

**Chapter 23.50  
INDUSTRIAL**

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**23.50.002** **Scope of provisions.**

A. There shall be four (4) industrial classifications: General Industrial 1 (IG1), General Industrial 2 (IG2), Industrial Buffer (IB), and Industrial Commercial (IC). This chapter describes the authorized uses and development standards for the Industrial zones.

B. In addition to the regulations in this chapter, certain industrial areas may be regulated by other chapters or titles of the Seattle Municipal Code, including but not limited to: Special Review Districts, Chapter 23.66; Landmark Districts, Chapter 25.12; or the Seattle Shoreline District, Chapter 23.60.

C. 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. Requirements for streets, alleys and easements are provided in Chapter 23.53. Standards for parking access and design are provided in Chapter 23.54. Signs are regulated by Chapter 23.55. Methods for measurements are provided in Chapter 23.86. Definitions are in Chapter 23.84.

D. For the purposes of this chapter, the terms “existing structures or uses” mean those structures or uses which were established under permit, or for which a permit has been granted and has not expired, or are substantially underway in accordance with Section 23.04.010 D, on the effective date of the ordinance codified in this chapter.<sup>1</sup> (Ord. 120928 § 22, 2002; Ord. 120611 § 13, 2001; Ord. 116295 § 20, 1992; Ord. 115326 § 20, 1990; Ord. 113658 § 4(part), 1987.)

1. Editor’s Note: Ordinance 113658 was adopted by the City Council on October 5, 1987.

**Subchapter I General Provisions**

**23.50.004** **Scope of general provisions.**

Unless otherwise specified, the regulations of this subchapter shall apply to all industrial zones. (Ord. 113658 § 4(part), 1987.)

**23.50.006** **Water quality—Best management practices.**

A. The location, design, construction and management of all developments and uses shall protect the quality and quantity of surface and groundwater, and shall adhere to the guidelines, policies, standards and regulations of applicable water quality management programs and regulatory agencies. Best management practices such as paving and berming of drum storage areas, fugitive dust controls and other good housekeeping measures to prevent contamination of land or water may be required.

B. Solid and liquid wastes and untreated effluents shall not be allowed to enter any bodies of water or be discharged onto the land.

(Ord. 113658 § 4(part), 1987.)

**Subchapter II Uses in All Industrial Zones**

**23.50.012 Permitted and prohibited uses.**

A. All uses shall be either permitted outright, prohibited or permitted as a conditional use according to Chart A. (See Chart A for Section 23.50.012.)

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

**C. Public Facilities.**

1. Except as provided in subsections C2 and C3 below and in SMC Section 23.50.027, uses in public facilities that are most similar to uses permitted outright or permitted by conditional use in this chapter shall also be permitted outright or by conditional use, subject to the same use regulations, development standards and administrative conditional use criteria that govern the similar uses.

2. Public Facilities Not Meeting Development Standards Requiring City Council Approval. 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 by 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 by a conditional use or special exception 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. In all industrial 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.

**5. Expansion of Uses in Public Facilities.**

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

C1, C2 and C3 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 C1, C2 and C3 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.

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

D. Rooftop Recreational Space in IG1 and IG2 Zones. Recreational space may be located on the rooftop of a building (including the rooftop of an attached parking structure) existing as of December 31, 1998. Rooftop recreational space shall be used only for the purposes of active recreational uses and/or passive open spaces accessory to office uses of at least one hundred thousand (100,000) square feet that are located in the same building or within an attached structure(s) and that are established on or before December 31, 1998. When any portion of the rooftop recreational space is covered by a structure, the following standards shall apply:

- 1. The height of the structure shall not exceed thirty (30) feet as measured from the existing rooftop elevation and be limited to only one (1) story;
- 2. The height shall not exceed the height of the highest portion or feature of the building or attached structure(s);
- 3. The footprint of the structure shall not exceed thirty (30) percent of the total roof area on which the structure is located; and
- 4. The structure shall be designed to include a minimum of thirty (30) percent transparent and/or translucent exterior building materials.

Rooftop recreational space meeting the above standards shall not be subject to the limits on maximum size of nonindustrial uses, and the gross floor area of the rooftop recreational space shall be exempt from FAR calculations. The rooftop recreational space permitted under Section 23.50.012 D shall be used only for active or passive recreational uses and cannot be used or converted to office or other nonrecreational uses.

(Ord. 120155 § 1, 2000; Ord. 120117 § 38, 2000; Ord. 119972 § 5, 2000; Ord. 119370 § 12, 1999; Ord. 119238 § 7, 1998; Ord. 118794 § 38, 1997; Ord. 118672 § 22, 1997; Ord. 117430 § 76, 1994; Ord. 117263 § 48, 1994;

Ord. 117202 § 9, 1994; Ord. 116907 § 7, 1993; Ord. 116596 § 3, 1993; Ord. 116295 § 21, 1992; Ord. 115043 § 11, 1990; Ord. 115002 § 10, 1990; Ord. 114875 § 12, 1989; Ord. 114623 § 14, 1989; Ord. 113658 § 4(part), 1987.)

**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**

**INDUSTRIAL USES  
Chart A  
for Section 23.50.012**

**USES**

**Zones**

	<b>IB</b>	<b>IC</b>	<b>IG1 and IG2 (gen- eral)</b>	<b>IG1 in the Duwamish M/I Center</b>	<b>IG2 in the Duwamish M/I Cen- ter</b>
<b>I. Manufacturing</b>					
A. Light manufacturing	P	P	P	P	P
B. General manufacturing	P	P	P	P	P
C. Heavy manufacturing	CU	X or CU <sup>1</sup>	P or CU <sup>2</sup>	P	P
<b>II. High-impact Uses</b>	X	X or CU <sup>3</sup>	X or CU <sup>4</sup>	X or CU <sup>4</sup>	X or CU <sup>4</sup>
<b>III. Commercial</b>					
<b>A. Retail sales and service</b>					
1. Personal and household sales and services	P	P	P	P	P
2. Medical services	P/CU <sup>5</sup>	P/CU <sup>5</sup>	P/CU <sup>5</sup>	P/CU <sup>5</sup>	P/CU <sup>5</sup>
3. Animal services					
a. Animal health services	P	P	P	P	P
b. Kennel	X	P	P	P	P
c. Animal control shelter	P	P	P	P	P
d. Pet grooming services	P	P	P	P	P
4. Automotive retail sales and service	P	P	P	P	P
5. Marine retail sales and service	P	P	P	P	P
6. Eating and drinking establishment					
a. Fast-food restaurants over 750 square feet	CU	CU	CU	P	P
b. Fast-food restaurants under 750 square feet	P	P	P	P	P
c. Restaurants with or without cocktail lounges	P	P	P	P	P
d. Tavern	P	P	P	P	P
e. Brewpub	P	P	P	P	P
7. Lodging	CU	CU	CU	X	X
8. Mortuary service	P	P	P	X	X
9. Existing cemeteries	P	P	P	P	P
10. New cemeteries	X	X	X	X	X
<b>B. Principal use parking, surface area or garage</b>	P	P	P	X	X
<b>C. Nonhousehold sales and services</b>	P	P	P	P	P
<b>D. Office</b>	P	P	P	P	P
<b>E. Entertainment</b>					
1. Places of public assembly					
a. Performing arts theater	P	P	P	X	X
b. Spectator sports facility	P	P	P	X <sup>6</sup>	X <sup>6</sup>
c. Lecture and meeting halls	P	P	P	P	P

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USES	Zones				
	IB	IC	IG1 and IG2 (gen- eral)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Cen- ter
d. Motion picture theater	P	P	P	X	X
e. Motion picture theater, adult	X	X	X	X	X
f. Adult panorams	X	X	X	X	X
2. Participant sports and recreation					
a. Indoor	P	P	P	X	P
b. Outdoor	P	P	P	X	P
F. Wholesale showroom	P	P	P	P	P
G. Mini-warehouse	P	P	P	X	P
H. Warehouse	P	P	P	P	P
I. Outdoor storage	P	P	P	P	P
J. Transportation facilities					
1. Personal transportation services	P	P	P	P	P
2. Passenger terminal	P	P	P	P	P
3. Cargo terminal	P	P	P	P	P
4. Transit vehicle base	CU	CU	CU	CU	CU
5. Heliport	CCU	CCU	CCU	CCU	CCU
6. Heliport	X	CCU	CCU	CCU	CCU
7. Airport, land-based	X	CCU	CCU	CCU	CCU
8. Airport, water-based	X	CCU	CCU	CCU	CCU
9. Railroad switchyard	P	P	P	P	P
10. Railroad switchyard with mecha- nized hump	X	X	CU	CUCU	
K. Food processing and craft work	P	P	P	P	P
L. Research and development laborato- ry	P	P	P	P	P
IV. Salvage and Recycling					
A. Recycling collection station	P	P	P	P	P
B. Recycling center	P	P	P	P	P
C. Salvage yard	X	X	P	P	P
V. Utilities					

**INDUSTRIAL USES**  
**Chart A**  
**for Section 23.50.012**

USES	Zones				
	IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
A. Utility services use	P	P	P	P	P
B. Major communication utility <sup>7</sup>	CU	CU	CU	CU	CU
C. Minor communication utility <sup>7</sup>	P	P	P	P	P
D. Solid waste transfer station	X	CU	CU	CU	CU
E. Power plant	X	CCU	P	P	P
F. Sewage treatment plant	X	CCU	CCU	CCU	CCU
G. Solid waste incineration facility	X	CCU	CCU	CCU	CCU
H. Solid waste landfills	X	X	X	X	X
VI. Institutions					
A. Institute for advanced study	P	P	P	X	X
B. Private clubs	EB	EB	EB	X	X
C. Child care center	P	P	P	P	P
D. Museum	EB	EB	EB	X <sup>8</sup>	X <sup>8</sup>
E. School, elementary or secondary	EB	EB	EB	X	X
F. College	EB	EB	EB	X <sup>9</sup>	X <sup>9</sup>
G. Community center	EB	EB	EB	P	P
H. Community club	EB	EB	EB	X	P
I. Vocational or fine arts school	P	P	P	P	P
J. Hospital	EB	EB	CU <sup>10</sup>	P	P
K. Religious facility	EB	EB	EB	EB	EB
L. University	EB	EB	EB	X <sup>9</sup>	X <sup>9</sup>
M. Major institutions, subject to the provisions of Chapter 23.69	EB	EB	EB	EB	EB

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INDUSTRIAL USES  
 Chart A  
 for Section 23.50.012

USES	Zones				
	IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
VI. Public Facilities					
A. Jails	X	X	X	X	X
B. Work-release centers	X	X	X	X	X
C. Other public facilities	CCU	CCU	CCU	CCU	CCU
VIII. Park and Pool/Ride Lots					
A. Park and pool lots	P <sup>11</sup>	P <sup>11</sup>	P <sup>11</sup>	CU	CU
B. Park and ride lots	CU	CU	CU	CU	CU
IX. Residential					
A. Single-family dwelling units	X	X	X	X	X
B. Multifamily structures	X	X	X	X	X
C. Congregate residences	X	X	X	X	X
D. Adult family homes	X	X	X	X	X
E. Floating homes	X	X	X	X	X
F. Mobile home park	X	X	X	X	X
G. Nursing homes	X	X	X	X	X
H. Artist's studio/dwelling	EB/CU	EB/CU	EB/CU	EB/CU	EB/CU
I. Caretaker's quarters	P	P	P	P	P
J. Assisted living facility	X	X	X	X	X
K. Residential use except artist's studio/dwelling and caretaker's quarters in a landmark structure or landmark district	CU	CU	CU	CU	CU
X. Open Space					

**INDUSTRIAL USES  
Chart A  
for Section 23.50.012**

USES	Zones				
	IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
A. Parks	P	P	P	P	P
B. Playgrounds	P	P	P	P	P
<b>XI. Agricultural Uses</b>					
A. Animal husbandry	X	X	X	X	X
B. Horticultural use	X	X	X	X	X
C. Aquaculture	P	P	P	P	P

- P = Permitted
- X = Prohibited
- CU = Administrative conditional use
- CCU = Council conditional use
- EB = Permitted only in a building existing on October 5, 1987.

1. The heavy manufacturing uses listed in subsection B9 of Section 23.50.014 may be permitted as a conditional use. All other heavy manufacturing uses are prohibited.
2. Heavy manufacturing uses may be permitted as a conditional use within the Queen Anne Interbay area as provided at subsection C of Section 23.50.014.
3. The high-impact uses listed at subsection B10 of Section 23.50.014 may be permitted as conditional uses.
4. High-impact 1 uses may be permitted as a conditional use as provided at subsection B5 of Section 23.50.014.
5. Medical service uses over ten thousand (10,000) square feet, within two thousand five hundred (2,500) feet of 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 23.50.014.
6. Parking required for a spectator sports facility or exhibition hall is allowed and shall be permitted to be used for general parking purposes or shared with another such facility to meet its required parking. A spectator sports facility or exhibition hall within the Stadium Transition Overlay Area District may reserve parking. Such reserved, nonrequired, parking is allowed, shall be permitted to be used for general parking purposes and is exempt from the one (1) space per six hundred fifty (650) square feet ratio under the following circumstances: if
  - (a) The parking is owned and operated by the owner of the spectator sports facility or exhibition hall, and
  - (b) Is reserved for events in the spectator sports facility or exhibition hall, and
  - (c) The reserved parking is outside of the Stadium Transition Overlay Area District, and south of South Royal Brougham Way, west of 6th Avenue South and north of South Atlantic Street.
 Parking that is covenanted to meet required parking will not be considered reserved parking.

INDUSTRIAL USES  
Chart A  
for Section 23.50.012

USES

Zones

IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
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- 7. See Chapter 23.57 for regulation of major and minor communication utilities and accessory communication devices.
- 8. Museums are prohibited except in buildings or structures that are designated City of Seattle landmarks.
- 9. A college or university offering a primarily vocational curriculum within the zone is permitted.
- 10. Hospitals may be permitted as a conditional use where accessory to a research and development laboratory or an institute for advanced study pursuant to Section 23.50.014 B15, Conditional uses.
- 11. Park and pool lots are not permitted within three thousand (3,000) feet of the Downtown Urban Center.

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.

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**23.50.014 Conditional uses.**

A. Criteria For All Conditional Uses. All conditional uses shall be subject to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, and 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. The benefits to the public that would be provided by the use shall outweigh the negative impacts of the use.
3. Landscaping and screening, vehicular access controls and other measures shall insure the compatibility of the use with the surrounding area and mitigate adverse impacts.
4. The conditional use shall be denied if it is determined that the negative impacts cannot be mitigated satisfactorily. However, 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.

5. In areas covered by Council-adopted Neighborhood Plans which were adopted after 1983, uses shall be consistent with the recommendations of the plans.

B. Administrative Conditional Uses. The following uses, identified as administrative conditional uses in Chart A, may be permitted by the Director when the provisions of this subsection and subsection A of this section are met.

1. Artist's studio/dwellings in an existing structure may be permitted as a conditional use in General Industrial 1 (IG1), General Industrial 2 (IG2), Industrial Buffer (IB) and Industrial Commercial (IC) zones, except as provided in the Shoreline District, Chapter 23.60, upon showing that the occupant is a bona fide working artist, and subject to the following criteria:

- a. Artist's studio/dwellings shall generally be discouraged along arterials such as freeways, state routes and freight lines;
- b. Artist's studio/dwellings shall not be allowed in areas where existing industrial uses may cause environmental or safety problems;
- c. Artist's studio/dwellings shall not be located where they may restrict or disrupt industrial activity;
- d. The nature of the artist's work shall be such that there is a genuine need for the space; and
- e. The owner(s) of a building seeking a conditional use for artist's studio/dwellings must sign and record a covenant and equitable servitude, on a form acceptable to the Director, that acknowledges that the owner(s) and occupants of the building accept the industrial character of the neighborhood and agree that exist-

ing or permitted industrial uses do not constitute a nuisance or other inappropriate or unlawful use of land. Such covenant and equitable servitude must state that it is binding on the owner(s)' successors, heirs, and assigns, including any lessees of the artist's studio/dwellings.

2. Park-and-pool lots in IG1 and IG2 zones in the Duwamish Manufacturing/Industrial Center, and park-and-ride lots in General Industrial 1 (IG1), General Industrial 2 (IG2), Industrial Buffer (IB) and Industrial Commercial (IC) zones may be permitted as a conditional use according to the following criteria:

- a. The lot shall not create conflict with industrial activity by causing significant additional traffic to circulate through the area;
- b. The lot has direct vehicular access to a designated arterial improved to City standards;
- c. The lot shall be located on an existing parking area unless no reasonable alternative exists;
- d. If the proposed 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 lot and the other uses; and
- e. The lot is not located within three thousand (3,000) feet of downtown.

3. Except in the Duwamish Manufacturing/Industrial Center, lodging uses may be permitted as a conditional use in General Industrial 1 (IG1), General Industrial 2 (IG2), Industrial Buffer (IB) and Industrial Commercial (IC) zones according to the following criteria:

- a. The use is designed primarily to serve users in the industrial area; and
- b. The use is designed and located to minimize conflicts with industrial uses in the area.

4. A residential use not otherwise permitted in the zone may be permitted as a conditional use in General Industrial 1 (IG1), General Industrial 2 (IG2), Industrial Buffer (IB) and Industrial Commercial (IC) zones within a structure designated as a Landmark, pursuant to the Seattle Municipal Code, Chapter 25.12, Landmarks Preservation, or within a structure in a Landmark District, pursuant to the Seattle Municipal Code, Chapters 25.16, Ballard Avenue Landmark District, or Chapter 25.28, Pioneer Square Historical District, subject to the following criteria:

- a. The use shall be compatible with the historic or landmark character of the structure. The Director shall request a determination regarding compatibility by the respective Board having jurisdiction over the structure or lot;
- b. The residential use shall not restrict or disrupt industrial activity in the zone; and
- c. The surrounding uses would not be detrimental to occupants of the Landmark structure.

5. High Impact 1 uses may be permitted as a conditional use in General Industrial 1 (IG1), and Gener-

al Industrial 2 (IG2) zones, according to the following criteria:

a. The lot is located so that large concentrations of people, particularly in residential and commercial areas, are not exposed to unreasonable adverse impacts;

b. A management plan may be required. The Director may determine the level of detail to be disclosed in the plan based on the probable impacts and/or the scale of the effects. Discussion of materials handling and storage, odor control, transportation and other factors may be required.

6. A new railroad switchyard with a mechanized hump, or the expansion of such a use beyond the lot occupied at the date of adoption of the ordinance codified in this section may be permitted as a conditional use in General Industrial 1 (IG1) and General Industrial 2 (IG2) zones, according to the following criteria:

a. The lot is located so that large concentrations of people, particularly in residential and commercial areas, are not exposed to unreasonable adverse impacts;

b. Measures to minimize the impacts of noise, light and glare, and other measures to insure the compatibility of the use with the surrounding area and to mitigate adverse impacts shall be incorporated into the design and operation of the facility.

7. Solid waste transfer stations may be permitted as a conditional use in General Industrial 1 (IG1), General Industrial 2 (IG2) and Industrial Commercial (IC) zones according to the following criteria:

a. Measures to minimize potential odor emissions and airborne pollutants shall be determined in consultation with the Puget Sound Air Pollution Control Agency (PSAPCA). These measures shall be incorporated into the design and operation of the facility;

b. Measures to maximize control of rodents, birds and other vectors shall be determined in consultation with the Seattle/King County Department of Public Health. These measures shall be incorporated into the design and operation of the facility;

c. A transportation plan may be required. The Director shall determine the level of detail to be disclosed in the plan such as estimated trip generation, access routes and surrounding area traffic counts, based on the probable impacts and/or scale of the proposed facility; and

d. Measures to minimize other impacts are incorporated into the design and operation of the facility.

8. Heavy Manufacturing uses may be permitted in the Industrial Buffer (IB) zone as a conditional use according to the following criteria:

a. The use shall be located within an enclosed building except for shipbuilding;

b. The hours of operation for all processes creating any adverse impacts on residentially or commercially zoned land may be limited;

c. Truck and service traffic associated with the heavy manufacturing use shall be directed away from streets serving lots in nonindustrial zones;

d. The infrastructure of the area shall be capable of accommodating the traffic generated by the proposed use; and

e. The use shall not produce sustained or recurrent vibrations exceeding 0.002g acceleration as measured on lots in nonindustrial zones.

9. The Heavy Manufacturing uses listed in subsection B9a of this section may be permitted in the Industrial Commercial (IC) zone as a conditional use according to criteria contained in subsection B9b.

a. Uses.

(1) Mass production of commercial or recreational vessels of any size and the production of vessels up to one hundred and twenty (120) feet in length, constructed to individual specifications; and

(2) Manufacturing of electrical components, such as semiconductors and circuit boards, using chemical processes such as etching or metal coating; and

(3) Production of industrial organic and inorganic chemicals, and soaps and detergents.

b. Criteria.

(1) Except for shipbuilding, the use shall be located within an enclosed building;

(2) The hours of operation for all processes creating any impacts on residentially or commercially zoned land may be limited;

(3) Truck and service traffic associated with the heavy manufacturing use shall be directed away from streets serving lots in nonindustrial zones;

(4) The infrastructure of the area shall be capable of accommodating the traffic generated by the proposed use;

(5) The use shall not produce sustained or recurrent vibrations exceeding 0.002g acceleration as measured on lots in nonindustrial zones;

(6) The finished product as packaged for sale or distribution shall be in such a form that product handling and shipment does not constitute a significant public health risk; and

(7) The nature of the materials produced and/or the scale of manufacturing operations may be limited in order to minimize the degree and severity of risks to public health and safety.

10. The High Impact uses listed in subsection B10a of this section may be permitted as conditional uses in the Industrial Commercial (IC) zone according to the criteria contained in subsection B10b of this section.

a. Uses.

(1) The manufacture of Group A hazardous materials, except Class A or B explosives; and

23.50.014 LAND USE CODE

(2) The manufacture of Group B hazardous materials, when the hazardous materials are present in quantities greater than two thousand five hundred (2,500) pounds of solids, two hundred seventy-five (275) gallons of liquids, or one thousand (1,000) cubic feet of gas at any time.

b. Criteria.

(1) The lot is located so that large concentrations of people, particularly in residential and commercial areas, are not exposed to unreasonable adverse impacts;

(2) A management plan may be required. The Director may determine the level of detail to be disclosed in the plan based on the probable impacts and/or the scale of the effects. Discussion of materials handling and storage, odor control, transportation and other factors may be required;

(3) The finished product as packaged for sale or distribution shall be in such a form that product handling and shipment does not constitute a significant public health risk; and

(4) The nature of the materials produced and/or the scale of manufacturing operations may be limited in order to minimize the degree and severity of risks to public health and safety.

11. Fast-food restaurants that have a gross floor area greater than seven hundred fifty (750) square feet are identified as heavy traffic generators and, where not permitted outright, may be permitted as a conditional use in the General Industrial 1 (IG1), General Industrial 2 (IG2), Industrial Buffer (IB) and Industrial Commercial (IC) zones according to the following criteria:

a. The Director may require that the applicant prepare an analysis of traffic, circulation, and parking impacts and demonstrate that the use will not:

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

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

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

(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;

b. Appropriate litter-control measures are provided.

12. Transit vehicle bases may be permitted as a conditional use in the General Industrial 1 (IG1), General Industrial 2 (IG2), Industrial Buffer (IB) and Industrial Commercial (IC) zones according to the following criteria:

a. The amount of industrial land occupied by the facility shall be minimized. To avoid disruption of

the industrial function of the area, the presence of the facility shall not obstruct the operation or likely expansion of existing industrial uses;

b. The location of the facility shall not result in significant displacement of viable industrial uses or support activities;

c. The amount of land occupied by the facility that has access to industrial shorelines or major rail facilities shall be minimized; and

d. A transportation plan may be required to prevent conflicts with nearby industrial uses. The Director shall determine the level of detail to be disclosed in the plan based on the probable impacts and/or scale of the proposed facility.

13. 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 medical service use, the Director shall determine whether an adequate supply of industrially zoned land 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 manufacturing or heavy commercial character of the industrial area; and

b. Whether medical service use development would displace existing manufacturing or heavy commercial uses or usurp vacant land, in areas with parcels particularly suited for manufacturing or heavy commercial uses.

14. 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:

a. New uses shall be limited to those first permitted in the next more intensive zone;

b. The Director shall evaluate 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;

c. 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.

15. An accessory hospital facility may be permitted as a conditional use according to the following criteria:

a. The hospital facility is an integral element of a research and development laboratory or an institute for advanced study to which it is accessory; and

b. The hospital use shall not be allowed in areas where industrial activity may adversely affect hospital activity.

C. Administrative Conditional Uses/Queen Anne Interbay Area. Within the area shown on Exhibit 23.50.014 A, the uses listed in subsection C1 and C2 of this section shall be administrative conditional uses and may be permitted by the Director when the provisions of this section and subsection A of Section 23.50.014 are met (See Exhibit 23.50.014 A):

1. Heavy Manufacturing uses may be permitted as a conditional use according to the following criteria:

a. Except shipbuilding, the use shall be located within an enclosed building;

b. The hours of operation for all process creating any adverse impacts on residentially or commercially zoned land shall be limited;

c. Truck and service traffic associated with the heavy manufacturing use shall be directed away from streets serving lots in nonindustrial zones;

d. The infrastructure of the area shall be capable of accommodating the traffic generated by the proposed use; and

e. The use shall not produce sustained or recurrent vibrations exceeding 0.002 g acceleration as measured on lots in nonindustrial zones.

