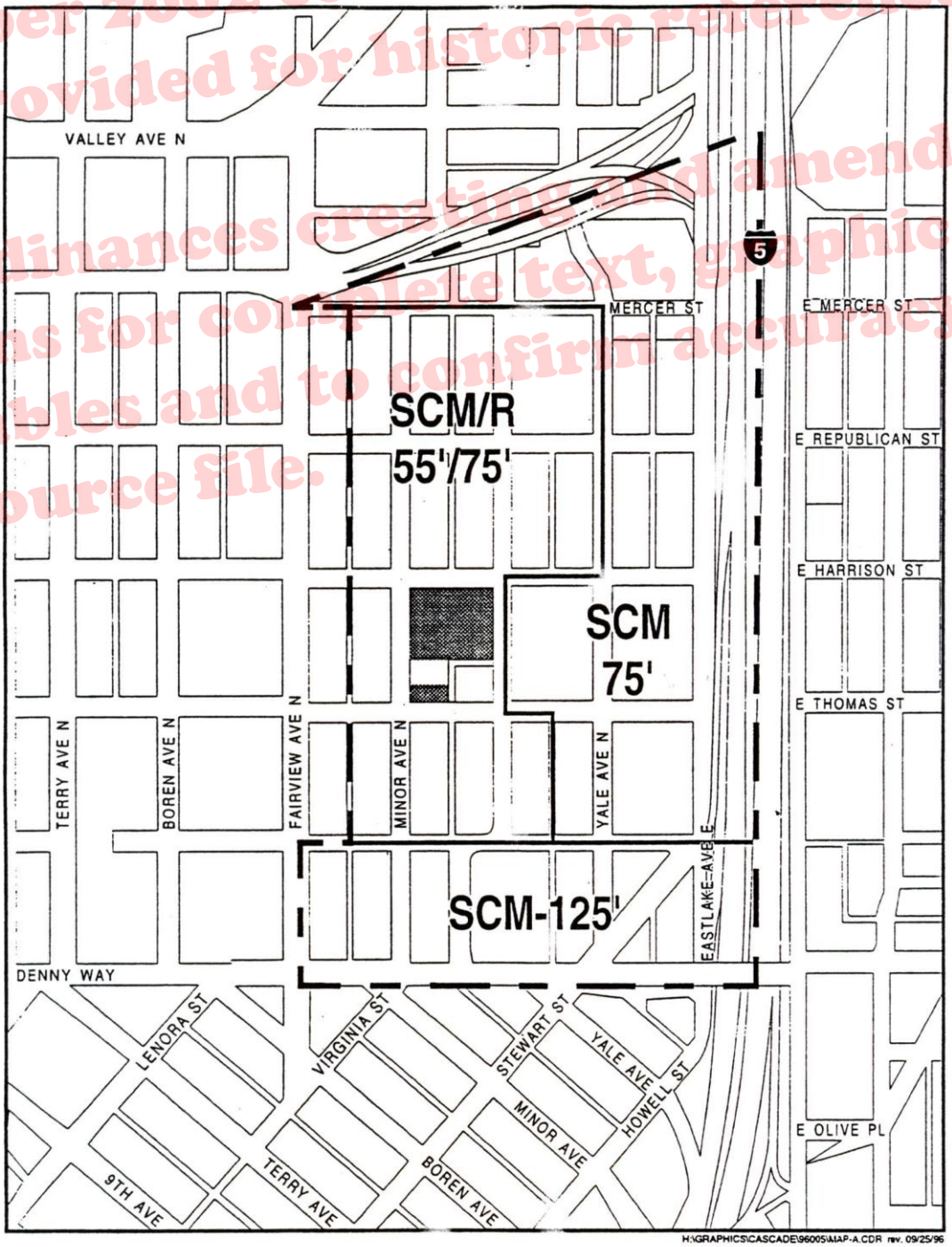
Upper-level Setback at either 25′ or 45′ in Height



(Note: Exhibit 23.48.012 A portrays the upper-level setback required at 45′ in height; where applicable, the setback required at 25′ in height would be configured in the same way.)

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.



Cascade Neighborhood

Cascade Neighborhood Boundary

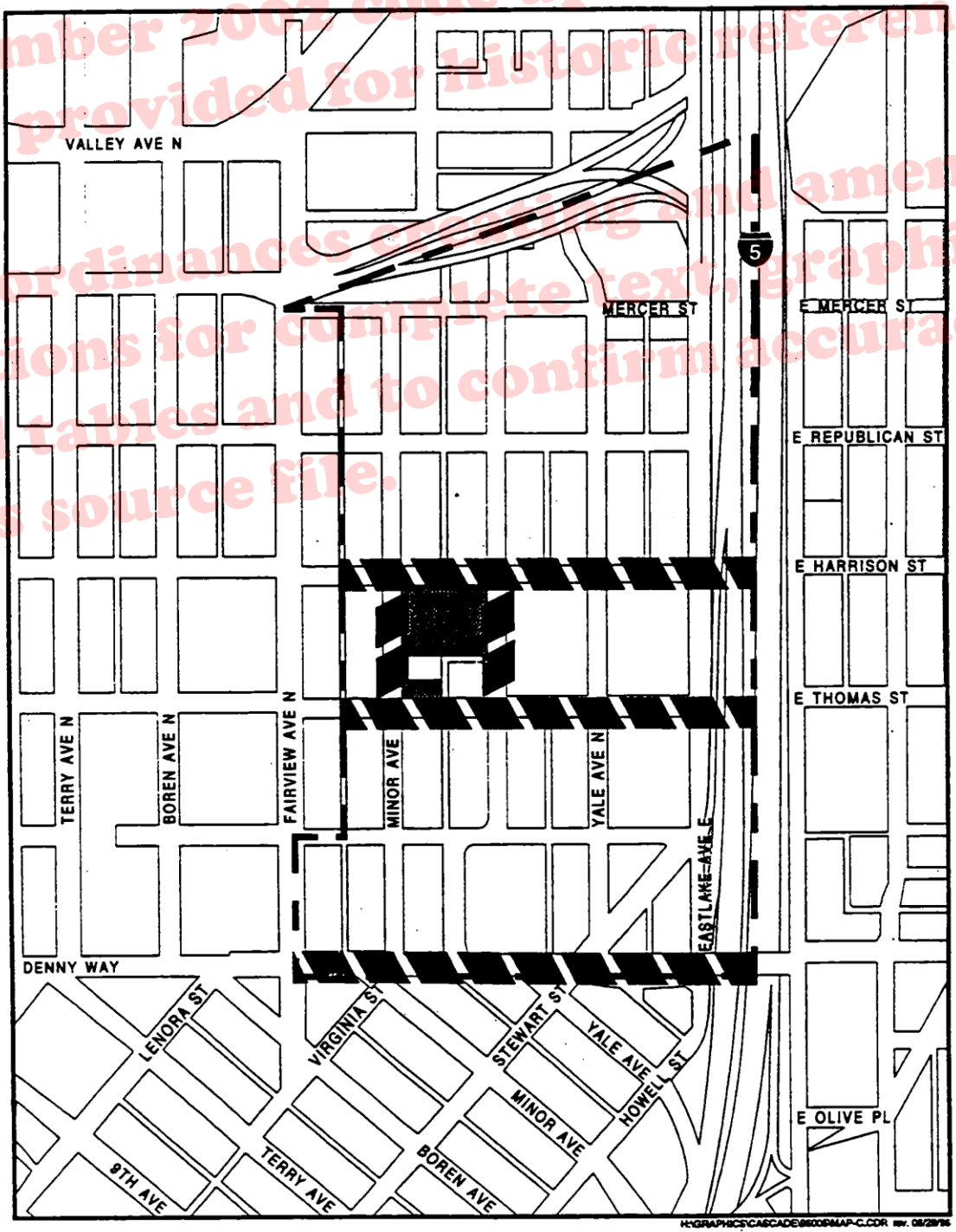
Cascade Playground

N

Map 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.
See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this source file.



Upper-Level Setbacks

Cascade Neighborhood Boundary

Upper-level Setback Required

Cascade Playground

N

Map C

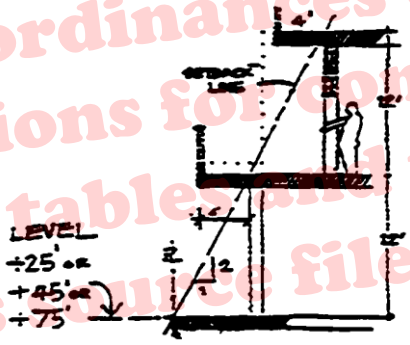
For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
December 2006 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.

C. Structures in Required Upper-level Setbacks. The first four (4) feet of horizontal projection of decks, balconies with open railings, eaves, cornices, and gutters shall be permitted in required setbacks (Exhibit 23.48.012 B).

Exhibit 23.48.012 B

Horizontal Projection into Upper-level Setbacks



Projecting Deck or Balcony

(Ord. 118302 § 9 (part), 1996.)

23.48.014 General facade requirements.

A. A primary building entrance shall be required from the street or street-oriented courtyards and shall be no more than three (3) feet above or below the sidewalk grade.

B. Minimum Facade Height. Minimum facade heights shall not apply when all portions of the structure are lower than the elevation of the required minimum facade height listed below.

1. On Class I Pedestrian Streets, as depicted on Map B, all facades shall have a minimum height of forty-five (45) feet.

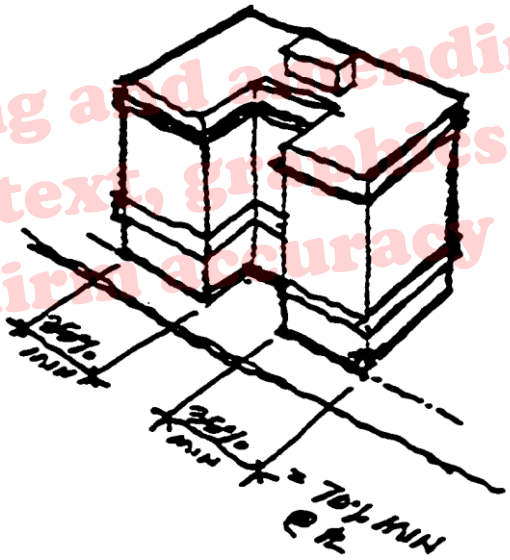
2. On north/south oriented Class II Pedestrian Streets all facades shall have a minimum height of twenty-five (25) feet.

3. On east/west oriented Class II Pedestrian Streets all facades shall have a minimum height of fifteen (15) feet.

C. All facades on Class I Pedestrian Streets shall be built to the street property line along a minimum of seventy (70) percent of the facade length (Exhibit 23.48.014 A).

Exhibit 23.48.014 A

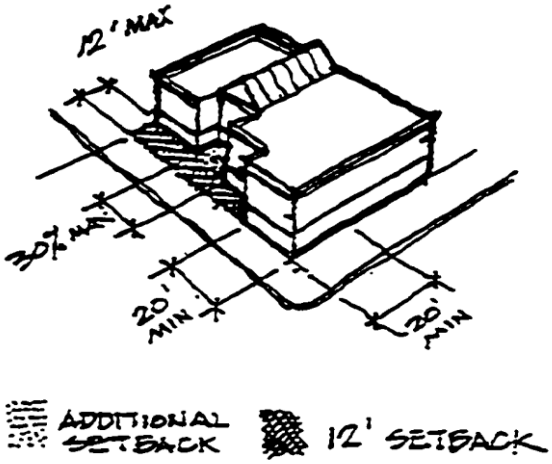
Percentage of Facade at Property Line



D. Street-level Setback. On Class II Pedestrian Streets and designated Green Streets, structures may be set back up to twelve (12) feet from the property line subject to the following (Exhibit 23.48.014 B):

Exhibit 23.48.014 B

Street-level Setback



1. The setback area shall be landscaped according to the provisions of Section 23.48.024.

2. Additional setbacks shall be permitted for up to thirty (30) percent of the length of the set-back street

For current SMC, contact the Office of the City Clerk

Seattle Municipal Code
December 2002 code update file
Text provided for historical reference only.
See ordinances creating or amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this source file.

wall, provided that the additional setback is located a distance of twenty (20) feet or greater from any street corner. (Ord. 120117 § 27, 2000; Ord. 119239 § 22, 1998; Ord. 118302 § 9 (part), 1996.)

23.48.016 Standards applicable to specific areas.

A. Seattle Cascade Mixed/Residential (SCM/R).

1. Height Limit.

a. New single purpose nonresidential structures shall have a height limit of fifty-five feet (55′).

b. Single purpose residential structures and mixed-use structures with sixty percent (60%) or more of the structure's gross floor area in residential use are permitted to a height of seventy-five feet (75′).

2. Scale of Development

a. Single purpose, nonresidential development, except hotels with one hundred (100) rooms/suites or fewer, is limited to a lot area of twenty-one thousand six hundred (21,600) square feet or less.

b. Development on lots with areas greater than twenty-one thousand six hundred (21,600) square feet must include residential use in an amount of gross floor area equal to sixty percent (60%) or more of the gross floor area in nonresidential use, except schools, elementary and secondary, and hotels with one hundred (100) rooms/suites or fewer.

c. Two (2) lots of up to twenty-one thousand six hundred (21,600) square feet each, separated by an alley and connected above grade by a skybridge or other similar means shall be considered two (2) separate lots for the purposes of this subsection A2. Such a connection above grade, across the alley may be allowed pursuant to the Council's approval of an aerial alley vacation or temporary use permit process.

d. Single purpose nonresidential structures on adjacent lots not separated by an alley, subject to this subsection, may not be internally connected.

3. Nonresidential uses existing prior to the effective date of the ordinance codified in this chapter* and which do not meet the requirements of this section shall be allowed to expand by an amount of gross floor area not to exceed twenty percent (20%) of the existing gross floor area without meeting the requirements of this section. This provision may only be used once for an individual use.

4. Single purpose nonresidential exception. A single purpose, nonresidential structure may be permitted where a single purpose residential or mixed use structure would otherwise be required subject to the following:

a. The proposal is comprised of two (2) or more lots within the same SCM/R designated area; and

b. The amount of gross floor area in residential use in the structures on both lots is equal to at least sixty percent (60%) of the total gross floor area of the total combined development on the lots included in the proposal; and

c. The nonresidential structure shall be subject to design review to ensure compatibility with the residential character of the surrounding area; and

d. The proposal meets one or more of the following:

(1) The project includes the rehabilitation of a landmark structure or incorporates structures or elements of structures of architectural or historical significance as identified in an adopted neighborhood plan or design guidelines, or

(2) The project includes personal household retail sales and service uses, eating and drinking establishments, customer service offices, entertainment uses, or human service uses or child care centers at the street level in an amount equal to fifty percent (50%) of the structure's footprint, or

(3) The lot accommodating the required residential use will contribute: a minimum of ten percent (10%) of all new housing units in the proposal to the supply of low and low-moderate income housing for a period of at least twenty (20) years, or a minimum of ten percent (10%) of all new housing units in the proposal to be provided as townhouses.

B. Seattle Cascade Mixed/125 Foot Height Limit (SCM/125′). In areas zoned SCM/125′ on the Official Land Use Map a floor area ratio (FAR) shall apply as follows:

1. A FAR of five (5.0) shall determined the maximum gross floor area permitted for all nonresidential uses in any structure over seventy-five feet (75′) in height.

2. Exemptions from FAR Calculations. The following areas shall be exempt from FAR calculations:

a. All gross floor area below grade;

b. All gross floor area used for accessory parking located above grade.

3. Up to three and one-half percent (3 1/2%) of the gross floor area of a structure shall not be counted in gross floor area calculations as an allowance for mechanical equipment. The allowance shall be calculated on the gross floor area after all exempt space permitted under subsections B1 and B2 has been deducted.

(Ord. 118302 § 9 (part), 1996.)

* **Editor's Note**: Ordinance 118302 was signed by the Mayor on October 7, 1996 and became effective November 7, 1996.

23.48.018 Transparency and blank facade requirements.

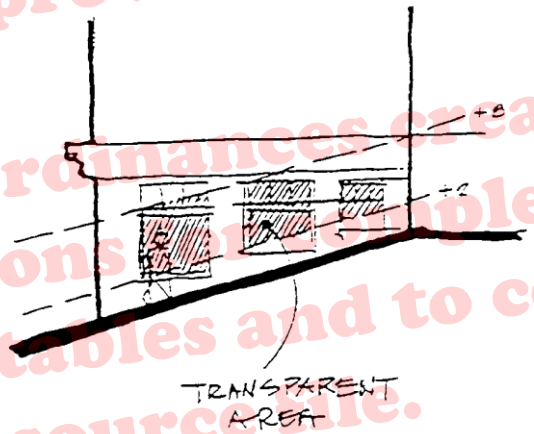
Facade transparency and blank facade requirements shall apply to the area of the facade between two feet (2′) and eight feet (8′) above the sidewalk (Exhibit 23.48.018 A).

For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
December 2002 code update file
Text provided for historical reference only.
See ordinances creating and amending sections for complete text, graphics and tables and to confirm accuracy of this source file.

Exhibit 23.48.018 A

Area where Transparency and
Blank Facade Requirements Apply to a Structure



A. Facade Transparency Requirements. Transparency requirements apply to all required street level uses and to all street level facades fronting on designated Green Streets, Class I Pedestrian Streets, and Class II Pedestrian Streets, depicted on Map B, except that transparency requirements shall not apply to portions of structures in residential use.

1. Transparency shall be required as follows:

a. Designated Green Streets, Class I Pedestrian Streets, and north/south oriented Class II Pedestrian Streets: A minimum of sixty percent (60%) of the width of the street level facade shall be transparent.

b. East/west oriented Class II Pedestrian Streets: A minimum of thirty percent (30%) of the width of the street-level facade shall be transparent.

c. When the slope of the street frontage of the facade exceeds seven and one-half percent (7 1/2%), the required amount of transparency shall be reduced to forty-five percent (45%) of the width of the street-level facade on designated Green Streets, Class I Pedestrian Streets, and north/south oriented Class II Pedestrian Streets and twenty-two percent (22%) of the width of the street-level facade on east/west oriented Class II Pedestrian Streets.

2. Only clear or lightly tinted glass in windows, doors, and display windows shall be considered transparent. Transparent areas shall allow views into the structure or into display windows from the outside.

B. Blank Facade Limits.

1. Any portion of the facade which is not transparent shall be considered to be a blank facade.

2. Blank Facade Limits for Designated Green Streets, Class I Pedestrian Streets and North/South Oriented Class II Pedestrian Streets.

a. Blank facades shall be limited to segments fifteen feet (15′) wide, except for garage doors which may be wider than fifteen feet (15′). Blank facade width may be increased to thirty feet (30′) if the Director determines that the facade is enhanced by architectural detailing, artwork, landscaping, or other similar features that have visual interest. The width of garage doors shall be limited to the width of the driveway plus five feet (5′).

b. Any blank segments of the facade shall be separated by transparent areas at least two feet (2′) wide.

c. The total of all blank facade segments, including garage doors, shall not exceed forty percent (40%) of the street facade of the structure on each street frontage; or fifty-five percent (55%) if the slope of the street frontage of the facade exceeds seven and one-half percent (7 1/2%).

3. Blank Facade Limits for East/West Oriented Class II Pedestrian Streets.

a. Blank facades shall be limited to segments thirty feet (30′) wide, except for garage doors which may be wider than thirty feet (30′). Blank facade width may be increased to sixty feet (60′) if the Director determines that the facade is enhanced by architectural detailing, artwork, landscaping, or other similar features that have visual interest. The width of garage doors shall be limited to the width of the driveway plus five feet (5′).

b. Any blank segments of the facade shall be separated by transparent areas at lest two feet (2′) wide.

c. The total of all blank facade segments, including garage doors, shall not exceed seventy percent (70%) of the street facade of the structure on each street frontage; or seventy-eight percent (78%) if the slope of the street frontage of the facade exceeds seven and one-half percent (7 1/2%).

4. Blank facade limits shall not apply to portions of structures in residential use.

(Ord. 118302 § 9 (part), 1996.)

23.48.020 Common open space or recreation area.

A. Quantity of Common Open Space or Recreation Area. All new structures containing more than twenty (20) dwelling units shall provide common open space or recreation area in an amount equivalent to five percent (5%) of the total gross floor area in residential use, or two hundred twenty-five (225) square feet, whichever is greater.

B. Standards for Common Open Space or Recreation Area.

1. Residential common open space or recreation area shall be provided on-site.

2. The common open space or recreation area shall be available to all residents and may be provided at or above ground level.

3. A maximum of fifty percent (50%) of the common open space or recreation area may be enclosed. Examples of enclosed common open space or recreation area include atriums, greenhouses and solariums.

For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
December 2002 code update file
Text provided for historical reference only.
See Ordinances creating and amending these sections for complete text, exceptions, and to confirm accuracy of this section.
For current SMC, contact the Office of the City Clerk

4. The minimum horizontal dimension for required common open space or recreation area shall be fifteen feet (15′), and no required common open space or recreation area shall be less than two hundred twenty-five (225) square feet.

5. The exterior portion of required common open space or recreation area shall be landscaped and shall provide solar access and seating according to standards promulgated by the Director.

6. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Rules and Regulations for Barrier Free Design, shall not be counted as common open space or recreation area.

(Ord. 118302 § 9 (part), 1996.)

23.48.022 Sidewalk requirements.

When any new development is proposed, the Director shall require that sidewalks be provided if no sidewalks exist. The sidewalk shall be developed in accordance with Chapter 23.53, Requirements for Streets, Alleys, and Easements, and rules promulgated by the Director.

(Ord. 118302 § 9 (part), 1996.)

23.48.024 Screening and landscaping standards.

A. The following types of screening and landscaping apply where screening or landscaping is required.

1. Three (3) foot High Screening on Street Property Lines. Three (3) foot high screening may be either:

a. A fence or wall at least three (3) feet in height; or

b. A hedge or landscaped berm at least three (3) feet in height.

2. Landscaping for Setback Areas and Berms. Each setback area or berm required shall be planted with trees, shrubs, and grass or evergreen groundcover. Features such as pedestrian access meeting the Washington State Rules and Regulations for Barrier-Free Design, decorative pavers, sculptures or fountains may cover a maximum of thirty (30) percent of each required landscaped area or berm. Landscaping shall be provided according to standards promulgated by the Director.

B. Screening for Specific Uses.

1. Gas stations shall provide three (3) foot high screening along lot lines abutting all streets, except within required sight triangles.

2. Surface Parking Areas.

a. Surface Parking Areas Abutting Streets. Surface parking areas shall provide three (3) foot high screening along the lot lines abutting all streets, except within required sight triangles.

b. Surface Parking Areas Abutting Alleys. Surface parking areas shall provide three (3) foot high screening along the lot lines abutting an alley. The Director may reduce or waive the screening requirement for part or all of the lot line abutting the alley when required parking is provided at the rear lot line and the alley is necessary to provide aisle space.

3. Parking in Structures. Parking located at or above street-level in a garage shall be screened according to the following requirements.

a. On designated Green Streets, Class I Pedestrian Streets and north/south oriented Class II Pedestrian Streets, parking shall not be permitted at street level unless separated from the street by other uses, provided that garage doors need not be separated. The facade of the separating uses shall be subject to the transparency and blank facade standards in Section 23.48.018.

b. On east/west oriented Class II Pedestrian Streets parking shall be permitted at street level when at least thirty (30) percent of the street frontage of the parking area, excluding that portion of the frontage occupied by garage doors, is separated from the street by other uses. The facade of the separating uses shall be subject to the transparency and blank wall standards in Section 23.48.018. The remaining parking shall be screened from view at street level and the street facade shall be enhanced by architectural detailing, artwork, landscaping, or similar visual interest features (Exhibit 23.48.024 A).

Exhibit 23.48.024 A

Screening for Parking at Street Level
(on Class II Pedestrian Streets)

c. The perimeter of each floor of parking garages above street level shall have an opaque screen at least three and one-half (3 1/2) feet high.

C. Street Trees.

1. Street trees shall be provided in all planting strips. Existing street trees may count toward meeting the street tree requirement.

2. Exceptions to Street Tree Requirements.

a. Street trees shall not be required when a change of use is the only permit requested.

b. Street trees shall not be required for temporary use permits.

Seattle Municipal Code
December 2004 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 document.

c. Street trees shall not be required when expanding an existing structure by less than one thousand (1,000) square feet. Generally, two (2) street trees shall be required for each additional one thousand (1,000) square feet of expansion. Rounding of fractions, per Section 23.86.002 B, shall not be permitted. The number of street trees shall be controlled by the Department of Engineering standard.

3. If it is not feasible to plant street trees according to City standards, either a five (5) foot deep landscaped setback shall be required along the street property line or landscaping other than trees may be located in the planting strip according to Department of Engineering standards. The street trees shall be planted in the landscaped area at least two (2) feet from the street lot line if they cannot be placed in the planting strip.
(Ord. 118302 § 9 (part), 1996.)

23.48.026 Noise standards.

All permitted uses shall be subject to the noise standards of Section 23.47.018.
(Ord. 118302 § 9 (part), 1996.)

23.48.028 Odor standards.

All permitted uses shall be subject to the odor standards of Section 23.47.020.
(Ord. 118302 § 9 (part), 1996.)

23.48.030 Light and glare.

All permitted uses shall be subject to the light and glare standards of Section 23.47.022.
(Ord. 118302 § 9 (part), 1996.)

23.48.031 Solid waste and recyclable materials storage space.

A. Storage space for solid waste and recyclable materials containers shall be provided for all new structures permitted in the Seattle Cascade Mixed zone 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.