2. Power plants may be permitted as a conditional use according to the following criteria:

a. The lot is located so that large concentrations of people, particularly in residential and commercial areas, are not exposed to unreasonable adverse impacts;

b. A facility management and transportation plan may be required. The level and kind of detail to be disclosed in the plan shall be based on the probable impacts and/or scale of the proposed facility, and may include discussion of transportation, noise control, and hours of operation;

c. Measures to minimize potential odor emission and airborne pollution shall meet standards of and be consistent with the Puget Sound Air Pollution Control Agency (PSAPCA), and shall be incorporated into the design and operation of the facility; and

d. Landscaping and screening, separation from less-intensive zones, noise, light and glare controls, and other measures to insure the compatibility of the use with the surrounding area and to mitigate adverse impacts shall be incorporated into the design and operation of the facility.

D. Council Conditional Uses. The following uses are identified as Council conditional uses on Chart A of Section 23.50.012 and may be permitted by the Council when provisions of this subsection and subsection A are met:

1. Sewage treatment plants may be permitted as a Council conditional use in General Industrial 1 (IG1), General Industrial 2 (IG2) and Industrial Commercial (IC) zones according to the following criteria:

a. The plant shall be located so that adverse impacts would not affect large concentrations of people, particularly in residential and commercial areas;

b. The negative impacts of the use can be satisfactorily mitigated by imposing conditions to protect other property in the zone or vicinity and to protect the environment. Appropriate mitigation measures shall include but are not limited to:

(1) A facility management and transportation plan shall be required. The level and kind of detail to be disclosed in the plan shall be based on the probable impacts and/or scale of the proposed facility, and shall at a minimum include discussion of sludge transportation, noise control and hours of operation, and shall be incorporated into the design and operation of the facility,

(2) Measures to minimize potential odor emission and airborne pollutants including methane shall meet standards of and be consistent with best available technology as determined in consultation with the Puget Sound Air Pollution Control Agency (PSAPCA), and shall be incorporated into the design and operation of the facility,

(3) Methods of storing and transporting chlorine and other hazardous and potentially hazardous chemicals shall be determined in consultation with the Seattle Fire Department and incorporated into the design and operation of the facility,

(4) Vehicular access suitable for trucks shall be available or provided from the plant to a designated arterial improved to City standards;

(5) Landscaping and screening, separation from less-intensive zones, noise, light and glare controls, and other measures to insure the compatibility of the use with the surrounding area and to mitigate adverse impacts shall be incorporated into the design and operation of the facility.

2. Heliports may be permitted as a Council conditional use in General Industrial 1 (IG1), General Industrial 2 (IG2) and Industrial Commercial (IC) Zones according to the following criteria:

a. The heliport is to be used for the takeoff and landing and servicing of helicopters which serve a public safety, news gathering or emergency medical care function; 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;

b. A need shall be determined for the facility at the proposed location;



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c. The heliport is located to minimize impacts, such as noise and dust impacts, on lots in the surrounding area;

d. The lot is of sufficient size that the operations of the heliport and the flight paths of helicopters are buffered from the surrounding area;

e. Open areas and landing pads are hard-surfaced; and

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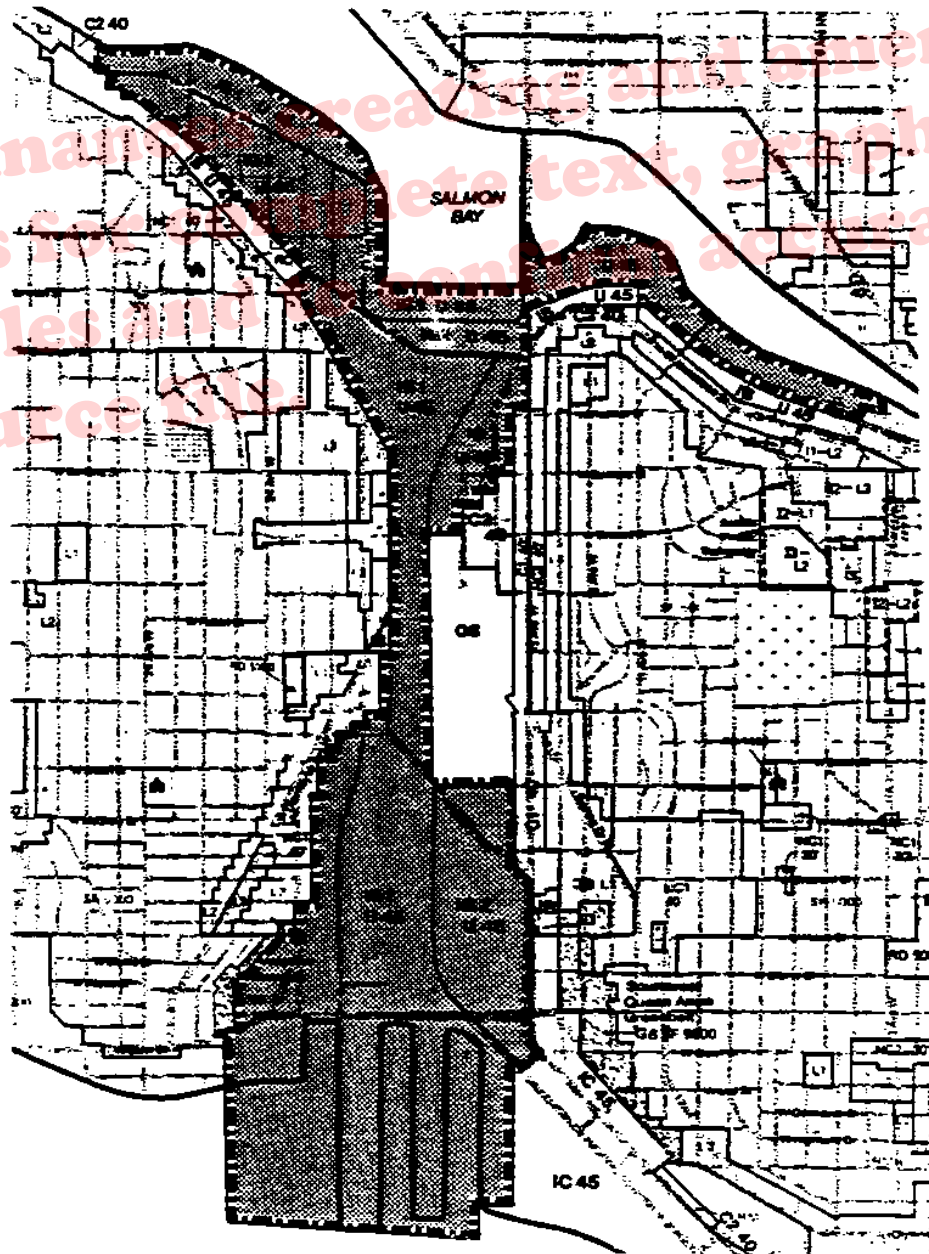
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INDUSTRIAL 23.50.006

Exhibit 23.50.014 A Administrative Conditional Uses Queen Anne—Interbay Area



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23.50.014 LAND USE CODE

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

3. Airports may be permitted as a Council conditional use in the General Industrial 1 (IG1), General Industrial 2 (IG2) and Industrial Commercial (IC) zones according to the following criteria:

a. A need shall be determined for the facility at the proposed location;

b. The impacts of the proposal shall be evaluated so that the negative impacts can be satisfactorily mitigated by imposing conditions to protect other property in the zone or vicinity and to protect the environment. Appropriate mitigation measures shall include, but are not limited to:

(1) The site shall be located so that adverse impacts associated with landing and takeoff activities, including noise levels and safety conditions, will not affect large numbers of people in the immediate vicinity as well as in the general landing path of the flight pattern,

(2) A facility management and transportation plan shall be required. At a minimum, the facility management and transportation plan shall demonstrate noise control, vehicle and service access, and hours of operation, and shall be incorporated into the design and operation of the facility, and

(3) Landscaping and screening, separation from less-intensive zones, noise, light and glare controls, and other measures to insure the compatibility of the use with the surrounding area and to mitigate adverse impacts shall be incorporated into the design and operation of the facility.

4. Solid waste incineration facilities may be permitted as a Council conditional use in the General Industrial 1 (IG1) and General Industrial 2 (IG2) zones according to the following criteria:

a. The lot is located so that large concentrations of people, particularly in residential and commercial areas, are not exposed to unreasonable adverse impacts;

b. Measures to minimize odor emission and airborne pollutants shall be determined in consultation with the Puget Sound Air Pollution Control Agency (PSAPCA). These measures shall be incorporated into the design and operation of the facility;

c. A transportation plan may be required. The Director shall determine the level of detail to be disclosed in the plan based on the probable impacts and/or scale of the proposed facility.

5. Power plants may be permitted as a Council conditional use in the Industrial Commercial (IC) zone according to the following criteria:

a. The lot is located so that large concentrations of people, particularly in residential and commercial

areas, are not exposed to unreasonable adverse impacts;

b. A facility management and transportation plan may be required. The level and kind of detail to be disclosed in the plan shall be based on the probable impacts and/or scale of the proposed facility, and may include discussion of transportation, noise control, and hours of operation;

c. Measures to minimize potential odor emission and airborne pollution shall meet standards of the Puget Sound Air Pollution Control Agency (PSAPCA), and shall be incorporated into the design and operation of the facility; and

d. Landscaping and screening, separation from less-intensive zones, noise, light and glare controls, and other measures to insure the compatibility of the use with the surrounding area and to mitigate adverse impacts shall be incorporated into the design and operation of the facility.

6. Helistops may be permitted as a Council conditional use in the General Industrial 1 (IG1), General Industrial 2 (IG2), Industrial Buffer (IB), and Industrial Commercial (IC) zones according to the following criteria:

a. The heliport is not within one thousand two hundred (1,200) feet of a residential zone;

b. The heliport is located to minimize impacts, such as noise and dust impacts, on lots in residential zones;

c. The lot is of sufficient size that the operations of the heliport and the flight paths of the helicopter are buffered from the surrounding area;

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

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

(Ord. 120117 § 39, 2000; Ord. 119972 § 6, 2000; Ord. 118794 §§ 39, 40, 1997; Ord. 116907 § 8, 1993; Ord. 116616 § 7, 1993; Ord. 116232 § 1, 1992; Ord. 115135 § 1, 1990; Ord. 115002 § 11, 1990; Ord. 113658 § 4(part), 1987.)

1. Editor's Note: Ordinance 113658 was passed by the City Council on October 5, 1987, and was later amended by Ordinance 115002, passed by the Council on March 26, 1990, Ordinance 115135, passed by the Council on June 18, 1990, Ordinance 116232, passed by the Council on June 22, 1992, Ordinance 116616, passed by the Council on March 22, 1993, Ordinance 116907, passed by the Council on October 18, 1993, Ordinance 118794, passed by the Council on November 10, 1997, Ordinance 119972, passed by the Council on June 12, 2000 and Ordinance 120117, passed by the Council on October 9, 2000.

### Subchapter III Development Standards in All Zones

#### 23.50.015 Major Phased Development.

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; and
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 contain and 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 may extend the existing expiration date on the portion of the site affected by the revision.

(Ord. 120691 § 15, 2001; Ord. 117598 § 2, 1995.)

#### 23.50.016 Landscaping standards on designated streets.

Uses located on streets which have been designated on the Industrial Streets Landscaping Maps, Exhibits 23.50.016 A and B, shall provide landscaping as outlined in subsections A and B below. (See Exhibits 23.50.016 A and 23.50.016 B.)

A. Street Trees. Street trees shall be required along designated street frontages. Street trees shall be provided in the planting strip according to Seattle Transportation Tree Planting Standards.

B. Exceptions to Street Tree Requirements.

1. Street trees required by subsection A of this section may be located on the lot at least two feet (2') from the street lot line instead of in the planting strip when:

a. Existing trees and/or landscaping on the lot provide improvements substantially equivalent to those required in this section.

b. It is not feasible to plant street trees according to City standards. A five-foot (5') deep landscaped setback area shall be required along the street property lines and trees shall be planted there. If an on-site landscaped area is already required, the trees shall be planted there if they cannot be placed in the planting strip.

c. Continuity of landscaping on adjacent properties along the street front is desirable.

2. Street trees shall not be required for an expansion of less than two thousand five hundred (2,500) square feet. Two (2) street trees shall be required for each additional one thousand (1,000) square feet of ex-

**23.50.016 LAND USE CODE**

pansion. The maximum number of street trees shall be controlled by Seattle Transportation standard. Rounding, per Section 23.86.002 B, shall not be permitted.

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

4. Street trees shall not be required for an expansion of a surface parking area of less than twenty percent (20%) of parking area or number of parking spaces.

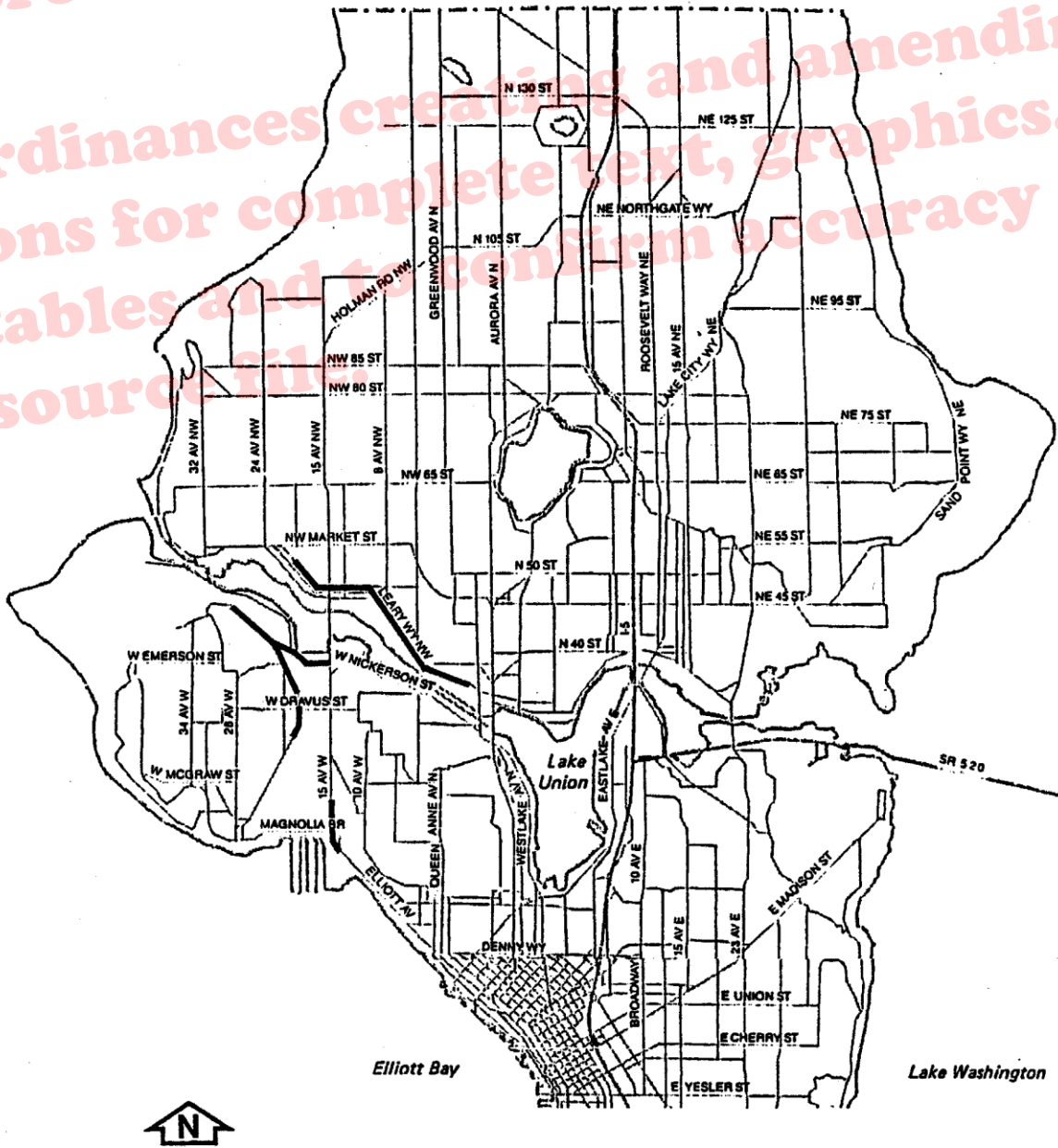
C. Screening. All outdoor storage, including off-street parking for two (2) or more fleet vehicles, outdoor storage for recyclable materials and outdoor manufacturing, repairing, refuse compacting or recycling activities, shall provide view-obscuring screening along street lot lines unless the storage or activity is fifteen feet (15') above or below the street. If the specific zone requires more extensive landscaping or screening provisions, the more extensive provisions shall apply.

(Ord. 118409 § 192, 1996; Ord. 116744 § 24, 1993; Ord. 115326 § 21, 1990; Ord. 115164 § 3, 1990; Ord. 113658 § 4(part), 1987.)



Exhibit 23.50.016 A  
Industrial Streets Landscaping Plan

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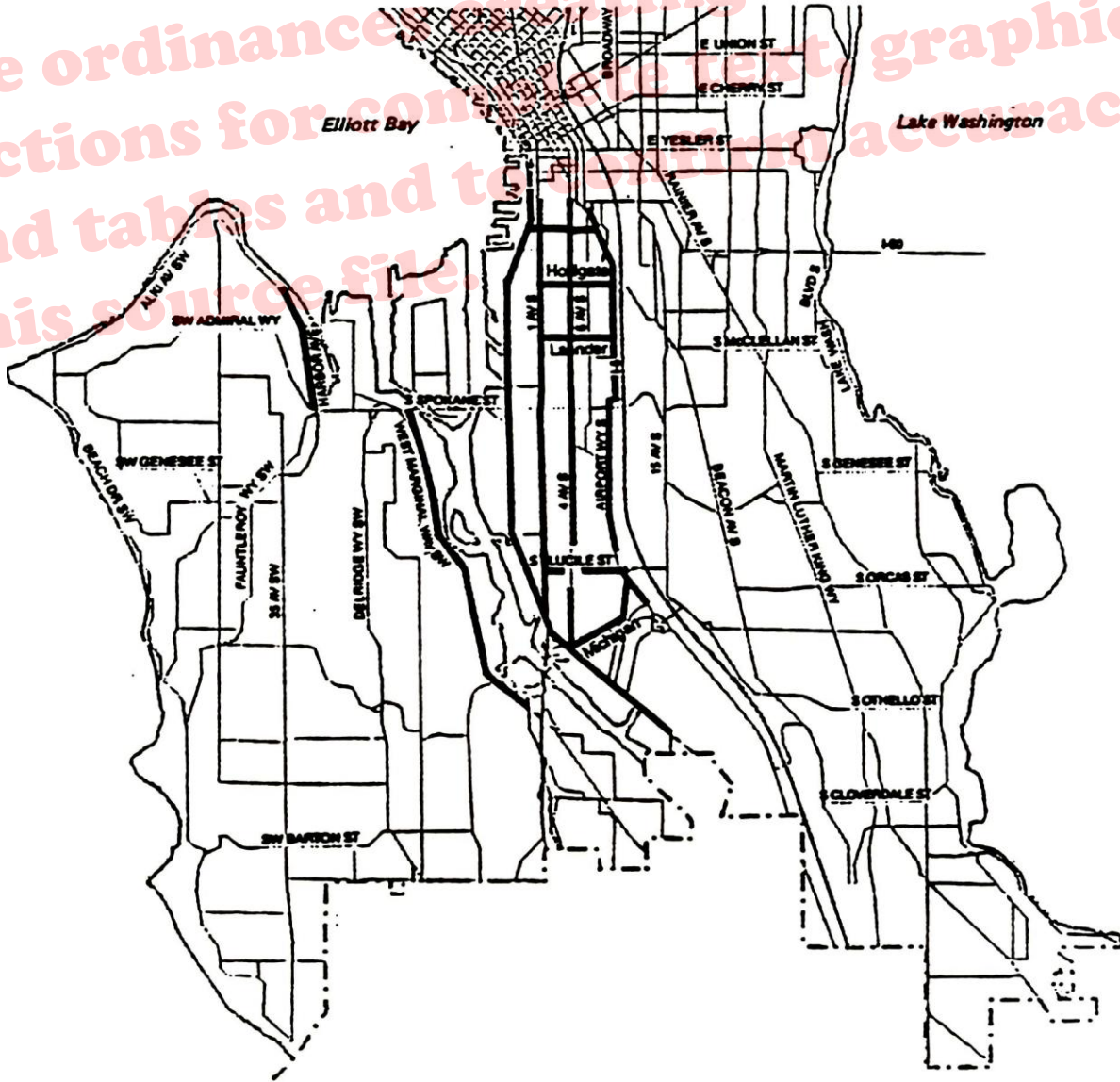


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Exhibit 23.50.016  
Industrial Streets Landscaping Plan



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**23.50.018 View corridors.**

A. On lots which are partially within the Shoreline District, except those on the Duwamish Waterway, a view corridor shall be required for the nonshoreline portion, if the portion of the lot in the Shoreline District is required to provide a view corridor under the Seattle Shoreline Master Program.<sup>1</sup>

B. The required width of the view corridor or corridors shall be not more than one-half (½) of the required width of the view corridor required in the adjacent Shoreline District.

C. Measurement, modification or waiving of the view corridor requirement shall be according to the Shoreline District measurement regulations, Chapter 23.60.

(Ord. 113658 § 4(part), 1987.)

1. Editor's Note: Shoreline district provisions are set out at Chapter 23.60 of this Code.

**23.50.020 All Industrial zones—Structure height exceptions and additional restrictions.**

A. Rooftop Features. Where height limits are otherwise applicable to a structure, and except as provided in subsections C4, D4, E4 and F3 of Section 23.50.024, the following condition shall apply to rooftop features:

1. Smokestacks; chimneys and 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 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, as 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 screened mechanical equipment:

- a. Solar collectors;
- b. Stair and elevator penthouses;
- c. Mechanical equipment; and
- d. Minor communication utilities and accessory communication devices, except that height is regulated according to the provisions of Section 23.57.015.

B. Forty-five (45) Foot Height Limit Areas—Additional Height Restrictions for Certain Structures.

1. Within those industrial areas designated as having a forty-five (45) foot height limit, forty-five (45) foot structure height is permitted only when a structure contains at least one (1) story at least fifteen (15) feet in height.

2. Structures with no story at least fifteen (15) feet in height shall be limited to a maximum height of forty (40) feet.

C. Structures existing prior to October 8, 1987 which exceed the height limit of the zone may add the rooftop features listed as conditioned in subsection A of this section above. The existing roof elevation of the structure shall be considered the maximum height limit for the purpose of adding rooftop features.

(Ord. 120928 § 23, 2002; Ord. 120117 § 40, 2000; Ord. 119370 § 13, 1999; Ord. 116596 § 4, 1993; Ord. 116295 § 22, 1992; Ord. 113658 § 4(part), 1987.)

**23.50.022 General Industrial 1 and 2—Structure height.**

A. There shall be no maximum height limit in the General Industrial 1 (IG1) and General Industrial 2 (IG2) zones except for those specific uses listed in subsection B below and except as regulated in the Airport Height Overlay District regulations at Chapter 23.64.

B. Except for the provisions of Section 23.50.020 and of subsection C below, the maximum structure height for any portion of a structure which contains the following uses, whether they are principal or accessory, shall be thirty (30) feet, forty-five (45) feet, sixty-five (65) feet, or eighty-five (85) feet, as designated on the Official Land Use Map, Chapter 23.32 (also see Exhibit 23.50.022 A):

1. Retail sales and services;
2. Nonhousehold sales and services;
3. Offices;
4. Entertainment uses, except spectator sports facilities;
5. Research and development laboratories; and
6. Institutions.

C. Covered rooftop recreational space of a building existing as of December 31, 1998, when complying with the provisions of Section 23.50.012 D, shall not be subject to the limits on maximum structure heights contained in subsection B above.

(Ord. 119370 § 14, 1999; Ord. 113658 § 4(part), 1987.)

**23.50.024 Industrial Buffer—Structure height.**

A. There shall be no maximum height limit in the Industrial Buffer (IB) zone except for those specific uses listed in subsection B of this section and except for those circumstances outlined in subsections C, D, E and F except as regulated in the Airport District Regulations at Chapter 23.64.