For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
December 2002 code update file
Text provided for historical reference only.
See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this source file.

Structure Type	Structure Size	Minimum Area for Storage Space	Container Type
Multifamily*	7—15 units	75 square feet	Rear-loading
	16—25 units	100 square feet	Rear-loading
	26—50 units	150 square feet	Front-loading
	51—100 units	200 square feet	Front-loading
	More than 100 units	200 square feet plus 2 square feet for each additional unit	Front-loading
Commercial*	0—5,000 square feet	82 square feet	Rear-loading
	5,001—15,000 square feet	125 square feet	Rear-loading
	15,001—50,000 square feet	175 square feet	Front-loading
	50,001—100,000 square feet	225 square feet	Front-loading
	100,001—200,000 square feet	275 square feet	Front-loading
	200,001 plus square feet	500 square feet	Front-loading

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

For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
December 2002 code update file
Text provided for historical reference only.
See ordinances creating and amending this section for complete text, graphics and tables and to confirm accuracy of this source file.
For current SMC, contact the Office of the City Clerk

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

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

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

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

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

1. 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;

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

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

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

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

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

a. Any proposed ramps to the storage space shall be of six (6) percent slope or less, and

b. Any proposed gates or access routes must be a minimum of six (6) feet wide; and

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

a. Direct access shall be provided from the alley or street to the containers,

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

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

E. The solid waste and recyclable materials storage space specifications required in subsections A, B, C, and D of this section above, in addition to the number and sizes of containers, shall be included on the plans submitted with the permit application.

F. The Director, in consultation with the Director of Seattle Public Utilities, shall have the discretion to modify the requirements of subsections A, B, C, and D of this section above under the following circumstances:

1. When the applicant can demonstrate difficulty in meeting any of the requirements of subsections A, B, C, and D of this section; or

2. When the applicant proposes to expand a multifamily or mixed-use building, and the requirements of subsections A, B, C, and D of this section conflict with opportunities to increase residential densities and/or retain ground-level retail uses; and

3. When the applicant proposes alternative, workable measures that meet the intent of this section. (Ord. 120117 § 28, 2000; Ord. 119836 § 3, 2000.)

23.48.032 Required parking and loading.

A. Each use shall provide a minimum number of off-street parking spaces according to the requirements of Section 23.54.015, Required parking, except as modified by this section.

B. Residential uses shall be required to provide one (1) off-street parking space per unit, except for low-income elderly/low-income disabled multifamily structures where the number of off-street parking spaces will be determined according to the requirements of Section 23.54.015 Required parking.

C. Loading berth requirements shall be provided pursuant to Section 23.54.035, Loading berth requirements and space standards.

D. Where access to a loading berth is from the alley, and truck loading is parallel to the alley, a setback of twelve (12) feet shall be required for the loading berth, measured from the centerline of the alley (Exhibit 23.47.014 E—in Chapter 23.47). This setback shall be maintained up to a height of sixteen (16) feet.

E. Reduction in the Amount of Parking Required. Reductions to required parking shall be permitted according to the provisions of Section 23.54.020, Parking quantity exceptions. Further reductions or exceptions are permitted for street-level uses in structures on Class I Pedestrian Streets as follows:

1. In a new structure where a minimum of seven thousand five hundred (7,500) square feet of customer service office use, personal and household retail sales and service use or entertainment use, except motion picture theaters, is provided, parking may be waived for the first seven thousand five hundred (7,500) square feet of the structure in such use.

2. No parking shall be required for the first one hundred fifty (150) seats in a motion picture theater.

3. No parking shall be required for any gross floor area in human service or child care use.

4. No additional parking shall be required when an existing structure is expanded by up to two thousand five hundred (2,500) square feet, provided that this exemption may be applied only once to any individual structure.

F. Payment in Lieu. In lieu of providing all or a portion of the required parking, a development may make a payment to the Cascade Parking Fund if the Director determines that the payment will contribute to the purchase and/or development of an identified public parking garage that is consistent with City policy and priorities, that the parking will mitigate the impacts of the project; and that construction of the public parking garage (if applicable) is assured. The payment and use thereof shall be consistent with RCW 82.02.020.

1. An in-lieu-of payment shall equal the assessed value of the land at the project site which would otherwise have been required to provide parking plus the estimated cost to develop such parking on the project site.

Seattle Municipal Code
December 2002 code update file
Text provided for historical reference only.
See ordinances creating and amending sections for complete text, graphics, and tables and to confirm accuracy of this version file.

2. Funds received in-lieu-of providing parking shall be applied to acquisition or development of a new public parking garage(s) in the SCM, within eight hundred (800) feet of the contributing site(s), except that when a contributor(s) agrees with the City that a new parking garage, available to the public, within the SCM zone more than eight hundred (800) feet from the project site(s) would be an appropriate mitigation to the project's impacts, the in-lieu-of payment(s) from those projects may be used for that garage.

3. Limitations. Parking stalls within a shared parking garage(s), satisfying the requirements of this section for any project, shall not be used to satisfy the parking requirement for any other project.

(Ord. 120611 § 9, 2001; Ord. 119715 § 1, 1999: Ord. 118302 § 9 (part), 1996.)

23.48.034 Parking and loading location, access and curbcuts.

A. Parking accessory to nonresidential uses may be provided on-site and/or within eight hundred (800) feet of the lot to which it is accessory, according to the provisions of Section 23.54.025, Parking covenants.

B. Accessory surface parking shall be permitted under the following conditions:

1. All accessory surface parking shall be located at the rear or to the side of the principal structure.

2. The amount of lot area allocated to accessory surface parking shall be limited to thirty (30) percent of the total lot area.

C. Parking and Loading Access. When a lot abuts more than one (1) right-of-way, the location of access for parking and loading shall be determined by the Director, depending on the classification of rights-of-way, as depicted on Map B, according to the following:

1. Access to parking and loading shall be from the alley when the lot abuts an alley improved to the standards of Section 23.53.030 C and use of the alley for parking and loading access would not create a significant safety hazard as determined by the Director.

2. If the lot fronts on an alley and an east/west oriented Class II Pedestrian Street, parking and loading access may be from the east/west oriented Class II Pedestrian Street.

3. If the lot does not abut an improved alley, and only abuts a Class I Pedestrian Street or a north/south oriented Class II Pedestrian Street, parking and loading access may be permitted from the Class I Pedestrian Street or north/south oriented Class II Pedestrian Street, and such access shall be limited to one (1) two (2) way curbcut. In the event the site is too small to permit one (1) two (2) way curbcut, two (2) one (1) way curbcuts shall be permitted.

4. Curbcut controls on designated Green Streets, as depicted on Map B, shall be evaluated on a case-by-case basis, but generally parking and loading access from these streets shall not be allowed by the Director.

5. The Director shall also determine whether the location of the parking and loading access will expedite the movement of vehicles, facilitate a smooth flow of traffic, avoid the on-street queuing of vehicles, enhance vehicular safety and pedestrian comfort, and will not create a hazard.

6. Curbcut width and number of curbcuts shall satisfy the provisions of Section 23.54.030, Parking space standards, except as modified in this section.

(Ord. 118302 § 9(part), 1996.)

23.48.035 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 § 5, 1998.)

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 current file.

Subchapter III Nonconforming Uses and Structures

23.48.038 Relocating landmark structures.

When an historic landmark structure is relocated, any nonconformities with respect to development standards shall transfer with the relocated structure.

(Ord. 120293 § 8, 2001: Ord. 118302 § 9(part), 1996.)

Chapter 23.49
DOWNTOWN ZONING

Sections:

For current SMC, contact the Office of the City Clerk

Seattle Municipal Code
December 2012 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

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.

23.49.324 Downtown Harborfront 2, conditional uses.

For current SMC, contact the Office of the City Clerk

Seattle Municipal Code
December 2002 code update file
Text provided for historical reference only.
See ordinances creating and amending sections for complete text, graphics, and tables.
The Municipal Code is updated frequently. For current SMC, contact the Office of the City Clerk
Seattle Municipal Code
December 2002 code update file
Text provided for historical reference only.
See ordinances creating and amending sections for complete text, graphics, and tables.
The Municipal Code is updated frequently. For current SMC, contact the Office of the City Clerk

23.49.002 Scope of provisions.

A. This chapter details those authorized uses and their development standards which are or may be permitted in downtown zones: 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), and Pike Market Mixed (PMM).

B. Property in the following special districts: Pike Place Market Urban Renewal Area, Pike Place Market Historic District, Pioneer Square Preservation District, International Special Review District, and the Shoreline District, are subject to both the requirements of this chapter and the regulations of the district.

C. The requirements and guidelines for public benefit features are found in the Public Benefit Features Rule.

D. Requirements for alley improvements are provided in Chapter 23.53. Standards for design of parking are provided in Chapter 23.54. Signs shall be regulated by Chapter 23.55. Methods for measurements are provided in Chapter 23.86.

E. 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 § 17, 2002; Ord. 116295 § 12, 1992; Ord. 115326 § 18, 1990; Ord. 112303 § 3(part), 1985.)

Subchapter I General Standards

23.49.006 Scope of general standards.

Unless otherwise specified, the regulations of this subchapter shall apply to all downtown zones.

(Ord. 112303 § 3(part), 1985.)

23.49.008 Structure height.

The following provisions regulating structure height apply to all property in downtown zones except the DH1, PSM, IDM, and IDR zones.

A. Maximum structure heights for downtown zones are sixty-five (65) feet, eighty-five (85) feet, one hundred (100) feet, one hundred twenty-five (125) feet, one hundred fifty (150) feet, one hundred sixty (160) feet, two hundred forty (240) feet, three hundred (300) feet and four hundred fifty (450) feet, as designated on the Official Land Use Map, Chapter 23.32. The height of a structure shall not exceed the maximum structure height, except that:

1. Any lot in the Pike Market Mixed zone that is subject to an urban renewal covenant may be built no higher than the height permitted by the covenant for the life of the covenant.

2. Any lot that meets the provisions of this subsection may gain additional structure height using one, but not both, of subsections 2a and 2b below:

a. A structure in a DOC1 zone, or in a DOC2 zone, may gain additional height of ten (10) percent of the maximum structure height, when:

(1) The gross floor area of each story wholly or partly above the maximum structure height is no greater than eighty (80) percent of the gross floor area of at least one story below the maximum structure height, which story must have gross floor area no greater than that of each story lower than it that is wholly above a height of one hundred twenty-five (125) feet. For structures with separate towers, the limits on area apply to each tower individually; and

(2) The above-grade gross floor area in all structures on the lot, including all floor area exempt from FAR limits, except exempt street-level uses and bonused housing, does not exceed the sum of the maximum FAR for the lot established by Section 23.49.011 plus any credit floor area above the maximum structure height allowed under Section 23.49.041, City/County Transfer of Development Credits Program.

b. A structure within the area shown on Map 1O may gain additional height of twenty (20) percent of the maximum structure height, when the conditions in subsection A2a of this section are satisfied, and either:

(1) The lot has either: (A) at least twenty-five (25) percent of the lot area at street level in open space use or occupied by structures, or portions of structures, no greater than thirty-five (35) feet in height, or any combination thereof; or (B) at least fifty (50) percent of the lot area at street level in open space use or occupied by structures, or portions of structures, no greater than sixty-five (65) feet in height, or any combination thereof; or

(2) The lot contains a Landmark structure and satisfies all conditions to the transfer of Landmark TDR from such lot under this chapter and the Public Benefit Features Rule, other than conditions related to the availability of unused base floor area.

3. On any lot in the DRC a height of one hundred fifty (150) feet is permitted subject to the restrictions in subsection 4 of this section in the following cases:

a. When all portions of a structure above eighty-five (85) feet contain only residential use; or

b. When at least twenty-five (25) percent of the gross floor area of all structures on a lot is in residential use; or

c. When a minimum of 1.5 FAR of retail sales and service or entertainment uses, or any combination thereof, is provided on the lot; or

Seattle Municipal Code December 2002 code update file Text provided for historic reference only. See ordinances creating the chapter and sections for complete text, graphics, and any applicable exceptions. The Municipal Code is the official version of this ordinance.

d. For residential floor area created by infill of a light well on a Landmark structure. For the purpose of this subsection a light well is defined as an inward modulation on a non-street facing facade that is enclosed on at least three sides by walls of the same structure, and infill is defined as an addition to that structure within the light well. The maximum height allowed under this subsection A3d shall be the lesser of one hundred fifty (150) feet or the highest level at which the light well is enclosed by the full length of walls of the structure on at least three sides.

4. Restrictions on Demolition and Alteration of Existing Structures.

a. Any structure in a DRC zone that would exceed the eighty-five (85) foot maximum height limit shall incorporate the existing exterior street front facade(s) of each of the structures listed below, if any, located on the lot of that project. The City Council finds that these structures are significant to the architecture, history and character of downtown. The Director may permit changes to the exterior facade(s) to the extent that significant features are preserved and the visual integrity of the design is maintained. The degree of exterior preservation required will vary, depending upon the nature of the project and the characteristics of the affected structure(s).

b. The Director shall evaluate whether the manner in which the facade is proposed to be preserved meets the intent to preserve the architecture, character and history of the Retail Core. If a structure on the lot is a Landmark structure, approval by the Landmarks Preservation Board for any proposed modifications to controlled features is required prior to a decision by the Director to allow or condition additional height for the project. The Landmarks Preservation Board's decision shall be incorporated into the Director's decision. Inclusion of a structure on the list below is solely for the purpose of conditioning additional height under this subsection, and shall not be interpreted in any way to prejudge the structure's merit as a Landmark.

Sixth and Pine Building	523 Pine Street
Decatur	1513-6th Avenue
Coliseum Theater	5th and Pike
Seaboard Building	1506 Westlake Avenue
Fourth and Pike Building	1424-4th Avenue
Pacific First Federal Savings	1400-4th Avenue
Joshua Green Building	1425-4th Avenue
Equitable Building	1415-4th Avenue
Mann Building	1411-3rd Avenue
Olympic Savings Tower	217 Pine Street
Fischer Studio Building	1519-3rd Avenue
Bon Marche	3rd and Pine
Melbourne House	1511 - 3rd Avenue
Former Woolworth's Building	1512 - 3rd Avenue

c. The restrictions in this subsection 4 are in addition to, and not in substitution for, the requirements of the Landmarks. Ordinance, SMC Chapter 25.12.

5. Any structure on a lot on either of the two half blocks abutting the east side of 2nd Avenue, between Pine and Union Streets, that qualifies for the one hundred fifty (150) foot height limit under subsection A3 of this section, is allowed a height limit of one hundred ninety-five (195) feet if all portions of the structure above eighty-five (85) feet in height contain only residential use.

6. A structure on any lot in the Denny Triangle Urban Village, as shown on Map 23.49.041A, may gain up to an additional thirty (30) percent in height if credit floor area is allowed pursuant to Section 23.49.041, City/County Transfer of Development Credits Program. The maximum height that may be allowed is one hundred thirty (130) percent of the maximum structure height.

7. Rooftop features, as provided in subsection C, are allowed in addition to the extra height permitted under this subsection.

B. In Downtown Mixed Residential (DMR) zones, height shall be regulated as follows:

1. No structure which contains only nonresidential uses, and no portion of a mixed use structure which contains nonresidential uses, may extend beyond the lower height limit established on the Official Land Use Map, except for rooftop features permitted by subsection C of this section.

2. Structures which contain only residential uses, and portions of mixed use structures which contain only residential uses, may extend to the higher height limit established on the Official Land Use Map.

C. Rooftop Features.

1. The following rooftop features are permitted with unlimited rooftop coverage and may not exceed the height limits as indicated:

a. Open railings, planters, clerestories, skylights, play equipment, parapets and firewalls up to four (4) feet above the maximum height limit;

b. Solar collectors up to seven (7) feet above the maximum height limit; and

c. The rooftop features listed below may extend up to fifty (50) feet above the roof of the structure on which they are located or fifty (50) feet above the maximum height limit, whichever is less, except as regulated by Chapter 23.64, Airport Height Overlay District:

(1) Religious symbols for religious institutions,

(2) Smokestacks, and

(3) Flagpoles.

They shall be located a minimum of ten (10) feet from all lot lines.

2. The following rooftop features are permitted as long as the combined coverage of all features does not exceed twenty (20) percent of the roof area, or twenty-five (25) percent if the total includes stair or elevator penthouses or screened mechanical equipment. Except in the PMM zone, additional combined coverage of all rooftop features, not to exceed thirty-five (35) percent of the roof area, may be permitted through the design review process for development standard departures in Section 23.41.012.

a. The following rooftop features are permitted to extend up to fifteen (15) feet above the maximum height limit:

(1) Solar collectors;

(2) Stair penthouses;

For current SMC, contact the Office of the City Clerk

(3) Play equipment and open-mesh fencing, as long as the fencing is at least fifteen (15) feet from the roof edge;

(4) Mechanical equipment; and

(5) Mechanical equipment, whether new or replacement, may be allowed up to fifteen (15) feet above the roof elevation of a structure existing prior to June 1, 1989.

b. Elevator penthouses are permitted to extend beyond the maximum height limit as follows:

(1) In the PMM zone, up to fifteen (15) feet above the maximum height limit for the zone;

(2) Except in the PMM zone, up to twenty (20) feet above the maximum height limit for a penthouse designed for an elevator cab up to eight (8) feet high; or

(3) Except in the PMM zone, up to twenty-two (22) feet above the maximum height limit for a penthouse designed for an elevator cab more than eight (8) feet high.

c. Minor communication utilities and accessory communication devices, regulated according to Section 23.57.013, shall be included within the maximum permitted rooftop coverage.

3. Screening of Rooftop Features.

a. Measures may be taken to screen rooftop features from public view through the design review process or, if located within the Pike Place Market Historical District, by the Market Historical Commission.

b. Except in the PMM zone, the amount of roof area enclosed by rooftop screening may exceed the maximum percentage of the combined coverage of all rooftop features as provided in subsection C2 of this section.

c. Except in the PMM zone, in no circumstances shall the height of rooftop screening exceed ten (10) percent of the maximum height of the zone in which the structure is located, or fifteen (15) feet, whichever is greater. In the PMM zone, the height of the screening shall not exceed the height of the rooftop feature being screened, or such greater height necessary for effective screening as determined by the Pike Place Market Historical Commission.

4. Administrative Conditional Use for Rooftop Features. The rooftop features listed in subsection C1c of this section may exceed a height of fifty (50) feet above the roof of the structure on which they are located if authorized by the Director through an administrative conditional use, Chapter 23.76. The request for additional height shall be evaluated on the basis of public benefits provided, the possible impacts of the additional height, consistency with the City's land use policies, and the following specific criteria:

a. The feature shall be compatible with and not adversely affect the downtown skyline.

b. The feature shall not have a substantial adverse effect upon the light, air, solar and visual access of properties within a three hundred (300) foot radius.

c. The feature, supporting structure and structure below shall be compatible in design elements such as bulk, profile, color and materials.

d. The increased size is necessary for the successful physical function of the feature, except for religious symbols.

5. Residential Penthouses Above Height Limit in DRC Zone.

a. A residential penthouse exceeding the maximum allowable height shall be permitted in the DRC zone only on a mixed-use, City-designated Landmark structure for which a certificate of approval by the Landmarks Preservation Board is required. A residential penthouse allowed under this section may cover a maximum of fifty (50) percent of the total roof surface. Except as the Director may allow under subsection C5b of this section:

(1) A residential penthouse allowed under this subsection shall be set back a minimum of fifteen (15) feet from the street property line.

(2) A residential penthouse may extend up to eight (8) feet above the roof, or twelve (12) feet above the roof when set back a minimum of thirty (30) feet from the street property line.

b. If the Director determines, after a sight line review based upon adequate information submitted by the applicant, that a penthouse will be invisible or minimally visible from public streets and parks within three hundred (300) feet from the structure, the Director may allow one or both of the following:

(1) An increase of the penthouse height limit under subsection C5a of this section by an amount up to the average height of the structure's street-facing parapet; or

(2) A reduction in the required setback for a residential penthouse.

c. The Director's decision to modify development standards pursuant to subsection C5b must be consistent with the certificate of approval from the Landmarks Preservation Board.

d. A residential penthouse allowed under this section shall not exceed the maximum permitted height that could be permitted in the DRC zone by the City Council as provided in Section 23.49.008 A1.

e. No rooftop features shall be permitted on a residential penthouse allowed under this subsection C5.

6. For height limits and exceptions for communication utilities and accessory communication devices, see Section 23.57.013.

(Ord. 120928 § 18, 2002; Ord. 120443 § 3, 2001; Ord. 120117 § 29, 2000; Ord. 119837 § 3, 2000; Ord. 119728 § 2, 1999; Ord. 119370 § 3, 1999; Ord. 118672 § 8, 1997: Ord. 116295 § 13, 1992; § 1 of Initiative 31, passed 5/16/89; Ord. 113279 § 1, 1987; Ord. 112303 § 3(part), 1985.)

23.49.009 Open space.

A. Finding. The City Council finds that:

1. Office workers are the principal users of Downtown open space.

2. Additional major office projects Downtown will result in increased use of public open space.

3. If additional major office projects Downtown do not provide open space to offset the additional demands

Seattle Municipal Code December 2002 code update file Text provided for historic reference only. See ordinances creating and amending sections for complete comparisons, and to confirm accuracy of this source file. 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. Contact the Office of the City Clerk for current SMC, contact the Office of the City Clerk

on public open space caused by such projects, the result will be overcrowding of public open space, adversely affecting the public health, safety and welfare.

4. The additional open space needed to accommodate office workers is at least twenty (20) square feet for each one thousand (1,000) square feet of office space.

5. Smaller office developments may encounter design problems in incorporating open space, and the sizes of open spaces provided for office projects under eighty-five thousand (85,000) square feet may make them less attractive and less likely to be used. Therefore, and in order not to discourage small scale office development, projects involving less than eighty-five thousand (85,000) square feet of new office space should be exempt from any open space requirement.

6. As indicated in the DCLU's October 1994 report, with the exception of certain projects, most major recent Downtown office projects have provided significant amounts of on-site open space. Therefore, requiring open space for future major projects will tend to ensure that existing projects do not bear the burdens caused by new development and will result in an average reciprocity of advantage.

B. Quantity of Open Space. Open space in the amount of twenty (20) square feet for each one thousand (1,000) square feet of gross office floor area shall be required of projects that include eighty-five thousand (85,000) or more square feet of usable new office space in DOC-1, DOC-2, DMC, DMR/C and DH2 zones.

C. Standards for Open Space. To satisfy this requirement, open space may be provided on-site or off-site, as follows:

1. Private Open Space. Private open space on the project site or on an adjacent lot directly accessible from the project site may satisfy the requirement of this section. Such space shall not be eligible for public benefit feature bonuses. Private open space shall be open to the sky and shall be consistent with the general conditions contained in the Public Benefit Features Rule related to landscaping, seating and furnishings. Private open space satisfying this requirement must be accessible to all tenants of the building and their employees.

2. On-site Public Open Space.

a. Open space provided on the project site under this requirement shall be eligible for public benefit feature bonuses, as allowed for each zone, provided the open space is open to the public without charge and meets the standards of Section 23.49.013 and the Public Benefit Features Rule for one (1) or more of the following:

- Parcel park;
- Green street on an abutting right-of-way;
- Hillside terrace;
- Harborfront open space; or
- Urban plaza.

b. On-site open space satisfying the requirement of subsection C2a of this section may achieve a bonus as a public benefit feature not to exceed any limits pursuant to Section 23.49.013, which bonus shall be counted against, and not increase, the total FAR bonus available from the provision of Public Benefit Features.

3. Off-site Public Open Space.

a. Open space satisfying the requirement of this section may be on a site other than the project site, provided that it is within a Downtown zone, within one-quarter (¼) mile of the project site, open to the public without charge, and at least five thousand (5,000) square feet in contiguous area.

b. Public open space on a site other than the project site shall be a bonusable feature if the open space meets the standards of Section 23.49.013 and is one of the open space features cited in subsection C2a of this section. Bonus ratios for off-site open space shall be as set forth in Section 23.49.013. Projects that provide off-site open space satisfying this requirement may achieve a public benefit feature bonus not to exceed any limits pursuant to Section 23.49.013 for such open space, which shall be counted against, and not increase, the total FAR bonus available from the provision of Public Benefit Features.

4. Easement for Off-site Open Space. The owner of any lot on which off-site open space is provided to meet the requirements of this section shall execute and record an easement in a form acceptable to the Director assuring compliance with the requirements of this section, including applicable conditions of the Public Benefit Features Rule.

D. Payment in Lieu. In lieu of providing open space under this requirement, an owner may make a payment to the City if the Director determines that the payment will contribute to the improvement of a green street abutting the lot or in the vicinity, in an amount sufficient to develop improvements that will meet the additional need for open space caused by the project, and that the improvement of such green street within a reasonable time is feasible. Any such payment shall be placed in a dedicated fund or account and used within five (5) years of receipt for the development of such a green street, unless the property owner and the City agree upon another use involving the acquisition or development of public open space that will mitigate the impact of the project. A bonus may be allowed for a payment for green street improvements made wholly or in part to satisfy the requirements of this section, pursuant to Section 23.49.013.

E. Limitations. Open space satisfying the requirement of this section for any project shall not be used to satisfy the open space requirement for any other project, nor shall any bonus be granted to any project for open space meeting the requirement of this section for any other project. When a transmitting antenna is sited or proposed to be sited on a rooftop where required open space is located, see Section 23.57.013. Open space on the site of any building for which a Master Use Permit decision was issued or a complete building permit application was filed prior to the effective date of the ordinance codified in this section, that is not required under the Land Use Code in effect when such permit decision was issued or such application filed but that would have been required for the same building by this section, shall not be used to satisfy the open space requirement or to gain an FAR bonus for any other project.