**23.50.024 LAND USE CODE**

B. Except for the provisions of Section 23.50.020, and except for structures on lots subject to the provisions of subsections C, D, E and F below, the maximum height for any portion of a structure which contains the following uses, whether principal or accessory, shall be thirty (30) feet, forty-five (45) feet, sixty-five (65) feet or eighty-five (85) feet, as designated on the Official Land Use Map, Chapter 23.32:

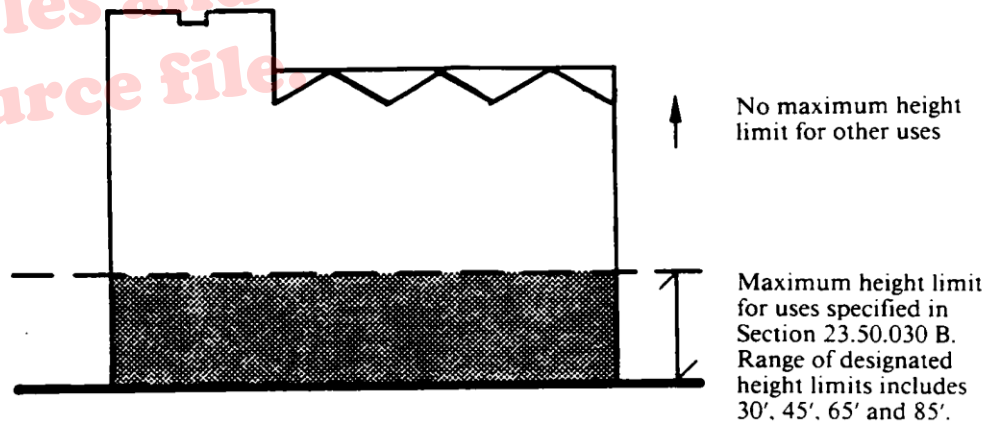
1. Retail sales and services;
2. Nonhousehold sales and services;

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Exhibit 23.50.022 A  
Maximum Height Limit  
General Industrial 1 and 2 Zones



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**23.50.024 LAND USE CODE**

3. Offices;
  4. Entertainment uses, except spectator sports facilities;
  5. Research and development laboratories;
- and
6. Institutions.

C. The following height limits shall apply to all uses, in addition to the maximum permitted heights for uses listed in subsection B, on lots directly across a street right-of-way eighty (80) feet or less in width from lots in a Single-family, Lowrise 1, Lowrise 2, or Lowrise 3 zone:

1. All structures shall be set back five (5) feet from the street lot line opposite lots zoned Single-family, Lowrise 1, Lowrise 2, or Lowrise 3. A maximum height of twenty-six (26) feet shall be permitted at the setback line.

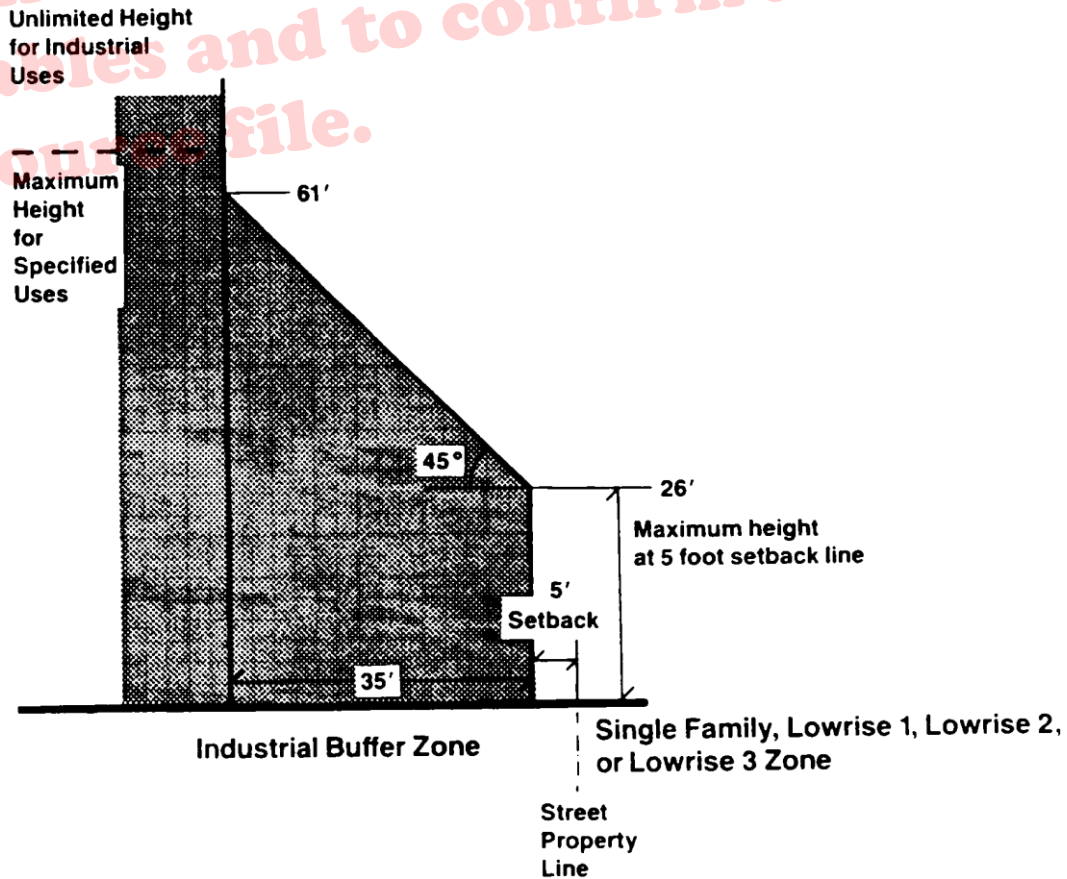
2. Beginning at the five (5) foot setback line and continuing for thirty-five (35) feet, permitted height shall increase at a forty-five (45) degree angle from the twenty-six (26) foot height allowed at the setback line. (See Exhibit 23.50.024 A.)



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Exhibit 23.50.024 A  
Industrial Buffer Zone  
Height Limits for All Uses on Lots Directly Across a Street  
Right-of-way Eighty (80) Feet or Less in Width from Lots in  
a Single-family, Lowrise 1, Lowrise 2 or Lowrise 3 Zone

See ordinance 2350024 and amending sections for complete text, graphics, and tables and to confirm accuracy of this source file.

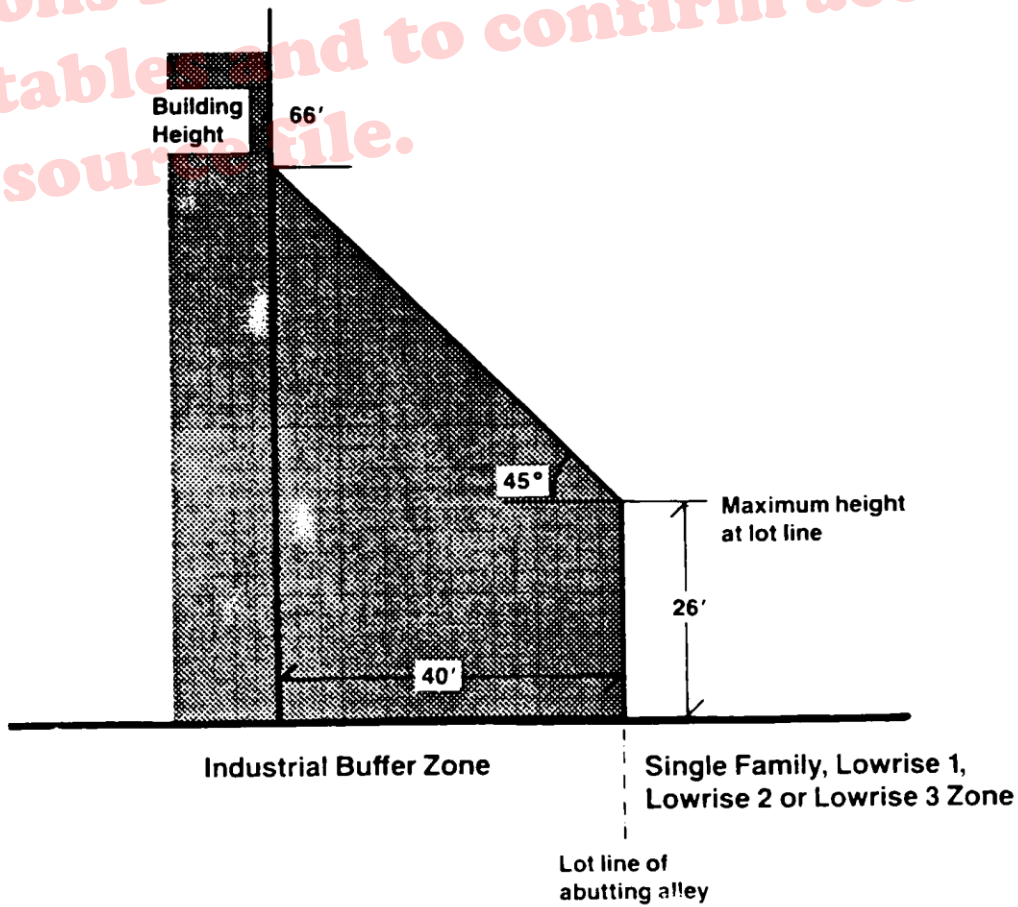


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Exhibit 23.50.024 B  
Industrial Buffer Zone  
Height Limits for All Lots Directly Across an Alley  
from Lots in a Single-family, Lowrise 1, Lowrise 2  
or Lowrise 3 Zone

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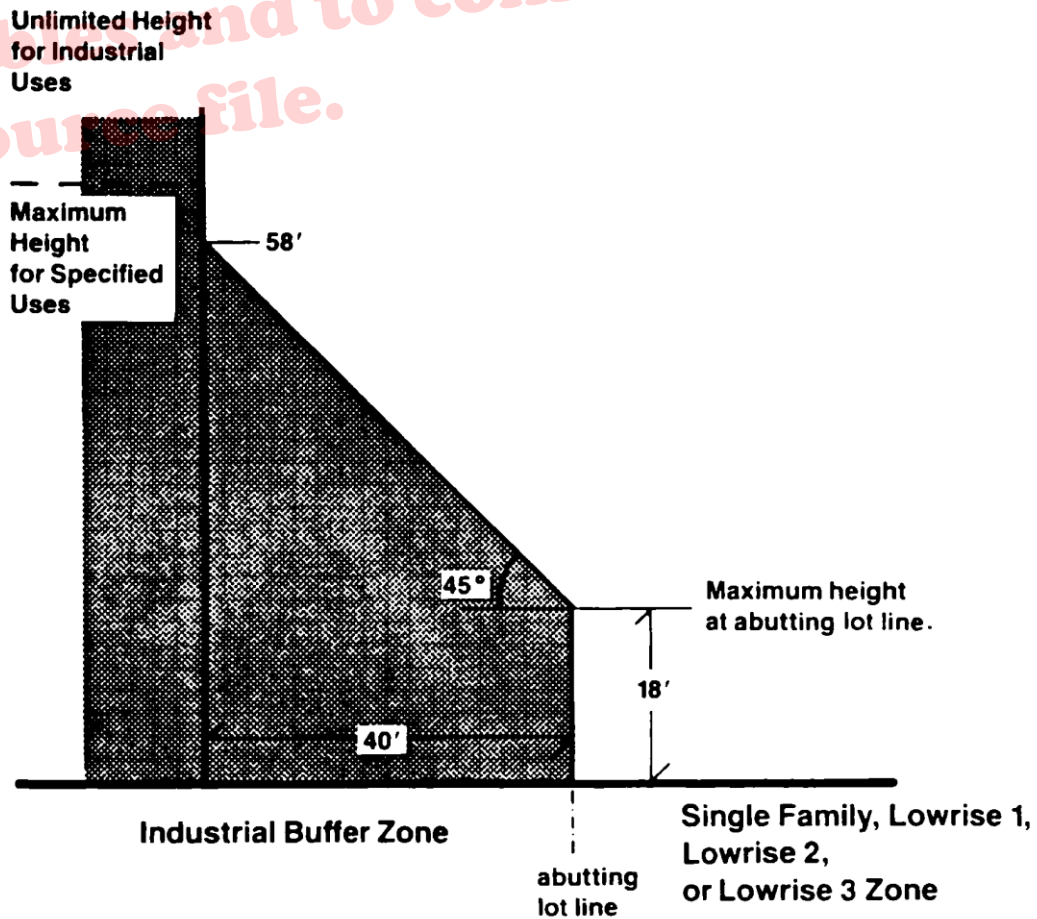


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Exhibit 23.50.024 C  
Industrial Buffer Zone  
Height Limits for All Lots Abutting a Lot in a  
Single-family, Lowrise 1, Lowrise 2 or Lowrise 3 Zone

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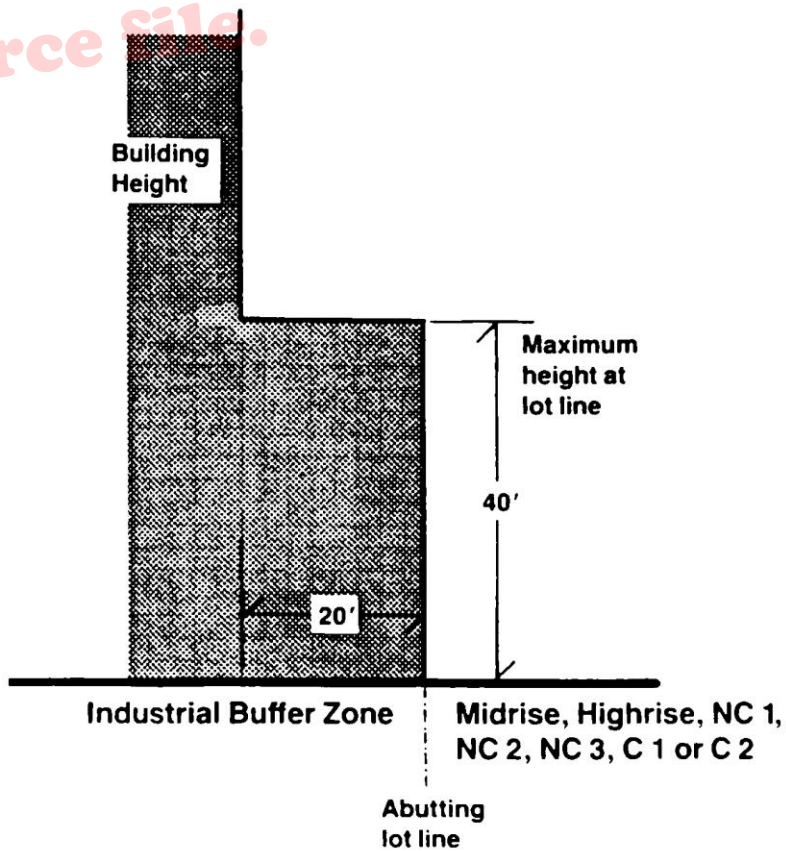


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Exhibit 23.50.024 D  
Industrial Buffer Zone  
Height Limits for Lots Which Abut a Lot in a  
Midrise, Highrise or Commercial Zone

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3. The height permitted beyond forty (40) feet from the street lot line shall be the same as the maximum height designated on the Official Land Use Map.

4. Exceptions for rooftop features, Section 23.50.020 A, shall not apply in the area within forty (40) feet of the street lot line.

D. The following height limits shall apply to all lots directly across an alley from lots in a Single-family, Lowrise 1, Lowrise 2, or Lowrise 3 zone:

1. A maximum height of twenty-six (26) feet shall be permitted on alley lot lines.

2. For the area within forty (40) feet of the lot line, permitted height shall increase at a forty-five (45) degree angle from the twenty-six (26) foot height allowed at the alley lot line. (See Exhibit 23.50.024 B.)

3. The height permitted beyond forty (40) feet from the alley lot line shall be the same as the maximum height designated on the Official Land Use Map.

4. Exceptions for rooftop features, Section 23.50.020 A, shall not apply for the area within forty (40) feet of the alley lot line.

E. The following height limits shall apply to all lots abutting a lot in a Single-family, Lowrise 1, Lowrise 2, or Lowrise 3 zone:

1. A maximum height of eighteen (18) feet shall be permitted on abutting lot lines.

2. For the area within forty (40) feet of the lot line, permitted height shall increase at a forty-five (45) degree angle from the eighteen (18) foot height allowed at the abutting lot line. (See Exhibit 23.50.024 C.)

3. The height permitted beyond forty (40) feet from the abutting lot line shall be the same as the maximum height designated on the Official Land Use Map.

4. Exceptions for rooftop features, Section 23.50.020 A, shall not apply in the area within forty (40) feet of the abutting lot line.

F. The following height limit shall apply to lots which abut a lot in a Midrise, Highrise, or Commercial zone:

1. A maximum height of forty (40) feet shall apply for a depth of twenty (20) feet along the abutting lot lines. (See Exhibit 23.50.024 D.)

2. The height permitted beyond twenty (20) feet from the abutting lot lines shall be the same as the maximum height designated on the Official Land Use Map.

3. Exceptions for rooftop features, Section 23.50.020 A, shall not apply in the area within twenty (20) feet of the abutting lot line.

(Ord. 113658 § 4(part), 1987.)

### **23.50.026 Structure height in IC zones.**

A. Except for the provisions of Section 23.50.020, and except as may be otherwise provided in this title for any overlay district, the maximum structure height for all uses shall be thirty (30) feet, forty-five (45) feet, sixty-five (65) feet, eighty-five (85) feet or one hundred twenty-five (125)

feet, as designated on the Official Land Use Map, Chapter 23.32. Only areas in the Stadium Transition Area Overlay District abutting the PSM 85/120 zone may be designated for a height limit of one hundred twenty-five (125) feet.

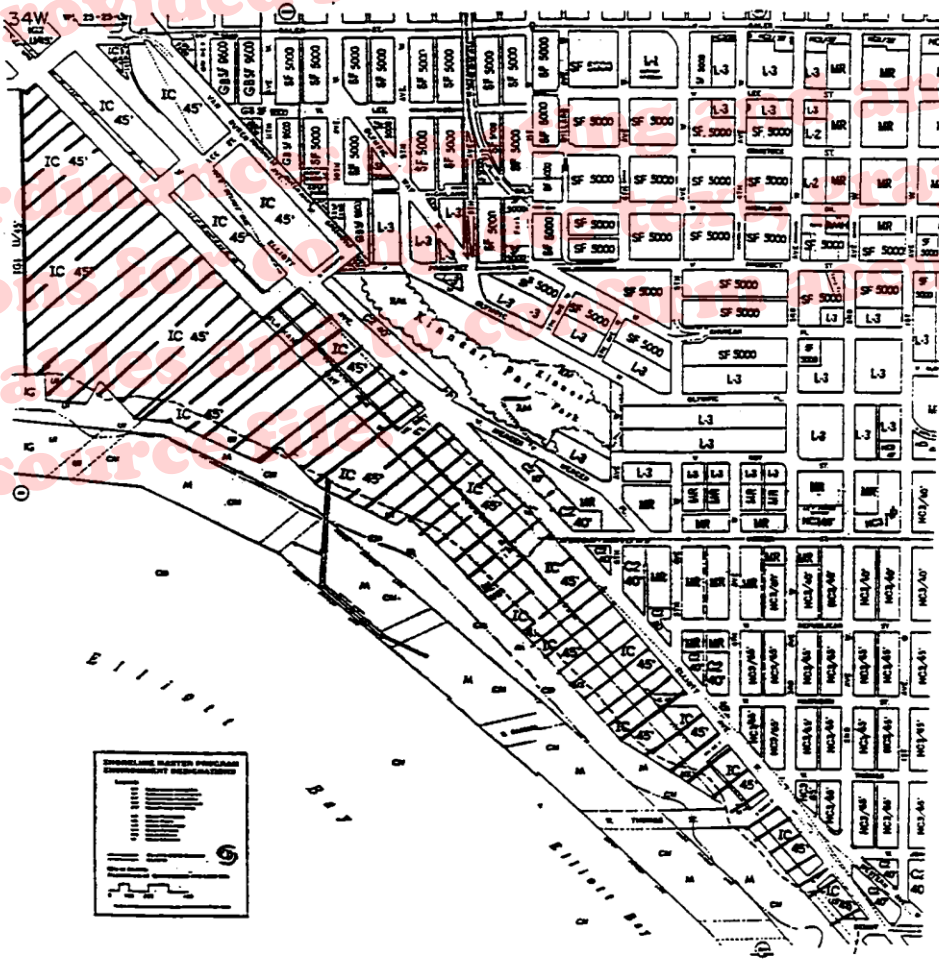
B. Water-dependent uses within the Shoreline District shall only be subject to the height limits of the applicable shoreline environment, Chapter 23.60.

C. Within the area shown on Exhibit 23.50.026 A, areas zoned IC/45 shall be subject to the following height regulations (See Exhibit 23.50.026 A):



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Exhibit 23.50.026 A  
Height Regulations in Areas Zoned Industrial Commercial/45



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1. A forty-five (45) foot structure height is permitted only when a structure contains at least one (1) story at least fifteen (15) feet in height.

2. Except as provided in subsection 3c below, structures with no story at least fifteen (15) feet in height shall be limited to a maximum height of forty (40) feet.

3. A sixty-five (65) foot structure height is permitted as a special exception provided that:

a. Provision is made for view corridors(s) looking from Elliott Avenue towards Puget Sound;

(1) The location of the view corridor(s) shall be determined by the Director upon consideration of such factors as existing view corridors, the location of street rights-of-way, and the configuration of the lot,

(2) The view corridor(s) shall have a width not less than thirty-five (35) percent of the width of the lot,

(3) The minimum width of each required view corridor shall be thirty (30) feet measured at Elliott Avenue West,

(4) Measurement, modification or waiver of the view corridor(s) shall be according to the Seattle Shoreline Master Program measurement regulations, Chapter 23.60. Where a waiver under these provisions is granted, the sixty-five (65) foot structure height shall still be permitted,

(5) Parking for motor vehicles shall not be located in the view corridor unless the area of the lot where the parking would be located is four (4) or more feet below the level of Elliott Avenue West;

b. Development shall be located so as to maximize opportunities for views of Puget Sound for residents and the general public; and

c. The structure contains at least two (2) stories at least fifteen (15) feet in height; with the exception that no story in an accessory parking structure is required to be at least fifteen (15) feet in height. (Ord. 120609 § 12, 2001; Ord. 119972 § 7, 2000; Ord. 113658 § 4(part), 1987.)

**23.50.027 Maximum size of nonindustrial use.**

**A. Applicability.**

1. Except as provided in subsections B, C and D of this section below, the maximum size of use limits specified in Chart A of this section shall apply to uses on a lot, and the total gross floor area occupied by uses limited under Chart A of this section shall not exceed an area equal to the area of the lot in an IG1 zone, or two and one-half (2.5) times the area of the lot in an IG2, IB or IC zone, or three (3) times the lot area in IC zones in the South Lake Union Planning Area, as identified in Exhibit 23.50.028 A, with sixty-five (65) foot or eighty-five (85) foot height limits. The size of use limits apply to principal and accessory uses on a lot. The limits shall be applied separately to the two (2) categories of use listed in Chart A of this section.

2. The maximum size of use limits shall not apply to the area identified in Exhibit 23.50.027 A, provided that no single retail establishment shall exceed fifty thousand (50,000) square feet in size.

**CHART A**

**INDUSTRIAL ZONES**

Categories of Uses Subject to Size of Use Limits	IG2 and IB IC		
	IG1	IG2 and IB	IC
Retail sales and service or entertainment except spectator sports facilities	30,000 sq. ft.	75,000 sq. ft.	75,000 sq. ft.
Office	50,000 sq. ft.	100,000 sq. ft.	N.M.S.L.

N.M.S.L. = No Maximum Size Limits

**CHART B**

**GENERAL INDUSTRIAL ZONES WITHIN DUWAMISH M/I CENTER**

Categories of Uses Subject to Size of Use Limits	IG1	IG2
Office uses	50,000 sq. ft.	100,000 sq. ft.
Retail sales and service (except for restaurants, fast-food restaurants over 750 sq. ft. taverns and brew pubs)	25,000 sq. ft.	50,000 sq. ft.
Restaurants and fast-food restaurants over 750 sq. ft.	5,000 sq. ft.	5,000 sq. ft.
Taverns and brew pubs*	3,000 sq. ft.	3,000 sq. ft.