Seattle Municipal Code
December 2009 code update file
Text provided for historical reference only.
See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this section.
For current SMC, contact
the Office of the City Clerk

F. Authority. This section is adopted pursuant to the Growth Management Act, the City's Comprehensive Plan and the City's inherent police power authority. The City Council finds that the requirements of this section are necessary to protect and promote the public health, safety and welfare.

(Ord. 120928 § 19, 2002; Ord. 120443 § 4, 2001; Ord. 117430 § 60, 1994.)

23.49.010 Lighting and glare.

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

B. Interior lighting in parking garages shall be shielded, to minimize nighttime glare affecting nearby uses.

(Ord. 112303 § 3(part), 1985.)

23.49.011 Floor area ratio.

A. General Standards.

1. The base and maximum floor area ratio (FAR) for each zone is provided in Chart 23.49.011 A.

2. Chargeable floor area shall not exceed the applicable base FAR except as expressly authorized pursuant to the provisions of this chapter.

a. In DOC1 and DOC2 zones the first one (1) FAR above the base FAR may be gained, at the applicant's option, by any combination of the following: providing one of the amenity features listed in Section 23.49.013, subject to the limits and conditions in that section; providing short-term parking meeting the basic standards in the Public Benefit Features Rule, where such parking is eligible pursuant to Map 1N; providing retail sales and service or entertainment uses as street-level uses meeting the requirements of Section 23.49.025, where such uses are eligible as indicated on Map 1N; or using development rights transferred from an open space TDR site or Landmark TDR site pursuant to Section 23.49.014. An applicant using the option allowed under this subsection A2a may achieve additional chargeable floor area consistent with subsections A2c through A2f of this section.

b. In the DMC zone chargeable floor area above the base FAR may be achieved, at the applicant's option, by qualifying for bonuses pursuant to Section 23.49.126, Downtown Mixed Commercial, ratios for public benefit features. Such option may be exercised only by election in writing by the applicant as part of the original application for a Master Use Permit, or within sixty (60) days of the effective date of this ordinance, for the project that will use such bonus. An applicant making such election shall not be granted bonus floor area for the lot pursuant to Sections 23.49.012 or 23.49.013, but may use TDR consistent with Section 23.49.014. An applicant making such election thereby also elects to have the optional exemptions under subsection B3 of this section, and not those in subsection Bl, apply in determining chargeable floor area.

c. Except as provided in subsection A2a and A2b of this section, additional chargeable floor area above the base FAR may be achieved only by qualifying for bonuses pursuant to Sections 23.49.012 or 23.49.013, or by the transfer of development rights pursuant to Section 23.49.014, or both, subject to the limits of this chapter and to any other applicable conditions and limitations.

d. In no event shall the use of bonuses or TDR be allowed to result in chargeable floor in excess of the maximum as set forth in Chart A.

e. Except as otherwise provided in this subsection A2e, not less than five (5) percent of all floor area above the base FAR to be gained on any lot, excluding any floor area gained under subsection A2a of this Section, shall be gained through the transfer of Landmark TDR, to the extent that Landmark TDR is available. Landmark TDR shall be considered "available" only to the extent that, at the time of the Master Use Permit application to gain the additional floor area, the City of Seattle is offering Landmark TDR for sale, at a price per square foot no greater than the total bonus contribution under Section 23.49.012 for a project using the cash option for both housing and childcare facilities. An applicant may satisfy the minimum Landmark TDR requirement in this section by purchases from private parties, by transfer from an eligible sending lot owned by the applicant, by purchase from the City, or by any combination of the foregoing. This subsection A2e does not apply to any lot in a DMR zone, or to any lot in a DMC zone for which an election has been made under subsection A2b of this section.

f. On any lot except a lot in a DMR zone or a lot in a DMC zone for which an election has been made under subsection A2b of this section, the total amount of chargeable floor area gained through bonuses under Section 23.49.012, together with any housing TDR used for the same project, shall equal seventy-five (75) percent of the amount, if any, by which the total chargeable floor area to be permitted on the lot exceeds the sum of (i) the base FAR, as determined under this section and Section 23.49.032 if applicable, plus (ii) any chargeable floor area gained on the lot pursuant to subsection A2a of this section. The remaining twenty-five (25) percent shall be gained through other bonuses or other TDR, or both, consistent with this chapter.

g. In order to gain chargeable floor area on any lot in a DMR zone, an applicant may (i) use any types of TDR eligible under this chapter in any proportions, or (ii) use bonuses under Section 23.49.012 or 23.49.013, or both, subject to the limits for particular types of bonus under Section 23.49.013, or (iii) combine such TDR and bonuses in any proportions.

h. Bonuses for street-level uses may be allowed only pursuant to subsection A2a or A2b of this section. Bonuses for short-term parking may be allowed only pursuant to subsection A2a of this section. The bonus ratio for street-level uses is three square feet of floor area granted per one square foot (3:1) of bonus feature. The bonus ratio for short-term parking is one (1) square foot of floor area granted per one (1) square foot (1:1) of bonus feature up to a

Seattle Municipal Code December 2012 code update file Text provided for historic reference only. See ordinances creating and amending sections for complete text, graphics, and effective dates. Users are responsible for the accuracy of this source file.

maximum of two hundred (200) parking spaces for above grade parking and is two (2) square feet of floor area granted per one (1) square foot (2:1) of bonus feature for below grade parking up to a maximum of two hundred (200) parking spaces. Ratios and limits for the other features for which a bonus may be granted under subsection A2a are in Section 23.49.013.

B. Exemptions and Deductions from FAR Calculations.

1. The following are not included in chargeable floor area, except as specified below in this section:

a. Retail sales and service uses and entertainment use in the DRC zone up to a maximum FAR of two (2);

b. Street level uses meeting the requirements of Section 23.49.025, Street-level use requirements, whether or not street-level use is required pursuant to Map 1H, if the uses and structure also satisfy the following standards:

(1) The street level of the structure containing the exempt space must have a minimum floor to floor height of thirteen (13) feet;

(2) The street level of the structure containing the exempt space must have a minimum depth of fifteen (15) feet;

(3) Overhead weather protection is provided satisfying the provisions of 23.49.025B5.

c. In the DRC zone, shopping corridors and retail atriums;

d. Child care;

e. Human service use;

f. Residential use, except in the PMM and DH2 zones;

g. Museums;

h. Performing arts theaters;

i. Floor area below grade;

j. Floor area that is used only for short-term parking or parking accessory to residential uses, or both, subject to a limit on floor area used wholly or in part as parking accessory to residential uses of one (1) parking space for each dwelling unit on the lot with the residential use served by the parking; and

k. Floor area of a public benefit feature that would be eligible for a bonus on the lot where the feature is located. The exemption applies regardless of whether a floor area bonus is obtained, and regardless of maximum bonusable area limitations.

1. Public restrooms.

2. As an allowance for mechanical equipment, three and one-half (3½) percent of the gross floor area of a structure shall be deducted in computing chargeable gross floor area. The allowance shall be calculated on the gross floor area after all exempt space permitted under subsection B1, or B3 if applicable, has been deducted. Mechanical equipment located on the roof of a structure, whether enclosed or not, shall be calculated as part of the total gross floor area of the structure, except that for structures existing prior to June 1, 1989, new or replacement mechanical equipment may be placed on the roof and will not be counted in gross floor area calculations.

Chart 23.49.011 A
Base and Maximum Area Ratios (FARs)

Zone Designation	Base FAR	Maximum FAR*
Downtown Office Core 1 (DOC1)	6	14
Downtown Office Core 2 (DOC 2)	5	10
Downtown Retail Core (DRC)	3	5
Downtown Mixed Commercial (DMC)	4 in 65′ height district 4.5 in 85′ height district 5 in height districts above 85′	4 in 65′ height district 4.5 in 85′ height district 7 in height districts above 85′
Downtown Mixed Residential/Residential (DMR/R)	1 in 85/65′ height district 1 in 125/65′ height district 1 in 240/65′ height district	1 in 85/65′ height district 2 in 125/65′ height district 2 in 240/65′ height district
Downtown Mixed Residential/Commercial (DMR/C)	1 in 85/65′ height district 1 in 125/65′ height district 2 in 240/125′ height district	4 in 85/65′ height district 4 in 125/65′ height district 5 in 240/125′ height district
Pioneer Square Mixed (PSM)	N.A.	N.A.
International District Mixed (1IDM)	3, except hotels. 6 for hotels.	3, except hotels 6 for hotels.
International District Residential (IDR)	1	2 when 50% or more of the total gross floor area on the lot is in residential use.
Downtown Harborfront 1	N.A.	N.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.

Zone Designation	Base FAR	Maximum FAR*
(DH1)		
Downtown Harborfront 2 (DH2)	2.5	Development standards regulate maximum FAR.
Pike Market Mixed (PMM)	7	7

*Provisions for how to gain floor area above the base FAR are found in subsection 2 of this section and in Sections 23.49.012, 23.49.013 and 23.49.014. N.A. = Not Applicable.

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

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.

3. In lieu of the exemptions allowed in subsection B1 of this section, an applicant may elect in writing, at the time of filing of an original master use permit application that involves the proposed addition or change of use of floor area on any lot wholly within a DMC zone on which no bonus floor area has been or is proposed to be gained under Section 23.49.012 or Section 23.49.013, that the following areas on such lot shall be exempt from base and maximum FAR calculations:

a. All gross floor area in residential use, except on lots from which development rights have been or are transferred;

b. All gross floor area below grade;

c. All gross floor area used for accessory parking;

d. The gross floor area of public benefit. features, other than housing, that satisfy the requirements of Section 23.49.126, ratios for public benefit features, or that satisfy the requirements for a FAR bonus amenity allowable to a structure in a DOC1 or DOC2 zone for an off-site public benefit feature, and, in either case, satisfy the Public Benefit Features Rule, whether granted a floor area bonus or not, regardless of the maximum bonusable area limitation.

(Ord. 120443 §§ 5, 6, 2001.)

23.49.012 Bonus floor area for voluntary agreements for housing and child care.

A. General Provisions.

1. The purpose of this section is to allow chargeable floor area above the base FAR when the applicant by voluntary agreement provides, funds or partially funds public benefit features or capital projects that mitigate a portion of the impacts of higher-density development. The City has determined that a major impact of such development is the increased need for low-income and low-moderate income housing downtown to serve workers in lower-paid jobs and their families attracted by the development. The general intent of this section is that voluntary agreements for bonus floor area shall mitigate impacts, with primary emphasis on housing.

2. There shall be a voluntary agreement between the applicant and the City with respect to all floor area earned pursuant to this section. The agreement commits the applicant to provide eligible bonus features ("performance option"), or to make payments to the City to fund such features ("cash option"), or a combination of both the cash option and the performance option, in amounts sufficient to qualify for the amount of floor area desired.

3. No floor area beyond the base FAR shall be granted for any project that would cause significant alteration to any designated feature of a Landmark structure, unless a Certificate of Approval is granted by the Landmarks Preservation Board.

B. Voluntary Agreements for Housing and Child Care. For each square foot of chargeable floor area above the base FAR to be earned under this section, the voluntary agreement shall commit the developer to provide or contribute to the following facilities in the following amounts:

1. Housing.

a. For each square foot of bonus floor area, housing serving specified income levels, or an alternative cash contribution, must be provided according to Chart 23.49.012 A.

b. For purposes of this subsection, a housing unit serves households up to an income level only if all of the following are satisfied for a period of fifty (50) years beginning upon the issuance of a certificate of acceptance by the Director of the Office of Housing in accordance with subsection 23.49.012 B1i:

(1) The housing unit is used as rental housing solely for households with incomes, at the time of each household's initial occupancy, not exceeding that level; and

(2) The rent charged for the housing unit, together with a reasonable allowance for any basic utilities that are not included in the rent, does not exceed one-twelfth of thirty (30) percent of that income level as adjusted for the estimated size of household corresponding to the size of unit, in such manner as the Director of the Office of Housing shall determine;

(3) There are no charges for occupancy other than rent; and

(4) The housing unit and the structure in which it is located are maintained in decent and habitable condition, including adequate basic appliances, for such fifty (50) year period.

c. For purposes of this section, housing may be considered to be provided by the applicant seeking bonus floor area if it is committed to serve one or more of the income groups referred to in this section pursuant to an agreement between the housing owner and the City executed and recorded prior to the issuance of the building permit for the construction of such housing or conversion of nonresidential space to such housing, but no earlier than three (3) years prior to the issuance of a master use permit for the project using the bonus floor area, and either:

(1) The housing unit is newly constructed, is converted from nonresidential use, or is renovated space that was vacant as of the date of this ordinance, on the lot using the bonus floor area, pursuant to the same master use permit as the project using the bonus floor area; or

(2) The housing is newly constructed, is converted from nonresidential use, or is renovated in a residential building that was vacant as of the date of this ordinance on a lot in a Downtown zone in compliance with the Public Benefit Features Rule, and:

The housing is owned by the applicant seeking to use the bonus;

or

The owner of the housing has signed, and there is in effect, a linkage agreement approved by the Director of the Office of Housing allowing the use of the housing bo-

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 sections for complete text, graphics, and effective dates. The Seattle Municipal Code is updated frequently and is the official codification of this ordinance.

nus in return for necessary and adequate financial support to the development of the housing, and either the applicant has, by the terms of the linkage agreement, the exclusive privilege to use the housing to satisfy conditions for bonus floor area; or the applicant is the assignee of the privilege to use the housing to satisfy conditions for bonus floor area, pursuant to a full and exclusive assignment, approved by the Director of the Office of Housing, of the linkage agreement, and all provisions of this section respecting assignments are complied with. If housing is developed in advance of a linkage agreement, payments by the applicant used to retire or reduce interim financing may be considered necessary and adequate support for the development of the housing.

d. Housing that is not yet constructed, or is not ready for occupancy, at the time of the issuance of a building permit for the project intending to use bonus floor area, may be considered to be provided by the applicant if, within three (3) years of the issuance of the first building permit for such project, Director of the Office of Housing issues a certificate of acceptance for such housing. Any applicant seeking to qualify for bonus floor area based on such housing shall provide to the City, prior to the date when a contribution would be due for the cash option under subsection C of this section, an irrevocable bank letter of credit or other sufficient security approved by the Director of the Office of Housing, and a related voluntary agreement, so that at the end of the three (3) year period, if the housing does not qualify or is not provided in a sufficient amount to satisfy the terms of this section, the City shall receive (i) a cash contribution for housing in the amount determined pursuant to this section after credit for any qualifying housing then provided, plus (ii) an amount equal to interest on such contribution, at the rate equal to the prime rate quoted from time to time by Bank of America, or its successor, plus three (3) percent per annum, from the date of issuance of the first building permit for the project using the bonus. If and when the City becomes entitled to realize on any such security, the Director of the Office of Housing shall take appropriate steps to do so, and the amounts realized, net of any costs to the City, shall be used in the same manner as cash contributions for housing made under this section. In the case of any project proposing to use bonus floor area for which no building permit is required, references to the building permit in this subsection shall mean the master use permit allowing establishment or expansion of the use for which bonus floor area is sought.

e. Only the party named in the linkage agreement with the owner of the housing as having the privilege to use the housing to satisfy bonus conditions may assign that privilege, and any assignment must be absolute and irrevocable. No assignment by an assignee, whether to a new party or back to the assignor or housing owner, is permitted. The Director of the Office of Housing may require, as conditions to recognizing any assignment, that:

(1) The applicant obtain a written acknowledgment from the owner of the housing that the linkage agreement, as so assigned, is valid and effective;

(2) The assignor execute any documents deemed necessary by the Director of the Office of Housing to ensure that no party other than the permitted assignee has used, or will have any claim to use, the same housing to qualify for any floor area or development potential of any kind under any ordinance or other provision of law; and

(3) The owner and such assignor agree to indemnify and hold harmless the City and its officers and employees from any claims of the type described in subsection ii above and any damages from the City's refusal to honor such claims.

f. Nothing in this chapter shall be construed to confer on any owner or developer of housing, any party to a linkage agreement, or any assignee, any development rights or property interests. Because the availability and terms of allowance of bonus floor area depend upon. the regulations in effect at the relevant time for the project proposing to use such bonus floor area, pursuant to SMC Section 23.76.026, any approvals or agreements by the Director of the Office of Housing regarding the eligibility of actual or proposed housing as to satisfy conditions of a bonus, and any approval of a linkage agreement and/or assignment, do not grant any vested rights, nor guarantee that any bonus floor area will be permitted based on such housing.

g. The Director of the Office of Housing shall review the design and proposed management plan for any housing proposed under the performance option to determine whether it will comply with the terms of this section.

h. The Director of the Office of Housing is authorized to accept a voluntary agreement for the provision of housing and related agreements and instruments consistent with this section. The Director of the Office of Housing is further authorized to issue a certificate of acceptance with respect to any housing units developed to satisfy the conditions of this rule when: the construction or rehabilitation of such housing units and the structure in which they are located has been completed; any necessary certificate of occupancy or final permit approval has been issued for the housing units; and either are rented consistent with this section or are vacant, ready for occupancy and offered for rent consistent with this section; and the owner of the housing provides such evidence of compliance with the requirements of this section and the Public Benefit Features Rule as the Director of the Office of Housing may require.

i. Any provision of any Director's rule notwithstanding, it shall be a continuing permit condition, whether or not expressly stated, for each project obtaining bonus floor area based on the provision of housing under this subsection, that the housing units shall continue to satisfy the requirements of this subsection throughout the required fifty (50) year period and that such compliance

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.

shall be documented annually to the satisfaction of the Director of the Office of Housing, and the owner of any project using such bonus floor area shall be in violation of this title if any such housing unit does not satisfy such requirements, or if satisfactory documentation is not provided to the Director of the Office of Housing, at any time during such period. The Director of the Office of Housing may provide by rule for circumstances in which housing units maybe replaced if lost due to casualty or other causes, and for terms and conditions upon which a cash contribution may be made in lieu of continuing to provide housing units under the terms of this subsection.

j. Housing units that are provided to qualify for a bonus shall be generally comparable in their average size and quality of construction to other housing units in the same structure, in the judgment of the Housing Director.

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 version.

Chart 23.49.012 A

Income Level.	Gross Square Feet of Housing	Cash Contribution*
Up to 30% of median income	0.01905335	$ 3.20
Up to 50% of median income	0.06058827	9.28
Up to 80% of median income	0.07614345	6.27
Total	0.15578507	18.75

* The Director of the Office of Housing may adjust the alternative cash contribution, no more frequently than annually, approximately in proportion to the change in the Consumer Price Index, All Urban Consumers, Seattle-Tacoma metropolitan area, All Items (1982 - 84 100), as determined by the U.S. Department of Labor, Bureau of Labor Statistics, or successor index, or any other cost index that such Director may deem appropriate. In the alternative, the Director of the Office of Housing may adjust the cash contribution amounts based, on changes to commercial and/or housing development costs estimated in such manner as the Director deems appropriate. Any such adjustment to the cash contribution amounts may be implemented through a rule-making process.

k. Housing units provided to qualify for a bonus, or produced with voluntary contributions made under this section, should comprise a range of unit sizes, including units suitable for families with children. The Housing Director is authorized to prescribe by rule minimum requirements for the range of unit sizes, by numbers of bedrooms, in housing provided to qualify for a bonus. The Housing Director shall take into account, in any such rule, estimated distributions of household sizes among low-income and low-moderate income households. The Housing Director is further authorized to adopt policies for distribution of unit sizes in housing projects funded by contributions received under this section.

2. Child Care.

a. For each square foot of bonus floor area allowed under this section, in addition to providing housing or an alternative cash contribution pursuant to subsection B1, the applicant shall provide fully improved child care facility space sufficient for 0.000127 of a child care slot, or a cash contribution to the City of Three Dollars and Twenty-five Cents ($3.25), to be administered by the Human Services Department. The Director of the Human Services Department may adjust the alternative cash contribution, no more frequently than annually, approximately in proportion to the change in the Consumer Price Index, All Urban Consumers, Seattle-Tacoma metropolitan area, All Items (1982-84 = 100), as determined by the U.S. Department of Labor, Bureau of Labor Statistics, or successor index, or any other cost index that such Director may deem appropriate. The minimum interior space in the child care facility for each child care slot is one hundred (100) net rentable square feet. Child care facility space shall be deemed provided only if the applicant causes the space to be newly constructed or newly placed in child care use after the submission of a permit application for the project intended to use the bonus floor area, except as provided in subsection B2b(6). If any contribution or subsidy in any form is made by any public entity to the acquisition, development, financing or improvement of any child care facility, then any portion of the space in such facility determined by the Director of the Human Services Department to be attributable to such contribution or subsidy shall not be considered as provided by any applicant other than that public entity.

b. Child care space shall be provided on the same lot as the project using the bonus floor area or on another lot in a downtown zone and shall be contained in a child care facility satisfying the following standards:

(1) The child care facility and accessory exterior space must be approved for licensing by the State of Washington Department of Social and Health Services.

(2) At least twenty (20) percent of the number of child care slots for which space is provided as a condition of bonus floor area must be reserved for, and affordable to, families with annual incomes at or below the federal department of Housing and Urban Development Low Income Standard for Section 8 Housing based on family size (or, if such standard shall no longer be published, a standard established by the Human Services Director based generally on eighty (80) percent of the median family income of the Metropolitan Statistical Area that includes Seattle, adjusted for family size). Child care slots shall be deemed to meet these conditions if they serve, and are limited to, (a) children receiving child care subsidy from the City of Seattle, King County or State Department of Social and Health Services, and/or (b) children whose families have annual incomes no higher than the above standard that are charged according to a sliding fee scale such that the fees paid by any family do not exceed the amount it would be charged, exclusive of subsidy, if the family were enrolled in the City of Seattle Child Care Subsidy Program.

(3) Child care space provided to satisfy bonus conditions shall be dedicated to child care use, consistent with the terms of this section, for twenty years. The dedication shall be established by a recorded covenant, running with the land, and enforceable by the City, signed by the owner of the lot where the child care facility is located and by the owner of the lot where the bonus floor area is used, if different from the lot of the child care facility. The child care facility shall be maintained in operation, with adequate staffing, at least eleven (11) hours per day, five (5) days per week, forty-eight (48) weeks per year.

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 or 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

(4) The minimum area of the child care facility shall be six thousand (6,000) square feet of net rentable floor area plus two thousand (2,000) square feet of exterior space suitable as recreation area accessory to the interior child care space and dedicated to such use during daytime hours on all days when the child care facility is in operation, or is required to be open. Exterior space for which a bonus is or has been allowed under any other section of this title or under former Title 24 shall not be eligible to satisfy the conditions of this section. The Director of the Human Services Department may approve exceptions to the minimum space requirement based on review of the management plan and an assessment of the economic feasibility of operating a smaller child care facility.

(5) Unless the applicant is the owner of the child care space and is a duly licensed and experienced child care provider approved by the Director of the Human Services Department, the applicant shall provide to the Director a signed agreement, acceptable to such Director, with a duly licensed child care provider, under which the child care provider agrees to operate the child care facility consistent with the terms of this section and of the recorded covenant, and to provide reports and documentation to the City to demonstrate such compliance. The agreement shall have an initial term of no less than three (3) years and shall require both parties to notify the Director of the Human Services Department at least ninety (90) days in advance of the its expiration, if not renewed, or any termination.

(6) One (1) child care facility may fulfill the conditions for a bonus for more than one (1) project if it includes sufficient space, and provides sufficient slots affordable to limited income families, to satisfy the conditions for each such project without any space or child care slot being counted toward the conditions for more than one (1) project. If the child care facility is located on the same lot as one of the projects using the bonus, then the owner of that lot shall be responsible for maintaining compliance with all the requirements applicable to the child care facility; otherwise responsibility for such requirements shall be allocated by agreement in such manner as the Director of the Human Services Department may approve. If a child care facility developed to qualify for bonus floor area by one applicant includes space exceeding the amount necessary for the bonus floor area used by that applicant, then to the extent that the voluntary agreement accepted by the Director of the Human Services Department from that applicant so provides, such excess space may be deemed provided by the applicant for a later project pursuant to a new voluntary agreement signed by both such applicants and by any other owner of the child care facility, and a modification of the recorded covenant, each in form and substance acceptable to such Director.

c. The Director of the Human Services Department shall review the design and proposed management plan for any child care facility proposed to qualify for bonus floor area to determine whether it will comply with the terms of this section. The allowance of bonus floor area is conditioned upon approval of the design and proposed management plan by the Director. The child care facility shall be constructed consistent with the design approved by such Director and shall be operated for the minimum twenty (20) year term consistent with the management plan approved by such Director, in each case with only such modifications as shall be approved by such Director. If the proposed management plan includes provisions for payment of rent or occupancy costs by the provider, the management plan must include a detailed operating budget, staffing ratios, and other information requested by the Director to assess whether the child care facility may be economically feasible and able to deliver quality services.

d. The Director of the Human Services Department is authorized to accept a voluntary agreement for the provision of a child care facility to satisfy bonus conditions and related agreements and instruments consistent with this section. The voluntary agreement may provide, in case a child care facility is not maintained in continuous operation consistent with this subsection B2 at any time within the minimum twenty (20) year period, for the City's right to receive payment of a prorated amount of the alternative cash contribution that then would be applicable to a new project seeking bonus floor area. Such Director may require security or evidence of adequate financial responsibility, or both, as a condition to acceptance of an agreement under this subsection.

C. Cash Option Payments. Cash payments under voluntary agreements for bonuses shall be made prior to issuance of any building permit after the first building permit for a project, and in any event before any permit for any construction activity other than excavation and shoring is issued, or if the bonus is for use of existing floor area, the cash payment shall be made prior to issuance of any permit or modification allowing for use of such space as chargeable floor area. Such payments shall be deposited in special accounts established solely to fund capital expenditures for the public benefit features for which the payments are made as set forth in this section. Housing units that are funded with cash contributions under this section shall be generally comparable in their average size and quality of construction to other housing units in the same structure, in the judgment of the Housing Director.

D. No Subsidies for Bonused Housing: Exception.

1. Intent. Housing provided through the bonus system is intended to mitigate a portion of the additional housing needs resulting from increased density, beyond those needs that would otherwise exist, which the City and other governmental and charitable entities attempt to meet through various subsidy programs. Allowing bonus floor area under the performance option for housing that uses such subsidy programs therefore could undermine the intent of this section.

2. Agreement Concerning Subsidies. The Director of the Office of Housing may require, as a condition of any bonus floor area for housing under the performance option, that the owner of the lot upon which the housing is located agree not to seek or accept any subsidies, including without limitation those items referred to in subsection D3 of this section, related to the housing, except for any subsi-

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. For current SMC, contact the Office of the City Clerk

dies that may be allowed by the Director of the Office of Housing under that subsection. The Director may require that such agreement provide for the payment to the City, for deposit in the Downtown Housing Bonus Account, of the value of any subsidies received in excess of any amounts allowed by such agreement.

3. No Bonus for Subsidized or Restricted Housing. In general, no bonus may be earned by providing housing if:

a. Any person is receiving or will receive with respect to the housing any charitable contributions or public subsidies for housing development or operation, including, but not limited to, tax exempt bond financing, tax credits, federal loans or grants, City of Seattle housing loans or grants, county housing funds, State of Washington housing funds, or property tax exemptions or other special tax treatment; or

b. The housing is or would be, independent of the requirements for the bonus, subject to any restrictions on the use, occupancy or rents.

4. Exceptions by Rule. The Director of the Office of Housing may provide, by rule promulgated after the effective date of this ordinance, for terms and conditions on which exceptions to the restriction on subsidies in this subsection may be allowed. Such rule may provide that, as a condition to any exception, the Director of the Office of Housing shall increase the amount of housing floor area per bonus square foot, as set forth in subsection B1 of this section, to an amount that allows credit for only the Director's estimate of the incremental effect, in meeting the City's housing needs for the next fifty (50) years, of the net financial contribution that is being made by the applicant pursuant to the voluntary agreement and not funded or reimbursed, directly or indirectly, from any other source.

(Ord. 120443 §§ 7, 8, 2001.)

23.49.013 Bonus floor area for amenity features.

A. An applicant may achieve a portion of the chargeable floor area to be built over base FAR through bonuses for amenities, subject to the limits in this chapter. Amenities for which bonuses may be allowed are limited to:

1. Public open space amenity, including hillside terrace, urban plaza, parcel park, public atrium, green street improvement, green street setback;

2. Hillclimb assist, shopping corridor, or transit tunnel station access may be provided on sites shown as eligible for these respective bonuses on Map 1K;

3. Human services uses as follows:

a. Information and referral for support services;

b. Health clinics;

c. Mental health counseling services;

d. Substance abuse prevention and treatment services;

e. Consumer credit counseling;

f. Day care services for adults;

g. Jobs skills training services.

4. Public restrooms.

5. For a project in a DOC1 or DOC2 zone, restoration and preservation of Landmark performing arts theaters.

B. Standards for Amenity Features.

1. Location of Amenity Features. Amenity features must be located on the lot using the bonus, except as follows:

a. Green street improvements may be located within an abutting right-of-way subject to applicable Director's rules.

b. An open space feature, other than green street improvements, may be on a lot other than the lot using the bonus, provided that it is within a Downtown zone and all of the following conditions are satisfied:

(1) The open space must be open to the public without charge, must meet the standards of the Public Benefit Features Rule, and must be one of the open space features cited in subsection A1 of this section.

(2) The open space must be within one-quarter (¼) mile of the lot using the bonus.

(3) The open space must have a minimum contiguous area of five thousand (5,000) square feet.

(4) The owner of any lot on which offsite open space is provided to meet the requirements of this section shall execute and record an easement or other instrument in a form acceptable to the Director assuring compliance with the requirements of this section, including applicable conditions of the Public Benefit Features Rule.

c. Public restrooms shall be on a ground floor; shall satisfy all codes and accessibility standards; shall be open to the general public during hours that the structure is open to the public, although access may be monitored by a person located at the restroom facility; shall be maintained by the owner of the structure for the life of the structure that includes the bonused space; and shall be designated by signs sufficient so that they are readily located by pedestrians on an abutting street or public open space. The Director is authorized to establish standards for the design, construction, operation and maintenance of public restrooms qualifying for a bonus, consistent with the intent of this subsection to encourage the provision of accessible, clean, safe and environmentally sound facilities.

2. Options for Provision of Amenity Features.

a. Amenity features other than green street improvements must be provided by performance. The Director may accept a cash payment for green street improvements subject to the provisions of this section, the Public Benefit Features Rule and the Green Street Director's Rule, DR 11-93, if the Director determines that improvement of a green street abutting or in the vicinity of the lot within a reasonable time is feasible. The cash payment must be in an amount sufficient to improve fully one (1) square foot of green street space for each five (5) square feet of bonus floor area allowed for such payment.

b. Restoration and preservation of a Landmark performing arts theater may consist of financial assistance provided by the applicant for rehabilitation work on a Landmark performing arts theater, or for retirement of the cost of improvements made after February 5, 1993, if:

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.

(1) The assistance is provided pursuant to a linkage agreement between the applicant and the owner of the Landmark performing arts theater satisfactory to the Director, in which such owner agrees to use such financial assistance to complete such rehabilitation and agrees that the applicant is entitled. to all or a portion of the bonus floor area that may be allowed therefor;

(2) The owner of the Landmark performing arts theater executes and records covenants enforceable by the City, agreeing to maintain the structure and the performing arts theater use, consistent with the Public Benefits Features Rule; and

(3) Prior to the issuance of any building permit after the first building permit for the project using the bonus, and in any event before any permit for any construction activity other than excavation and shoring is issued for that project, unless the rehabilitation work has then been completed, the applicant posts security for completion of that work, consistent with the Public Benefits Features Rule.

3. Ratios and limits. Public benefit features may be used to gain floor area according to the applicable ratios, and subject to the limits, in Section 23.49.011 and in this section.

a. Bonuses for open space amenities smaller than five thousand (5,000) square feet each, including hillside terrace, urban plaza, parcel park, green street improvement, or public atrium, plus any bonuses for green street setbacks, shall not exceed in the aggregate one (1) FAR or fifteen (15) percent of the total chargeable floor area to be added above the base FAR, whichever is less.

b. Bonuses for open space amenities meeting the provisions of this chapter and the Public Benefit Features Rule and having an area of five thousand (5,000) square feet or greater shall not exceed in the aggregate twenty-five (25) percent of the total chargeable floor area to be added above the base FAR. The maximum bonusable area is fifteen thousand (15,000) square feet per open space amenity.

c. A hillclimb assist, shopping corridor or transit tunnel station access may be provided on sites shown on Map 1K to gain 0.5 FAR for each amenity, regardless of the area of such amenity provided. The total bonus used on any lot from each of such types of amenity shall not exceed 0.5 FAR.

d. Bonuses for human service use may be allowed at a ratio of seven (7) square feet of floor area granted per one (1) square foot (7:1) of human service feature up to a maximum bonusable human service amenity of ten thousand (10,000) square feet in area.

e. The bonus ratio for open space amenities other than green street setbacks is five (5) square feet of floor area granted per one (1) square foot (5:1) of open space feature. Green street setback may be allowed at a ratio of one (1) square foot of floor area granted per one (1) square foot (1:1) of open space feature.

f. The bonus ratio for restrooms shall be seven (7) square feet of floor area granted per one (1) square foot (7:1) of restroom.

g. Any bonus for restoration and preservation of a Landmark performing arts theater shall not exceed the sum of any amount allowed pursuant to Section 23.49.011 A2a, plus a maximum of one (1) FAR. Such bonus may be allowed at a variable ratio, as described in the Public Benefit Features Rule, of up to twelve (12) square feet of floor area granted per one (1) square foot (12:1) of performing arts theater space rehabilitated by the applicant, or previously rehabilitated so as to have a useful life at the time the bonus is allowed of no less than twenty (20) years, in each case consistent with any controls applicable to the Landmark performing arts theater and any certificates of approval issued by the Landmarks Preservation Board. For purposes of this subsection, performing arts theater space shall consist only of the following: stage; audience seating; theater lobby; backstage areas such as dressing and rehearsal space; the restrooms for audience, performers and staff; and areas reserved exclusively for theater storage. For any Landmark performing arts theater from which TDR has been or may be transferred, or that has received any public funding or subsidy for rehabilitation or improvements, the bonus ratio shall be limited, pursuant to a subsidy review, to the lowest ratio, as determined by the Housing Director, such that the benefits of the bonus, together with the value of any TDR and any public finding or subsidy, are no more than the amounts reasonably necessary to make economically feasible:

(1) The rehabilitation and preservation of the Landmark performing arts theater; and

(2) Any replacement by the owner of such theater of low-income housing or low-to-moderate income housing that is reasonably required to be eliminated from the lot of the Landmark performing arts theater to make rehabilitation, preservation and operation of the performing arts theater economically feasible.

4. Public Benefit Features Rule. Amenity features must satisfy the applicable provisions of the Public Benefit Features Rule in order to generate a bonus, except that the Director may allow departures from the provisions of the Public Benefit Features Rule if the applicant can demonstrate that the feature provides at least an equivalent public benefit and better achieves the intent of the feature as described in this chapter and the Public Benefit Features Rule.

5. Open Space Amenity Features. Open space amenity features must be newly constructed on a lot in a Downtown zone in compliance with the applicable provisions of this chapter and the Public Benefit Features Rule.

6. Declaration. When amenity features are to be provided on-site for purposes of obtaining bonus floor area, the owner shall execute and record a declaration in a form acceptable to the Director identifying the features and the fact that the right, to develop and occupy a portion of the gross floor area on the site is based upon the long-term provision and maintenance of those features.

(Ord. 120443 § 9, 2001.)

23.49.014 Transfer of development rights (TDR).

A. General standards.

For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
December 2020 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 online text.

1. The following types of TDR may be transferred to the extent permitted in Chart 23.49.014A, subject to the limits and conditions in this Chapter:

a. Housing TDR;

b. Landmark TDR; and

c. Open space TDR.

2. In addition to transfers permitted under subsection Al, TDR may be transferred from any lot to another lot on the same block, to the extent permitted in Chart 23.49.014 A, subject to the limits and conditions in this chapter.

3. Location of Sending and Receiving Lots. A lot's eligibility to be either a sending or receiving lot is regulated by Chart 23.49.014 A.

4. Except as expressly permitted pursuant to this chapter, development rights or potential floor area may not be transferred from one lot to another.

5. No permit after the first building permit, and in any event, no permit for any construction activity other than excavation and shoring or for occupancy of existing floor area by any use based upon TDR, will be issued for development that includes TDR until the applicant's possession of TDR is demonstrated according to rules promulgated by the Director to implement this section.

B. Standards for Sending Lots.

1. The maximum amount of floor area that may be transferred, except as open space TDR, from an eligible sending lot, except a sending lot in the PSM or IDM zones, is the amount by which the product of the eligible lot area times the base FAR of the sending lot, as provided in Section 23.49.011, exceeds the sum of any existing chargeable gross floor area on the sending lot plus any TDR previously transferred from the sending lot. The maximum amount of floor area that may be transferred from an eligible open space TDR site is the amount by which the product of the eligible lot area times the base FAR of the sending lot, as provided in Section 23.49.011, exceeds the sum of (a) any existing chargeable gross floor area that is built on or over the eligible lot area on the sending lot, plus (b) the amount, if any, by which the total of any other chargeable floor area on the sending lot exceeds the product of the base FAR of the sending lot, as provided in Section 23.49.011, multiplied by the difference between the total lot area and the eligible lot area, plus (c) any TDR previously transferred from the sending lot. The eligible lot area is the total area of the sending lot, reduced by the excess, if any, of the total of accessory surface parking over one-quarter (1/4) of the total area of the footprints of all structures on the sending lot; and for an open space TDR site, further reduced by any portion of the lot ineligible under Section 23.49.027.

2. When the sending lot is located in the PSM or IDM zones, the gross floor area that may be transferred is 6 FAR, minus the sum of any existing chargeable gross floor area and any floor area in residential use on the sending lot, and further reduced by any TDR previously transferred from the sending lot.

3. When TDR are transferred from a sending lot in a zone with a base FAR limit, the amount of chargeable gross floor area that may then be built on the sending lot shall be equal to the area of the lot multiplied by the applicable FAR limit set in Section 23.49.011, minus the total of:

a. The existing chargeable floor area on the lot; plus

b. The amount of gross floor area transferred from the lot.

4. When TDR are sent from a sending lot in a PSM zone, the combined maximum chargeable floor area and residential floor area that may then be built on the sending lot shall be equal to the total gross floor area that could have been built on the sending lot consistent with applicable development standards as determined by the Director had no TDR been transferred, less the sum of:

a. The existing chargeable floor area on the lot; plus

b. The amount of gross floor area that was transferred from the lot.

5. Gross floor area allowed above base FAR under any bonus provisions of this title or the former Title 24, or allowed under any exceptions or waivers of development standards, may not be transferred. TDR may be transferred from a lot that contains chargeable floor area exceeding the base FAR only to the extent, if any, that:

a. TDR were previously transferred to such lot in compliance with the Land Use Code provisions and applicable rules then in effect;

b. Those TDR, together with the base FAR under Section 23.49.011, exceed the chargeable floor area on the lot and any additional chargeable floor area for which any permit has been issued or for which any permit application is pending; and

c. The excess amount of TDR previously transferred to such lot would have been eligible for transfer from the original sending lot under the provisions of this section at the time of their original transfer from that lot.

6. Landmark structures on sending lots from which Landmark TDR are transferred shall be restored and maintained as required by the Landmarks Preservation Board, according to the procedures in the Public Benefit Features Rule.

7. Housing on lots from which housing TDR are transferred shall be restored to the extent required to provide decent, sanitary and habitable conditions, in compliance with applicable codes, and so as to have an estimated minimum useful life of at least fifty (50) years from the time of the TDR transfer, all as approved by the Director of the Office of Housing. If housing TDR are proposed to be transferred prior to the completion of work necessary to satisfy this subsection B7, the Director of the Office of Housing may require, as a condition to such transfer, that security be deposited with the City to ensure the completion of such work.

8. The housing units on a lot from which housing TDR are transferred, and that are committed to low-income housing or low-moderate income housing use as a condition to eligibility of the lot as a housing TDR site, shall be generally comparable in their average size and quality of construction to other housing units in the same structure, in the judgment of the Housing Director, after completion of

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.

any rehabilitation undertaken in order to qualify as a housing TDR site.

C. Limit on Variable Scale of Development TDR. Any receiving lot is limited to a gain of one (1) FAR or fifteen (15) percent of the floor area above the base FAR, whichever is less, from TDR from sending lots that are eligible to send TDR solely because they are on the same block as the receiving lot.

D. Transfer of Development Rights Deeds and Agreements.

1. The fee owners of the sending lot shall execute a deed with the written consent of all holders of encumbrances on the sending lot, unless (in the case of TDR from a housing TDR site) such consent is waived by the Director of the Office of Housing for good cause, which deed shall be recorded in the King County real property records. When TDR are conveyed to the owner of a receiving lot described in the deed, then unless otherwise expressly stated in the deed or any subsequent instrument conveying such lot or the TDR, the TDR shall pass with the receiving lot whether or not a structure using such TDR shall have been permitted or built prior to any conveyance of the receiving lot. Any subsequent conveyance of TDR previously conveyed to a receiving lot shall require the written consent of all parties holding any interest in or lien on the receiving lot from which the conveyance is made. If the TDR are transferred other than directly from the sending lot to the receiving lot using the TDR, then after the initial transfer, all subsequent transfers also shall be by deed, duly executed, acknowledged and recorded, each referring by King County recording number to the prior deed.

2. Any person may purchase any TDR that are eligible for transfer by complying with the applicable provisions of this section, whether or not the purchaser is then an applicant for a permit to develop downtown real property. Any purchaser of such TDR (including any successor or assignee) may use such TDR to obtain FAR above the applicable base on a receiving lot to the extent such use of TDR is permitted under the Land Use Code provisions in effect on the date of vesting, under applicable law, of such person's rights with respect to the issuance of permits for development of the project intended to use such TDR. The Director may require, as a condition of processing any permit application using TDR or for the release of any security posted in lieu of a deed for TDR to the receiving lot, that the owner of the receiving lot demonstrate that the TDR have been validly transferred of record to the receiving lot, and that such owner has recorded in the real estate records a notice of the filing of such permit application, stating that such TDR are not available for retransfer.

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.

Chart 23.49.014 A

	TDR Transferable within-block	Types of TDR transferable within or between blocks		
Zones*	Transfer from any lot within the same Downtown block	Housing TDR	Landmark TDR	Open Space TDR
DOC 1 and 2	S, R	S, R	S, R	S, R
DRC	S, R**	S, R**	S, R**	S, R**
DMC zones with a height of 85′ or greater	X	S, R	S, R	S, R
DMC 65′	X	S	S	S
DMR	X	S, R***	S, R***	S, R***
IDM, IDR and PSM	X	S	X	X

S = Eligible sending lot.
R = Eligible receiving lot.
X = Not permitted.
*Development rights may not be transferred to or from lots in the following zones: PMM; DH1 or DH2.
**Transfers to lots in the DRC zone are permitted only from lots that also are zoned DRC.
***Transfers to lots in the DMR zone are permitted only from lots that also are zoned DMR.

3. For transfers of housing TDR, the owner of the sending lot shall execute and record an agreement, with the written consent of all holders of encumbrances on the sending lot, unless such consent is waived by the Director of the Office of Housing for good cause, to provide for the maintenance of the required housing on the sending lot for a minimum of fifty (50) years. Such agreement shall commit to limits on rent and occupancy, consistent with the definition of housing TDR site and acceptable to the Director of the Office of Housing.

4. For transfers of Landmark TDR, the owner of the sending lot shall execute and record an agreement in form and content acceptable to the Landmarks Preservation Board providing for the restoration andmaintenance of the historically significant features of the structure or structures on the lot.

5. A deed conveying TDR may require or permit the return of the TDR to the sending lot under specified conditions, but notwithstanding any such provisions:

a. The transfer of TDR to a receiving lot shall remain effective so long as any portion of any structure for which a permit was issued based upon such transfer remains on the receiving lot; and

b. The City shall not be required to recognize any return of TDR unless it is demonstrated that all parties in the chain of title have executed, acknowledged and recorded instruments conveying any interest in the TDR back to the sending lot and any lienholders have released any liens thereon.

6. Any agreement governing the use or development of the sending lot shall provide that its covenants or conditions shall run with the land and shall be specifically enforceable by The City of Seattle.

E. TDR Sales Before Base FAR Increases and Changes in Exemptions. Transfers of TDR from any lot from which a TDR transfer was made prior to the effective date of the ordinance codified in this chapter are limited to the amount of TDR available from such lot immediately prior to such date.

F. Projects Developed Under Prior Code Provisions.

1. Any project that is developed pursuant to a master use permit issued under the provisions of this title as in effect prior to the effective date of the ordinance codified in this chapter, which permit provides for the use of TDR, may use TDR that were transferred from the sending lot consistent with such prior provisions prior to such effective date.

2. In addition or in the alternative, such a project may use TDR that are transferred from a sending lot after the effective date of the ordinance codified in this chapter.

3. The use of TDR by any such project must be consistent with the provisions of this title applicable to the project, including any limits on the range of FAR in which a type of TDR may be used, except that open space TDR may be used by such a project in lieu of any other TDR or any bonus, or both, allowable under such provisions.

G. TDR Satisfying Conditions to Transfer Under Prior Code. If the conditions to transfer Landmark TDR, as in effect immediately prior to the effective date of Ordinance 120443,[1] are satisfied on or before December 31, 2001, such TDR may be transferred from the sending lot in the amounts eligible for transfer as determined under the provisions of this title in effect immediately prior to the effective date of Ordinance 120443.[1] If the conditions to transfer of housing TDR or TDR from Major Performing Arts Facilities are satisfied prior to the effective date of Ordinance 120443[1] under the provisions of this title then in effect, such TDR may be transferred from the sending lot in the amounts eligible for transfer immediately prior to that effective date. For purposes of this subsection, conditions to transfer include, without limitations, the execution by the owner of the sending lot, and recording in the King County real property records, of any agreement required by the provisions of this title or the Public Benefit Features Rule in effect immediate-

For current SMC, contact the Office of the City Clerk

Seattle Municipal Code
December 2002 code update file
Text provided for historical reference only.
See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this code file.

ly prior to the effective date of Ordinance 120443,[1] but such conditions do not include any requirement for a master use permit application for a project intending to use TDR, or any action connected with a receiving lot. TDR transferable under this subsection G are eligible either for use consistent with the terms of Section 23.49.011 or for use by projects developed pursuant to permits issued under the provisions of this title in effect prior to the effective date of Ordinance 120443.[1] The use of TDR transferred under this subsection G on the receiving lot shall be subject only to those conditions and limits that apply for purposes of the master use permit decision for the project using the TDR.

H. Time of Determination of TDR Eligible for Transfer. Except as stated in subsection G, the eligibility of a sending lot to transfer TDR, and the amount transferable from a sending lot, shall be determined as of the date of transfer from the sending lot and shall not be affected by the date of any application, permit decision or other action for any project seeking to use such TDR.

I. Use of Previously Transferred TDR by New Projects. Any project using TDR according to applicable limits on types and amounts of TDR in Section 23.49.011 may use TDR that were transferred from the sending lot consistent with the provisions of this title in effect at the time of such transfer.

(Ord. 120443 §§ 11, 2001.)

1. Editor's Note: Ordinance 120443 was effective as of August 26, 2001.

23.49.015 Solid waste and recyclable materials storage space.

A. Storage space for solid waste and recyclable materials containers shall be provided for all new structures permitted in Downtown zones and expanded multifamily structures as indicated in the table below. For the purposes of this subsection, "expanded multifamily structure" means expansion of multifamily structures with ten (10) or more existing units by two (2) or more units.

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

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

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

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

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

1. 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;

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

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

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

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

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

a. Any proposed ramps to the storage space shall be of six (6) percent slope or less, and

b. Any proposed gates or access routes must be a minimum of six (6) feet wide; and

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

a. Direct access shall be provided from the alley or street to the containers,

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

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

E. The solid waste and recyclable materials storage space specifications required in subsections A, B, C, and D of this section above, in addition to the number and sizes of containers, shall be included on the plans submitted with the permit application.

F. The Director, in consultation with the Director of Seattle Public Utilities, shall have the discretion to modify the requirements of subsections A, B, C, and D of this section above under the following circumstances:

1. Then the applicant can demonstrate difficulty in meeting any of the requirements of subsections A, B, C, and D of this section; or

2. When the applicant proposes to expand a multifamily or mixed-use building, and the requirements of subsections A, B, C, and D of this section conflict with opportunities to increase residential densities and/or retain ground-level retail uses; and

3. When the applicant proposes alternative, workable measures that meet the intent of this section.

(Ord. 120117 § 30, 2000; Ord. 119836 § 4, 2000.)

For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code December 2002 code update file Text provided for historical reference only. See ordinances creating and amending sections for complete text, graphics, and tables. To confirm accuracy of this source file.

Chart 23.49.015 A

Structure Type	Structure Size	Minimum Area for Storage Space	Container Type
Multifamily*	7—15 units	75 square feet	Rear-loading
	16—25 units	100 square feet	Rear-loading
	26—50 units	150 square feet	Front-loading
	51—100 units	200 square feet	Front-loading
	More than 100 units	200 square feet plus 2 square feet for each additional unit	Front-loading
Commercial*	0—5,000 square feet	82 square feet	Rear-loading
	5,001—15,000 square feet	125 square feet	Rear-loading
	15,001—50,000 square feet	175 square feet	Front-loading
	50,001—100,000 square feet	225 square feet	Front-loading
	100,001—200,000 square feet	275 square feet	Front-loading
	200,001 plus square feet	500 square feet	Front-loading

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

23.49.016 Parking quantity requirements.

The regulations in this section shall not apply to Pike Market Mixed zones.

A. General Standards.

1. Long-term parking requirements shall be established for all new uses, except as provided in subsection A2. The long-term requirement shall be determined by the accessibility of the area to transit, according to Map IF.[1] Short-term parking shall also be required for offices and retail sales and service uses in all areas, except as provided in subsection A2.