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**CHART B**

**GENERAL INDUSTRIAL ZONES  
WITHIN DUWAMISH M/I CENTER**

Categories of Uses Subject to Size of Use Limits	IG1	IG2
Meeting halls	N.M.S.L. sq. ft.	5.000

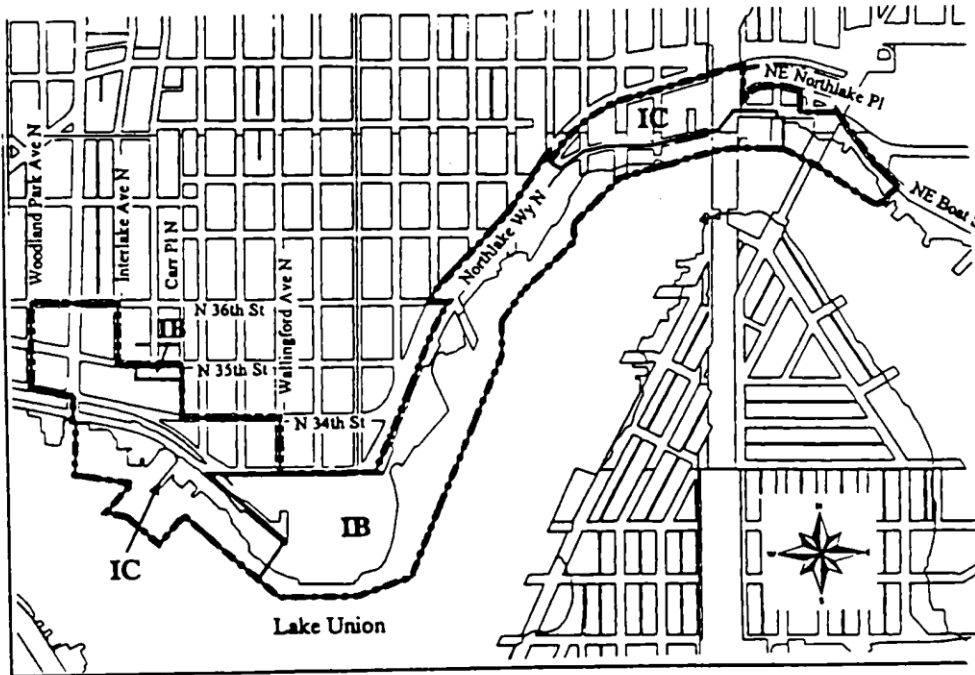
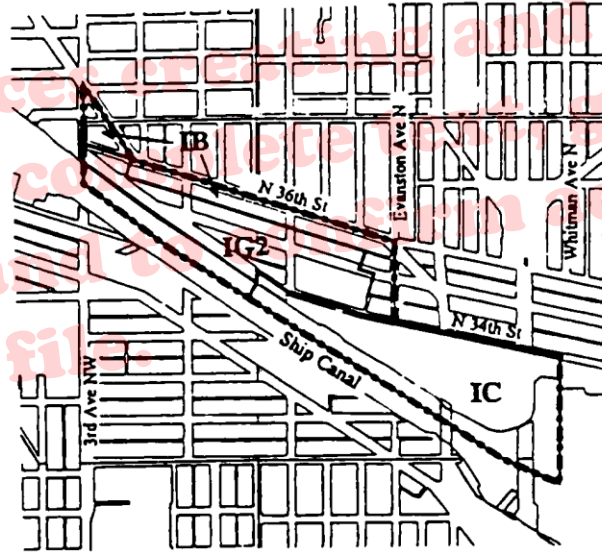
N.M.S.L. = No Maximum Size Limits

\* The maximum size limit for brew pubs applies to that portion of the pub that is not used for brewing purposes.

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North Lake Union Areas



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B. The following exceptions to the maximum size of use limits in Chart A are allowed for a structure existing as of April 3, 1995; and the following exceptions to maximum size of use limits in Chart B are allowed for a structure existing as of September 1, 1999 in the Duwamish Manufacturing/Industrial Center:

1. A use legally established as of April 3, 1995 that already exceeds the maximum size of use limits listed in Chart A may continue; and uses legally established as of September 1, 1999 that then exceed the maximum size of use limits listed in Chart B may continue.

2. The gross floor area of a use listed in Chart A and legally established as of April 3, 1995 may be converted to another category of use listed in Chart A provided that the combined gross floor area devoted to uses listed in Chart A does not exceed the total gross floor area of such uses legally established as of April 3, 1995; and the gross floor area of a use listed in Chart B and legally established as of September 1, 1999 may be converted to another category of use listed in Chart B provided that the combined gross floor area devoted to uses listed in Chart B does not exceed the total gross floor area of such uses legally established as of September 1, 1999.

3. If fifty (50) percent or more of the gross floor area of the structure has been legally established as of April 3, 1995 with a use or uses listed in Chart A, those categories of uses may exceed the size of use limits as follows:

a. Uses listed in Chart A may expand within and occupy the entire structure.

b. The structure may be expanded by up to the following amounts and the use or uses may be permitted to expand within and occupy the entire structure:

(1) IG1 Zone: Twenty (20) percent of the existing structure's gross floor area or ten thousand (10,000) square feet, whichever is less;

(2) IG2, IB and IC Zones: Twenty (20) percent of the existing structure's gross floor area or twenty thousand (20,000) square feet, whichever is less.

4. If fifty (50) percent or more of the gross floor area of the structure has been legally established as of September 1, 1999 with a use or uses listed in Chart B, those categories of uses may exceed the size of use limits as follows:

a. Uses listed in Chart B may expand within and occupy the entire structure.

b. The structure may be expanded by up to the following amounts and the use or uses may be permitted to expand within and occupy the entire structure:

(1) IG1 Zone: Twenty (20) percent of the existing structure's gross floor area or ten thousand (10,000) square feet, whichever is less;

(2) IG2 Zone: Twenty (20) percent of the existing structure's gross floor area or twenty thousand (20,000) square feet, whichever is less.

C. Special Exceptions for Office Use.

1. Office Uses that are not Public Facilities Operated for Public Purposes by Units or Instrumentalities of Special or General Purpose Government or the City.

a. The Director may permit an office use to exceed the size of use limits as a special exception pursuant to Chapter 23.76, Master Use Permits and Council Land Use Decisions provided that the total gross floor area devoted to the uses limited in Chart A shall not exceed an area equal to the area of the lot in an IG1 zone or two and one-half (2.5) times the area of the lot in an IG2 or IB zone, and either the office is on the same lot as, and accessory to, a permitted use not listed in Chart A; or the office is a principal use on the same or another lot within one (1) mile distance of a permitted use not listed in Chart A and is directly related to and supportive of that use.

b. The Director shall use the following characteristics to determine whether to approve, approve with conditions or deny a special exception:

(1) Characteristics that make a lot more appropriate for office uses are:

(a) The presence of well-defined boundaries, buffers, edge conditions or circulation patterns which separate office uses from industrial activity;

(b) The likelihood that the proposed use will provide or encourage improvements that will directly support industrial activity in the area;

(c) The likelihood that the proposed use, because of its type, size and location, will operate without substantial conflicts with the industrial function of the area;

(d) A sufficiently large industrial area such that the proposed use would not undermine the area's industrial character.

(2) Characteristics that make a lot less appropriate for office uses are:

(a) The presence of heavy industrial uses which would conflict with office use;

(b) The presence of any special features, such as access to the water, rail and the regional highway systems, which make the land especially well-suited to industrial use.

2. Office Uses in Public Facilities Operated for Public Purposes by Units or Instrumentalities of Special or General Purpose Government or the City in IG1 Zones. The Director may permit office uses in existing vacant structures that were and are to be used as public facilities operated for public purposes by units or instrumentalities of special or general purpose government or the City on lots zoned IG1 to exceed the size limits referenced in Chart A as a special exception pursuant to Chapter 23.76, Master Use Permits and Council Land Use Decisions under the following circumstances:

a. Eligible Sites. To be eligible to apply for this exception the lot must meet the following criteria:

(1) The lot and its structures must be owned by a unit or instrumentality of special or general purpose



government or the City and must have been owned by a unit or instrumentality of special or general purpose government or the City on January 1, 2000;

(2) The lot is at least five hundred thousand (500,000) square feet;

(3) The lot contains existing structures with a total gross floor area of at least three hundred thousand (300,000) square feet that were at least fifty (50) percent vacant continuously since September 1, 1997; and

(4) The lot and the existing structures on the lot must have functioned most recently as a public facility operated for a public purpose by a unit or instrumentality of special or general purpose government or the City, and

(a) The previous public facility must have had at least ten (10) percent of its gross floor area functioning as accessory or principal offices; and

(b) The previous public facility must have at least twenty-five (25) percent of its gross floor area functioning as one (1) or more of the following uses or categories of uses:

- (i) Warehouse,
- (ii) Light, general or heavy manufacturing,
- (iii) Food processing or craft work,
- (iv) Transportation facilities,
- (v) Salvage and recycling, or
- (vi) Utilities other than solid waste landfills,

b. Development Standards. The proposed public facility must meet the following development standards in order for a special exception to be approved;

(1) The existing structure or structures will remain on the lot and will be reused for the proposed public facility, except that demolition of up to twenty (20) percent of the gross floor area of the existing structures and/or an addition of up to twenty (20) percent of the gross floor area of the existing structures is allowed;

(2) The total gross floor area to be devoted to office use in the proposed public facility will not exceed the lesser of fifty-five (55) percent of the gross floor area of the existing structures on the lot or an area equal to the area of the lot; and

(3) At least twenty-five (25) percent of the gross floor area of the structures in the proposed public facility must include one or more of the following uses or categories of uses:

- (a) Warehouse;
- (b) Light, general or heavy manufacturing;
- (c) Food processing or craft work;
- (d) Transportation facilities;
- (e) Salvage or recycling; or
- (f) Utilities other than solid waste landfills.

D. Covered rooftop recreational space of a building existing as of December 31, 1998, when complying with the provisions of Section 23.50.012 D, shall not be subject to the limits on maximum size of nonindustrial uses contained in subsection A of this section.

(Ord. 120155 § 2, 2000; Ord. 119972 § 8, 2000; Ord. 119370 § 15, 1999; Ord. 117570 § 17, 1995; Ord. 117430 § 77, 1994.)

### 23.50.028 Floor area ratio.

The floor area ratio (FAR), as provided below, shall determine the gross square footage permitted.

A. General Industrial 1, Floor Area Ratio. The total maximum FAR shall be two and one-half (2.5).

B. General Industrial 2 and Industrial Buffer, Floor Area Ratio. The maximum FAR for all General Industrial 2 (IG2) and Industrial Buffer (IB) uses shall be two and one-half (2.5).

C. Industrial Commercial, Floor Area Ratio. Except for the area shown in Exhibit 23.50.028 A, the maximum FAR for all Industrial Commercial (IC) uses shall be two and one-half (2.5). (See Exhibit 23.50.028 A.)

D. Industrial Commercial/South Lake Union, Floor Area Ratio. Within the area shown on Exhibit 23.50.028A, and described as the South Lake Union Planning Area, the FAR shall be as follows:

1. In areas with a thirty (30) foot or forty-five (45) foot height limit, the FAR shall be two and one-half (2.5); and

2. In areas with a sixty-five (65) foot or eighty-five (85) foot height limit, the FAR shall be three (3).

E. All Industrial Zones, Exemptions from FAR Calculations. The following areas shall be exempt from FAR calculations:

1. All gross floor area below grade;

2. All gross floor area used for accessory parking;

3. All gross floor area used for mechanical equipment, stair and elevator penthouses and communication equipment and antennas located on the rooftop of structures;

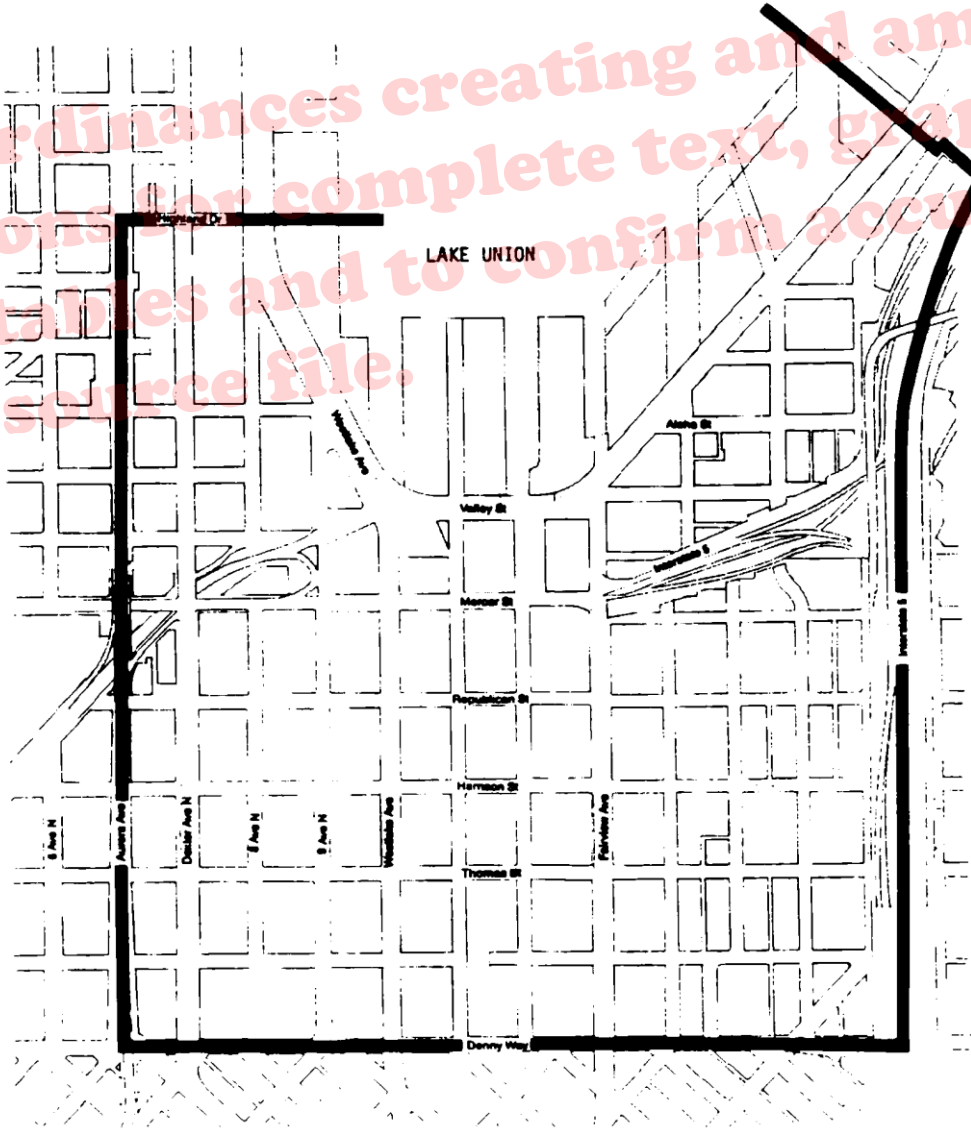
4. All gross floor area uses for covered rooftop recreational space of a building existing as of December 31, 1998, when complying with the provisions of Section 23.50.012 D.

(Ord. 119370 § 16, 1999; Ord. 117430 § 78, 1994; Ord. 113658 § 4(part), 1987.)

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Exhibit 23.50.028 A  
South Lake Union Planning Area

See ordinances creating and amending  
sections for complete text, graphics,  
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**23.50.029 General Industrial 1 and 2—Setback requirements.**

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. 115326 § 22, 1990.)

**23.50.030 Industrial Buffer—Setback requirements.**

A. Setbacks shall be required in the Industrial Buffer (IB) zone according to the provisions of subsections B, C and D of this section. All required setbacks shall be landscaped according to the provisions of Section 23.50.036.

B. A five (5) foot setback shall be required from all street lot lines which are across a street right-of-way eighty (80) feet or less in width from a lot in a Single-family, Lowrise 1, Lowrise 2 or Lowrise 3 zone.

C. When across a street right-of-way eighty (80) feet or less in width from a lot in a Midrise, Highrise or Residential Commercial zone, or across an alley from a lot in any residential zone, the following uses shall be required to provide a five (5) foot setback from the street or alley lot line:

1. Surface parking areas for more than five (5) vehicles;
2. Parking structures unless enclosed by a solid wall;
3. Outdoor loading berths;
4. Outdoor recycling collection stations; and
5. Outdoor storage, except when the elevation of the outdoor storage area is at least fifteen (15) feet above the residential property.

D. The following uses or structures shall be set back five (5) feet from any lot line abutting a residentially zoned lot:

1. Surface parking areas for more than five (5) vehicles;
2. Parking structures unless enclosed by a solid wall; and
3. Drive-in businesses.

E. The following outdoor activities shall be set back fifteen (15) feet from all lot lines abutting a residentially zoned lot:

1. Outdoor recycling collection stations;
2. Outdoor loading berths; and
3. Outdoor storage.

F. Any outdoor manufacturing, repairing, refuse compacting or recycling activity shall be set back fifty (50) feet from any lot in a residential zone.

G. No entrance, window, or other opening shall be closer than five (5) feet to any abutting residentially zoned lot, except when:

1. Windows are of translucent glass; or
2. Windows are perpendicular to the lot line; or

3. View-obscuring screening is provided between the window and abutting residentially zoned lot.

H. 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. 115326 § 23, 1990; Ord. 113658 § 4(part), 1987.)

**23.50.032 Industrial Commercial—Setback requirements.**

A. Setbacks From Residential Zones.

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. (See Exhibits 23.50.032 A and 23.50.032 B.)

2. A setback shall be required along any lot line which abuts a side or rear 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 twelve (12) feet in height or lower; and
- b. Ten (10) feet for portions of structures above twelve (12) 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, (see Exhibit 23.50.032 B).

3. Half (1/2) of an alley width may be counted as part of the required setback.

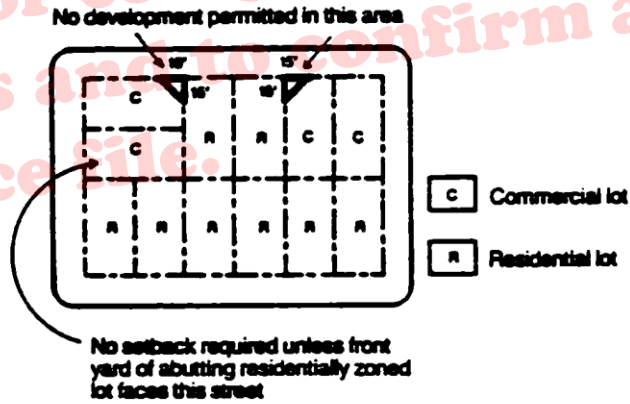
D. No entrance, window or other opening shall be permitted closer than five (5) feet to a residentially zoned lot.

E. 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 23.50.038, screening and landscaping standards.

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## Exhibits 23.50.032 A and 23.50.032 B Setbacks in Certain Industrial Commercial Zones

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F. 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. 115326 § 24, 1990; Ord. 113658 § 4(part), 1987.)

### **23.50.034 Screening and landscaping.**

The following types of screening and landscaping may be required according to the provisions of Sections 23.50.036 and 23.50.038:

A. Three-foot (3') High Screening. Three-foot (3') high screening may be either:

1. A fence or wall at least three feet (3') in height; or
2. A hedge or landscaped berm at least three feet (3') in height.

B. View-obscuring Screening. View-obscuring screening may be either:

1. A fence or wall six feet (6') in height; or
2. A landscaped berm at least five feet (5') in height; or
3. A hedge which would achieve a height of at least five feet (5') within three (3) years of planting; or
4. Any combination of the features listed above which achieves a height of at least five feet (5') within three (3) years of planting.

C. Landscaped Areas and Berms. Each area or berm required to be landscaped shall be planted with trees, shrubs and grass, or evergreen ground cover, in a manner that the total required setback, excluding driveways, will be covered in three (3) years. Features such as walkways, decorative paving, sculptures, or fountains may cover a maximum of thirty percent (30%) of each required landscaped area or berm.

D. Street Trees. When required by this Code, street trees shall be provided in the planting strip according to Seattle Transportation Tree Planting Standards. If it is not feasible to plant street trees in the planting strip according to City standards, they shall be planted in the five-foot (5') deep landscaped setback area along the street property line. Trees planted in this setback area shall be at least two feet (2') from the street lot line.

E. Combinations of Screening and Landscaping Requirements.

1. 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.

2. Different types of screening or landscaping may be combined on one (1) lot.

(Ord. 118409 § 193, 1996; Ord. 117644 § 25, 1993; Ord. 113658 § 4(part), 1987.)

### **23.50.036 Industrial Buffer—Screening and landscaping.**

A. Screening and Landscaping Requirements for All Uses.

1. Street Trees.

- a. All uses which are directly across a street eighty feet (80') or less in width from a lot in a residential or commercial zone shall provide street trees.

- b. If it is not feasible to plant street trees in the planting strip, then they shall be provided in the required five-foot (5') deep landscaped area along the street property line.

2. Rooftop Screening.

- a. Heating, ventilating, air conditioning or other wall or rooftop mechanical equipment shall be located and directed away from adjacent residential property.

- b. Screening shall be provided and shall be of a design and material which is compatible with the structure and shall be as high as the equipment to be screened and shall completely surround the equipment.

B. Screening and Landscaping Requirements for Uses Abutting or Across an Alley From a Lot in a Residential Zone.

1. Surface parking areas, off-street loading areas, parking structures, drive-in businesses, gas stations, outdoor sales or storage and outdoor activities, shall provide screening and landscaping as provided in subsection D of this section, screening and landscaping requirements for specific uses.

2. Uses which abut or are across an alley from a lot in a residential zone shall provide view-obscuring screening along the abutting or alley lot line, except as modified by subsection B3 below.

3. When the structure facade is located five feet (5') or less from the lot line, landscaping may be provided in the area between the facade and the lot line as an alternative to view-obscuring screening. This landscaping shall be either:

- a. Trellises and vining plants attached to the facade up to a minimum height of ten feet (10'); or

- b. A landscaped area meeting the provisions of subsection C of Section 23.50.034.

C. Screening and Landscaping Requirements for Uses Directly Across a Street Eighty Feet (80') or Less in Width From Lots in a Residential Zone.

1. A view-obscuring fence or solid wall screen greater than six feet (6') in height and less than three feet (3') from the lot line shall be screened by trellises and vining plants attached to the wall up to a minimum height of ten feet (10').

2. Some specific uses are required to provide additional screening, landscaping and setbacks as regulated in subsection D of this section.

D. Screening, Landscaping and Setback Requirements for Specific Uses.



1. Surface parking areas for more than five (5) vehicles.

a. When a surface parking area abuts a lot in an NC1, NC2, NC3 or C1 zone, view-obscuring screening along the abutting lot lines shall be provided.

b. When a surface parking area is across an alley from a lot in a residential zone, view-obscuring screening shall be required. A five-foot (5') deep landscaped area shall be required inside the screening. The Director may reduce or waive the screening and landscaping requirement for all or a part 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 permits a workable plan for the building and parking which would preserve the screening and landscaping;

(2) Whether the character of use across the alley, such as multifamily parking structures or single-family garages, make the screening and landscaping less necessary; and

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

c. When a surface parking area or off-street loading area is directly across a street right-of-way eighty feet (80') or less in width from a lot in a residential zone, a five-foot (5') deep landscaped setback area from the street lot line shall be provided. Three-foot (3') high screening and a five-foot (5') landscaped area, with the landscaping on the street side of the screening, shall be provided along the edge of the setback.

d. When a surface parking area is directly across a street right-of-way wider than eighty feet (80') in width from a lot in a residential zone, street trees shall be provided.

e. When a surface parking area abuts a lot in a residential zone, view-obscuring screening and a five-foot (5') deep landscaped setback area on the inside of the screening shall be provided.

f. When a surface parking area is directly across a street right-of-way eighty feet (80') or less in width from a lot in a commercial zone, street trees shall be provided.

2. Parking Structures.

a. When a parking structure is directly across a street right-of-way eighty feet (80') or less in width from a lot in a residential zone, a five-foot (5') deep landscaped setback area from the street lot line, including street trees, shall be provided. The street facade of each floor of parking shall have an opaque screen at least three and one-half feet (31/2') high.

b. When a parking structure abuts a lot in a residential zone, a five-foot (5') deep landscaped setback area from the abutting lot line shall be provided, unless the parking structure is completely enclosed except for driveway areas. In addition to the landscaped setback, view-obscuring screening shall be provided along abutting property line(s). When the parking structure is enclosed by a solid wall, any setback area provided within five feet (5') of the abutting lot line(s) shall be landscaped. The abutting facade of each floor of parking not enclosed by a solid wall shall have an opaque screen at least three and one-half feet (31/2') high.

c. When a parking structure is across an alley from a lot in a residential zone, a five-foot (5') deep landscaped setback area from the alley lot line shall be provided, unless the parking structure is completely enclosed except for driveway areas. Three-foot (3') high screening along the facade facing the alley with the landscaping on the alley side of the screening shall be provided. When the parking structure is enclosed by a solid wall, any setback area provided within five feet (5') of the alley lot line shall be landscaped. The abutting or alley facade of each floor of parking shall have an opaque screen at least three and one-half feet (31/2') high.

d. When a parking structure is directly across a street right-of-way more than eighty feet (80') in width from a lot in a residential zone, street trees shall be provided.

e. When a parking structure is directly across a street right-of-way eighty feet (80') or less in width from a lot in a commercial zone, street trees shall be provided.

3. Outdoor Sales and Outdoor Display of Rental Equipment.

a. When an outdoor sales area or outdoor display of rental equipment is across an alley from a lot in a residential zone, or abutting a lot in a residential or commercial zone, view-obscuring screening shall be provided along the abutting or alley lot lines.

b. When an outdoor sales area or outdoor display of rental equipment is directly across the street from a lot in a residential zone, street trees and three-foot (3') high screening along the street front shall be provided.