2. Exceptions to the parking requirement shall be permitted as follows:

a. No parking shall be required for new uses to be located in existing structures, or when existing structures are remodeled.

b. No parking shall be required for residential uses.

c. No parking, either long-term or short-term, shall be required for the first thirty thousand (30,000) square feet of retail sales and service use on lots in areas with high transit access, as identified on Map IF. No parking, either long-term or short-term, shall be required for the first seven thousand five hundred (7,500) square feet of retail sales and service use on lots in other areas.

d. No parking shall be required for the first two thousand five hundred (2,500) square feet of any nonresidential use that is not a retail sales and service use.

e. No parking shall be required when an existing structure is expanded by up to two thousand five hundred (2,500) square feet or less, provided that this exemption may be used only once by any individual structure.

f. No parking shall be required for any gross floor area in human service or child care use.

g. In Pioneer Square Mixed zones, the Director of the Department of Neighborhoods, upon the recommendation of the Pioneer Square Preservation Board may waive or reduce required parking according to the provisions of Section 23.66.170, Parking and access.

h. In International District Mixed and International District Residential zones, the Director of the Department of Neighborhoods, upon the recommendation of the the International District Special Review District Board may waive or reduce required parking according to the provisions of Section 23.66.342, Parking and access.

In these zones, the parking requirements for restaurants, motion picture theaters, and other entertainment uses and places of public assembly shall be established pursuant to the requirements of Section 23.66.342, rather than the provisions of this section.

3. Location of Required Parking.

a. Required parking may be provided on the lot, and/or within eight hundred (800) feet of the lot on which the use is located, and/or within sixteen hundred (1,600) feet of the lot for lots in DH1 zones, provided that:

(1) The parking is located in a downtown zone in conformance with the accessory parking regulations for that zone; and

(2) When parking is provided on a lot other than the lot of the use for which it is required, the owner of the parking spaces shall be responsible for notifying the Director should the use of the lot for the required parking cease. In this event, the principal use must be discontinued, other parking meeting the requirements of this code must be provided within thirty (30) days, or a variance must be applied for within fourteen (14) days, and subsequently granted. A covenant between the owner of the parking spaces, the owner or operator of the principal use, and The City of Seattle stating the responsibilities of the parties shall be executed. This covenant and accompanying legal descriptions of the principal use lot and the lot upon which the spaces are to be located shall be recorded with the King County Department of Records and Elections and a copy with the recording number and parking layouts shall be

For current SMC, contact the Office of the City Clerk

Seattle Municipal Code December 2002 code update file Text provided for historical reference only. See ordinances creating and amending this section for complete text, graphics, and effective dates. Seattle Municipal Code is the official source.

submitted as part of any permit application for development requiring parking.

b. In lieu of providing required long-term parking, payment may be made to the Downtown Parking Fund, according to the provisions of subsection B4.

4. For the purposes of determining parking requirements, institutions shall be considered "other nonresidential" uses on Chart 23.49.016 A. The parking requirements for nonresidential public projects and City facilities shall be determined on a case-by-case basis.

B. Parking Requirements.

1. The long-term and short-term parking requirement for offices, retail sales and service uses, and other nonresidential uses shall be as established on Chart 23.49.016 A. The unrestricted long-term parking requirement for all uses except lodging uses may be reduced by providing additional carpool spaces, vanpools, or subsidized transit passes, according to subsection B3.

2. Carpool spaces provided to meet the requirements of subsection B1 shall either be:

a. Physically set aside and designated for exclusive carpool use between six (6:00) a.m. and nine-thirty (9:30) a.m., and shall not be leased to tenants for long-term parking, except as parking for carpools and vanpools. Required carpool spaces not used by carpool vehicles by nine-thirty (9:30) a.m. shall be used as public short-term parking with appropriate signage provided; or

b. Subsidized, provided that the subsidy shall be equal to at least thirty (30) percent of the monthly market rate charged the general public for a parking space. Subsidized spaces shall be provided at the rate that carpools are formed.

3. The following substitution rates shall be used to reduce the long-term parking requirement for all nonresidential uses, except lodging uses:

a. One (1) vanpool may be substituted for six (6) parking spaces. The unrestricted long-term parking requirement may be reduced not more than ten (10) percent for vanpool substitutions. If the proponent elects to use the vanpool option, the necessary number of vans meeting the standards of the Commuter Pool Division of Metro shall be acquired, or a surety instrument acceptable to the Director shall be posted; and, vanpools shall be organized for employees in the structure. Before a certificate of occupancy may be issued, details of the vanpool program shall be spelled out in a Memorandum of Agreement executed between the proponent, his or her transportation coordinator, the Director and the Seattle Rideshare office.

b. Each carpool space in excess of those required by subsection B1, which is physically reserved or subsidized according to the provisions of subsection B2, may be substituted for one and nine-tenths (1.9) parking spaces. No more than fifty (50) percent of the total number of long-term parking spaces provided shall be set aside or discounted for carpools.

c. A fifteen (15) percent reduction in the unrestricted long-term parking requirement may be achieved by providing free transit passes to all employees in the structure for at least five (5) years.

4. In lieu of providing long-term parking spaces on the lot or within eight hundred (800) feet of the lot, long-term spaces may be provided by a payment to the Downtown Parking Fund, if the Director determines that the parking impacts of the development can be met by other means. The Director's determination shall be based on any relevant factors including but not limited to the following:

a. Proximity of the site to public parking;

b. The level of transit service to the lot;

c. Proposals by the applicant to encourage building tenants to use alternatives to single-occupancy vehicles.

5. The following requirements shall apply to all structures containing more than ten thousand (10,000) square feet of nonresidential use:

a. A transportation coordinator position shall be established and maintained within the proposed structure to devise and implement alternative means for employee commuting. The coordinator shall be trained by the Seattle Rideshare office or by an alternative organization with ridesharing experience, and shall work with the Seattle Rideshare office, Metro Commuter Pool staff, building tenants, and other building lessors. The coordinator shall disseminate ridesharing information to building occupants to encourage use of public transit, carpools, vanpools and flextime; administer the in-house ridesharing program; and aid in evaluation and monitoring of the ridesharing program. The transportation coordinator in addition shall survey all employees once a year to determine commute mode percentages.

b. The Seattle Rideshare office, in conjunction with the transportation coordinator, shall monitor the effectiveness of the ridesharing/transit incentive program on a quarterly basis. The owner or operator of the structure shall grant a designated Seattle Rideshare office representative right of entry to the parking facility to periodically review operation of the carpool set aside program.

c. A transportation information center shall be provided and maintained, which has transit information displays including transit route maps and schedules and Seattle ridesharing program information. The transportation display shall be located in the lobby or other location highly visible to employees within the structure prior to issuance of a certificate of occupancy.

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.

Chart 23.49.016 A Parking Requirements
(Expressed in parking spaces per 1,000 square feet of gross floor area of the use)

LONG TERM PARKING REQUIREMENT

USE	Areas with High Transit Access[1]			Areas with Moderate Transit Access[1]			Short Term Parking Requirements in All Areas
	Unrestricted Long Term	Carpool	Total	Unrestricted Long Term	Carpool	Total	
Office	.54	.13	.67	.75	.19	.94	.1
Retail sales and service, except lodging	.32	.08	.40	.56	.14	.70	.5
Other nonresidential	.16	.04	.20	.16	.04	.20	None
Lodging	1 space per 4 rooms (all areas)						None

[1] According to Map 1F

For current SMC, contact the Office of the City Clerk

Seattle Municipal Code
December 2002 code update file
Text provided for historical reference only.
See ordinance creating and amending sections for complete text, graphics, and tables and to confirm accuracy of this computer file.

C. Maximum Parking Limit. Provision of more than one (1) long-term parking space per one thousand (1,000) square feet of nonresidential use may be permitted as a special exception pursuant to Chapter 23.76. When deciding whether to grant a special exception, the Director shall consider evidence of parking demand and alternative means of transportation, including but not limited to the following:

1. Whether the additional parking will substantially encourage the use of single occupancy vehicles;

2. Characteristics of the work force and employee hours, such as multiple shifts which end when transit service is not readily available;

3. Proximity of transit lines to the lot and headway times of those lines;

4. The need for a motor pool or large number of fleet vehicles at the site;

5. Proximity to existing long-term parking opportunities downtown which might eliminate the need for additional parking on the lot;

6. Whether the additional parking will adversely affect vehicular and pedestrian circulation in the area.

D. Bicycle Parking. Bicycle parking shall be required at the rate of one (1) bicycle space for every twenty (20) parking spaces provided in development requiring twenty (20) or more parking spaces.

E. Off-street Loading.

1. Off-street loading spaces shall be provided according to the standards of Section 23.54.030, Parking space standards.

2. In Pioneer Square Mixed zones, the Pioneer Square Preservation Board may waive or reduce required loading spaces according to the provisions of Section 23.66.170, Parking and access.

3. In International District Mixed and International District Residential zones, the International District Special Review District Board may waive or reduce required loading spaces according to the provisions of Section 23.66.342, Parking and access.

(Ord. 120443 § 12; Ord. 120117 § 31, 2000; Ord. 113279 § 2, 1987; Ord. 112519 § 5, 1985; Ord. 112303 § 3(part), 1985.)

1. Editor's Note: Map IF is codified at the end of this chapter.

23.49.017 Odor standards.

A. The venting of odors, fumes, vapors, smoke, cinders, dust, and gas shall be at least ten (10) feet above finished sidewalk grade, and directed away from residential uses within fifty (50) feet of the vent.

B. Major Odor Sources.

1. Uses which employ the following odor-emitting processes or activities shall be considered major odor sources:

Lithographic, rotogravure or flexographic printing;
Film burning;
Fiberglassing;
Selling of gasoline and/or storage of gasoline in tanks larger than two hundred sixty (260) gallons;
Handling of heated tars and asphalts;
Incinerating (commercial);
Metal plating;
Use of boilers (greater than 106 British thermal units per hour, ten thousand (10,000) pounds steam per hour, or thirty (30) boiler horsepower);
Other similar uses.

2. Uses which employ the following processes shall be considered major odor sources except when the entire activity is conducted as part of a retail sales and service use:

Cooking of grains;
Smoking of food or food products;
Fish or fishmeal processing;
Coffee or nut roasting;
Deep fat frying;
Dry cleaning;
Other similar uses.

C. Review of Major Odor Sources. When an application is made for a use which is determined to be a major odor source, the Director, in consultation with the Puget Sound Air Pollution Control Agency (PSAPCA) shall determine the appropriate measures to be taken by the applicant in order to significantly reduce potential odor emissions and airborne pollutants. The measures to be taken shall be specified on plans submitted to the Director, and may be required as conditions for the issuance of any permit. After a permit has been issued, any measures which were required by the permit shall be maintained.

(Ord. 120443 § 10, 2001; Ord. 112519 § 4, 1985; Ord. 112303 § 3(part), 1985.)

23.49.018 Standards for location of access to parking.

This section shall not apply to Pike Market Mixed, Pioneer Square Mixed, International District Mixed, and International District Residential zones.

A. Curbcut Location.

1. When a lot abuts more than one (1) right-of-way, the location of access shall be determined by the Director after consulting with the Director of Transportation. Except as provided in subsection A3, the location of access shall be determined by the classification of rights-of-way on Map IB1 and the ranking of the classification below, from most to least preferred:

a. Alley—if of sufficient width to accommodate anticipated uses;
b. Access street;
c. Class II pedestrian street—Minor arterial;
d. Class II pedestrian street—Principal arterial;
e. Class I pedestrian street—Minor arterial;
f. Class I pedestrian street—Principal arterial;
g. Principal transit street.

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 current file.

2. Curbcut controls on Green Streets shall be evaluated on a case-by-case basis, but generally access from Green Streets shall not be allowed.

3. The Director, after consulting with the Director of Transportation, shall also determine whether the location of the access will expedite the movement of vehicles, facilitate a smooth flow of traffic, avoid the on-street queuing of vehicles, enhance vehicular safety and pedestrian comfort, and will not create a hazard.

B. Curbcut Width and Number. Curbcut width and the number of curbcuts shall satisfy the provisions of Section 23.54.030, Parking space standards.

(Ord. 120611 § 11, 2001; Ord. 118409 § 183, 1996: Ord. 117432, § 35, 1994; Ord. 113279 § 3, 1987; Ord. 112303 § 3(part), 1985.)

1. Editor's Note: Map IB is codified at the end of this chapter.

23.49.019 Noise standards.

A. All food processing for human consumption, custom and craft work involving the use of mechanical equipment, and light manufacturing activities shall be conducted wholly within an enclosed structure.

B. The following uses or devices shall be considered major noise generators:

1. Light manufacturing uses;
2. Auto body, boat and aircraft repair shops; and
3. Other similar uses.

C. When a major noise generator is proposed, a report from an acoustical consultant shall be required to describe the measures to be taken by the applicant in order to meet noise standards for the area. Such measures may include, for example, the provision of buffers, reduction in hours of operation, relocation of mechanical equipment, increased setbacks, and use of specified construction techniques or building materials. Measures to be taken shall be specified on the plans. After a permit has been issued, any measures which are required by the permit to limit noise shall be maintained.

(Ord. 120443 § 7, 2001; Ord. 112519 § 3, 1985: Ord. 112303 § 3(part), 1985.)

23.49.020 Screening and landscaping of surface parking areas.

Screening and landscaping, as required by this section, shall be provided when surface parking areas are permitted.

A. Screening. Surface parking areas for more than five (5) vehicles shall be screened in accordance with the following requirements:

1. Screening shall be required along each street lot line.

2. Screening shall consist of a landscaped berm, or a view-obscuring fence or wall at least three (3) feet in height.

3. When a fence or wall is used for screening, there shall be a landscaped strip on the street side of the fence or wall, an average of three (3) feet from the property line, but at no point less than one and one-half (11/2) feet wide. Each landscaped strip shall be planted with sufficient shrubs, grass and/or evergreen groundcover in a manner that the entire strip, excluding driveways, will be covered in three (3) years.

4. Sight triangles shall be provided in accordance with Section 23.54.030, Parking space standards.

B. Landscaping. Surface parking areas, except temporary surface parking areas, for twenty (20) or more vehicles shall be landscaped according to the following requirements:

1. Amount of landscaped area required:

Total Number of Parking Spaces	Required Landscaped Area
25 to 50 spaces	18 square feet per parking space
51 to 99 spaces	25 square feet per parking space
100 or more spaces	35 square feet per parking space

2. The minimum size of a required landscaped area shall be one hundred (100) square feet. Berms provided to meet the screening standards in subsection A2 of this section may be counted as part of a landscaped area. No part of a landscaped area shall be less than four (4) feet in any dimension except those dimensions reduced by turning radii or angles of parking spaces.

3. No parking stall shall be more than sixty feet (60′) from a required landscaped area.

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

5. Each tree shall be at least three (3) feet from any curb of a landscaped area or edge of the parking area. Permanent curbs or structural barriers shall enclose landscaped areas.

6. Sufficient hardy evergreen groundcover shall be planted to cover each landscaped area completely within three (3) years. Trees shall be selected from Seattle Transportation's recommended list for parking area planting.

(Ord. 118409 § 184, 1996: Ord. 113279 § 4, 1987; Ord. 112303 § 3(part), 1985.)

23.49.021 Transportation concurrency level-of-service standards.

Proposed uses in downtown zones shall meet the transportation concurrency level-of-service standards prescribed in Chapter 23.52.

(Ord. 117383 § 7, 1994.)

23.49.022 Minimum sidewalk and alley width.

A. Except in PMM, PSM, IDM, and IDR zones, minimum sidewalk widths are established for certain streets by Map 1C.1 When a new structure is proposed on lots abutting these streets, sidewalks shall be widened, if necessary, to meet the minimum standard. The sidewalk may be wi-

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.

dened into the right-of-way if approved by the Director of Transportation.

B. A setback or dedication may be required in order to meet the provisions of Section 23.53.030, Alley improvements in all zones.

(Ord. 118409 § 185, 1996: Ord. 115326 § 19, 1990: Ord. 112303 § 3(part), 1985.)

1. Editor's Note: Map 1C is codified at the end of this chapter.

23.49.024 View corridor requirements.

A. Upper-level setbacks shall be required for the following view corridors, identified on Map ID:1

1. Broad, Clay, Vine, Wall, Battery and Bell Streets west of First Avenue; and

2. University, Seneca, Spring, Madison and Marion Streets west of Third Avenue.

B. Upper-level setbacks for view corridors listed in subsection A1 shall be provided as follows. (See Table for Section 23.49.024 B and Exhibits 23.49.024 A and 23.49.024 B.)

C. Upper-level setbacks for view corridors listed in subsection A2 shall be provided as follows. (See Table for Section 23.49.024 C and Exhibits 23.49.024 C and 23.49.024 D.)

(Ord. 113279 § 5, 1987; Ord. 112303 § 3(part), 1985.)

1. Editor's Note: Map ID is codified at the end of this chapter.

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 23.49.024 A
Elevation at Which View Corridor Setback is Required

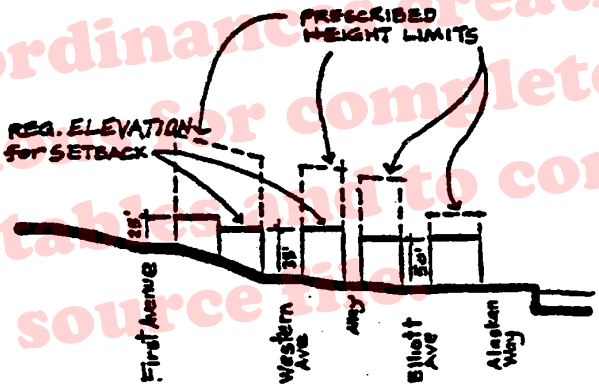


Exhibit 23.49.024 B
Setback Depth on View Corridors

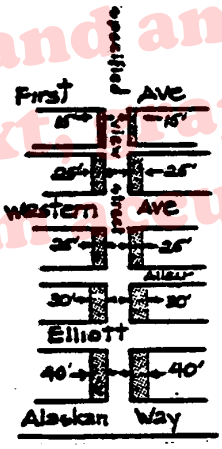


Table for Section 23.49.024 B

Location of the Lot	Maximum Elevation Above Avenue Sidewalk That Setback Can Occur	Minimum Distance of Setback From Street Property Lines
From First Avenue West to midpoint of the block	25 feet	15 feet
From the midpoint of the block between First and Western Avenues, west to the midpoint of the block between Western and Elliott Avenues	35 feet	25 feet
From the midpoint of the block between Western and Elliott Avenues west to Elliott Avenue	50 feet	30 feet
From Elliott Avenue west to Alaskan Way	50 feet	40 feet

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 ordinance creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this source file.

Exhibit 23.49.024 C
Elevation at Which View Corridor Setback is Required

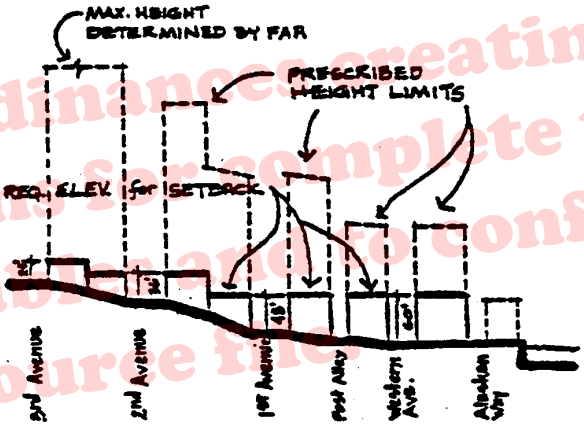


Exhibit 23.49.024 D
Setback Depth on View Corridors

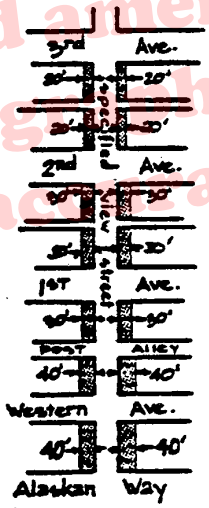


Table for Section 23.49.024 C

Location of the Lot	Maximum Elevation Above Avenue Sidewalk That Setback Can Occur	Minimum Distance of Setback From Street Property Lines
From Third Avenue west to the midpoint of the block between Second and Third Avenues	24 feet	20 feet
From the midpoint of the block between Second and Third Avenues west to Second Avenue	36 feet	20 feet
From Second Avenue west to the midpoint of the block between Second and First Avenues	36 feet	30 feet
From the midpoint of the block between Second and First Avenues west to Post Alley	48 feet	30 feet
From Post Alley to Alaskan Way	60 feet	40 feet

For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
December 2002 code update file
Text provided for historical reference only.
See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this copy of Seattle Code.
For current SMC, contact
the Office of the City Clerk

23.49.025 Street-level use requirements.

One or more of the uses listed in subsection A are required at street level on all lots abutting streets designated on Map 1H. Required street-level uses shall meet the standards of this section.

A. Types of Uses. The following uses qualify as required street-level uses:

1. Retail sales and services, except lodging;
2. Human service uses and child care centers;
3. Customer service offices;
4. Entertainment uses;
5. Museums and libraries; and
6. Public atriums.

B. General Standards.

1 A minimum of seventy-five (75) percent of each street frontage at street-level where street level uses are required must be occupied by uses listed in subsection A. The remaining twenty-five (25) percent of the street frontage at street level may contain other permitted uses and/or pedestrian or vehicular entrances. The frontage of any exterior public open space that qualifies for a floor area bonus, whether it receives a bonus or not, any eligible lot area of an open space TDR site, and any outdoor common recreation area required for residential uses, shall not be counted in street frontage.

2. In the DRC zone, no more than twenty (20) percent of the total street frontage of the lot may be occupied by human service uses, child care centers, customer service offices, entertainment uses or museums.

3. Required street-level uses shall be located within ten (10) feet of the street property line or shall abut a bonused public open space. When sidewalk widening is required by Section 23.49.022, the ten (10) feet shall be measured from the line established by the new sidewalk width.

4. Except for child care centers, pedestrian access to required street-level uses shall be provided directly from the street or a bonused public open space. Pedestrian entrances shall be located no more than three (3) feet above or below sidewalk grade or shall be at the same elevation as the abutting public open space.

5. Overhead weather protection. The entire length of facade where street-level uses are required must include overhead weather protection at street level meeting the following standards:

a. Overhead weather protection must have a minimum dimension of six (6) feet measured horizontally from the building wall or must extend to a line two (2) feet from the curb line, whichever is less;

b. A minimum of one-half (1/2) of the overhead weather protection, for the entire length of facade where protection is required, must be over the public right-of-way or a widened sidewalk on private property;

c. The applicant will not install any obstructions in the sidewalk area as part of the structure of the overhead weather protection;

d. The lower edge of the overhead weather protection must be a minimum of eight (8) feet and a maximum of twelve (12) feet above the sidewalk for projections of up to six (6) feet measured horizontally from the facade and a minimum of ten (10) feet and a maximum of fifteen (15) feet for projections greater than six (6) feet measured horizontally from the façade;

e. Overhead weather protection must be continuous where feasible.

(Ord. 120443 § 13, 2001.)

23.49.026 General requirements for residential uses.

A. Reserved.

B. Common Recreation Area. Common recreation area is required in all new structures containing more than twenty (20) dwelling units. Required common recreation area shall meet the following standards:

1. An area equivalent to five (5) percent of the total gross floor area in residential use, excluding an amount of floor area equal to any credit floor area obtained as part of the TDC Program, SMC Section 23.49.041, shall be provided as common recreation area. The common recreation area shall be available to all residents and may be provided at or above ground level.

2. A maximum of fifty (50) percent of the common recreation area may be enclosed.

3. The minimum horizontal dimension for required common recreation areas shall be fifteen (15) feet, and no required common recreation area shall be less than two hundred twenty-five (225) square feet.

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

5. In PSM zones, the Director of the Department of Neighborhoods, on recommendation of the Pioneer Square Preservation Board, may waive the requirement for common recreation area, pursuant to the criteria of Section 23.66.155, Waiver of common recreation area requirements.

6. In IDM and IDR zones, the Director of the Department of Neighborhoods, on recommendation of the International District Special Review District Board, may waive the requirement for common recreation area, pursuant to the criteria of Section 23.66.155, Waiver of common recreation area requirements.

7. For lots abutting designated green streets or located anywhere within the Denny Triangle Urban Village, as shown on Map 23.49.041 A, up to fifty (50) percent of the common recreation area requirement may be met through participation in the development of the green street.

8. For projects as described in subsections B8a and B8b below that participate in the TDC Program pursuant to SMC Section 23.49.041, the total amount of required common recreation area shall not exceed:

Seattle Municipal Code
December 2002 code update file
Text provided for historic reference only.
See ordinances creating or 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

a. Fifty (50) percent of the lot area, for development with only residential use; or

b. Thirty-five (35) percent of the lot area, for mixed-use development with at least twenty (20) residential units and eighty-five thousand (85,000) square feet of non-residential floor area, excluding area used for parking.

C. Assisted Living Facilities Use and Development Standards.

1. Assisted living facilities shall be subject to the development standards of the zone in which they are located except as provided below:

a. Density. Density limits do not apply to assisted living facilities; and

b. Open Space and Common Recreation Area. Open space and common recreation area requirements do not apply to assisted living facilities.

2. Other Requirements.

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

b. Facility Kitchen. There shall be provided a kitchen on-site which services the entire assisted living facility.

c. 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:

(1) 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;

(2) 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

(3) A minimum of four hundred (400) square feet of the required communal area shall be provided outdoors, with no dimensions 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. 120443 § 14, 2001; Ord. 119728 § 3, 1999; Ord. 119238 § 6, 1998; Ord. 117202 § 8, 1994; Ord. 112303 § 3(part), 1985.)

23.49.027 Open-space TDR site eligibility.

A. Intent. The intent of open-space TDR is to provide opportunities for establishing a variety of usable public open space generally distributed to serve all areas of downtown.

B. Application and Approval. The owner of a lot shall apply to the Director for approval of the lot as a sending lot for open space TDR. The application shall include a design in such detail as the Director shall require and a maintenance plan. The Director shall review the application pursuant to the provisions of this section, and shall approve, disapprove or conditionally approve the application. Conditions may include, without limitation, assurance of funding for long-term maintenance and dates when approvals shall expire if the open space is not developed.

C. Area Eligible for Transfer. For purposes of calculating the amount of TDR transferable under Section 23.49.014, Transfer of Development Rights (TDR), eligible area does not include any portion of the lot occupied above grade by a structure or use unless the structure or use is accessory to the open space.

D. Basic requirements. In order to qualify as a sending lot for open space TDR, the lot must include open space that satisfies the basic requirements of this subsection, unless an exception is granted by the Director pursuant to Section 23.49.039. A sending lot for open space TDR must:

1. Include a minimum area as follows:

a. Contiguous open space with a minimum area of fifteen thousand (15,000) square feet; or

b. A network of adjacent open spaces, which may be separated by a street right-of-way, that are physically and visually connected with a minimum area of thirty thousand (30,000) square feet;

2. Be directly accessible from the sidewalk or another public open space, including access for persons with disabilities;

3. Be at ground level, except that in order to provide level open spaces on steep lots, some separation of multiple levels may be allowed, provided they are physically and visually connected;

4. Not have more than twenty (20) percent of the lot area occupied by any above grade structures; and

5. Be located a minimum of one quarter (¼) mile from the closest lot approved by the Director as a separate open space TDR sending lot.

E. Open Space Guidelines. The Director shall consider the following guidelines, and may disapprove or condition an application based on one or more of them. If the Director determines that the design for the open space will substantially satisfy the intent of the guidelines as a whole, the Director need not require that every guideline be satisfied as a condition to approval. Open space should be designed to:

1. Be well integrated with downtown's pedestrian and transit network;

2. Be oriented to promote access to sun and views and protection from wind, taking into account potential development on adjacent lots built to the maximum limits zoning allows;

3. Enhance user safety and security and ease of maintenance;

Seattle Municipal Code
December 2002 code update file
Text provided for historical reference only.
See ordinances creating and amending sections for complete text, graphics, and tables. Contact the Office of the City Clerk for current SMC.

4. Be highly visible because of the relation to the street grid, topographic conditions, surrounding development pattern, or other factors, thereby enhancing public access and identification of the space as a significant component of the urban landscape;

5. Incorporate various features, such as seating and access to food service, that are appropriate to the type of area and that will enhance public use of the area as provided by the guidelines for an urban plaza in the Public Benefit Features Rule;

6. Provide such ingress and egress as will make the areas easily accessible to the general public along street perimeters;

7. Be aesthetically pleasing space that is well integrated with the surrounding area through landscaping and special elements, which should establish an identity for the space while providing for the comfort of those using it;

8. Increase activity and comfort while maintaining the overall open character of public outdoor space; and

9. Include artwork as an integral part of the design of the public space.

F. Public Access.

1. Recorded Documents. The open space must be subject to a recorded easement, or other instrument acceptable to the Director, to limit any future development on the lot and to ensure general public access and the preservation and maintenance of the open space, unless such requirement is waived by the Director for open space in public ownership.

2. Hours of Operation. The open space must be open to the general public without charge for a reasonable and predictable hours, such as those for a public park, for a minimum of six (6) hours each day of every week.

3. Plaque Requirement. A plaque indicating the nature of the site and its availability for general public access must be placed in a visible location at the entrances to the site. The text on the plaque is subject to the approval of the Director.

G. Maintenance. The property owner and/or another responsible party who shall have assumed obligations for maintenance on terms approved by the Director, shall maintain all elements of the site, including but not limited to landscaping, parking, seating and lighting, in a safe and clean condition as provided for in a maintenance plan to be approved by the Director.

(Ord. 120443 § 15, 2001.)

23.49.032 Additions of gross floor area to lots with existing structures.

A. When development is proposed on a lot that will retain existing structures containing chargeable floor area in excess of the applicable base FAR, additional chargeable floor area may be added to the lot up to the maximum permitted FAR, by qualifying for bonuses or using TDR, or both, subject to the general rules for FAR and use of bonuses and TDR, SMC Sections 23.49.011 through 23.49.014. Solely for the purpose of determining the amounts and types of bonus and TDR that may be used to achieve the proposed increase in chargeable floor area, the legally established continuing chargeable floor area of the existing structures on the lot shall be considered as thebase FAR.

B. When mechanical equipment or parking that was exempted from floor area calculation under the provisions of Title 24 is proposed to be changed to uses that are not exempt from floor area calculations under this chapter, and the chargeable floor area on the lot exceeds the base FAR for the zone in which it is located, the gross floor area proposed to be changed shall be achieved through qualifying for bonuses or transfer of development rights, according to the provisions of Sections 23.49.011 through 23.49.014 as applicable to the zone in which the structure is located.

C. When subsection A or B applies, any existing public benefit features for which increased floor area was granted under Title 24 shall, to the extent possible in the opinion of the Director, satisfy the requirements of Section 23.49.034, Modification of plazas and other features bonused under Title 24.

(Ord. 120443 § 16, 2001: Ord. 112303 § 3(part), 1985.)

23.49.034 Modification of plazas and other features bonused under Title 24.

A. The modification of plazas, shopping plazas, arcades, shopping arcades, and voluntary building setbacks which resulted in any increase in gross floor area under Title 24 of the Seattle Municipal Code, shall be encouraged in any Downtown zone if the change makes the plaza, arcade or setback more closely conform to the requirements of this chapter. The Director shall review proposed modifications to determine whether they provide greater public benefits and are consistent with the intent of the Public Benefit Features Rule, as specified in this section. The procedure for approval of proposed modifications shall be as provided in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

B. Except as provided in subsections E2 and E3, no modification to a plaza or other feature listed in subsection A may be made under this section if it will increase the total floor area ratio (FAR) of the structure. Except as permitted in subsections E2 and E3, no reduction in the area of the bonused feature may be made for any uses, except retail sales and services, human service uses, or day care centers, unless the loss of area is offset by the conversion of existing floor area in the structure to uses exempt from FAR calculation in the zone.

C. Plazas and Shopping Plazas. Modifications to plazas and shopping plazas for which increased gross floor area was granted under Title 24 shall be permitted, based on the classification of the plaza on Map 1E.1

1. Type I Plazas. Type I plazas shall continue to function as major downtown open spaces. Modification of these plazas and/or reductions in plaza size shall be permitted if the Director finds that the modified or remaining plaza

Seattle Municipal Code
December 2002 code update file
Text provided for historic reference only.
See ordinances creating the chapter and sections for complete text, graphics, and effective dates. Contact the City Clerk to confirm accuracy of this source file.

is consistent with the intent of the Public Benefit Features Rule for urban plazas and parcel parks.

2. Type II Plazas. Type II plazas do not function as major downtown open spaces, but they shall continue to provide open space for the public. Modification of these plazas and/or reductions in plaza size shall be permitted if the Director finds that the modified or remaining plaza is consistent with the intent of the Public Benefit Features Rule2 for urban plazas, parcel parks, hillside terraces, and rooftop gardens.

D. Shopping Arcades.

1. Exterior Shopping Arcades. When street level uses are eligible for a floor area bonus in a zone in which an existing exterior shopping arcade is located, the existing shopping arcade or a portion of the existing shopping arcade may be converted to retail sales and service uses if the conversion will result in greater conformity with the street facade development standards of the zone, and if the minimum sidewalk widths established by Section 23.49.022 are met. No bonuses shall be given for any retail space created by conversion of a shopping arcade. New retail sales and service uses shall comply with the Public Benefit Features Rule for retail shopping bonuses.

2. Interior Shopping Arcades. Portions of existing interior shopping arcades may be modified and/or reduced in size, so long as any pathway which connects streets or other public open spaces is maintained at a width of at least fifteen (15) feet and it continues to allow comfortable and convenient pedestrian movement. The visual interest and the sense of space and light in the shopping arcade shall be also maintained and enhanced if possible. The Public Benefit Feature Rule for shopping atrium and shopping corridor bonuses shall be used as a guideline in the review of proposed changes.

E. Arcades. The Director shall use the following standards to determine whether an arcade may be filled in, and to determine the uses that may be permitted in a former arcade.

1. Arcades that provide essential pedestrian connections, such as a connection to a bonused public open space or access to public parks, shall not be filled in.

2. Arcades that do not provide essential pedestrian connections may be filled in. In downtown areas where bonuses may be granted for shopping atriums and shopping corridors, an arcade may be filled in only with uses which qualify for a retail shopping bonus. In other areas, when the total floor area of the structure does not exceed the maximum permitted FAR, the arcade may be filled in with uses which qualify as required street-level uses except that arcades along alleys may be filled in with any permitted use. If the structure exceeds the maximum permitted FAR, arcades may only be filled in with uses which qualify for a retail shopping bonus.

3. If an arcade is filled in with a use which does not qualify for a retail shopping bonus pursuant to subsection E2, new public benefit features shall be required for any additional floor area.

4. Overhead weather protection shall be provided when an arcade on a street or public open space is filled in. No additional floor area shall be granted for the required overhead weather protection.

F. Voluntary Building Setbacks. Voluntary building setbacks may be filled in to provide retail sales and service uses, provided that the conversion maintains the minimum required sidewalk width established in Section 23.49.022, and will result in greater conformity with the standards for required street-level uses, if any, and street facade development standards for the zone.

(Ord. 112522 § 12(part), 1985; Ord. 112303 § 3(part), 1985.)

1. Editor's Note: Map IE is codified at the end of this chapter.
2. Editor's Note: The Downtown Public Benefit Features Rule is a Department of Construction and Land Use Director's Rule. It is available at the DCLU public information counter.

23.49.035 Replacement of public benefit features.

A. All public benefit features, except (1) housing and (2) landmark performing arts theaters, shall remain for the life of the structure that includes the additional gross floor area. With the foregoing exceptions, a public benefit feature may be diminished or discontinued only if the additional gross floor area permitted in return for the specific feature is permanently removed; or if the public feature is replaced by another approved public benefit feature of at least equivalent floor area value, or by buying out the equivalent floor area value of the benefit feature according to the requirements of the Public Benefit Features Rule.

B. The terms under which use as low income housing or as a landmark performing arts theater may be discontinued or diminished and the sanctions for failure to continue such use shall be governed by the agreements and instruments executed by the owners of the properties on which such housing and theaters are located, as required by applicable provisions of the Land Use Code and the Public Benefit Features Rule, and any such change in use shall not affect any other structure for which additional FAR was granted in return for the provision of such public benefit features.

C. In addition to the provisions of subsection A, this subsection shall apply in Downtown zones when additional gross floor area is granted for any of the following public benefit features: Human service uses, child care centers, retail shopping, cinemas, performing arts theaters other than landmark performing arts theaters, major retail stores, and museums.

1. In the event that the occupant or operator of one (1) of the public benefit features listed in this subsection moves out of a structure, the owner or owner's agent is responsible for notifying the Director within five (5) days of the date that notice of intent to move is given or that the occupant or operator moves out, whichever is earlier.

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 for current SMC, contact
the Office of the City Clerk

2. Starting from the fifth day after notice is given or that the occupant or operator moves out, whichever is first, the owner or owner's agent shall have a maximum of six (6) months to replace the use with another one which meets the provisions of this Code and the Public Benefit Features Rule.

3. When the public benefit feature is replaced, any portion of the gross floor area formerly occupied by that feature and not reoccupied by a replacement feature, may be either:

a. Changed to other uses which are exempt from FAR calculations in the zone in which the structure is located; or

b. Changed to uses which are not exempt from FAR calculations, provided that this would not cause the structure to exceed the maximum FAR limit for the zone in which it is located, and that gross floor area in an amount equivalent to the gross floor area proposed to be changed shall be achieved through provision of public benefit features, or transfer of development rights, according to the provisions of the zone in which the structure is located.

4. During the time that the space is vacant, it shall be made available to nonprofit community and charitable organizations for events at no charge.

(Ord. 119484 § 8, 1999; Ord. 117263 § 33, 1994; Ord. 116513 § 2, 1993: Ord. 112303 § 3(part), 1985.)

23.49.036 Planned community developments (PCDs).

A. Authority. Planned community developments may be permitted by the Council pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

B. Development Guidelines. When a PCD is proposed by other than a City agency, the Director shall review and approve development guidelines for the PCD. These guidelines shall be approved prior to preparation of the detailed development program. They shall include public and private development objectives and promote City plans and policies for the area affected by the PCD.

C. Location. Planned Community Developments may be permitted in the following Downtown zones:

1. Downtown Office Core 2
Downtown Retail Core
Downtown Mixed Commercial
Downtown Mixed Residential
International District Mixed
International District Residential
Pioneer Square Mixed
Downtown Harborfront 2.

2. A portion of a PCD may be located in DOC1 zones, provided that the portion located in a DOC1 zone shall be less than fifty percent (50%) of the total area of the PCD, and shall not exceed a maximum size of forty-five thousand (45,000) square feet.

3. A portion of a PCD may extend into any zone(s) adjacent to a downtown zone subject to the following conditions:

a. The adjacent zone(s) regulates the density of use by floor area ratio; and

b. The portion of a PCD project located in an adjacent zone shall not be separated from downtown by the Interstate 5 Freeway right-of-way; and

c. The portion of a PCD project located in a zone adjacent to downtown shall be not more than twenty percent (20%) of the total area of the PCD within the downtown boundary.

D. Minimum Size. The minimum area for a PCD shall be one hundred thousand (100,000) square feet, all of which shall be located within a downtown zone according to subsections C1 and C2 of this section. The total area of a PCD shall be contiguous. The area of any public right-of-way, or public right-of-way vacated less than five (5) years prior to the date of application for the PCD, within or abutting a proposed PCD, shall not be included in minimum area calculations, nor shall they be considered a break in contiguity.

E. Evaluation of PCDs. A proposed PCD shall be evaluated on the basis of public benefits provided, possible impacts of the project, and consistency with the standards contained in this subsection.

1. Public Benefits. A proposed PCD shall provide one (1) or more of the following elements: housing, low-income housing, services, employment, increased public revenue, strengthening of neighborhood character, improvements in pedestrian circulation or urban form, and/or other elements which further an adopted City policy and provide a demonstrable public benefit.

2. Potential Impacts. The potential impacts of a proposed PCD shall be evaluated, including, but not necessarily limited to, the impacts on housing, particularly low-income housing, transportation systems, parking, energy, and public services, as well as environmental factors such as noise, air, light, glare, and water quality.

3. The proposed PCD shall be reviewed for compatibility with areas adjacent to Downtown which could be affected by the PCD.

4. When the proposed PCD is located in the Pioneer Square Preservation District or International District Special Review District, the Board of the District(s) in which the PCD is located shall review the proposal and make a recommendation to the Department of Neighborhoods Director who shall make a recommendation to the Director prior to the Director's recommendation to the Council on the PCD.

F. Public Benefit Features in PCDs. Any public benefit feature eligible for a bonus in any downtown zone may be considered as part of a PCD in any Downtown zone where PCDs are permitted. The maximum area eligible for a bonus and the review criteria for public benefit features may be varied. The square footage of such public benefit features shall be exempt from FAR calculations. In those zones

Seattle Municipal Code
December code update file
Text provided for historic reference only.
See ordinances creating or amending sections for complete text, graphics, and tables and to confirm accuracy of this source file.

where an increase in floor area ratio is permitted through provision of public benefit features, and a bonus value has not been established for a public benefit feature, the value shall be the same as the value of the feature in the nearest zone for which a value is established.

G. Exceptions to Standards.

1. Portions of a project within downtown may exceed the floor area ratio permitted in the zone or zones in which the PCD is located, but the floor area ratio of the PCD as a whole shall meet the requirements of the zone or zones in which it is located. Floor area may be transferred from a portion of a PCD in a non-downtown zone to a portion of a PCD in a downtown zone. When floor area from a portion of a PCD in a non-downtown zone is transferred to a lot in a downtown zone within the PCD project's boundary, the amount of floor area which may be transferred shall be calculated based upon the FAR and lot area of the portion of the PCD in the non-downtown zone. However, the FAR used shall not exceed the base FAR of the portion of the PCD in the downtown zone to which the floor area is being transferred.

2. Except as provided in subsection G3 of this section, any requirements of this chapter may be varied through the PCD process.

3. Exceptions to the following provisions shall not be permitted through the PCD process:

a. The following provisions of Subchapter I, General Standards:

(1) he maximum height permitted for any use in the zone,

(2) Light and glare standards,

(3) Noise standards,

(4) Odor standards,

(5) Minimum sidewalk widths,

(6) View corridor requirements,

(7) Nonconforming uses,

(8) Nonconforming structures, when the nonconformity is to one (1) of the standards listed in this subsection;

b. Use provisions except for provisions for principal and accessory parking;

c. Transfer of development rights regulations;

d. Bonus values assigned to public benefit features;

e. Development standards of adjacent zones in which a PCD may be partially located according to subsection C3 of this section.

H. For the purposes of calculating the overall density allowed for a PCD, a floor area ratio of four and one-half (4½) shall apply to that portion of a PCD which is located in an adjacent commercial zone, pursuant to subsection C3 of this section and on which no development subject to FAR is proposed.

(Ord. 120691 § 13, 2001; Ord. 119484 § 9, 1999; Ord. 117570 § 15, 1995; Ord. 116744 § 9, 1993; Ord. 114725 § 2, 1989; Ord. 113373 § 1, 1987; Ord. 113279 § 6, 1987; Ord. 112522 §§ 12(part) and 21(part), 1985; Ord. 112519 § 7, 1985; Ord. 112303 § 3(part), 1985.)

23.49.037 Public parks and planned community developments in Downtown Office Core 1.

A. Authority. Planned community developments (PCDs) which provide a public park in DOC 1 may be permitted in DOC 1 as provided herein

B. Review Process.

1. Review Generally. Approval of a PCD is a "Type IV" land use decision pursuant to Chapter 23.76. Approval of a PCD authorized by this section shall be governed by the procedures for such approval prescribed by Chapter 23.76 and by this section. In the event of a conflict between those procedures, the provisions of this section shall prevail. In addition to the fee prescribed by SMC Chapter 22.901E, a person submitting a notice of intent to apply for approval of a PCD shall pay the direct costs for all work required pursuant to paragraphs 2 and 3 of this subsection, including review by the Department of Parks and Recreation.

2. Beginning Review. A person intending to apply for approval of a PCD begins the review process by submitting a notice of intent to apply to the Director. The notice shall be on a form prescribed by the Director and shall include at least the following information:

a. The location of the proposed PCD;

b. A general description of the proposed PCD, including the proposed uses and the number, height, square footage, footprint and configuration of buildings;

c. A general description of the proposed park, including location within the PCD site, access, topography, possible improvements, and relationship to the remainder of the PCD.

When a complete notice of intent to apply has been received by the Director, the Director shall send a copy of the notice to the Superintendent of the Seattle Department of Parks and Recreation, who shall then initiate the park planning process described below.

3. Initial Park Planning.

a. The Parks Superintendent shall begin a park planning process by soliciting information and opinions from the public regarding a park to be provided with the PCD. Park alternatives are not limited to the park described in the notice of intent to apply. The Parks Superintendent shall hold a public hearing to solicit public comment or proposals. The Parks Superintendent and the Director shall appoint a Citizen's Project Review committee to advise the Superintendent, Director and City Council regarding the proposed park and PCD, particularly in regard to the design of the park and the PCD.

b. The result of the initial park planning process shall be a report which identifies preliminary goals and design objectives for the park, identifies a preferred location for the park on the PCD site, and contains general standards

For current SMC, contact the Office of the City Clerk

Seattle Municipal Code
December 2009 code update file
Text provided for historical reference only.
See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this current file.

for park improvements and development. The report shall be submitted by the Director to the potential PCD applicant within one hundred eighty (180) days of the date the Parks Superintendent receives the notice of intent to apply.

c. The purpose of the report is to give the potential project applicant guidance regarding the kind of park which the City may require. The report does not require the applicant to propose the park which is described in the report, and it does not restrict the City's decisions about the park as the PCD review process proceeds.

4. Development Guidelines and Project Review. The Director, in consultation with the Superintendent and the Citizen's Project Review Committee, shall establish development guidelines for the PCD and the public park. The guidelines shall be approved by the Director within one hundred fifty (150) days from the date the report described in subsection B3b is received by the Director. The guidelines shall include recommendations regarding the location of buildings on the site, the footprint of buildings, design compatibility between the park and the PCD, and maintenance and liability for the park and improvements. The guidelines shall also include an estimate of the cost of providing the park which is described in the guidelines.

5. PCD Application. Following approval of development guidelines by the Director, the applicant may submit an application for PCD approval to the Director. The application shall be on a form prescribed by the Director.

6. Director's Report, Hearing Examiner Recommendation, and Council Action. The Director, Hearing Examiner and Council shall review and act upon the PCD application as provided for Type IV Council land use decisions in Chapter 23.76.

7. Review Criteria.

a. The PCD shall have a minimum area of fifty-five thousand (55,000) square feet. The total area of a PCD shall be contiguous. The area of any public right-of-way, or public right-of-way vacated less than five (5) years prior to the date of application for the PCD, within or abutting a proposed PCD, shall not be included in the minimum area calculations, nor shall they be considered a break in contiguity.

b. The park shall comprise no less than one-half (½) the area of the PCD site.

c. The park land and improvements shall be dedicated to the City.

d. The PCD, including the proposed park, shall be evaluated on the basis of public benefits, adverse impacts, and consistency with the general character of development anticipated in DOC 1 by the Land Use Code, the Director's guidelines for the PCD, and other applicable laws and policies.

e. The design of the PCD shall be compatible with the design and function of the park.

8. Exceptions to Development Standards. Development standards of this chapter may be varied or waived through the PCD process, except that the review criteria of subsection B7 and the following standards shall not be varied or waived:

a. Light and glare;

b. Noise;

c. Odor;

d. Minimum sidewalk widths;

e. View corridor;

f. Nonconforming uses;

g. Nonconforming structures, when the nonconformity is one of the standards listed in this subsection;

h. Use provisions except for provisions for principal and accessory parking;

i. Transfer of development rights regulations;

j. Bonus values assigned to public benefit features.

C. Vested Projects. A holder of a permit for a project that is vested to an earlier code on the effective date of Ordinance 115657 may apply for approval of a PCD as provided in this section. The proposed PCD constitutes a new project and, except as provided in this section, is subject to requirements applicable to such projects.

1. Floor Area. If the holder of a permit for such a vested project applies for PCD approval, the proposed PCD is entitled to the floor area that was vested, provided that if the floor area was attributable in part to the provision of housing or human services public benefit features, then those features must be included as part of the approval of the proposed PCD. If those features are not included, the floor area shall be reduced accordingly.

2. Credit for Impact Mitigation. To the extent a vested project has provided mitigation for an impact that also would have been attributable to the proposed PCD, the provided mitigation shall be credited against mitigation for the corresponding impact of the PCD.

3. Tolling and Expiration of Vested Permit.

a. If the holder of a vested permit wishes to apply for approval of a PCD under this section, the running of the expiration period for the vested permit shall be tolled from the date the notice of intent to apply for PCD approval is received by the Director, until the date the City Council makes a final decision to approve or deny the PCD application, or until the earlier date of PCD withdrawal or cancellation as described below. Tolling shall also terminate if the holder fails to submit an application for PCD approval within sixty (60) days of the date the parks report prescribed by subsection B3 of this section is provided to the holder.

b. Within thirty (30) days of the date the Director establishes guidelines pursuant to subsection B4 of this section, the applicant shall elect to proceed with the PCD application or withdraw the application. If the applicant fails to elect within thirty (30) days, the vested right shall expire on the thirty-first day and the PCD application shall be cancelled. The applicant may withdraw the PCD application any time prior to the expiration of the thirty (30) day period. If the application is withdrawn, the running of the expiration

For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
December 2002 code update file
Text provided for historical reference only.
See ordinances creating and amending
sections for complete text, graphics
and tables. Seattle does not warrant the accuracy of
this source file.

period for the vested permit shall resume at the time of withdrawal.

c. If the PCD applicant elects to proceed with the PCD application, the permit for the vested project may not be used unless:

(1) The PCD is denied by the City Council; or

(2) The PCD is approved with conditions additional to those recommended in the Director's guidelines under subsection B4 of this section, which significantly increase the cost of the park to the applicant relative to the cost estimate contained in the Director's guidelines, or which significantly change the location or footprint of buildings from those contained in the guidelines;

(3) The PCD is denied as a result of a lawsuit.

If the vested project is resumed as a result of the denial or conditioning under subsections (1) through (3), the running of the expiration period for the vested permit shall resume at the date of the Council decision or final decision by a court, including an appellate court, whichever occurs later.

d. The PCD approval shall expire as provided in SMC Section 23.76.060. If the holder proceeds under the vested permit, that permit shall expire as provided in the applicable code, subject to the tolling authorized by this section.

(Ord. 120691 § 14, 2001; Ord. 120443 § 18, 2001; Ord. 118012 § 18, 1996; Ord. 117570 § 16, 1995; Ord. 115657 § 1, 1991.)

1. Editor's Note: Ordinance 115657 was passed by the City Council on May 28, 1991.

23.49.038 Lots located in more than one (1) zone.

When a lot is located in more than one (1) zone, the regulations for each zone shall apply to the portion of the lot located in that zone.

(Ord. 112303 § 3(part), 1985.)