4. Drive-in Businesses Including Gas Stations.

a. Drive-in businesses abutting or across an alley from a lot in a residential zone shall provide view-obscuring screening along the abutting alley lot lines. When the drive-in portion of the business or its access area abuts a lot in a residential zone a five-foot (5') landscaped area shall be required on the inside of the screening.

b. Drive-in businesses in which the drive-in portion of the business is directly across a street right-of-way eighty feet (80') or less in width from a lot in a resi-

dential zone shall provide three-foot (3') high screening for the drive-in portion and street trees.

c. When a drive-in business is directly across a street right-of-way wider than eighty feet (80') in width from a lot in a residential zone, street trees shall be provided.

d. Drive-in businesses directly across a street right-of-way eighty feet (80') or less in width from a lot in a commercial zone shall provide street trees.

5. Outdoor Storage, and Outdoor Loading Berths.

a. Outdoor storage and outdoor loading berths directly across a street right-of-way eighty feet (80') or less in width from a lot in an NC1, NC2, NC3 or C1 zone shall provide view-obscuring screening along the street lot lines and shall also provide street trees.

b. When the outdoor storage or outdoor loading berth is directly across a street right-of-way eighty feet (80') or less in width from a lot in a residential zone, view-obscuring screening shall be provided. A five-foot (5') deep landscaped area including street trees shall be provided between the lot line and the view-obscuring screening.

c. When outdoor storage or an outdoor loading berth is directly across a street right-of-way wider than eighty feet (80') in width from a lot in a residential zone, view-obscuring screening and street trees shall be provided.

d. When outdoor storage or an outdoor loading berth is across an alley from a lot in a residential zone, view-obscuring screening shall be provided. A five-foot (5') deep landscaped area shall be provided between the lot and the view-obscuring screening, except when the industrial lot is at least fifteen feet (15') above the elevation of the residential lot or when the screen is a solid wall.

e. When the outdoor storage or outdoor loading berth abuts a lot in a residential zone, view-obscuring screening and a fifteen-foot (15') deep landscaped area inside the screening shall be provided along the abutting lot line.

6. Outdoor Manufacturing, Repairing, Refuse Compacting or Recycling Activities.

a. An outdoor manufacturing, repairing, refuse compacting or recycling activity must be set back fifty feet (50') from a lot in a residential zone.

b. An outdoor manufacturing, repairing, refuse compacting or recycling activity abutting a lot in a residential zone or directly across a street eighty feet (80') or less in width or an alley across from a lot in a residential zone shall provide view-obscuring screening.

c. An outdoor manufacturing, repairing, refuse compacting or recycling activity directly across a street greater than eighty feet (80') in width from a lot in a residential or commercial zone shall provide street trees and view-obscuring screening on the street lot line.

d. An outdoor manufacturing, repairing, refuse compacting or recycling activity abutting or across an alley from a lot in a commercial zone shall provide view-obscuring screening along the abutting or alley lot lines.

(Ord. 113658 § 4(part), 1987.)

### **23.50.038 Industrial Commercial—Screening and landscaping.**

A. Screening and Landscaping Requirements for All Uses.

1. Street Trees.

a. All uses shall provide street trees, unless it is determined by the Director to be infeasible.

b. If it is not feasible to plant street trees in the planting strip, then they shall be provided in the required five-foot (5') deep landscaped area along street property lines.

2. Blank Facades.

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

b. Any portion of a facade that 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.

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

d. Blank facades which are greater than sixty feet (60') in width which are within twenty feet (20') of the street front shall provide one (1) of the following:

(1) A hedge which would achieve a height of at least five feet (5') within three (3) years of planting and a height of at least ten feet (10') at full maturity; or

(2) Trellises and vining plants attached to the wall up to a minimum height of ten feet (10'); or

(3) A landscaped area meeting the provisions of Section 23.50.034 C, landscaped areas or berms.

C. Additional Screening and Landscaping Requirements for Specific Uses.

1. Surface Parking Areas for More Than Five (5) Vehicles.

a. When a surface parking area abuts a lot in an NC1, NC2, NC3 or C1 zone, view-obscuring screening along the abutting lot lines shall be provided.

b. When a surface parking area is across an alley from a lot in a residential zone, view obscuring screening shall be required. A five-foot (5') deep landscaped area shall be required inside the screening. The Director may reduce or waive the screening and landscaping requirement for all or a part of the lot abutting the alley, or may waive only the landscaping re-

quirement, 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 permits 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 multi-family parking structures or single-family garages, make the screening and landscaping less necessary; and

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

c. When a surface parking area or off-street loading area is directly across a street right-of-way eighty feet (80') or less in width from a lot in a residential zone, a five-foot (5') deep landscaped setback area from the street lot line, including street trees, shall be provided. Three-foot (3') high screening along the edge of the setback, with the landscaping on the street side of the screening, shall be provided.

d. When a surface parking area or off-street loading area abuts a lot in a residential zone, view-obscuring screening and a five-foot (5') deep landscaped setback area on the inside of the screening shall be provided.

e. Surface parking areas for ten (10) or fewer cars shall be screened by three-foot (3') high screening along the street lot line.

f. Surface parking areas for more than ten (10) cars shall be screened by three-foot (3') high screening and street trees along the street lot lines.

g. Surface parking areas for more than fifty (50) cars shall provide three-foot (3') high screening and street trees along the street lot lines, as well as interior landscaping.

2. Parking Structures.

a. When a parking structure is directly across a street right-of-way eighty feet (80') or less in width from a lot in a residential zone, a five-foot (5') deep landscaped setback area from the street lot line, including street trees, shall be provided. The street facade of each floor of parking shall have an opaque screen at least three and one-half feet (3-1/2') high.

b. When a parking structure abuts a lot in a residential zone, a five-foot (5') deep landscaped setback area from the lot line shall be provided unless the parking structure is completely enclosed except for driveway areas. In addition to the landscaped setback, view-obscuring screening shall be provided along abutting property line(s). When the parking structure is enclosed by a solid wall, any setback area provided within five feet (5') of the abutting lot lines shall be landscaped. The abutting facade of each floor of parking not enclosed by

a solid wall shall have an opaque screen at least three and one-half feet (3 1/2') high.

c. When a parking structure is across an alley from a lot in a residential zone, a five-foot (5') deep landscaped setback area from the alley lot line shall be provided, unless the parking structure is completely enclosed, except for driveway areas. Three-foot (3') high screening along the facade facing the alley with the landscaping on the alley side of the screening shall be provided. When the parking structure is enclosed by a solid wall, any setback area provided within five feet (5') of the alley lot line shall be landscaped. The abutting or alley facade of each floor of parking shall have an opaque screen at least three and one-half feet (3 1/2') high.

d. When a parking structure is directly across a street right-of-way wider than eighty feet (80') in width from a lot in a residential zone, street trees shall be provided.

e. When a parking structure is directly across a street right-of-way eighty feet (80') or less in width from a lot in a commercial zone, street trees shall be provided.

3. Outdoor Sales and Outdoor Display of Rental Equipment.

a. When an outdoor sales area or outdoor display of rental equipment is across an alley from a lot in a residential zone, or abutting a lot in a residential or commercial zone, view-obscuring screening shall be provided along the abutting or alley lot lines.

b. When an outdoor sales area or outdoor display of rental equipment is directly across the street from a lot in a residential or commercial zone, street trees and three-foot (3') high screening along the street front shall be provided.

4. Drive-in Businesses Including Gas Stations.

a. Drive-in businesses across an alley from a lot in a residential zone shall provide view-obscuring screening along the alley lot lines.

b. Drive-in businesses in which the drive-in portion of the business is directly across a street right-of-way eighty feet (80') or less in width from a lot in a residential zone shall provide three-foot (3') high screening for the drive-in portion and street trees.

c. When a drive-in business is directly across a street right-of-way wider than eighty feet (80') in width from a lot in a residential zone, street trees shall be provided.

d. Drive-in businesses abutting a lot in a residential zone shall provide view-obscuring screening and a five-foot (5') deep landscaped setback area inside the screening.

5. Outdoor Storage and Outdoor Loading Berths.

a. Outdoor storage and outdoor loading berths directly across a street right-of-way eighty feet (80') or

less in width from a lot in an NC1, NC2, NC3 or C1 zone shall provide view-obscuring screening along the street lot lines and street trees.

b. When the outdoor storage or outdoor loading berth is directly across a street right-of-way eighty feet (80') or less in width from a lot in a residential zone, view-obscuring screening shall be provided. A five-foot (5') deep landscaped area including street trees shall be provided between the lot line and the view-obscuring screening.

c. When outdoor storage or an outdoor loading berth is directly across a street right-of-way wider than eighty feet (80') in width from a lot in a residential zone, view-obscuring screening and street trees shall be provided.

d. When outdoor storage or an outdoor loading berth is across an alley from a lot in a residential zone, view-obscuring screening shall be provided. A five-foot (5') deep landscaped area shall be provided between the lot line and the view-obscuring screening, except when the industrial lot is at least fifteen feet (15') above the elevation of the residential lot or when the screen is a solid wall.

e. When the outdoor storage or outdoor loading berth abuts a lot in a residential zone, view-obscuring screening and a fifteen-foot (15') deep landscaped area inside the screening shall be provided along the abutting lot line.

(Ord. 113658 § 4(part), 1987.)

**23.50.042 All Industrial zones—Venting standards.**

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

(Ord. 113658 § 4(part), 1987.)

**23.50.044 Industrial Buffer and Industrial Commercial zones—Standards for major odor sources.**

A. Major Odor Sources.

1. Uses which involve 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;
- Tire buffing;
- Vapor degreasing;

- Wire reclamation;
- Use of boilers (greater than one hundred six (106) British Thermal Units per hour, ten thousand (10,000) lbs. steam per hour, or thirty (30) boiler horsepower);

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;
- Animal food processing;
- Other uses creating similar odor impacts.

B. When an application is made in the Industrial Buffer (IB) or Industrial Commercial (IC) zone 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. 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. Once a permit has been issued, any measures which were required by the permit shall be maintained.

(Ord. 113658 § 4(part), 1987.)

**23.50.046 Industrial Buffer and Industrial Commercial—Light and glare standards.**

A. Exterior lighting shall be shielded and directed away from lots in adjacent residential zones.

B. Interior lighting in parking structures shall be shielded, to minimize nighttime glare affecting lots in adjacent residential zones.

C. When nonconforming exterior lighting in an Industrial Buffer (IB) or Industrial Commercial (IC) zone is replaced, new lighting shall conform to the requirements of this section.

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

1. Any structure is proposed to have facades of reflective coated glass or other highly reflective material, and/or a new structure or expansion of an existing structure greater than sixty-five (65) feet in height is proposed to 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:



**23.50.048 LAND USE CODE**

- a. Are oriented towards and are less than two hundred (200) feet from any residential zone, and/or
- b. Are oriented towards 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 Seattle Transportation Department data.

E. 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:

- 1. Minimizing the percentage of exterior facade that is composed of glass;
  - 2. Using exterior glass of low reflectance;
  - 3. Tilting glass areas to prevent glare which could affect arterials, pedestrians or surrounding structures;
  - 4. Alternating glass and nonglass materials on the exterior facade; and
  - 5. Changing the orientation of the structure.
- (Ord. 118409 § 194, 1996; Ord. 113658 § 4(part), 1987.)

**23.50.048 Industrial Buffer—Access to parking and loading areas.**

A. Location of Parking and Loading Areas. There shall be no restrictions on the location of parking and loading areas on lots in the Industrial Buffer (IB) zone, except as specified in Section 23.50.030, Industrial Buffer—Setback requirements.

B. Access to off-street parking and loading areas. Access to off-street parking or loading areas shall be prohibited from street or alley frontages opposite residentially zoned lots. This prohibition shall not apply under the following conditions:

- 1. There is no access to the lot from another street or alley within an industrial zone.
  - 2. The Director has determined that the lot width and depth prevents a workable plan for the building, parking and loading if access is not allowed from a street or alley across from a residentially zoned lot.
- (Ord. 113658 § 4(part), 1987.)

**23.50.050 Transportation concurrency level-of-service standards.**

Proposed uses in industrial zones shall meet the transportation concurrency level-of-service standards prescribed in Chapter 23.52.  
(Ord. 117383 § 8, 1994.)

**23.52.004 Requirement to meet transportation concurrency level-of-service standards.**

**23.52.006 Effect of not meeting transportation concurrency LOS standards.**

**23.52.002 Categorical exemptions.**

Construction of a new structure and/or parking lot, expansion of existing structure and/or parking lot, and/or changes of use that are categorically exempt from SEPA review under Chapter 25.05 are exempt from this chapter. Projects that are categorically exempt from SEPA review but are otherwise subject to SEPA due to their location within an environmentally critical area are exempt from this chapter.  
(Ord. 117383 § 9 (part), 1994.)

**23.52.004 Requirement to meet transportation concurrency level-of-service standards.**

Unless exempt under Section 23.52.002, a proposed use or development must demonstrate that the traffic forecasted to be generated by the use or development will not cause the transportation concurrency level-of-service (LOS) at an applicable screenline, measured as the volume-to-capacity ratio (v/c), to exceed the LOS standard for that screenline. Screenlines are shown in Exhibit 23.52.004 A. LOS standards for those screenlines are shown in Exhibit 23.52.004 B. “Applicable screenlines” means up to four (4) of the screenlines shown in Exhibit 23.52.004 A as specified for a particular proposed use or development by the Director.  
(Ord. 117383 § 9 (part), 1994.)

**Chapter 23.52  
TRANSPORTATION CONCURRENCY  
PROJECT REVIEW SYSTEM**

**Sections:**

- 23.52.002 Categorical exemptions.**

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



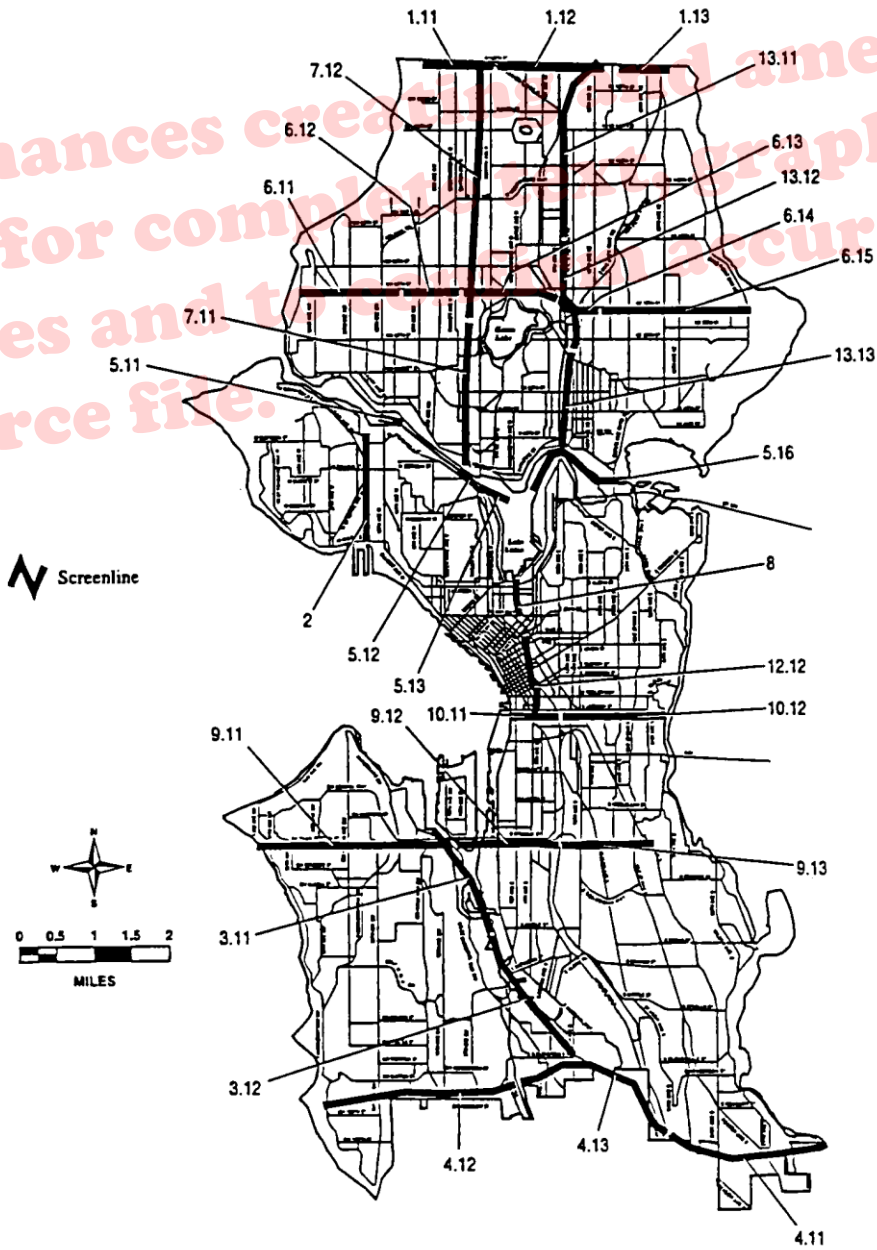
# Seattle Municipal Code December 2002 code update file

INDUSTRIAL23.52.004

Exhibit 23.52.004 A  
Transportation Level-of-Service (LOS) Screenlines

Text provided for historic reference only.

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



For current SMC, contact  
the Office of the City Clerk

**Exhibit 23.52.004 B  
Transportation Level-of-Service (LOS) Standards**

Screenline Number	Screenline Location	Segment	Direction	1990 V/C Ratio	LOS Standard
1.11	North City Limit	3rd Ave. NW to Aurora Ave. N	NB SB	0.88 0.47	1.20
1.12	North City Limit	Meridian Ave. N to 15th Ave. NE	NB SB	0.76 0.31	1.20
1.13	North City Limit	30th Ave. NE to Lake City Way NE	NB SB	0.99 0.50	1.20
2	Magnolia		EB WB	0.49 0.66	1.00
3.11	Duwamish River	West Seattle Fwy. and Spokane St.	EB WB	0.51 0.97	1.20
3.12	Duwamish River	1st Ave. S and 16th Ave. S	NB SB	0.95 1.01	1.20
4.11	South City Limit	M.L. King Jr. Way to Rainier Ave. S	NB SB	0.29 0.53	1.00
4.12	South City Limit	Marine Dr. SW to Meyers Way S	NB SB	0.24 0.31	1.00
4.13	South City Limit	SR 99 to Airport Way S	NB SB	0.41 0.54	1.00
5.11	Ship Canal	Ballard Bridge	NB SB	1.06 0.58	1.20
5.12	Ship Canal	Fremont Bridge	NB SB	0.97 0.58	1.20
5.13	Ship Canal	Aurora Ave. N	NB SB	0.96 0.58	1.20
5.16	Ship Canal	University and Montlake Bridges	NB SB	0.97 0.83	1.20
6.11	South of NW 80th St.	Seaview Ave. NW to 15th Ave. NW	NB SB	0.41 0.29	1.00
6.12	South of N(W) 80th St.	8th Ave. NW to Greenwood Ave. N	NB SB	0.41 0.20	1.00
6.13	South of N(E) 80th St.	Linden Ave. N to 1st Ave. NE	NB SB	0.96 0.58	1.20
6.14	South of NE 80th St.	5th Ave. NE to	NB	0.75	1.00

**Exhibit 23.52.004 B  
Transportation Level-of-Service (LOS) Standards**

Screenline Number	Screenline Location	Segment	Direction	1990 V/C Ratio	LOS Standard
6.15	South of NE 80th St.	15th Ave. NE	SB	0.60	1.00
		20th Ave. NE to Sand Point Way NE	NB SB	0.49 0.26	
7.11	West of Aurora Ave.	Fremont Pl. N to N 65th St.	EB	0.39	1.00
			WB	0.56	
7.12	West of Aurora Ave.	N 80th St. to N 145th St	EB	0.41	1.00
			WB	0.51	
8	South of Lake Union		EB	0.96	1.20
			WB	0.97	
9.11	South of Spokane St.	Beach Dr. SW to W Marginal Way SW	NB	0.37	1.00
			SB	0.58	
9.12	South of Spokane St.	E Marginal Way S to Airport Way S	NB	0.34	1.00
			SB	0.71	
9.13	South of Spokane St.	15th Ave. S to Rainier Ave. S	NB	0.34	1.00
			SB	0.71	
10.11	South of S Jackson St.	Alaskan Way S to 4th Ave. S	NB	0.62	1.00
			SB	0.83	
10.12	South of S Jackson St.	12th Ave. S to Lakeside Ave. S	NB	0.37	1.00
			SB	0.71	
12.12	East of CBD		EB	0.63	1.20
			WB	0.83	
13.11	East of I-5	NE Northgate Way to NE 145th St	EB	0.72	1.00
			WB	0.53	
13.12	East of I-5	NE 65th St. to NE 80th St.	EB	0.44	1.00
			WB	0.47	
13.13	East of I-5	NE Pacific St. to NE Ravena Blvd.	EB	0.62	1.00
			WB	0.76	

**23.52.006 Effect of not meeting transportation concurrency LOS standards.**

If a proposed use or development does not meet the LOS standards at one (1) or more applicable screenline(s), the proposed use or development may be approved if the Director concludes that an improvement(s) will be completed and/or a strategy(ies) will be implemented that will result in the proposed use or development meeting the LOS standard(s) at all applicable screenline(s) at the time of development, or that a financial commitment is in place to complete the improvement(s) and/or implement the strategy(ies) within six (6) years. Eligible improvements or strategies may be funded by the City, by other government agencies, by the applicant, or by another person or entity. (Ord. 117383 § 9 (part), 1994.)

**Chapter 23.53  
REQUIREMENTS FOR STREETS, ALLEYS, AND EASEMENTS**

**Sections:**

- 23.53.005 Access to lots.**
- 23.53.010 Improvement requirements for new streets in all zones.**
- 23.53.015 Improvement requirements for existing streets in residential and commercial zones.**
- 23.53.020 Improvement requirements for existing streets in industrial zones.**
- 23.53.025 Access easement standards.**
- 23.53.030 Alley improvements in all zones.**
- 23.53.035 Structural building overhangs.**

**23.53.005 Access to lots.**

A. Street or Private Easement Abutment Required.

1. For residential uses, at least ten feet (10') of a lot line shall abut on a street or on a private permanent vehicle access easement meeting the standards of Section 23.53.025; or the provisions of Section 23.53.025 F for pedestrian access easements shall be met.
2. For nonresidential uses which do not provide any parking spaces, at least five feet (5') of a lot line shall abut on a street or on a private permanent vehicle access easement meeting the standards of Section 23.53.025.
3. For nonresidential uses which provide parking spaces, an amount of lot line sufficient to provide the required driveway width shall abut on a street or on a private permanent vehicle access easement to a street meeting the standards of Section 23.53.025.

B. New Easements. When a new private easement is proposed for vehicular access to a lot, the Director may instead require access by a street when one (1) or more of the following conditions exist:

1. Where access by easement would compromise the goals of the Land Use Code to provide for adequate light, air and usable open space between structures;
  2. If the improvement of a dedicated street is necessary or desirable to facilitate adequate water supply for domestic water purposes or for fire protection, or to facilitate adequate storm drainage;
  3. If improvement of a dedicated street is necessary or desirable in order to provide on-street parking for overflow conditions;
  4. Where it is demonstrated that potential safety hazards would result from multiple access points between existing and future developments onto a roadway without curbs and with limited sight lines;
  5. If the dedication and improvement of a street would provide better and/or more identifiable access for the public or for emergency vehicles; or
  6. Where a potential exists for extending the street system.
- (Ord. 115568 § 4, 1991; Ord. 115326 § 26(part), 1990.)

**23.53.010 Improvement requirements for new streets in all zones.**

A. General Requirements. New streets created through the platting process or otherwise dedicated shall meet the requirements of this chapter and the current Street Improvement Manual.

B. Required Right-of-way Widths for New Streets.

1. Arterial and Downtown Streets. New streets located in downtown zones, and new arterials, shall be designed according to the Street Improvement Manual.
2. Nonarterials Not in Downtown Zones.
  - a. The required right-of-way widths for new nonarterial streets not located in downtown zones shall be as shown on Chart A for Section 23.53.010:

**Chart A  
for Section 23.53.010**

Zone Category	Required Right-of-Way Width
1. SF, LDT, L1, NC1	50'
2. L2, L3, L4, NC2	56'
3. MR, HR, NC3, C1, C2, SCM, IB, IC	60'
4. IG1, IG2	66'

- b. When a block is split into more than one (1) zone, the zone category with the most frontage shall determine the right-of-way width on the chart. If the zone categories have equal frontage, the one with the wider requirement shall be used to determine the minimum right-of-way width.
3. Exceptions to Required Right-of-way Widths. The Director, after consulting with the Director of

Transportation, may reduce the required right-of-way width for a new street when location in an environmentally critical area, disruption of existing drainage patterns, or removal of natural features such as significant trees makes the required right-of-way width impractical or undesirable. (Ord. 118409 § 195, 1996; Ord. 118302 § 10, 1996; Ord. 116262 § 14, 1992; Ord. 115326 § 26(part), 1990.)

bit 23.53.015 A shall be as show on chart A for Section 23.53.015.

**Chart A  
for Section 23.53.015  
Minimum Right-of-Way Widths  
for Existing Nonarterial Streets**

**23.53.015 Improvement requirements for existing streets in residential and commercial zones.**

- A. General Requirements.**
1. In residential or commercial zones, when new lots are proposed to be created, or any type of development is proposed, existing streets abutting the lot(s) shall be required to be improved in accordance with this section. One (1) or more of the following types of improvements may be required:
    - a. Pavement;
    - b. Curb and sidewalk installation;
    - c. Drainage;
    - d. Grading to future right-of-way grade;
    - e. Design of structures to accommodate future right-of-way grade;
    - f. No-protest agreements;
    - g. Planting of street trees and other landscaping.

A setback from the property line, or dedication of right-of-way, may be required to accommodate the improvements.

2. Subsection D of this section contains exceptions from the standard requirements for street improvements, including exceptions for streets which already have curbs, projects which are smaller than a certain size, and for special circumstances, such as location in an environmentally critical area.

3. Off-site improvements, such as provision of drainage systems or fire access roads, will be required pursuant to the authority of this Code or other ordinances to mitigate the impacts of development.

4. Detailed requirements for street improvements are located in the current Street Improvement Manual, as adopted by joint rule of the Director and the Director of Transportation.

5. The regulations in this section are not intended to preclude the use of Chapter 25.05 of the Seattle Municipal Code, the Seattle SEPA Ordinance, to mitigate adverse environmental impacts.

**6. Minimum Right-of-Way Widths.**

a. Arterials. The minimum right-of-way widths for arterials designated on Exhibit 23.53.015 A shall be as specified in the Street Improvement Manual. (See Exhibit 23.53.015 A.)

**b. Nonarterials.**

(1) The minimum right-of-way width for an existing street which is not an arterial designated on Exhi-

Zone Category	Required Right-of-Way Width
---------------	-----------------------------

- |  |         |
|--|---------|
| 1. SF, LDT, L1, L2 and NC1 zones; and NC2 zones with a maximum height limit of forty feet (40') or less  | 40 feet |
| 2. L3, L4, MR, HR, NC2 zones with height limits of more than forty feet (40'), NC3, C1, C2 and SCM zones | 52 feet |

(2) When a block is split into more than one (1) zone, the zone category with the most frontage shall determine the minimum width on the chart. If the zone categories have equal frontage, the one with the wider requirement shall be used to determine the minimum right-of-way width.

**B. Improvements to Arterials.** Except as provided in subsection D or this section, arterials shall be improved according to the following requirements:

1. When a street is designated as an arterial on Exhibit 23.53.015 A, a paved roadway with a concrete curb and sidewalk, drainage facilities, and any landscaping required by the zone in which the lot is located shall be provided in the portion of the street right-of-way abutting the lot, as specified in the Street Improvement Manual.

2. If necessary to accommodate the right-of-way and roadway widths specified in the Street Improvement Manual, dedication of right-of-way shall be required.

**C. Improvements to Nonarterial Streets.** Except as provided in subsection D of this section, nonarterial streets shall be improved according to the following requirements:

1. Nonarterial Streets With Right-of-Way Greater Than or Equal to the Minimum Right-of-Way Width.

a. When an existing nonarterial street right-of-way is greater than or equal to the minimum right-of-way width established in subsection A6, a paved roadway with a concrete curb and sidewalk, drainage facilities, and any landscaping required by the zone in which the lot is located shall be provided, according to the Street Improvement Manual.

b. Fire Access. If the lot does not have vehicular access from a street or private easement which meets the regulations for fire access roads in Chapter 10 of the



Seattle Fire Code,<sup>1</sup> such access shall be provided. When an existing street does not meet these regulations, the Chief of the Fire Department may approve an alternative which provides adequate emergency vehicle access.

c. **Dead-end Streets.** Streets that form a dead end at the property to be developed shall be improved with a cul-de-sac or other vehicular turnaround in accordance with the Street Improvement Manual. The Director, in consultation with the Director of Transportation, shall determine whether the street has the potential for being extended or whether it forms a dead end because of topography and/or the layout of the street system.

2. **Nonarterial Streets With Less Than the Minimum Right-of-Way Width.**

a. **Dedication Requirement.** When an existing nonarterial street has less than the minimum right-of-way width established in subsection A6 of this section, dedication of additional right-of-way equal to half the difference between the current right-of-way width and the minimum right-of-way width established in subsection A6 of this section shall be required; provided, however, that if right-of-way has been dedicated since 1982, other lots on the block shall not be required to dedicate more than that amount of right-of-way.

b. **Improvement Requirement.** A paved roadway with a concrete curb and sidewalk, drainage facilities and any landscaping required by the zone in which the lot is located shall be provided in the portion of the street right-of-way abutting the lot, according to the Street Improvement Manual.

c. **Fire Access.** If the lot does not have vehicular access from a street or private easement which meets the regulations for fire access roads in Chapter 10 of the Seattle Fire Code,<sup>1</sup> such access shall be provided. When an existing street does not meet these regulations, the Chief of the Fire Department may approve an alternative which provides adequate emergency vehicle access.

d. **Dead-end Streets.** Streets that form a dead end at the property to be developed shall be improved with a cul-de-sac or other vehicular turnaround in accordance with the Street Improvement Manual. The Director, in consultation with the Director of Transportation, shall determine whether the street has the potential for being extended or whether it forms a dead end because of topography and/or the layout of the street system.

D. **Exceptions.**

1. **Streets With Existing Curbs.**

a. **Streets With Right-of-Way Greater Than or Equal to the Minimum Width.** When a street with existing curbs abuts a lot and the existing right-of-way is greater than or equal to the minimum width established in subsection A6 of this section, but the roadway width is less than the minimum established in the Street Improvement Manual, the following requirements shall be met:

(1) All structures on the lot shall be designed to accommodate the grade of the future street improvements.

(2) A no-protest agreement to future street improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Department of Records and Elections.

(3) If there is no sidewalk, a sidewalk shall be constructed in the portion of the right-of-way abutting the lot, except when the following types of projects are proposed:

i. Remodeling and use changes within existing structures; and

ii. Additions to existing structures which are exempt from environmental review.

b. **Streets With Less than the Minimum Right-of-Way Width.** When a street with existing curbs abuts a lot and the existing right-of-way is less than the minimum width established in subsection A5 of this section, the following requirements shall be met:

(1) **Setback Requirement.** A setback equal to half the difference between the current right-of-way width and the minimum right-of-way width established in subsection A6 of this section shall be required; provided, however, that if a setback has been provided under this provision, other lots on the block shall provide the same setback. In all residential zones except Highrise zones, an additional three (3) foot setback shall also be required. The area of the setback may be used to meet any development standards, except that required parking may not be located in the setback. Underground structures which would not prevent the future widening and improvement of the right-of-way may be permitted in the required setback by the Director of Construction and Land Use after consulting with the Director of Transportation.

(2) **Grading Requirement.** When a setback is required, all structures on the lot shall be designed to accommodate the grade of the future street according to the Street Improvement Manual.

(3) **No-protest Agreement Requirement.** A no-protest agreement to future street improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Department of Records and Elections.

2. **Projects With Reduced Improvement Requirements.**

a. **One (1) or Two (2) Dwelling Units.** When one (1) or two (2) dwelling units are proposed to be constructed, or one (1) or two (2) Single Family zoned lots are proposed to be created, the following requirements shall be met:

(1) If there is no existing hard-surfaced roadway, a crushed-rock roadway at least sixteen (16) feet in width shall be required, according to the Street Improvement Manual.

(2) All structures on the lot(s) shall be designed to accommodate the grade of the future street improvements.

(3) A no-protest agreement to future street improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Department of Records and Elections.

b. Other Projects With Reduced Requirements. The types of projects listed in this subsection D2b are exempt from right-of-way dedication requirements and are subject to the street improvement requirements of this subsection:

(1) Types of Projects.

i. Proposed developments which contain fewer than ten (10) units in SF, LDT and L1 zones, and six (6) residential units in all other zones;

ii. The following uses when they are smaller than seven hundred fifty (750) square feet of gross floor area: fast-food restaurants, major and minor vehicle repair uses, and multipurpose convenience stores;

iii. Nonresidential structures which have less than four thousand (4,000) square feet of gross floor area and which do not contain uses listed in subsection D2b(1)ii which are larger than seven hundred fifty (750) square feet;

iv. Structures containing a mix of residential and nonresidential uses, if there are fewer than ten (10) units in SF, LDT and L1 zones, or fewer than six (6) residential units in all other zones, and the square footage of nonresidential use is less than specified in subsections D2b(1)ii and D2b(1)iii;

v. Remodeling and use changes within existing structures;

vi. Additions to existing structures which are exempt from environmental review; and

vii. Expansions of a surface parking area or open storage area of less than twenty (20) percent of parking area or storage area or number of parking spaces.

(2) Paving Requirement. For the types of projects listed in subsection D2b(1), the streets abutting the lot shall have a hard-surfaced roadway at least eighteen (18) feet wide. If there is not an eighteen (18) foot wide hard-surfaced roadway, the roadway shall be paved to a width of at least twenty (20) feet from the lot to the nearest hard-surfaced street meeting this requirement, or one hundred (100) feet, whichever is less. Streets that form a dead end at the property to be developed shall be improved with a cul-de-sac or other vehicular turnaround in accordance with the Street Improvement Manual. The Director, after consulting with the Director of Transportation, shall determine whether the street has the potential for being extended or whether it forms a dead end because of topography and/or the layout of the street system.

(3) Other Requirements. The setback, grading and no-protest agreement requirements of subsection D1b shall also be met.

3. Exceptions from Required Street Improvements. The Director may waive or modify the requirements for paving and drainage, dedication, setbacks, grading, no-protest agreements, landscaping and curb and sidewalk installation when it is determined that one (1) or more of the following conditions are met:

a. Location in an environmentally critical area, disruption of existing drainage patterns, or removal of natural features such as significant trees makes widening and/or improving the right-of-way impractical or undesirable.

b. The existence of a bridge, viaduct or structure such as a substantial retaining wall makes widening the right-of-way impractical or undesirable.

c. Widening the right-of-way and/or improving the street would adversely affect the character of the street, as it is defined in an adopted neighborhood plan or adopted City plan for green street, boulevards, or other special rights-of-way, or would otherwise conflict with the stated goals of such a plan.

d. Widening and/or improving the right-of-way would eliminate street access to an existing lot.

e. Widening and/or improving the right-of-way would make building on a lot infeasible by reducing it to dimensions where development standards cannot reasonably be met.

f. One (1) or more substantial principal structures on the same side of the block as the proposed project are located in the area needed for future expansion of the right-of-way and the structure(s)' condition and size make future widening of the remainder of the right-of-way unlikely.

g. Widening and/or improving the right-of-way is impractical because topography would preclude the use of the street for vehicular access to the lot, for example due to an inability to meet the required twenty (20) percent maximum driveway slope.

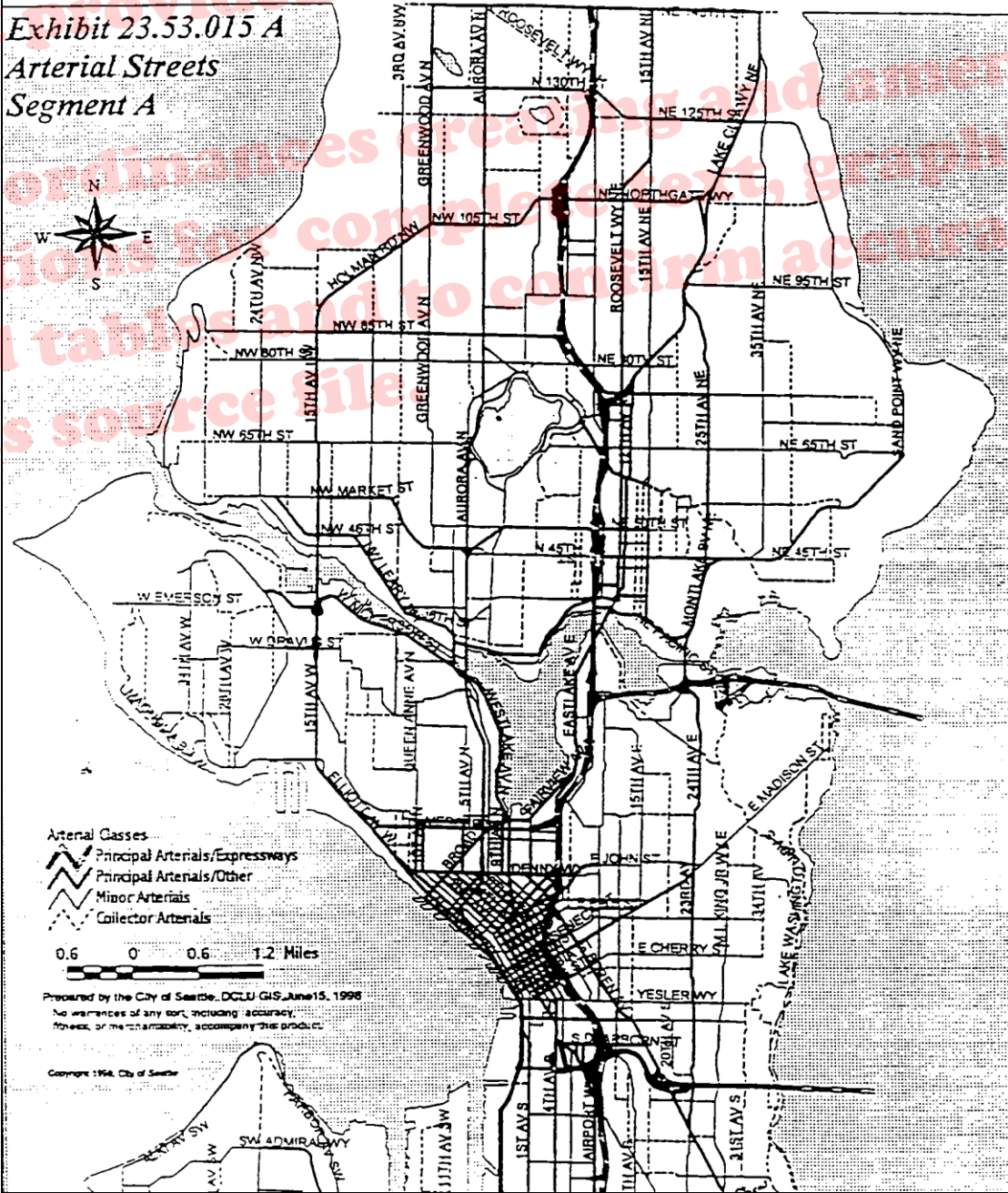
h. Widening and/or improving the right-of-way is not necessary because it is adequate for current and potential pedestrian and vehicular traffic, for example, due to the limited number of lots served by the development or because the development on the street is at zoned capacity. (Ord. 119239 § 28, 1998; Ord. 118414 § 37, 1996; Ord. 118409 § 196, 1996; Ord. 118302 § 11, 1996; Ord. 117432 § 36, 1994; Ord. 116262 § 15, 1992; Ord. 115568 § 5, 1991; Ord. 115326 § 26(part), 1990.)

1. Editor's Note: The Seattle Fire Code is set out in Subtitle VI of Title 22 of this Code.

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

Exhibit 23.53.015 A  
Arterial Streets  
Segment A

Exhibit 23.53.015 A  
Arterial Streets  
Segment A



- Arterial Classes
- Principal Arterials/Expressways
  - Principal Arterials/Other
  - Minor Arterials
  - Collector Arterials

0.6 0 0.6 1.2 Miles

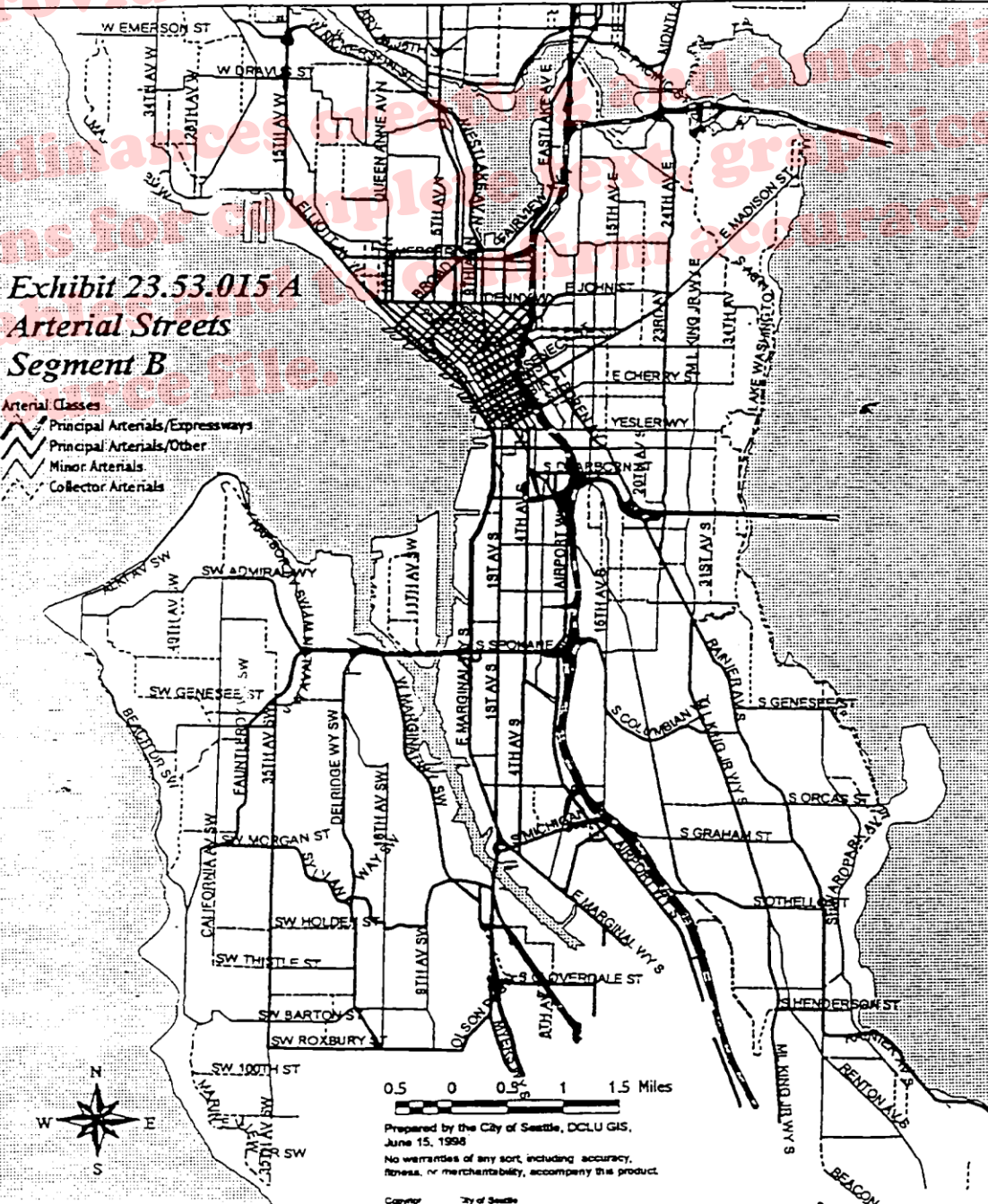
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For current SMC, contact  
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Exhibit 23.53.015 A  
Arterial Streets  
Segment B



For current SMC, contact  
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**23.53.020 Improvement requirements for existing streets in industrial zones.**

A. General Requirements.  
 1. When new lots are created or any type of development is proposed in an industrial zone, existing streets abutting the lot(s) shall be required to be improved in accordance with this section. One (1) or more of the following types of improvements may be required:

- a. Pavement;
- b. Curb and sidewalk installation;
- c. Pedestrian walkways;
- d. Drainage;
- e. Grading to future right-of-way grade;
- f. Design of structures to accommodate future right-of-way grade;
- g. No-protest agreements;
- h. Planting of street trees and other landscaping.

A setback from the property line, or dedication of right-of-way may be required to accommodate the improvements.

2. Subsection E of this section contains exceptions from the standard requirements for streets which already have curbs, projects which are smaller than a certain size, and for special circumstances, such as location in an environmentally critical area.

3. Off-site improvements such as provision of drainage systems or fire access roads, will be required pursuant to the authority of this Code or other ordinances to mitigate the impacts of development.

4. Detailed requirements for street improvements are located in the current Street Improvement Manual, as adopted by joint Rule of the Director and the Director of the Seattle Transportation Department.

5. The regulations in this section are not intended to preclude the use of Chapter 25.05 of the Seattle Municipal Code, the Seattle SEPA Ordinance, to mitigate adverse environmental impacts.

**6. Minimum Right-of-way Widths.**

a. Arterials. The minimum right-of-way widths for arterials designated on Exhibit 23.53.015 A shall be as specified in the Street Improvement Manual.

**b. Nonarterials.**

(1) The minimum right-of-way width for an existing street which is not an arterial designated on Exhibit 23.53.015 A shall be as shown on Chart A for Section 23.53.020.

**Chart A  
for Section 23.53.020**

**Minimum Right-of-way Widths  
for Existing Nonarterial Streets**

<b>Zone Category</b>	<b>Right-of-way Widths</b>
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**Chart A  
for Section 23.53.020  
Minimum Right-of-way Widths  
for Existing Nonarterial Streets**

<b>Zone Category</b>	<b>Right-of-way Widths</b>
1. IB, IC	52 feet
2. IG1, IG2	56 feet

(2) When a block is split into more than one (1) zone, the zone category with the most frontage shall determine the minimum width on the chart. If the zone categories have equal frontage, the one with the wider requirement shall be used to determine the minimum right-of-way width.

B. Improvements on Designated Streets in All Industrial Zones. In all industrial zones, except as provided in subsection E of this section, when a lot abuts a street designated on the Industrial Streets Landscaping Maps, Exhibits 23.50.016 A and 23.50.016 B, the following on-site improvements shall be provided:

1. Dedication Requirement. When the street right-of-way is less than the minimum width established in subsection A6 of this section, dedication of additional right-of-way equal to half the difference between the current right-of-way and the minimum right-of-way width established in subsection A of this section shall be required; provided, however, that if right-of-way has been dedicated since 1982, other lots on the block shall not be required to dedicate more than that amount of right-of-way.

2. Curbs and Sidewalks. A paved roadway with a concrete curb and sidewalk and drainage facilities shall be provided in the portion of the street right-of-way abutting the lot, as specified in the Street Improvement Manual.

**3. Street Trees.**

a. Street trees shall be provided along designated street frontages. Street trees shall be provided in the planting strip according to City Tree Planting Standards.

**b. Exceptions to Street Tree Requirements.**

(1) Street trees required by subsection B3a may be located on the lot at least two (2) feet from the street lot line instead of in the planting strip when:

i. Existing trees and/or landscaping on the lot provide improvements substantially equivalent to those required in this section;

ii. It is not feasible to plant street trees according to City standards. A five (5) foot deep landscaped setback area shall be required along the street property lines and trees shall be planted there. If an on-site landscaped area is already required, the trees shall be



planted there if they cannot be placed in the planting strip.

C. General Industrial 1 and 2 (IG1 and IG2) Zones. Except as provided in subsection E of this section, the following improvements shall be required in IG1 and IG2 zones. Further improvements may be required on streets designated in subsection B of this section.

1. Pedestrian Walkway Requirement. When an existing street right-of-way abuts a lot and the street does not have curbs, pedestrian walkways shall be provided according to the Street Improvement Manual.

2. Setback Requirement. When the right-of-way abutting a lot has less than the minimum width established in subsection A6 of this section, a setback equal to half the difference between the current right-of-way width and the minimum right-of-way width established in subsection A of this section shall be required; provided, however, that if a setback has been provided under this provision, other lots on the block shall provide the same setback. The area of the setback may be used to meet any development standards, except that required parking may not be located in the setback. Underground structures which would not prevent the future widening and improvement of the right-of-way may be permitted in the required setback by the Director of Construction and Land Use after consulting with the Director of Transportation.

3. Grading Requirement. When an existing street abutting a lot is less than the width established in subsection A6 of this section, all structures shall be designed to accommodate the grade of the future street improvements.

4. Fire Access. If the lot does not have vehicular access from a street or private easement which meets the regulations for fire access roads in Chapter 10 of the Seattle Fire Code,<sup>1</sup> such access shall be provided. When an existing street does not meet these regulations, the Chief of the Fire Department may approve an alternative which provides adequate emergency vehicle access.

5. Dead-end Streets. Streets that form a dead end at the property to be developed shall be improved with a cul-de-sac or other vehicular turnaround in accordance with the Street Improvement Manual. The Director, after consulting with the Director of Transportation, shall determine whether the street has the potential for being extended or whether it forms a dead end because of topography and/or the layout of the street system.

6. No-protest Agreement Requirement. When a setback and/or pedestrian walkway is required according to subsections C1 and/or C2, a no-protest agreement to future street improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Department of Records and Elections.

D. Industrial Buffer (IB) and Industrial Commercial (IC) Zones. Except as provided in subsection E of this

section, the following improvements shall be provided in IB and IC zones:

1. The requirements of this subsection D1 shall apply when projects are proposed on lots in IB zones which are directly across a street from, or which abut, a lot in a residential or commercial zone, and to all projects in IC zones:

a. Improvements to Arterials.