23.49.039 Special exception for open-space TDR sites.

The Director may authorize an exception to the requirements for open space TDR sites, Section 23.49.027, as a special exception pursuant to Chapter 23.76, Procedures for Master Use Permit and Council Land Use Decisions.

A. The provisions of this section will be used by the Director in determining whether to grant, grant with condition or deny a special exception. The Director will grant exceptions only to the extent such exceptions further the provisions of this section.

B. In order for the Director to grant, or grant with conditions, an exception to the requirements for open-space TDR sites, one or more of the following must be satisfied:

1. The exception allows the design of the open-space to take advantage of unusual site characteristics or conditions in the surrounding area, such as views and relationship to surroundings; or

2. The applicant demonstrates that the exceptions would result in an open-space that better meets the intent of the provisions for open-space TDR sites in Section 23.49.027.

(Ord. 120443 § 19, 2001)

23.49.040 Termination of discontinued conditional uses.

Any authorized conditional use which has been discontinued shall not be re-established or recommenced except pursuant to a new conditional use permit. The following shall constitute conclusive evidence that the conditional use has been discontinued:

A. A permit to change the use of the property has been issued and the new use has been established; or

B. The property has not been devoted to the authorized conditional use for more than twenty-four (24) consecutive months.

Property which is vacant, except for dead storage of materials or equipment of the conditional use, shall not be considered as being devoted to the authorized conditional use. The expiration of licenses necessary for the conditional use shall be evidence that the property is not being devoted to the conditional use. A conditional use in a multi-family structure or a multi-tenant commercial structure shall not be considered as discontinued unless all units are either vacant or devoted to another use.

(Ord. 113262 § 5, 1986.)

23.49.041 City/County Transfer of Development Credits (TDC) Program.

A. Use of Credits Conditioned Upon City-County Agreement. No credit floor area shall be allowed under this section unless, at the time of the Master Use Permit decision for the project proposing to use such credit floor area, an agreement is in effect between the City and King County, duly authorized by City ordinance, for the implementation of the TDC Program.

B. Credit Floor Area.

1. For purposes of this section:

a. "Credit floor area" means gross floor area allowed on a receiving lot, above the height limit otherwise applicable in the zone, as a result of the use of rural development credits and amenity credits under this section.

b. "Rural development credits" are allowances of floor area on a receiving lot, measured in gross square feet, that result from transfer of development potential from rural, unincorporated King County to the Denny Triangle Urban Village pursuant to King County Code Chapter 21A.55 or successor provisions and pursuant to the provisions of this section.

c. "Amenity credits" are allowances of floor area, measured in gross square feet, on a lot receiving development credits, which allowances are granted on condition that the owner or developer provide certain amenities,

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.

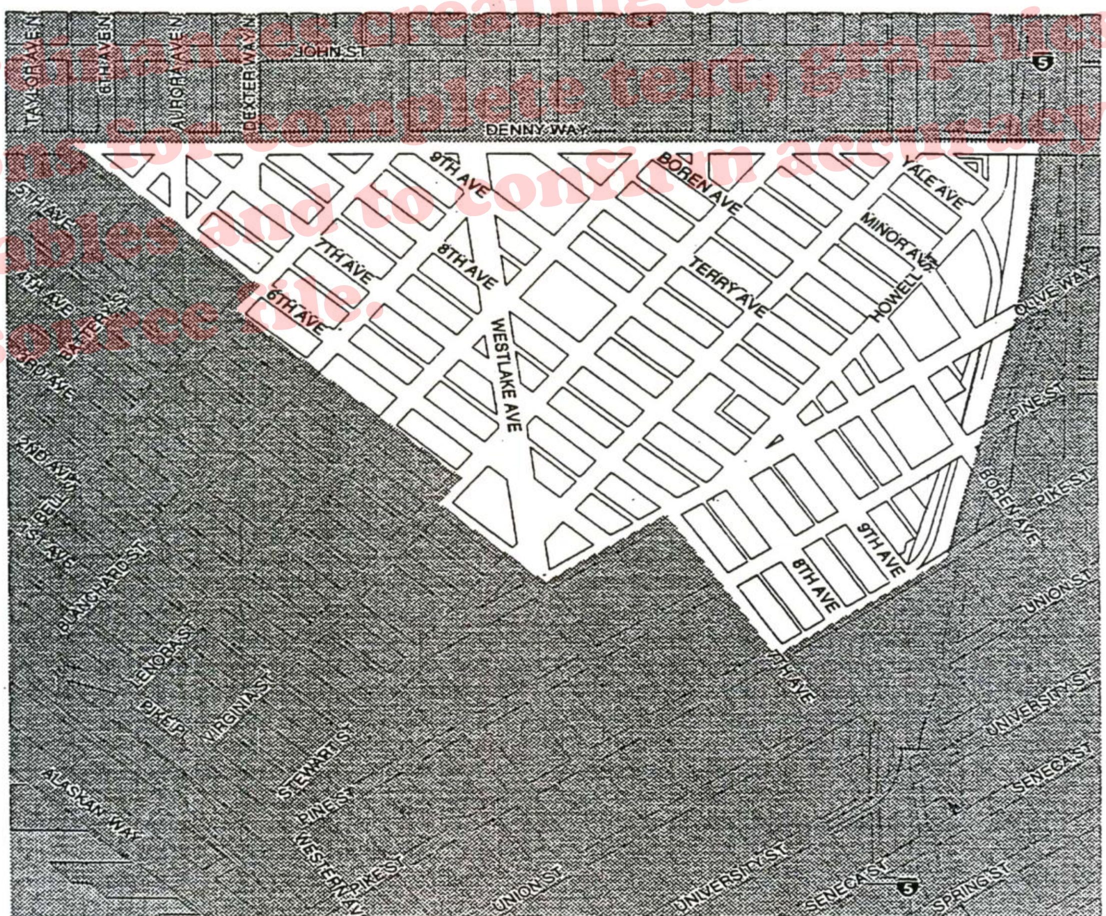
or contributions to development of amenities, in the Denny Triangle Urban Village as provided in this section.

2. Upon certification by King County that all conditions to transfer under King County ordinances and rules have been satisfied, rural development credits may be transferred directly from eligible sending sites or from the King County Transfer of Development Credit (TDC) Bank to property in DOC2 and DMC zones within the Denny Triangle Urban Village, as shown on Map 23.49.041 A, subject to compliance with all the conditions of this section.

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.

Map 23.49.041 A
Denny Triangle



DENNY TRIANGLE

N

0 2 4 6 8 10
SCALE IN 100 FEET

© 1999 City of Seattle
All rights reserved. No warranties of any sort, including accuracy, fitness or merchantability accompany this product.

For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
December 2006 code update file
Text provided for historical reference only.
See contracts, engaging and planning sections for complete text, graphics, and tables and to confirm accuracy of this source file.

3. Rural development credits and amenity credits are used in combination to obtain credit floor area according to the terms of this section and any implementing rules promulgated by the Director.

4. For a project that obtains credit floor area the Director may permit structure height to be increased by up to thirty (30) percent of the height limit of the zone.

5. Except as may be otherwise provided in a rule promulgated by the Director under this section, the conversion ratio for rural development credits is two thousand (2,000) gross square feet of floor area on the receiving lot for each unit of available sending site credit, as determined by King County. The conversion ratio may be modified according to a rule promulgated by the Director, as he or she shall determine to be consistent with the goals of providing sufficient incentive for use of the TDC Program and of preserving the maximum amount of land in rural King County as is feasible in relation to the amount of development of credit floor area in the Denny Triangle Urban Village. Any adjusted conversion ratio shall not be less than one thousand (1,000) gross square feet of floor area for each unit of sending site credit, nor greater than three thousand (3,000) gross square feet of floor area for each unit of sending site credit. In making any modification the Director shall take into account the following factors:

a. The value of credit floor area for receiving sites in the Denny Triangle Urban Village;

b. Land value for potential sending sites in rural, unincorporated King County; and

c. Market conditions for rural development credits and, to the extent that the Director may find them relevant, market conditions for other types of credits or transferable development rights.

6. In order to obtain amenity credits, a project applicant may either enter into a voluntary agreement to provide amenities in the Denny Triangle Urban Village, or enter into a voluntary agreement to contribute financially to the development of such amenities, as provided in this subsection.

a. Amenities for which amenity credits may be obtained include and are limited to the following: provision of public open space, improvements to existing public open space, development of designated green streets or contribution to the Amenity Credit Fund.

b. The Director shall review the location and design of any amenity proposed to be provided for purposes of this section and determine whether the amenity mitigates project impacts, is consistent with applicable policies and design criteria, provides a public benefit and is adequate in quantity and quality.

c. Amenities for which amenity credits are obtained may be on a site other than the project site, provided that the amenity site is within the Denny Triangle Urban Village, is within one-quarter (¼) mile of the project site, and is available to the public without charge. Contributions to the Denny Triangle Amenity Credit Fund will be applied to acquisition or development of open space or green street(s) in the Denny Triangle Urban Village (and within one-quarter (¼) mile of the project site). Notwithstanding the foregoing, amenities may be provided within the Denny Triangle Urban Village farther than one-quarter (¼) mile from the project site, either directly by the applicant or through the use of a contribution by the applicant, when the applicant and the Director agree that the amenity in that location would be an appropriate mitigation for the project impacts.

d. If no amenity credits are provided directly by a project applicant, the cash contribution to the Amenity Credit Fund shall be equal to five dollars ($5.00) for each square foot of credit floor area to be used by the project (including both amenity credits and rural development credits).

e. If the applicant elects to make a contribution to the Denny Triangle Amenity Credit Fund in lieu of providing an amenity, that election shall constitute the applicant's agreement that the use of those funds for acquisition or development of any amenities meeting the requirements of this section in the Denny Triangle Urban Village is authorized and will mitigate the direct impacts of the additional residential floor area and height allowed pursuant to this section.

7. No credit floor area will be granted for any project that causes the destruction of any controlled feature of a Landmark structure.

C. Program Requirements.

1. Except as expressly provided in this subsection C, fifty (50) percent of the credit floor area on any lot must come from rural development credits and fifty (50) percent of the credit floor area obtained must come from amenity credits.

2. In order to accommodate practical difficulties in meeting the exact percentages in subsection C1 above, for example as a result of the unavailability of fractional sending site credits under King County rules, the Director may allow up to sixty (60) percent of credit floor area for a project to come from either rural development credits or from amenity credits.

3. The minimum credit floor area that may be obtained on any lot pursuant to the TDC Program is eight thousand (8,000) square feet.

4. The credit floor area obtained may be contained within a single purpose residential structure or mixed use development (residential and nonresidential uses in the same or different structures on the same lot).

5. The Director may require, as a condition to issuance of any permit using development credits, the execution and recording of appropriate instruments by which the rural development credits are attached to the receiving lot and by which conditions and restrictions applicable in connection with the use of the rural development credits and amenity credits are documented.

D. Use of Credit Floor Area.

For current SMC, contact the Office of the City Clerk

Seattle Municipal Code
December 2008 code update file
Text provided for historical reference only.
See ordinances creating the chapter and sections for complete text, graphics, and tables and to confirm the currency of this electronic file.
For current SMC, contact the Office of the City Clerk

1. For mixed use development, the credit floor area may be occupied by residential or nonresidential uses, or any combination thereof, subject to the provisions of this subsection D.

2. If a project includes credit floor area for nonresidential uses, then it must also include a net amount of additional floor area dedicated to residential use, on the same lot and below the otherwise applicable height limit, equivalent to or greater than the amount of such nonresidential credit floor area.

3. Credit floor area does not increase the total amount of nonexempt gross floor area allowed on the receiving lot. Therefore, the floor area of nonresidential use, together with any floor area of residential use that is not exempt from FAR calculations, may not exceed the maximum FAR for the zone in which the lot is located, taking into account all bonuses, transfers of development rights, and exclusions applicable under provisions of the Land Use Code other than this section.

E. King County Certification and Security. No permit after the first building permit, and in any event no permit for any construction activity other than excavation and shoring, will be issued for development that includes credit floor area until (1) the applicant's possession of necessary rural development credits is certified by King County; and (2) either security is provided for the provision of amenities or an optional cash contribution is made, sufficient to generate the amount of amenity credits necessary under the terms of this section and any rules promulgated by the Director to implement this section.

F. Relation to Bonus and TDR Programs. The TDC Program may be combined with the transferable development rights (TDR) and bonus programs, subject to the applicable provisions for the relevant zone(s) and the following limits:

1. To the extent that bonus floor area is granted on any lot for any public benefit feature or cash contribution, that public benefit feature or cash contribution shall not generate amenity credits.

2. Credit floor area may be used to gain bonus floor area if the design and use of such credit floor area satisfies the applicable requirements of this chapter and the Public Benefit Features Rule.

G. Vesting. Vesting of any right to use credit flow area is subject to the provisions of Section 23.76.026, Vesting of development rights.

(Ord. 120443, § 20, 2001; Ord. 119728 § 4, 1999.)

Subchapter II Downtown Office Core 1

Part 1 Use Provisions

23.49.042 Downtown Office Core 1, permitted uses.

A. All uses shall be permitted outright except those specifically prohibited by Section 23.49.044, those permitted only as conditional uses by Section 23.49.046, and parking, which shall be regulated by Section 23.49.045.

B. All uses not prohibited shall be permitted as either principal or accessory uses.

C. Public Facilities.

1. Except as provided in Section 23.49.046 D2, uses in public facilities that are most similar to uses permitted outright under this chapter shall also be permitted outright subject to the same uses regulations and development standards that govern the similar uses.

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

(Ord. 118672 § 9, 1997; Ord. 117430 § 61, 1994; Ord. 112303 § 3(part), 1985.)

23.49.044 Downtown Office Core 1, prohibited uses.

The following uses shall be prohibited as both principal and accessory uses:

A. Drive-in businesses, except gas stations located in parking garages;

B. Outdoor storage;

C. All general and heavy manufacturing uses;

D. All salvage and recycling uses except recycling collection stations; and

E. All high-impact uses.

(Ord. 112777 § 26, 1986: Ord. 112303 § 3(part), 1985.)

23.49.045 Downtown Office Core 1, principal and accessory parking.

A. Principal Use Parking.

1. Principal use parking garages for long-term parking in areas shown on Map 1J1 may be permitted as conditional uses, pursuant to Section 23.49.046. Principal use parking garages for long-term parking are prohibited in other locations.

2. Principal use parking garages for short-term parking maybe permitted as conditional uses, pursuant to Section 23.49.046.

3. Principal use surface parking areas shall be prohibited, except that temporary principal use surface parking areas may be permitted as conditional uses pursuant to Section 23.49.046.

B. Accessory Parking.

1. Accessory parking garages for both long-term and short-term parking shall be permitted outright, up to the maximum parking limit established by Section 23.49.016, Parking quantity requirements.

2. Accessory surface parking areas shall not be permitted, except that temporary accessory surface-parking areas may be permitted as conditional uses pursuant to Section 23.49.046.

(Ord. 120443 § 21, 2001; Ord. 112303 § 3(part), 1985.)

Seattle Municipal Code December 2002 code update file Text provided for historical reference only. See Municipal Code for complete text, graphics, and tables and for amendments to this source file.

1. Editor's Note: Map 1J is codified at the end of this chapter.

23.49.046 Downtown Office Core 1, conditional uses and Council decisions.

A. All conditional uses shall meet the following criteria:

1. The use shall be determined not to be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

2. In authorizing a conditional use, adverse negative impacts may be mitigated by imposing requirements of conditions deemed necessary for the protection of other properties in the zone or vicinity and the public interest. The Director or Council shall deny the conditional use if it is determined that the negative impacts cannot be mitigated satisfactorily.

B. Principal use parking garages for long-term parking in areas designated on Map 1J[1], and for short-term parking at any location, may be permitted as conditional uses, if the Director finds that:

1. Traffic from the garage will not have substantial adverse effects on peak hour traffic flow to and from Interstate 5, or on traffic circulation in the area around the garage; and

2. The vehicular entrances to the garage are located so that they will not disrupt traffic or transit routes; and

3. The traffic generated by the garage will not have substantial adverse effects on pedestrian circulation.

C. Temporary surface-parking areas which were in existence prior to January 1, 1985 or located on lots vacant on or before January 1, 1985, or on lots which become vacant as a result of a City-initiated abatement action, may be permitted as conditional uses according to the following standards:

1. The standards stated for garages in subsection B are met; and

2. The lot is screened and landscaped according to the provisions of Section 23.49.020, Screening and landscaping of surface parking areas; and

3. At least twenty (20) percent of the long-term spaces shall be set aside for carpools, according to the provisions of Section 23.49.016 B2; and

4. The permit may be issued for a maximum of two (2) years. Renewal of a permit for a temporary surface-parking area shall be subject to the following:

a. Renewals shall be permitted only for those temporary surface-parking areas which were in existence on or before January 1, 1985 or located on lots vacant on or before January 1, 1985. A permit for a temporary surface-parking on a lot which became vacant as a result of a City-initiated abatement action shall not be renewed, and

b. Renewal shall be for a maximum of two (2) years and shall be subject to conditional use approval. The Director must find that the temporary surface-parking area continues to meet applicable criteria; and

5. The applicant shall post a bond in an amount adequate to cover the costs of removing the physical evidence of the parking area, such as curbcuts, paving, and parking space striping, when the permit expires. Landscaping need not be removed when the permit expires; and

6. Signs at each entrance to the parking area stating the ending date of the permit shall be required.

D. Public Facilities.

1. Uses in public facilities that are most similar to uses permitted as a conditional use under this chapter shall also be permitted as a conditional use subject to the same conditional use criteria that govern the similar uses.

2. The City Council may waive or modify applicable development standards or conditional use criteria for those uses in public facilities that are similar to uses permitted outright or permitted as a conditional use 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.

3. Other Permitted Uses in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted outright or permitted as a conditional use under this chapter may be permitted by the City Council. City Council may waive or modify development standards or 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.

4. Expansion of Uses in Public Facilities.

a. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections D1, D2 and D3 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.

b. 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 D1, D2 and D3 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. Rooftop features listed in subsection C4 of Section 23.49.008 more than fifty (50) feet above the roof of the structure on which they are located may be authorized by the Director as an administrative conditional use pursuant to Chapter 23.76, Procedures for Master Use Permits and

For current SMC, contact the Office of the City Clerk

Seattle Municipal Code
December 2002 code update file
Text provided for historical reference only.
See Ordinances creating or amending
sections for complete text, graphics,
and any applicable exceptions.
this document.
For current SMC, contact
the Office of the City Clerk

Council Land Use Decisions, according to the criteria of Section 23.49.008, Structure height.

F. Helistops and heliports may be permitted as Council conditional uses according to the following criteria:

1. The helistop or heliport is for the takeoff and landing of hezlicopters which serve a public safety, news gathering or emergency medical care function and, in the case of heliports, services provided for those helicopters; is part of a City and regional transportation plan approved by the City Council and is a public facility; or is part of a City and regional transportation plan approved by the City Council and is not within two thousand (2,000) feet of a residential zone.

2. The helistop or heliport is located so as to minimize adverse physical environmental impacts on lots in the surrounding area, and particularly on residentially zoned lots, public parks, and other areas where substantial public gatherings may be held, such as the Kingdome, the Pike Place Market, and the Westlake Mall.

3. The lot is of sufficient size that the operations of the helistop or heliport and the flight paths of the helicopters can be buffered from other uses in the surrounding area.

4. Open areas and landing pads shall be hard-surfaced.

5. The helistop or heliport meets all federal requirements including those for safety, glide angles, and approach lanes.

G. Work-release centers may be permitted as Council conditional uses, based on the following criteria:

1. Maximum Number of Residents. No work-release center shall house more than fifty (50) persons, excluding resident staff.

2. Dispersion Criteria.

a. The lot line of any new or expanding work-release center shall be located six hundred (600) feet or more from any residential zone, any lot line of any special residence, and any lot line of any school.

b. The lot line of any new or expanding work-release center shall be located one (1) mile or more from any lot line of any other work-release center.

c. The Director shall determine whether a proposed facility meets the dispersion criteria from maps which shall note the location of current work-release centers and special residences. Any person who disputes the accuracy of the maps may furnish the Director with the new information and, if determined by the Director to be accurate, this information shall be used in processing the application.

3. The Council's decision shall be based on the following criteria:

a. The extent to which the applicant can demonstrate the need for the new or expanded facility in the City, including a statement describing the public interest in establishing or expanding the facility;

b. The extent to which the applicant has demonstrated that the facility can be made secure. The applicant shall submit a proposed security plan to the Director, and the Director, in consultation with the Seattle Police Department, shall consider and evaluate the plan. The security plan shall address, but is not limited to, the following:

i. Plans to monitor and control the activities of residents, including methods to verify the presence of residents at jobs or training programs, policies on sign-outs for time periods consistent with the stated purpose of the absence for unescorted trips by residents away from the center, methods of checking the records of persons sponsoring outings for work-release residents, and policies on penalties for drug or alcohol use by residents, and

ii. Staff numbers, level of responsibilities, and scheduling, and

iii. Compliance with the security standards of the American Corrections Association;

c. The extent to which proposed lighting is located so as to minimize spillover light on surrounding properties while maintaining appropriate intensity and hours of use to ensure security is maintained;

d. The extent to which the facility's landscape plan meets the requirements of the zone while allowing visual supervision of the residents of the facility;

e. The extent to which appropriate measures are taken to minimize noise impacts on surrounding properties. Measures to be used for this purpose may include: landscaping, sound barriers or fences, berms, location of refuse storage areas, and limiting the hours of use of certain areas;

f. The extent to which the impacts of traffic and parking are mitigated by increasing on-site parking or loading spaces to reduce overflow vehicles or changing the access to and location of off-street parking;

g. The extent to which the facility is well-served by public transportation or to which the facility is committed to a program of encouraging the use of public or private mass transportation;

h. Verification from the Department of Corrections (DOC), which shall be reviewed by the Police Department, that the proposed work-release center meets DOC standards for such facilities, and that the facility will meet State laws and requirements.

H. Jails may be permitted as Council conditional uses. The Council's decision shall be based on the following criteria:

1. The extent to which the applicant can demonstrate the need for the new or expanding facility in the City, including a statement describing the public interest in establishing or expanding the facility;

2. The extent to which the applicant can demonstrate that the proposed location is functionally necessary to the criminal justice system;

3. The extent to which the applicant can demonstrate that the new or expanding facility does not create or further advance a level of institutionalization which is harmful to the surrounding community.

(Ord. 120443 § 22, 2001; Ord. 119484 § 10, 1999; Ord. 118672 § 10, 1997; Ord. 116907 § 2, 1993; Ord. 116744

Seattle Municipal Code
December 2012 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 the current file

§ 10, 1993; Ord. 116616 § 2, 1993; Ord. 116295 § 14, 1992; Ord. 114623 § 5, 1989; Ord. 114202 § 2, 1988; Ord. 113279 § 7, 1987; Ord. 112522 § 21(part), 1985; Ord. 112303 § 3(part), 1985.)

1. Editor's Note: Map 1J is codified at the end of this chapter.

Part 2 Development Standards

23.49.056 Downtown Office Core 1, street facade requirements.

Standards for the street facades of structures are established for the following elements:

Minimum facade heights;
Setback limits;
Facade transparency;
Blank facade limits;
Screening of parking;
Street trees.

These standards shall apply to each lot line that abuts a street designated on Map 1G1 as having a pedestrian classification, except lot lines of open space TDR sites. The standards for each street frontage shall vary according to the pedestrian classification of the street on Map 1G, and whether property line facades are required by Map 1K1.

A. Minimum Facade Height.

1. Minimum facade height shall be as described in the chart below, and Exhibit 23.49.056 A, but minimum facade heights shall not apply when all portions of the structure are lower than the elevation of the required minimum facade height listed below.

Class I Pedestrian Streets and All Streets Where Property Line Facades are Required Minimum Facade Height*	Class II Pedestrian Minimum Facade Height*
35 feet	25 feet

*Except as provided in subsection A2 regarding view corridor requirements.

2. On designated view corridors specified in Section 23.49.024, the minimum facade height shall be the maximum height permitted in the required setback, when it is less than the minimum facade height required in subsection A1 of this section.

B. Facade Setback Limits.

1. Setback Limits for Property Line Facades. The following setback limits shall apply to all streets designated on Map 1K as requiring property line facades.

a. The facades of structures fifteen (15) feet or less in height shall be located within two (2) feet of the street property line.

b. Structures greater than fifteen (15) feet in height shall be governed by the following criteria:

(1) No setback limits shall apply up to an elevation of fifteen (15) feet above sidewalk grade.

(2) Between the elevations of fifteen (15) and thirty-five (35) feet above sidewalk grade, the facade shall be located within two (2) feet of the street property line, except that:

i. Any exterior public open space that satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of the setback.

ii. Setbacks between the elevations of fifteen (15) and thirty-five (35) feet above sidewalk grade at the property line shall be permitted according to the following standards, as depicted in Exhibit 23.49.056 B:

—The maximum setback shall be ten (10) feet.

—The total area of a facade that is set back more than two (2) feet from the street property line shall not exceed forty (40) percent of the total facade area between the elevations of fifteen (15) and thirty-five (35) feet.

—No setback deeper than two (2) feet shall be wider than twenty (20) feet, measured parallel to the street property line.

—The facade of the structure shall return to within two (2) feet of the street property line between each setback area for a minimum of ten (10) feet. Balcony railings and other nonstructural features or walls shall not be considered the facade of the structure.

c. When sidewalk widening is required by Section 23.49.022, setback standards shall be measured to the line established by the new sidewalk width rather than the street property line.

2. General Setback Limits. The following setback limits shall apply on streets not requiring property line facades, as shown on Map 1K. Except when the entire structure is fifteen (15) feet or less in height, the setback limits shall apply to the facade between an elevation of fifteen (15) feet above sidewalk grade and the minimum facade height established in subsection A of this section and Exhibit 23.49.056 C. When the structure is fifteen (15) feet or less in height, the setback limits shall apply to the entire street facade.

a. The maximum area of all setbacks between the lot line and facade along each street frontage of a lot shall not exceed the area derived by multiplying the averaging factor by the width of the street frontage of the structure along that street (see Exhibit 23.49.056 D). The averaging factor shall be five (5) on Class I pedestrian streets and ten (10) on Class II pedestrian streets.

b. The maximum width, measured along the street property line, of any setback area exceeding a depth of fifteen (15) feet from the street property line shall not exceed eighty (80) feet, or thirty (30) percent of the lot fron-

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 section.

tage on that street, whichever is less. (See Exhibit 23.49.056 D.)

c. The maximum setback of the facade from the street property lines at intersections shall be ten (10) feet. The minimum distance the facade must conform to this limit shall be twenty (20) feet along each street. (See Exhibit 23.49.056 E.)

d. Any exterior public open space that satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of a setback. (See Exhibit 23.49.056 C.)

e. When sidewalk widening is required by Section 23.49.022, setback standards shall be measured to the line established by the new sidewalk width rather than the street property line.

C. Facade Transparency Requirements.

1. Facade transparency requirements shall apply to the area of the facade between two (2) feet and eight (8) feet above the sidewalk. Only clear or lightly tinted glass in windows, doors, and display windows shall be considered transparent. Transparent areas shall allow views into the structure or into display windows from the outside.

2. When the transparency requirements of this subsection are inconsistent with the glazing limits in the Energy Code,[2] this subsection shall apply.

3. Transparency requirements shall be as follows:

a. Class I pedestrian streets: A minimum of sixty (60) percent of the street level facade shall be transparent.

b. Class II pedestrian streets: A minimum of thirty (30) percent of the street level facade shall be transparent.

c. Where the slope along the street frontage of the facade exceeds seven and one-half (7½) percent, the required amount of transparency shall be reduced to forty-five (45) percent on Class I pedestrian streets and twenty-two (22) percent on Class II pedestrian streets.

D. Blank Facade Limits.

1. General Provisions.

a. Blank facade limits shall apply to the area of the facade between two (2) feet and eight (8) feet above the sidewalk.

b. Any portion of a facade which is not transparent shall be considered to be a blank facade.

2. Blank Facade Limits for Class I Pedestrian Streets.

a. Blank facades shall be no more than fifteen (15) feet wide except for garage doors which may exceed fifteen (15) feet. Blank facade width may be increased to thirty (30) feet if the Director determines that the facade is enhanced by architectural detailing, artwork, landscaping, or similar features that have visual interest. The width of garage doors shall be limited to the width of the driveway plus five (5) feet.

b. Any blank segments of the facade shall be separated by transparent areas at least two (2) feet wide.

c. The total of all blank facade segments, including garage doors, shall not exceed forty (40) percent of the street facade of the structure on each street frontage, or fifty-five (55) percent of the slope of the street frontage if the facade exceeds seven and one-half (7½) percent.

3. Blank Facade Limits for Class II Pedestrian Streets.

a. Blank facades shall be no more than thirty (30) feet wide, except for garage doors which may exceed thirty (30) feet. Blank facade width may be increased to sixty (60) feet if the Director determines that the facade is enhanced by architectural detailing, art-work, landscaping, or similar features that have visual interest. The width of garage doors shall be limited to the width of the driveway plus five (5) feet.

b. Any blank segments of the facade shall be separated by transparent areas at least two (2) feet wide.

c. The total of all blank facade segments, including garage doors, shall not exceed seventy (70) percent of the street facade of the structure on each street frontage; or seventy-eight (78) percent if the slope of the street frontage of the facade exceeds seven and one-half (7 1/2) percent.

E. Screening of Parking.

1. Parking located at or above street level in a garage shall be screened according to the following requirements:

a. On Class I pedestrian streets, parking shall not be permitted at street level unless separated from the street by other uses, provided that garage doors need not be separated.

b. On Class II pedestrian streets, parking shall be permitted at street level when at least thirty (30) percent of the street frontage of the parking area, excluding that portion of the frontage area occupied by garage doors, is separated from the street by other uses. The facade of the separating uses shall be subject to the transparency and blank wall standards for Class I pedestrian streets in subsections C and D. The remaining parking shall be enhanced by architectural detailing, artwork, landscaping, or similar visual interest features.

c. The perimeter of each floor of parking garages above street level shall have an opaque screen at least three and one-half (3 ½) feet high.

2. Surface parking areas shall be screened and landscaped pursuant to Section 23.49.020, Screening and landscaping of surface parking areas.

F. Street Tree Requirements. Street trees shall be required on all streets abutting a lot. When areaways are located beneath the sidewalk, the street trees shall be planted in below-grade containers with provisions for watering the trees. Street trees shall be planted according to The City of Seattle Transportation Department Tree Planting Standards. (Ord. 120443 § 27, 2001; Ord. 118409 § 186, 1996: Ord. 116744 § 11, 1993; Ord. 112303 § 3(part), 1985.)

For current SMC, contact
the Office of the City Clerk

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

1. Editor's Note: Maps 1G and 1K are codified at the end of this chapter.
2. Editor's Note: The Energy Code is codified at Subtitle VII of Title 22 of this Code.

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

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 for confirmation accuracy of
this source file.
For current SMC, contact
the Office of the City Clerk

Exhibit 23.49.056 A
Minimum Facade Height

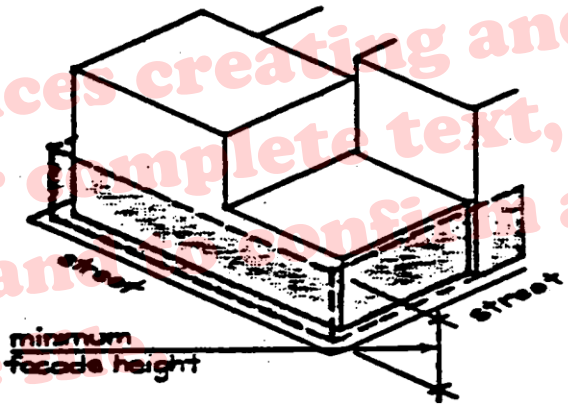
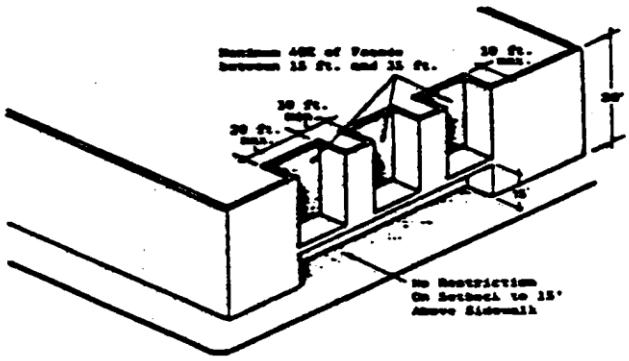


Exhibit 34.49.056 B
Exception to Maximum Setback Limits



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 23.49.056 C
Application of Maximum Setback Limits

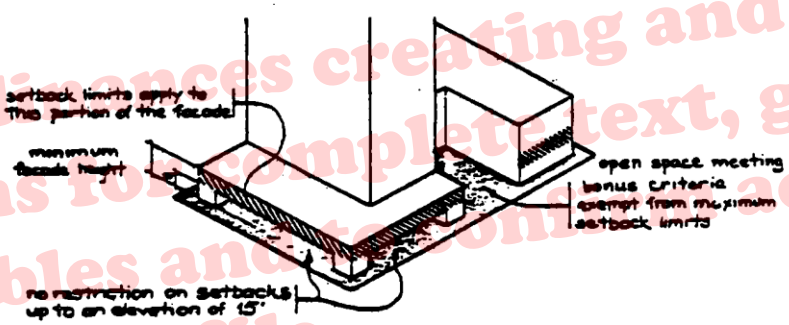


Exhibit 23.49.056 D
Maximum Width of Setback

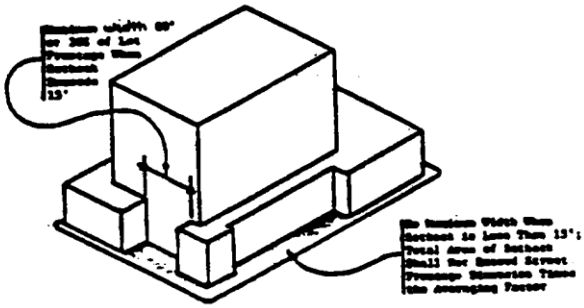
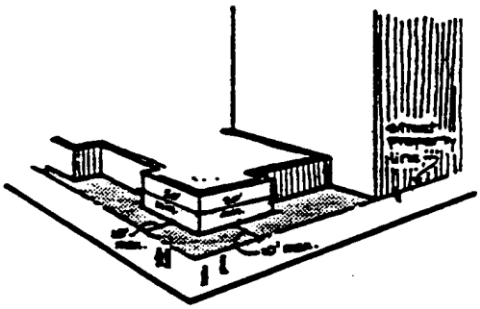


Exhibit 23.49.056 E
Maximum Setback at Intersections



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 current file.
For current SMC, contact
the Office of the City Clerk

23.49.058 Downtown Office Core 1, upper-level development standards.

The regulations in this section apply to all structures in which any floor above an elevation of one hundred twenty-five (125) feet above the sidewalk exceeds fifteen thousand (15,000) square feet. For structures with separate, individual towers, the fifteen thousand (15,000) square foot threshold will be applied to each tower individually.

A. Coverage Limits. On streets designated on Map 1G1 as having a pedestrian classification, coverage limit areas are established at two (2) elevations:

1. Between an elevation of one hundred twenty-five (125) feet and two hundred forty (240) feet above the adjacent sidewalk, the area within twenty (20) feet of each street property line and sixty (60) feet of intersecting street property lines (see Exhibit 23.49.058 A), is established as the coverage limit area.

2. Above an elevation of two hundred forty (240) feet above the adjacent sidewalk, the area within forty (40) feet of each street property line and sixty (60) feet of intersecting street property lines (see Exhibit 23.49.058 A), is established as the coverage limit area.

3. The percentage of the coverage limit area that may be covered by a portion of a structure is as follows:

		Lots With Two or More Street Frontages	
Elevation	Lots With One Street Frontage	Lots 40,000 Sq. Ft. or Less in Size	Lots Greater Than 40,000 Sq. Ft. in Size
126′ to 240′	60%	40%	20%
Above 240′	50%	40%	20%

4. To qualify as uncovered area, at least half the area required to be uncovered shall be contiguous and shall have a minimum depth of fifteen (15) feet.

5. To meet the coverage limits, a lot may be combined with one or more abutting lots, whether occupied by existing structures or not, provided that:

a. The coverage of all structures on the lots meets the limits set in this subsection A; and

b. The fee owners of the abutting lot(s) execute a deed or other agreement, that is recorded with the title to the lots, that restricts future development so that in combination with the other lots, the coverage limits shall not be exceeded.

B. Maximum Facade Lengths. Maximum facade lengths shall be established for facades above an elevation of one hundred twenty-five (125) feet above the adjacent sidewalk. This maximum length shall be measured parallel to each street property line of streets designated on Map 1G[1] as having a pedestrian classification and shall apply to any portion of a facade, including projections such as balconies, that is located within fifteen (15) feet of street property lines.

1. The maximum length of facades above an elevation of one hundred twenty-five (125) feet shall be as follows:

		Lots With Two or More Street Frontages	
Elevation	Lots With One Street Frontage	Lots 40,000 Sq. Ft. or Less in Size	Lots Greater Than 40,000 Sq. Ft. in Size
126′ to 240′	120′	120′	120′
Above 240′	90′*	120′	90′

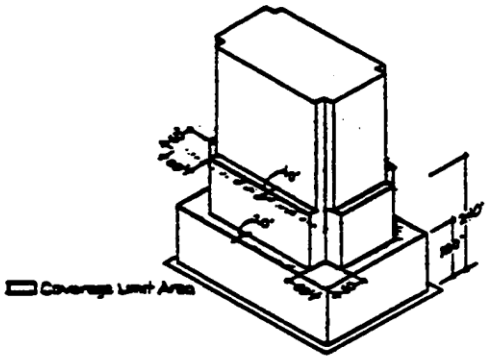
* Above a height of two hundred forty (240) feet, for each half (½) percent reduction of coverage in the coverage limit area from the requirements established in subsection A of this section, the maximum facade length may be increased by one (1) foot up to a maximum of one hundred twenty (120) feet.

2. To be considered a separate facade for the purposes of determining the maximum facade length established in subsection B1, any portion of a facade above an elevation of one hundred twenty-five (125) feet that is less than fifteen (15) feet from a street property line, shall be separated from any similar portion of the facade by at least sixty (60) feet of facade that is set back at least fifteen (15) feet from a street property line. (See Exhibit 23.49.058 B.). (Ord. 120443 § 28, 2001; Ord. 119728 § 5, 1999; Ord. 112519 § 10, 1985; Ord. 112303 § 3(part), 1985.)

1. Editor's Note: Map 1G is codified at the end of this chapter.

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.

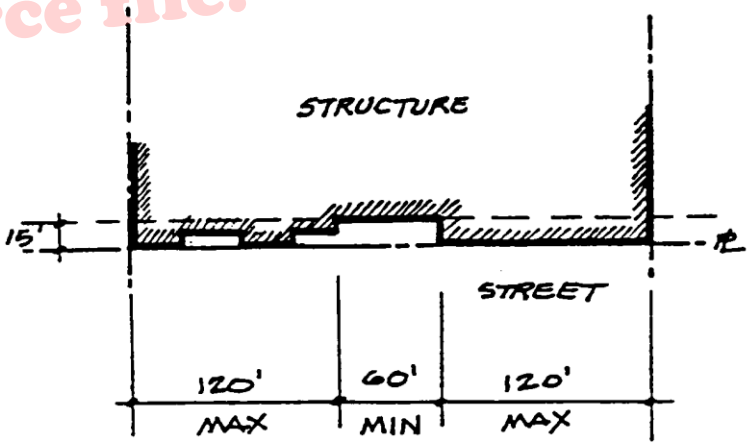
Exhibit 23.49.058 A
Coverage Limit Area



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 23.49.058 B
Maximum Facade Length



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.

Subchapter III Downtown Office Core 2

Part 1 Use Provisions

23.49.060 Downtown Office Core 2, permitted uses.

A. All uses shall be permitted outright except those specifically prohibited by Section 23.49.062, those permitted only as conditional uses by Section 23.49.066, and parking, which shall be regulated by Section 23.49.064.

B. All uses not prohibited shall be permitted as either principal or accessory uses.

C. Public Facilities.

1. Except as provided in Section 23.49.066 D2, uses in public facilities that are most similar to uses permitted outright under this chapter shall also be permitted outright subject to the same use regulations and development standards that govern the similar uses.

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

(Ord. 118672 § 11, 1997; Ord. 117430 § 63, 1994; Ord. 116907 § 22, 1993: Ord. 112303 § 3(part), 1985.)

23.49.062 Downtown Office Core 2, prohibited uses.

The following uses shall be prohibited as both principal and accessory uses:

A. Drive-in businesses, except gas stations located in parking garages;

B. Outdoor storage;

C. All general and heavy manufacturing uses;

D. All salvage and recycling uses except recycling collection stations;

E. All high-impact uses.

(Ord. 112777 § 27, 1986: Ord. 112303 § 3(part), 1985.)

23.49.064 Downtown Office Core 2, principal and accessory parking.

A. Principal Use Parking.

1. Principal use parking garages for long-term parking in areas shown on Map IIIA1 may be permitted as conditional uses, pursuant to Section 23.49.066. Principal use parking garages for long-term parking shall be prohibited in other locations.

2. Principal use parking garages for short-term parking may be permitted as conditional uses pursuant to Section 23.49.066.

3. Principal use surface parking areas shall be conditional uses in areas shown on Map 1J, and shall be prohibited in other locations, except that temporary principal use surface parking areas may be permitted as conditional uses pursuant to Section 23.49.066.

B. Accessory Parking.

1. Accessory parking garages for either long-term or short-term parking shall be permitted outright, up to the maximum parking limit established by Section 23.49.016, Parking quantity requirements.

2. Accessory surface parking areas shall be:

a. Permitted outright when located in areas shown on Map 1J and containing twenty (20) or fewer parking spaces; or

b. Permitted as a conditional use when located in areas shown on Map 1J and containing more than twenty (20) spaces; or

c. Prohibited in areas not shown on Map 1J, except that temporary accessory surface parking areas may be permitted as conditional uses pursuant to Section 23.49.066.

(Ord. 120443 § 29, 2001; Ord. 112303 § 3(part), 1985.)

1. Editor's Note: Map 1J is codified at the end of this chapter.

23.49.066 Downtown Office Core 2, conditional uses and Council decisions.

A. All conditional uses shall meet the following criteria:

1. The use shall be determined not to be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

2. In authorizing a conditional use, adverse negative impacts may be mitigated by imposing requirements or conditions deemed necessary for the protection of other properties in the zone or vicinity and the public interest. The Director or Council shall deny the conditional use if it is determined that the negative impacts cannot be mitigated satisfactorily.

B. Principal use parking garages for long-term parking in areas designated on Map 1J, and for short-term parking at any location may be permitted as conditional uses, if the Director finds that:

1. Traffic from the garage will not have substantial adverse effects on peak hour traffic flow to and from Interstate 5, or on traffic circulation in the area around the lot; and

2. The vehicular entrances to garage are located so that they will not disrupt traffic or transit routes; and

3. The traffic generated by the garage will not have substantial adverse effects on pedestrian circulation.

C. Surface parking areas where permitted as a conditional use by Section 23.49.064, and temporary surface parking areas which were in existence prior to January 1, 1985 or located on lots vacant on or before January 1, 1985, or on lots which become vacant as a result of a City-initiated abatement action, may be permitted as conditional uses according to the following standards:

1. The standards stated for garages in subsection B are met; and

2. The lot is screened and landscaped according to the provisions of Section 23.49.020, Screening and landscaping of surface parking areas; and

For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
December 2006 code update file
Text provided for historical reference only.
See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this current code.

3. At least twenty (20) percent of the long-term spaces shall be set aside for carpools, according to the provisions of Section 23.49.016 B2; and

4. Permits for temporary parking areas may be issued for a maximum of two (2) years. Renewal of a permit for a temporary surface-parking area shall be subject to the following:

a. Renewals shall be permitted only for those temporary surface-parking areas which were in existence on or before January 1, 1985 or located on lots vacant on or before January 1, 1985. A permit for a temporary surface-parking area on a lot which became vacant as a result of a City-initiated abatement action shall not be renewed, and

b. Renewal shall be for a maximum of two (2) years and shall be subject to conditional use approval. The Director must find that the temporary surface-parking area continues to meet applicable criteria, and

c. The applicant shall post a bond in an amount adequate to cover the costs of removing the physical evidence of the parking area, such as curbcuts, paving, and parking space striping, when the permit expires. Landscaping need not be removed when the permit expires, and

d. Signs at each entrance to the parking area stating the ending date of the permit shall be required.

D. Public Facilities.

1. Uses in public facilities that are most similar to uses permitted as a conditional use under this chapter shall also be permitted as a conditional use subject to the same conditional use criteria that govern the similar uses.

2. The City Council may waive or modify applicable development standards or use criteria for those uses in public facilities that are similar to uses permitted outright or permitted as an administrative conditional use 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.

3. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted outright or permitted as a conditional use under this chapter may be permitted by the City Council. The City Council may waive or modify development standards or conditional use criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

4. Expansion of Uses in Public Facilities.

a. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections D1, D2 and D3 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 of ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

b. 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 D1, D2 and D3 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. Rooftop features listed in subsection C4 of Section 23.49.008 more than fifty (50) feet above the roof of the structure on which they are located may be authorized by the Director as an administrative conditional use pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, according to the criteria of Section 23.49.008, Structure height.

F. Helistops and heliports may be permitted as Council conditional uses according to the following criteria:

1. The helistop or heliport is for the takeoff and landing of helicopters which serve a public safety, news gathering or emergency medical care function and, in the case of heliports, services provided for those helicopters; is part of a City and regional transportation plan approved by the City Council and is a public facility; or is part of a City and regional transportation plan approved by the City of Seattle and is not within two thousand (2,000) feet of a residential zone.

2. The helistop or heliport is located so as to minimize adverse physical environmental impacts on lots in the surrounding area, and particularly on residentially zoned lots, public parks, and other areas where substantial public gatherings may be held, such as the Kingdome, the Pike Place Market, and the Westlake Mall.

3. The lot is of sufficient size that the operations of the helistop or heliport and the flight paths of the helicopters can be buffered from other uses in the surrounding area.

4. Open areas and landing pads shall be hard-surfaced.

5. The helistop or heliport meets all federal requirements including those for safety, glide angles, and approach lanes.

G. Work-release centers may be permitted as Council conditional uses, based on the following criteria:

1. Maximum Number of Residents. No work-release center shall house more than fifty (50) persons, excluding resident staff.

2. Dispersion Criteria.

a. The lot line of any new or expanding work-release center shall be located six hundred (600) feet or more from any residential zone, any lot line of any special residence, and any lot line of any school.

b. The lot line of any new or expanding work-release center shall be located one (1) mile or more from any lot line of any other work-release center.

For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
December 2006 code update file
Text provided for historic reference only.
See ordinances creating and amending
sections for complete text, graphics,
and tables. Seattle Municipal Code is the
official codification of the
For current SMC, contact
the Office of the City Clerk

c. The Director shall determine whether a proposed facility meets the dispersion criteria from maps which shall note the location of current work-release centers and special residences. Any person who disputes the accuracy of the maps may furnish the Director with the new information and, if determined by the Director to be accurate, this information shall be used in processing the application.

3. The Council's decision shall be based on the following criteria:

a. The extent to which the applicant can demonstrate the need for the new or expanding facility in the City, including a statement describing the public interest in establishing or expanding the facility;

b. The extent to which the applicant has demonstrated that the facility can be made secure. The applicant shall submit a proposed security plan to the Director, and the Director, in consultation with the Seattle Police Department, shall consider and evaluate the plan. The security plan shall address, but is not limited to, the following:

i. Plans to monitor and control the activities of residents, including methods to verify the presence of residents at jobs or training programs, policies on sign-outs for time periods consistent with the stated purpose of the absence for unescorted trips by residents away from the center, methods of checking the records of persons sponsoring outings for work-release residents, and policies on penalties for drug or alcohol use by residents, and

ii. Staff numbers, level of responsibilities, and scheduling, and

iii. Compliance with the security standards of the American Corrections Association;

c. The extent to which proposed lighting is located so as to minimize spillover light on surrounding properties while maintaining appropriate intensity and hours of use to ensure security is maintained;

d. The extent to which the facility's landscape plan meets the requirements of the zone while allowing visual supervision of the residents of the facility;

e. The extent to which appropriate measures are taken to minimize noise impacts on surrounding properties. Measures to be used for this purpose may include: landscaping, sound barriers or fences, berms, location of refuse storage areas, and limiting the hours of use of certain areas;

f. The extent to which the impacts of traffic and parking are mitigated by increasing on-site parking or loading spaces to reduce overflow vehicles or changing the access to and location of off-street parking;

g. The extent to which the facility is well-served by public transportation or to which the facility is committed to a program of encouraging the use of public or private mass transportation;

h. Verification from the Department of Corrections (DOC), which shall be reviewed by the Police Department, that the proposed work-release center meets DOC standards for such facilities and that the facility will meet state laws and requirements.

H. Jails may be permitted as Council conditional uses. The Council's decision shall be based on the following criteria:

1. The extent to which the applicant can demonstrate the need for the new or expanding facility in the City, including a statement describing the public interest in establishing or expanding the facility;

2. The extent to which the applicant can demonstrate that the proposed location is functionally necessary to the criminal justice system;

3. The extent to which the applicant can demonstrate that the new or expanding facility does not create or further advance a level of institutionalization which is harmful to the surrounding community.

(Ord. 120443 § 29, 2001; Ord. 119484 § 14, 1999; Ord. 118672 § 12, 1997; Ord. 116907 § 3, 1993; Ord. 116744 § 12, 1993; Ord. 116616 § 3, 1993; Ord. 116295 § 15, 1992; Ord. 114623 § 6, 1989; Ord. 114202 § 3, 1988; Ord. 113279 § 9, 1987; Ord. 112522 § 21(part), 1985; Ord. 112519 § 11, 1985; Ord. 112303 § 3(part), 1985.)

1. Editor's Note: Map 1J is codified at the end of this chapter.

Part 2 Development Standards

23.49.076 Downtown Office Core 2, street facade requirements.

Standards for the street facades of structures are established for the following elements:

Minimum facade heights;
Setback limits;
Facade transparency;
Blank facade limits;
Screening of parking;
Street trees.

These standards shall apply to each lot line that abuts a street designated on Map 1G as having a pedestrian classification, except lot lines of open space TDR sites. The standards for each street frontage shall vary according to the pedestrian classification of the street on Map 1G, and whether property line facades are required by Map 1K.

A. Minimum Facade Height.

1. Minimum facade height shall be as described in the chart below and Exhibit 23.49.076 A, but minimum facade heights shall not apply when all portions of the structure are lower than the elevation of the required minimum facade height listed below.