(1) When a street is designated as an arterial on Exhibit 23.53.015 A, a paved roadway with a concrete curb and sidewalk, drainage facilities, and any landscaping required by the zone in which the lot is located shall be provided in the portion of the street right-of-way abutting the lot, according to the Street Improvement Manual.

(2) If necessary to accommodate the right-of-way widths specified in the Street Improvement Manual, dedication of right-of-way shall be required.

b. Improvements to Nonarterial Streets.

(1) Nonarterial Streets With Right-of-way Greater Than or Equal to the Minimum Width.

i. When an existing nonarterial street right-of-way is greater than or equal to the minimum right-of-way width established in subsection A6 of this section, a paved roadway with a concrete curb and sidewalk, drainage facilities, and any landscaping required by the zone in which the lot is located shall be provided in the portion of the street right-of-way abutting the lot, according to the Street Improvement Manual.

ii. If the lot does not have vehicular access from a street or private easement which meets the regulations for fire access roads in Chapter 10 of the Seattle Fire Code,<sup>1</sup> such access shall be provided. When an existing street does not meet these regulations, the Chief of the Fire Department may approve an alternative which provides adequate emergency vehicle access.

iii. Streets that form a dead end at the property to be developed shall be improved with a cul-de-sac or other vehicular turnaround in accordance with the Street Improvement Manual. The Director, after consulting with the Director of Transportation, shall determine whether the street has the potential for being extended or whether it forms a dead end because of topography and/or the layout of the street system.

(2) Nonarterial Streets Which Have Less Than the Minimum Right-of-way Width.

i. Dedication Requirement. When an existing nonarterial street has less than the minimum right-of-way established in subsection A6 of this section, dedication of additional right-of-way equal to half the difference between the current right-of-way width and the minimum right-of-way width established in subsection A of this section shall be required; provided, however, that if right-of-way has been dedicated since 1982, other lots on the block shall not be required to dedicate more than that amount of right-of-way.

ii. Improvement Requirement. A paved roadway with a concrete curb and sidewalk, drainage facilities, and any landscaping required by the zone in which the lot is located shall be provided in the portion of the street right-of-way abutting the lot, according to the Street Improvement Manual.

iii. Fire Access. If the lot does not have vehicular access from a street or private easement which meets the regulations for fire access roads in Chapter 10 of the Seattle Fire Code,<sup>1</sup> such access shall be provided.

iv. Dead-end Streets. When an existing street does not meet these regulations, the Chief of the Fire Department may approve an alternative which provides adequate emergency vehicle access. The Director, after consulting with the Director of Transportation, shall determine whether the street has the potential for being extended or whether it forms a dead end because of topography and/or the layout of the street system.

2. When projects are proposed on lots in IB zones which are not directly across a street from, and do not abut, a lot in a residential or commercial zone, the requirements of subsection C of this section shall be met.

E. Exceptions.

1. Streets With Existing Curbs.

a. Streets With Right-of-way Greater Than or Equal to the Minimum Right-of-way Width. When a street with existing curbs abuts a lot, and improvements would be required by subsections B or D of this section, and the existing right-of-way is greater than or equal to the minimum width established in subsection A of this section, but the roadway width is less than the minimum established in the Street Improvement Manual, the following requirements shall be met:

(1) All structures on the lot shall be designed to accommodate the grade of the future street improvements.

(2) A no-protest agreement to future street improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the title to the property with the King County Department of Records and Elections.

(3) If there is no sidewalk, a sidewalk shall be constructed, except when the following projects are proposed:

i. Remodeling and use changes within existing structures;

ii. Additions to existing structures which are exempt from environmental review.

b. Streets With Less Than the Minimum Right-of-way Width. When a street with existing curbs abuts a lot and the existing right-of-way is less than the minimum width established in subsection A6 of this section, the following requirements shall be met:

(1) Setback Requirement. A setback equal to half the difference between the current right-of-way width and the minimum right-of-way width established

in subsection A6 of this section shall be required; provided, however, that if a setback has been provided under this provision, other lots on the block shall provide the same setback. The area of the setback may be used to meet any development standard, except that required parking may not be located in the setback. Underground structures which would not prevent the future widening and improvements of the right-of-way may be permitted in the required setback by the Director after consulting with the Director of Transportation.

(2) Grading Requirement. When a setback is required, all structures on the lot shall be designed to accommodate the grade of the future street, according to the Street Improvement Manual.

(3) A no-protest agreement to future street improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the title to the property with the King County Department of Records and Elections.

2. Projects With Reduced Improvement Requirements. The following types of projects are exempt from all dedication and improvement requirements of subsections B, C and D of this section, but shall meet the setback, grading and no-protest requirements of subsection E1b if the street right-of-way abutting the lot has less than the minimum right-of-way width established in subsection A of this section or does not meet the grade of future street improvements.

a. Structures with fewer than ten (10) artist's studio dwellings;

b. The following uses when they are smaller than seven hundred fifty (750) square feet of gross floor area: fast-food restaurants; major and minor vehicle repair uses; and multipurpose convenience stores;

c. Nonresidential structures which have less than four thousand (4,000) square feet of gross floor area and which do not contain uses listed in subsection E2b of this section which are larger than seven hundred fifty (750) square feet;

d. Structures containing a mix of artist's studio dwellings and nonresidential uses, if there are fewer than ten (10) artist's studio dwellings, and the square footage of nonresidential use is less than specified in subsections E2b and E2c of this section;

e. Remodeling and use changes within existing structures;

f. Additions to existing structures which are exempt from environmental review; and

g. Expansions of a surface parking area or open storage area of less than twenty (20) percent of parking area or storage area or number of parking spaces.

3. Exceptions From Required Street Improvement Requirements. The Director may waive or modify the requirements for paving, dedication, setbacks, grading, no-protest agreements, landscaping and sidewalk and pedestrian walkway installation when it is de-

terminated that one (1) or more of the following conditions are met:

a. Location in an environmentally critical area, disruption of existing drainage patterns, or removal of natural features such as significant trees makes widening and/or improving the right-of-way impractical or undesirable.

b. The existence of a bridge, viaduct or structure such as a substantial retaining wall makes widening the right-of-way impractical or undesirable.

c. Widening the right-of-way and/or improving the street would adversely affect the character of the street, as it is defined in an adopted neighborhood plan or adopted City plan for Green Streets, boulevards, or other special right-of-way, or would otherwise conflict with the stated goals of such a plan.

d. Widening and/or improving the right-of-way would make building on a lot infeasible by reducing it to dimensions where development standards cannot reasonably be met.

e. Widening and/or improving the right-of-way would eliminate street access to an existing lot.

f. One (1) or more substantial principal structures on the same side of the block as the proposed project are located in the area needed for future expansion of the right-of-way and the structure(s)' condition and size make future widening of the remainder of the right-of-way unlikely.

g. Widening and/or improving the right-of-way is impractical because topography would preclude the use of the street for vehicular access to the lot, for example due to an inability to meet the required twenty (20) percent maximum driveway slope.

h. Widening and/or improving the right-of-way is not necessary because it is adequate for current and potential pedestrian and vehicular traffic, for example, due to the limited number of lots served by the development or because the development on the street is at zoned capacity.

(Ord. 120611 § 14, 2001; Ord. 120117 § 41, 2000; Ord. 119096 § 3, 1998; Ord. 118409 § 197, 1996; Ord. 117432 § 37, 1994; Ord. 116744 § 26, 1993; Ord. 116262 § 16, 1992; Ord. 115568 §§ 6, 7, 1991; Ord. 115326 § 26(part), 1990.)

1. Editor's Note: The Seattle Fire Code is set out in Subtitle VI of Title 22 of this Code.

### **23.53.025 Access easement standards.**

When access by easement has been approved by the Director, the easement shall meet the following standards. Surfacing of easements, pedestrian walkways required within easements, and turnaround dimensions shall meet the requirements of the Street Improvement Manual.

A. Vehicle Access Easements Serving One (1) or Two (2) Single-Family Dwelling Units or One (1) Duplex.

1. Easement width shall be a minimum of ten (10) feet, or twelve (12) feet if required by the Fire Chief due to distance of the structure from the easement.

2. No maximum easement length shall be set. If easement length is more than one hundred fifty (150) feet, a vehicle turnaround shall be provided.

3. Curbcut width from the easement to the street shall be the minimum necessary for safety and access.

B. Vehicle Access Easements Serving at Least Three (3) but Fewer Than Five (5) Single-Family Dwelling Units.

1. Easement width shall be a minimum of twenty (20) feet;

2. The easement shall provide a hard-surfaced roadway at least twenty (20) feet wide;

3. No maximum easement length shall be set. If the easement is over six hundred (600) feet long, a fire hydrant may be required by the Director;

4. A turnaround shall be provided unless the easement extends from street to street;

5. Curbcut width from the easement to the street shall be the minimum necessary for safety and access.

C. Vehicle Access Easements Serving at Least Five (5) but Fewer Than Ten (10) Single-Family Dwelling Units, or at Least Three (3) but Fewer than Ten (10) Multifamily Units.

1. Easement width, surfaced width, length, turn around and curbcut width shall be as required in subsection B;

2. No single-family structure shall be closer than five (5) feet to the easement.

D. Vehicle Access Easements Serving Ten (10) or more Residential Units.

1. Easement width shall be a minimum of thirty-two (32) feet;

2. The easement shall provide a surfaced roadway at least twenty-four (24) feet wide;

3. No maximum length shall be set. If the easement is over six hundred (600) feet long, a fire hydrant may be required by the Director;

4. A turnaround shall be provided unless the easement extends from street to street;

5. Curbcut width from the easement to the street shall be the minimum necessary for safety access;

6. No single-family structure shall be located closer than ten (10) feet to an easement;

7. One (1) pedestrian walkway shall be provided, extending the length of the easement.

E. Vehicle Access Easements Serving Nonresidential Uses.

23.53.025 LAND USE CODE

1. For nonresidential uses providing fewer than (1) ten parking spaces, the easement shall meet the requirements of subsection C.

2. For nonresidential uses providing ten (10) or more parking spaces, the easement shall meet the requirements of subsection D.

F. Pedestrian Access Easements. Where a lot proposed for a residential use abuts an alley but does not abut a street and the provisions of the zone require access by vehicles from the alley, or where the alley access is an exercised option, an easement providing pedestrian access to a street from the lot shall be provided meeting the following standards:

1. Easement width shall be a minimum of five (5) feet;

2. Easements serving one (1) or two (2) dwelling units shall provide a paved pedestrian walkway at least three (3) feet wide;

3. Easements serving three (3) or more dwelling units shall provide a paved pedestrian walkway at least five (5) feet wide;

4. Easements over one hundred (100) feet in length shall provide lighting at intervals not to exceed fifty (50) feet. Lighting placement shall not exceed fifteen (15) feet in height;

5. Pedestrian access easements shall not exceed two hundred (200) feet in length.

G. Vertical Clearance Above Easements. When an easement serves fewer than ten (10) residential units and crosses a residentially zoned lot, portions of structures may be built over the easement provided that a minimum vertical clearance of sixteen and one-half (16 1/2) feet is maintained above the surface of the easement roadway and a minimum turning path radius in accordance with Section 23.54.030 C is maintained. (See Exhibit 23.53.025 A.)

H. Exceptions From Access Easement Standards. The Director, in consultation with the Fire Chief, may modify the requirements for easement width and surfacing for properties located in environmentally critical areas when it is determined that:

1. Such modification(s) would reduce adverse effects to identified environmentally critical areas; and

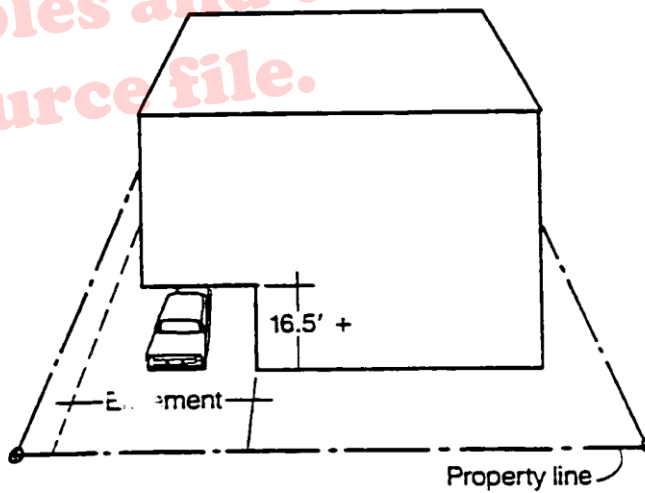
2. Adequate access and provisions for fire protection can be provided for structures served by the easement.

(Ord. 118414 § 38, 1996; Ord. 117263 § 49, 1994; Ord. 115568 § 8, 1991; Ord. 115326 § 26(part), 1990.)

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December 2002 code update file  
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Exhibit 23.53.025 A  
Residential Structures Permitted to be  
Constructed Over Vehicle Access Easement

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



Minimum vertical  
clearance of 16.5'  
over easement roadway

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**23.53.030 LAND USE CODE**

**23.53.030 Alley improvements in all zones.**

A. General Requirements.  
 1. The regulations in this section are not intended to preclude the use of Chapter 25.05 of the Seattle Municipal Code, the Seattle SEPA Ordinance, to mitigate adverse environmental impacts.

2. Subsection G of this section contains exceptions from the standards requirements for alley improvements, including exceptions for projects which are smaller than a certain size and for special circumstances, such as location in an environmentally critical area.

3. Detailed requirements for alley improvements are located in the Street Improvement Manual, which is adopted by joint rule of the Director and the Director of Transportation.

B. New Alleys.

1. New alleys created through the platting process shall meet the requirements of Subtitle III of this title, Platting Requirements.

2. The required right-of-way widths for new alleys shall be as shown on Chart A for Section 23.53.030.

**Chart A  
for Section 23.53.030  
Width of New Alley Rights-of-Way**

<b>Zone Category</b>	<b>Right-of-Way Width</b>
1. SF, LDT, L1, NC1	12'
2. L2, L3, L4, NC2	16'
3. MR, HR, NC3, C1, C2, SCM and all Industrial and Down-town zones	20'

3. When an alley abuts lots in more than one (1) zone category, the zone category with the most frontage on that block, excluding Zone Category 1, along both sides of the alley determines the minimum width on the chart. If the zone categories have equal frontage, the one with the wider requirement shall be used to determine the minimum alley width.

C. Definition of Improved Alley. In certain zones, alley access is required when the alley is improved. For the purpose of determining when access is required, the alley will be considered improved when it meets the standards of this subsection.

1. Right-of-Way Width.

a. The width of a right-of-way which is considered to be improved shall be as shown on Chart B for Section 23.53.030.

<b>Chart B for Section 23.53.030 Right-of-Way Width for Alleys Considered to be Improved</b>

<b>Zone Category</b>	<b>Right-of-Way Width</b>
1. SF, LDT, L1, L2, L3, NC1	10'
2. L4, MR, HR, NC2	12'
3. NC3, C1, C2 and SCM	16'

b. When an alley abuts lots in more than one (1) zone category, the zone category with the most frontage on that block along both sides of the alley, excluding Zone Category 1, determines the minimum width on the chart. If the zone categories have equal frontage, the one with the wider requirement shall be used to determine the minimum alley width.

2. Paving. To be considered improved, the alley shall be paved.

D. Minimum Widths Established.

1. The minimum required width for an existing alley right-of-way shall be as shown on Chart C for Section 23.53.030.

**Chart C  
for Section 23.50.030  
Required Minimum Right-of-Way  
Widths for Existing Alleys**

<b>Zone Category</b>	<b>Right-of-Way Width</b>
1. SF and LDT	No minimum width
2. L1, L2, NC1	12'
3. L3, L4, MR, HR, NC2	16'
4. NC3, C1, C2, SCM, all down-town zones	20'
5. All industrial zones	20'

2. When an alley abuts lots in more than one (1) zone category, the zone category with the most frontage on that block along both sides of the alley, excluding Zone Category 1, determines the minimum width on the chart. If the zone categories have equal frontage, the one with the wider requirement shall be used to determine the minimum alley width.

E. Existing Alleys Which Meet the Minimum Width. Except as provided in subsection G of this section and except for one (1) and two (2) dwelling unit developments that abut an alley that is not improved but is in common usage, when an existing alley meets the minimum right-of-way width established in subsection D of this section, the following requirements shall be met:

1. When the alley is used for access to parking spaces, open storage, or loading berths on a lot, the following improvements shall be provided:

a. For the following types of projects, the entire width of the portion of the alley abutting the lot, and the portion of the alley between the lot and a connecting street, shall be improved to at least the equivalent of a

crushed rock surface, according to the Street Improvement Manual. The applicant may choose the street to which the improvements will be installed. If the alley does not extend from street to street, and the connecting street is an arterial designated on Exhibit 23.53.015 A, either the remainder of the alley shall be improved so that it is passable to a passenger vehicle, or a turnaround shall be provided. The turnaround may be provided by easement.

(1) Residential structures with fewer than ten (10) units;

(2) The following uses when they are smaller than seven hundred fifty (750) square feet of gross floor area: fast-food restaurants, major and minor vehicle repair uses, and multipurpose convenience stores;

(3) Nonresidential structures which have less than four thousand (4,000) square feet of gross floor area and which do not contain uses listed in subsection E1a(2) which are larger than seven hundred fifty (750) square feet;

(4) Structures containing a mix of residential and nonresidential uses, if the residential use is less than ten (10) units, and the square footage of nonresidential uses is less than specified in subsections E1a(2) and E1a(3);

(5) Remodeling and use changes within existing structures;

(6) Additions to existing structures which are exempt from environmental review; and

(7) Expansions of a surface parking area or open storage area of less than twenty (20) percent of parking area or storage area or number of parking spaces.

b. For projects not listed in subsection E1a, the entire width of the portion of the alley abutting the lot, and the portion of the alley between the lot and a connecting street, shall be paved. The applicant may choose the street to which the pavement will be installed. If the alley does not extend from street to street, and the connecting street is an arterial designated on Exhibit 23.53.015 A, either the remainder of the alley shall be improved so that it is passable to a passenger vehicle, or a turnaround shall be provided. The turnaround may be provided by easement.

2. When the alley is not used for access, if the alley is not fully improved, all structures shall be designed to accommodate the grade of the future alley improvements, and a no-protest agreement to future alley improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Department of Records and Elections.

F. Existing Alleys Which Do Not Meet the Minimum Width.

1. When an existing alley is used for access to parking spaces, open storage, or loading berths on a lot, and the alley does not meet the minimum width established in subsection D of this section, except as provided in subsection G of this section, a dedication equal to half the difference between the current alley right-of-way

width and minimum right-of-way width established in subsection D of this section shall be required; provided, however, that if right-of-way has been dedicated since 1982, other lots on the block shall not be required to dedicate more than that amount of right-of-way. Underground and overhead portions of structures that would not interfere with the functioning of the alley may be allowed by the Director of Construction and Land Use after consulting with the Director of Transportation. When existing structures are located in the portion of the lot to be dedicated, that portion of the lot shall be exempt from dedication requirements. The improvements required under subsection E1 of this section shall then be installed, depending on the type of project.

2. When an existing alley is not used for access to parking spaces or loading berths on an abutting lot, but the alley does not meet the minimum width established in subsection D of this section, except as provided in subsection G of this section, the following requirements shall be met:

a. A setback equal to half the distance between the current alley right-of-way width and the minimum right-of-way width established in subsection D shall be required; provided, however, that if a setback has been provided under this provision, other lots on the block shall provide the same setback. The area of the setback may be used to meet any development standards, except that required parking may not be located in the setback. Underground and overhead structures which would not prevent the future widening and improvement of the right-of-way may be permitted in the required setback by the Director of Construction and Land Use after consulting with the Director of Transportation.

b. All structures shall be designed to accommodate the grade of the future alley right-of-way.

c. A no-protest agreement to future street improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the title to the property with the King County Department of Records and Elections.

G. Exceptions. The Director, after consulting with the Director of the Department of Transportation, may modify or waive the requirements for dedication, paving and drainage, setbacks, grading and no-protest agreements, if it is determined that one (1) or more of the following conditions are met. The Director may require access to be from a street if alley improvements are also waived.

1. Location in an environmentally critical area, disruption of existing drainage patterns, or removal of natural features such as significant trees makes widening and/or improving the right-of-way impractical or undesirable;

2. Widening and/or improving the right-of-way would make a building on a lot infeasible by reducing it to dimensions where development standards cannot reasonably be met;

3. Widening and/or improving the right-of-way would eliminate alley access to an existing lot;
  4. Widening and/or improving the right-of-way is impractical because topography precludes the use of the alley for vehicular access to the lot;
  5. The alley is in a historic district or special review district, and the Department of Neighborhoods Director finds, after review and recommendation by the appropriate review board, that the widening and/or improvement would be detrimental to the character and goals of the district;
  6. The existence of a bridge, viaduct or structure such as a substantial retaining wall makes widening the right-of-way impractical or undesirable;
  7. Widening the right-of-way would adversely affect the character of the street, as it is defined in an adopted neighborhood plan or adopted City plan for green streets, boulevard, or other special right-of-way, or would otherwise conflict with the stated goals of such a plan;
  8. One (1) or more substantial principal structures on the same side of the block as the proposed project are located in the area needed for future expansion of the right-of-way and the structure(s)' condition and size make future widening of the remainder of the right-of-way unlikely;
  9. Widening and/or improving the right-of-way is not necessary because it is adequate for current and potential pedestrian and vehicular traffic, for example, due to the limited number of lots served by the development or because the development on the right-of-way is at zoned capacity.
- (Ord. 118414 § 39, 1996; Ord. 118409 § 198, 1996; Ord. 118302 § 12, 1996; Ord. 117570 § 18, 1995; Ord. 117432

§ 38, 1994; Ord. 117263 § 50, 1994; Ord. 116262 § 17, 1992; Ord. 115568 § 8, 1991; Ord. 115326 § 26(part), 1990.)

**23.53.035 Structural building overhangs.**

A. Structural building overhangs are encroachments into public property that include cornices, eaves, sills, belt courses, bay windows, balconies, facade treatment and other architectural features. They shall be designed in accordance with the standards set forth in this section and rules promulgated by the Director. Structural building overhangs, when approved, shall meet the following requirements:

1. Vertical clearance shall be a minimum of eight (8) feet from the sidewalk or twenty-six (26) feet from an alley, or greater when required by other regulations.
2. Overhead horizontal projections of a purely architectural or decorative character such as cornices, eaves, sills, and belt courses shall be limited to a maximum horizontal extension of one (1) foot and maximum vertical dimension of two (2) feet six (6) inches, and shall not increase the floor area or the volume of space enclosed by the building. At roof level, the projections may extend not more than three (3) feet horizontally. The vertical dimension of the overhead horizontal projection at the roof level may be increased if the roof level is one hundred (100) feet or higher above the street elevation. The total area of these projections shall not exceed thirty (30) percent of the area of any one (1) facade (see Exhibit 23.53.035-A).

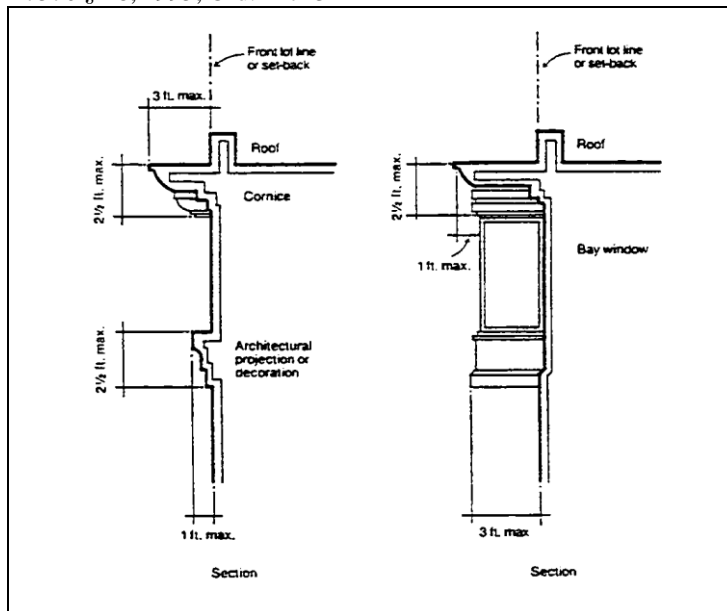


Exhibit 23.53.035-A

3. Exception to the standards in this section may be authorized for historic or rehabilitated buildings, when they are consistent with the scope and intent of these standards.

4. Vertical bay (projecting) windows, balconies (other than balconies used for primary access), and similar features that increase either the floor area of the building or the volume of space enclosed by the building above grade, shall be limited as follows:

a. The maximum horizontal projection shall be three (3) feet and the projection shall be in no case be closer than eight (8) feet to the centerline of any alley (see Exhibit 23.53.035-B).

b. The glass areas of each bay window, and the open portions of each balcony, shall not be less than fifty (50) percent of the sum of the areas of the vertical surfaces of such bay window or balcony above the required open area. At least one-third of such required glass area of such bay window, and open portions of such balcony, shall be on one (1) or more vertical surfaces situated at an angle of not less than thirty (30) degrees to the line establishing the required open area. In addition, at least one-third of such required glass area or open portions shall be on the vertical surface parallel to, or most nearly parallel to, the line establishing each open area over which the bay window or balcony projects.

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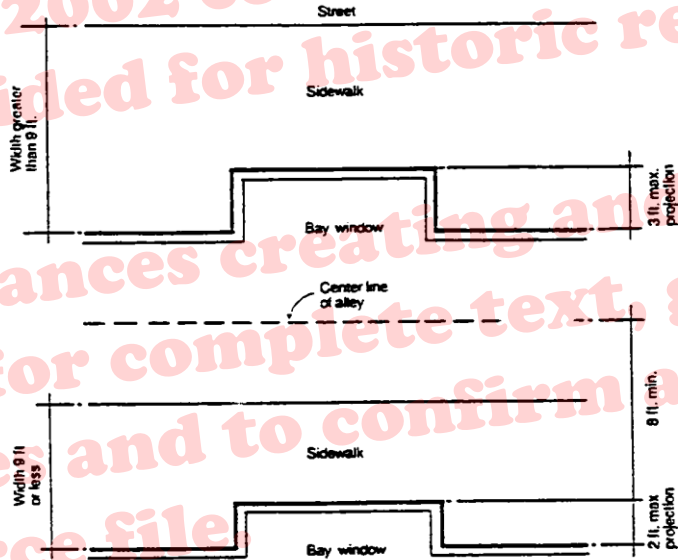


Exhibit 23.53.035-B

c. The maximum length of each bay window or balcony shall be fifteen (15) feet at the line establishing the required open area, and shall be reduced in proportion to the distance from such line by means of forty-five (45) degree angles drawn inward from the ends of such fifteen (15) foot dimension, reaching a maximum of nine (9) feet along a line parallel to and at a distance of three (3) feet from the line establishing the open area (see Exhibit 23.53.035-C).

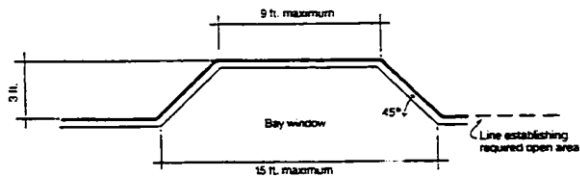


Exhibit 23.53.035-E

d. Where a bay window and a balcony are located immediately adjacent to one another, and the floor of such balcony in its entirety has a minimum horizontal dimension of six (6) feet, the limit set in subsection A4c above, shall be increased to a maximum length of eighteen (18) feet at the line establishing the required open area, and a maximum of twelve (12) feet along a line parallel to and at a distance of three (3) feet from the line establishing the required open area (see Exhibit 23.53.035-D).

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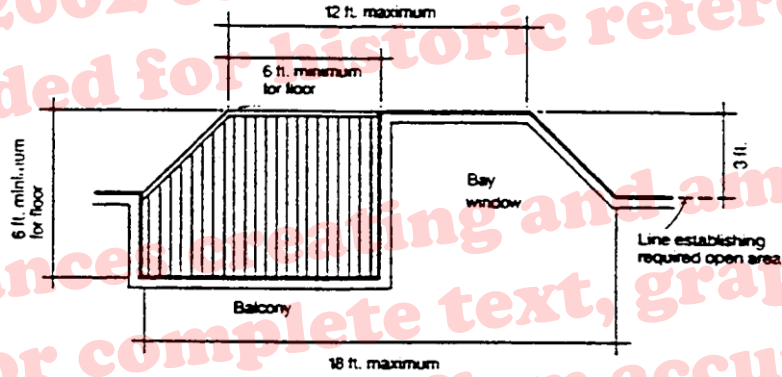


Exhibit 23.53.035-D

e. The minimum horizontal separation between bay windows, between balconies, and between bay windows and balconies (except where a bay window and a balcony are located immediately adjacent to one another, as provided for in subsection A4d above), shall be two (2) feet at the line establishing the required open area, and shall be increased in proportion to the distance from such line by means of one hundred thirty-five (135) degree angles drawn outward from the ends of such two (2) foot dimension, reaching a minimum of eight (8) feet along a line parallel to and at a distance of three (3) feet from the line establishing the required open area (see Exhibits 23.53.035-E).

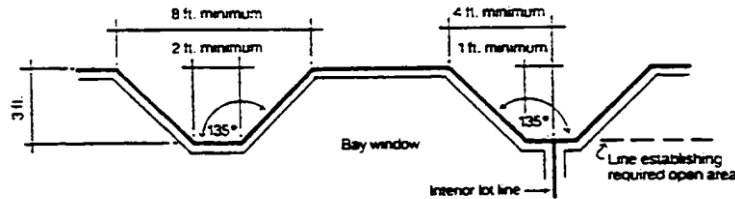


Exhibit 23.53.035-E

f. Each bay window or balcony over a street or alley shall also be horizontally separated from interior lot lines (except where the wall or a building on the adjoining lot is flush to the interior lot line immediately adjacent to the projecting portions of such bay window or balcony) by not less than one (1) foot at the line establishing the required open area, with such separation increased in proportion to the distance from such line by means of a one hundred thirty-five (135) degree angle drawn outward from such one (1) foot dimension, reaching a minimum of four (4) feet along a line parallel to and at a distance of three (3) feet from the line establishing the required open area (see Exhibit 23.53.035-F).

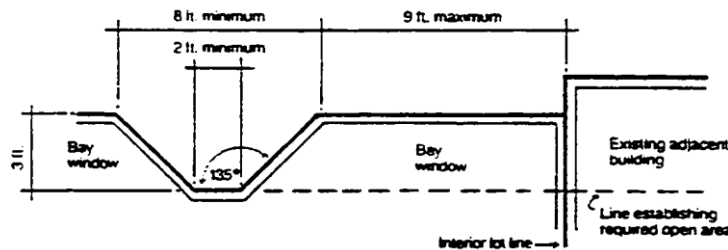


Exhibit 23.53.035-F

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sections for complete text, graphics,  
and tables and to confirm accuracy of  
this source file.**

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B. Submittal Requirements.

1. An application for a structure containing features overhanging the public right-of-way must show the following:

- a. Dimensions on the site plan for canopies that overhang no closer than six (6) feet to the curb;
- b. Windows in any bays;
- c. Where the SeaTran landscape architect indicates that retention of the street trees would be unfeasible, indicate planting of new street trees of at least four (4) inch caliper.  
(Ord. 119618 § 6, 1999.)

cant. The information required may include, but not be limited to, a description of the physical structure(s), identification of potential users, and analysis of likely parking demand.

C. If an entire use or structure, or the same portion of a use or structure, falls under more than one category in Chart A, then unless otherwise specified the category requiring the least amount of parking spaces shall apply, but only so long as the criteria in that category are satisfied.

D. Existing legal parking deficits of legally established uses shall be allowed to continue even if a change of use occurs. This subsection shall not apply to a change of use to one defined as a heavy traffic generator. This subsection shall not be construed to permit a parking deficit caused by the failure to satisfy conditions of a reduced parking requirement for any use or structure.

E. In all zones, no parking shall be required for the first twenty-five hundred (2,500) square feet of gross floor area of nonresidential uses in a structure. This waiver shall not apply to structures or portions of structures occupied by fast-food restaurants, motion picture theaters, administrative offices or institutional uses, including Major Institution uses. When two (2) or more uses, with different parking ratios occupy a structure, the twenty-five (2,500) square foot waiver shall be prorated based on the area occupied by the nonresidential uses for which the parking waiver is permitted.

**Chapter 23.54  
QUANTITY AND DESIGN STANDARDS FOR  
ACCESS AND OFF-STREET PARKING**

**Sections:**

- 23.54.015 Required parking.**
- 23.54.016 Major Institutions—Parking and transportation.**
- 23.54.020 Parking quantity exceptions.**
- 23.54.025 Parking covenants.**
- 23.54.030 Parking space standards.**
- 23.54.035 Loading berth requirements and space standards.**

**23.54.015 Required parking.**

A. The minimum number of off-street parking spaces required for specific uses shall be based upon gross floor area, unless otherwise specified, as set forth in Chart A, except for uses located in downtown zones, which are regulated by Section 23.49.016, and Major Institution uses, which are regulated by Section 23.54.016. (See Chart A for Section 23.54.015.)

Minimum parking requirements for uses in the Stadium Transition Area Overlay District to which a maximum parking ratio applies shall be reduced to the extent necessary, if any, to allow compliance with the maximum parking ratio as it applies to all such uses on the same lot.

If floor area of a use for which parking is required is added to a lot for which one or more minimum parking ratios has been reduced under the previous sentence, or if the floor area of any such existing uses on such a lot are modified, or both, then any reductions in minimum required parking ratios shall be adjusted so that the total of all reductions in required parking for uses on that lot is the amount necessary to permit compliance with the applicable maximum parking ratio.

B. In the case of a use not specifically mentioned on Chart A, the requirements for off-street parking shall be determined by the Director. If there is/are comparable uses, the Director’s determination shall be based on the requirements for the most comparable use(s). Where, in the judgment of the Director, none of the uses on Chart A are comparable, the Director may base his or her determination as to the amount of parking required for the proposed use on detailed information provided by the appli-

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**Chart A  
for Section 23.54.015  
PARKING**

Use	Parking Requirements
Adult care center <sup>1</sup>	1 space for each 10 adults (clients) or 1 space for each staff member, whichever is greater; plus 1 loading and unloading space for each 20 adults (clients)
Adult family home	1 space for each dwelling unit
Adult motion picture theater	1 space for each 8 fixed seats or 1 space for each 100 square feet of spectator assembly area not containing fixed seats
Adult panoram	1 space for each 8 fixed seats or 1 space for each 100 square feet of spectator assembly area not containing fixed seats
Airport, land-based (waiting area)	1 space for each 100 square feet
Airport, water-based (waiting area)	1 space for each 100 square feet
Animal services	1 space for each 350 square feet
Animal husbandry (retail area only)	1 space for each 350 square feet
Aquaculture (retail area only)	1 space for each 350 square feet
Artist's studio/dwelling	1 space for each dwelling unit
Assisted living facility <sup>2</sup>	1 space for each 4 assisted living units plus 1 space for each 2 staff members on-site at peak staffing time; plus 1 barrier-free passenger loading and unloading space; plus loading berth requirements per Section 23.54.035
Automotive parts or accessory sales	1 space for each 350 feet
Ball courts	1 space per court
Bed and breakfast	1 space for each dwelling, plus 1 space for each 2 guest rooms or suites
Bowling alley	5 spaces for each lane
Brewpub	1 space for each 200 square feet
Business support services	1 space for each 2,000 square feet
Business incubators	1 space for each 1,000 square feet
Carwash	1 space for each 2,000 square feet
Caretaker's quarters	1 space for each dwelling unit
Cargo terminal	1 space for each 2,000 square feet

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**Chart A**  
**for Section 23.54.015 (Continued)**

Cemetery	None
Child care center <sup>1,9</sup>	1 space for each 10 children or 1 space for each staff member, whichever is greater; plus 1 loading and unloading space for each 20 children
Colleges <sup>1</sup>	A number of spaces equal to 15 percent of the maximum number of students present at peak hour; plus 30 percent of the number of employees present at peak hour; plus
Commercial laundries	1 space for each 100 square feet of spectator assembly area in outdoor spectator sports facilities
Commercial moorage	1 space for each 2,000 square feet
Communication utilities	1 space for each 140 lineal feet of moorage
Community centers <sup>1,2</sup> and community clubs <sup>1,2</sup>	1 space for each 2,000 square feet
Community centers owned and operated by the Seattle Department of Parks and Recreation (DOPAR) <sup>1,2,3</sup>	1 space for each 80 square feet of floor area of all auditoria and public assembly rooms not containing fixed seats; or 1 space for every 8 fixed seats for floor area containing fixed seats; or if no auditorium or assembly room, 1 space for each 350 square feet, excluding ball courts
Congregate residences	1 space for each 555 square feet
Construction services	1 space for each 4 residents
Custom and craft work	1 space for each 2,000 square feet
Dance halls (dance floor and table area)	1 space for each 1,000 square feet
Dry storage of boats	1 space for each 100 square feet
Family support centers located in community centers owned and operated by the Seattle DOPAR <sup>3</sup>	1 space for each 2,000 square feet
Floating homes	1 space for each 100 square feet
Food processing for human consumption	1 space for each dwelling unit
Gas station	1 space for each 1,000 square feet
General retail sales and services	1 space for each 2,000 square feet
Ground-floor businesses in multifamily zones	1 space for each 350 square feet
	None, maximum of 10 spaces



LAND USE CODE

**Chart A**  
**for Section 23.54.015 (Continued)**

Heavy commercial services	1 space for each 2,000 square feet
Heliports (waiting area)	1 space for each 100 square feet
High-impact uses	1 space for each 1,500 square feet or as determined by the Director
Horticultural uses (retail area only)	1 space for each 350 square feet
Hospitals <sup>1</sup>	1 space for each 2 staff doctors; plus 1 additional space for each 5 employees; plus 1 space for each 6 beds
Hotels	1 space for each 4 sleeping rooms or suites
Institute for advanced study <sup>1</sup>	1 space for each 1,000 square feet of administrative offices and similar spaces; plus 1 space for each 10 fixed seats in all auditoria and public assembly rooms; or 1 space for each 100 square feet of public assembly area not containing fixed seats
Institutes for advanced study in single-family zones (existing)	3.5 spaces for each 1,000 square feet of office space; plus 10 spaces for each 1,000 square feet of additional building footprint to house and support conference center activities; or 37 spaces for each 1,000 square feet of actual conference rooms to be constructed, whichever is greater
Kennel	1 space for each 2,000 square feet
Lecture and meeting hall	1 space for each 8 fixed seats or 1 space for each 100 square feet of spectator assembly area not containing fixed seats
Library <sup>10</sup>	1 space for each 80 square feet of floor area of all auditoria and public meeting rooms; plus 1 space for each 500 square feet of floor area, excluding auditoria and public meeting rooms
Major durables, sales, service, and rental	1 space for each 2,000 square feet
Manufacturing, general	1 space for each 1,500 square feet
Manufacturing, heavy	1 space for each 1,500 square feet
Manufacturing, light	1 space for each 1,500 square feet
Marine service station	1 space for each 2,000 square feet
Medical services	1 space for each 350 square feet
Miniature golf	1 space for each 2 holes

**Chart A**  
**for Section 23.54.015 (Continued)**

Mini-warehouse	1 space for each 30 storage units
Mobile home part:	1 space for each mobile home
Mortuary services	1 space for each 350 square feet
Motels	1 space for each sleeping room or suite
Motion picture studio	1 space for each 1,500 square feet
Motion picture theater	1 space for each 8 fixed seats or 1 space for each 100 square feet of spectator assembly area not containing fixed seats
Multifamily uses, <sup>4</sup> except as otherwise provided below <sup>13</sup>	<p>Development sites containing 2—10 dwelling units:  1.1 spaces for each dwelling unit</p> <p>Development sites containing 11—30 dwelling units:  1.15 spaces for each dwelling unit</p> <p>Development sites containing 31—60 dwelling units:  1.2 spaces for each dwelling unit</p> <p>Development sites containing more than 60 dwelling units: 1.25 spaces for each dwelling unit</p> <p>In addition, for all multifamily uses whose average gross floor area per dwelling unit, excluding decks and all portions of a structure shared by multiple dwelling units exceeds 500 square feet, an additional .0002 spaces per square foot in excess of 500 shall be required up to a maximum additional .15 spaces per dwelling unit; and</p> <p>When at least 50 percent of the dwelling units in a multifamily use have 3 bedrooms, an additional .25 spaces per bedroom for each unit with 3 bedrooms shall be required; and</p> <p>Any multifamily use that contains a dwelling unit with 4 or more bedrooms shall be required to provide an additional .25 spaces per bedroom for each unit with 4 or more bedrooms<sup>5</sup></p> <p>1.5 spaces per unit with 2 or more bedrooms. The requirement for units with 3 or more bedrooms contained above shall also apply. All other requirements for units with fewer than 2 bedrooms shall be as contained above<sup>5</sup></p>
Multifamily uses containing dwelling units with 2 or more bedrooms, when within the area impacted by the University of Washington as shown on Map A following this section, unless another provision below allows fewer parking spaces	
Multifamily uses, when within the Alki area as shown on Map B following this section, unless another provision below allows fewer parking spaces	1.5 spaces for each dwelling unit
Multifamily uses, for development site that contain a total of 10 or fewer dwelling units, all in ground-related structures	1 space for each dwelling unit

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**Chart A  
for Section 23.54.015 (Continued)**

Multifamily uses, when located in Center City neighborhoods<sup>12</sup>, for each dwelling unit rented to and occupied by a household with an income at time of its initial occupancy at or below 30 percent of the median family income, adjusted for household size, for the Seattle Bellevue-Everett Primary Metropolitan Statistical Area, as defined by the United States Department of Housing and Urban Development (HUD)<sup>14</sup>, for the life of the building

0.33 space for each dwelling unit with 2 or fewer bedrooms, and 0.5 space for each dwelling unit with 3 or more bedrooms

Multifamily uses, when located in Center City neighborhoods<sup>12</sup>, for each dwelling unit rented to and occupied by a household with an income at time of its initial occupancy of between 30 and 50 percent of the median family income, adjusted for household size, for the Seattle-Bellevue-Everett Primary Metropolitan Statistical Area, as defined by HUD<sup>14</sup>, for the life of the building

0.5 space for each dwelling unit with 2 or fewer bedrooms, and 1 space for each dwelling unit with 3 or more bedrooms

Multifamily uses, when located outside of Center City neighborhoods<sup>12</sup>, for each dwelling unit rented to and occupied by a household with an income at time of its initial occupancy at or below 30 percent of the median family income adjusted for household size, for the Seattle-Bellevue-Everett Primary Metropolitan Statistical Area, as defined by HUD<sup>14</sup>, for the life of the building

0.33 space for each dwelling unit with 2 or fewer bedrooms, and 1 space for each dwelling unit with 3 or more bedrooms

Multifamily uses, when located outside of Center City neighborhoods<sup>12</sup>, for each dwelling unit with 2 or fewer bedrooms rented to and occupied by a household with an income at the time of its initial occupancy of between 30 and 50 percent of the median family income, adjusted for household size, for the Seattle-Bellevue-Everett Primary Metropolitan Statistical Area, as defined by HUD<sup>14</sup>, for the life of the building

0.75 spaces for each dwelling unit

Multifamily uses occupied by low-income elderly households

1 space for each 6 dwelling units

Multifamily uses occupied by low-income disabled households

1 space for each 4 dwelling units

Multifamily uses occupied by low-income elderly/low-income disabled households

1 space for each 5 dwelling units

Multifamily uses, when within the Seattle Cascade Mixed zone or the Pike/Pine Overlay District

1 space for each dwelling unit

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**Chart A**  
**for Section 23.54.015 (Continued)**

Multifamily uses, when within the Pike/Pine Overlay District, for each dwelling unit rented to and occupied by a household with an income at time of its initial occupancy at or below 60 percent of the median family income, adjusted for household size, for the Seattle-Bellevue-Everett Primary Metropolitan Statistical Area, as defined by HUD, at rent not exceeding 30 percent of 60 percent of median family income, adjusted for household size, for the life of the building	1 space for every 2 dwelling units
Multipurpose convenience store	1 space for each 350 square feet
Museum <sup>1</sup>	1 space for each 80 square feet of all auditoria and public assembly rooms, not containing fixed seats; or 1 space for every 10 fixed seats for floor area containing fixed seats; plus 1 space for each 250 square feet of other gross floor area open to the public
Nonhousehold sales and services, except sales, service and rental of office equipment	1 space for each 2,000 square feet
Nursing homes <sup>6</sup>	1 space for each 2 staff doctors; plus 1 additional space for each 3 employees; plus 1 space for each 6 beds
Office, administrative	1 space for each 1,000 square feet
Office, customer service	1 space for each 350 square feet
Outdoor storage	1 space for each 2,000 square feet
Parks	None
Participant sports and recreation, indoor or outdoor, unless otherwise specified	1 space for each 350 square feet
Passenger terminals (waiting area)	1 space for each 100 square feet
Performing arts theater	1 space for each 8 fixed seats or 1 space for each 100 square feet of spectator assembly area not containing fixed seats
Personal transportation services	1 space for each 2,000 square feet
Playgrounds	None
Power plants	1 space for each 2,000 square feet
Private club <sup>1</sup>	1 space for each 80 square feet of floor area of all auditoria and public assembly rooms not containing fixed seats; or 1 space for every 8 fixed seats for floor area containing fixed seats; or if no auditorium or assembly room, 1 space for each 350 square feet, excluding ball courts

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LAND USE CODE

**Chart A**  
**for Section 23.54.015 (Continued)**

Railroad rights-of-way	None
Railroad switchyard with or without mechanized hump	1 space for each 2,000 square feet
Recreational marinas	1 space for each 75 lineal feet of moorage
Recycling center	1 space for each 2,000 square feet
Recycling collection station	None
Religious facility <sup>1</sup>	1 space for each 80 square feet of all auditoria and public assembly rooms
Research and development laboratory	1 space for each 1,000 square feet
Restaurant	1 space for each 200 square feet
Restaurant, fast-food	1 space for each 100 square feet
Sale and rental of large boats	1 space for each 2,000 square feet
Sale and rental of motorized vehicles	1 space for each 2,000 square feet
Sale of boat parts and accessories	1 space for each 350 square feet
Sale of heating fuel	1 space for each 2,000 square feet
Sales, service and rental of commercial equipment	1 space for each 2,000 square feet
Sales, service and rental of office equipment	1 space for each 350 square feet
Salvage yard	1 space for each 2,000 square feet
School, private elementary and secondary <sup>1, 2</sup>	1 space for each 80 square feet of all auditoria and public assembly rooms, or if no auditorium or assembly room, 1 space for each staff member
School, public elementary and secondary <sup>1, 2, 7</sup>	1 space for each 80 square feet of all auditoria or public assembly rooms, or 1 space for every 8 fixed seats in auditoria or public assembly rooms, containing fixed seats, for new public schools on a new or existing public school site
Sewage treatment plant	1 space for each 2,000 square feet
Single-family dwelling units	1 space for each dwelling unit
Skating rink (rink area)	1 space for each 100 square feet
Solid waste transfer station	1 space for each 2,000 square feet
Specialty food stores	1 space for each 350 square feet



STANDARDS FOR ACCESS AND OFF-STREET PARKING

**Chart A**  
for Section 23.54.015 (Continued)

Spectator sports facility <sup>11</sup>	1 space for each 10 fixed seats or 1 space for each 100 square feet of spectator assembly area not containing fixed seats
Sport range	1 space for each 2 stations
Swimming pool (water area)	1 space for each 150 square feet
Taverns	1 space for each 200 square feet
Transit vehicle base	1 space for each 2,000 square feet
Universities <sup>8</sup>	A number of spaces equal to 15 percent of the maximum number of students present at peak hour; plus 30 percent of the number of employees present at peak hour; plus 1 space for each 100 square feet of spectator assembly area in outdoor spectator sports facilities
Utility service uses	1 space for each 2,000 square feet
Vehicle and vessel repair	1 space for each 2,000 square feet
Vocational or fine arts school	1 space for each 2 faculty plus full-time employees; plus 1 space for each 5 students (based on the maximum number of students in attendance at any one time)
Warehouse	1 space for each 1,500 square feet
Wholesale showroom	1 space for each 1,500 square feet
Work-release centers	1 space for each 2 full-time staff members; plus 1 space for each 5 residents; plus 1 space for each vehicle operated in connection with the work-release center

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**Chart A  
for Section 23.54.015 (Continued)**

1. When permitted in single-family zones as a conditional use, the Director may modify the parking requirements pursuant to Section 23.44.022; when permitted in multifamily zones as a conditional use, the Director may modify the parking requirements pursuant to Section 23.45.122. The Director, in consultation with the Director of the Seattle Department of Transportation, may allow adult care and child care center; locating in existing structures to provide loading and unloading spaces on-street when no other alternative exists.
2. Indoor gymnasiums shall not be considered ball courts, nor shall they be considered auditoria or public assembly rooms unless they contain bleachers (fixed seats). If the gymnasium contains bleachers, the parking requirement for the entire gymnasium shall be one (1) parking space for every eight (8) fixed seats. Each twenty (20) inches of width of bleachers shall be counted as one (1) fixed seat for the purposes of determining parking requirements. If the gymnasium does not contain bleachers and is in a school, there is no parking requirement for the gymnasium. If the gymnasium does not contain bleachers and is in a community center, the parking requirement shall be one (1) space for each three hundred fifty (350) square feet. If the gymnasium does not contain bleachers and is in a community center owned and operated by the Department of Parks and Recreation (DOPAR), the parking requirement shall be one (1) space for each five hundred fifty-five (555) square feet.
3. When family support centers are located within community centers owned and operated by DOPAR, the Director may lower the combined parking requirement by up to a maximum of fifteen (15) percent, pursuant to Section 23.54.020 I.
4. Parking spaces required for multifamily uses may be provided as tandem spaces according to subsection B of Section 23.54.020.
5. Bedroom—Any habitable room as defined by the Building Code that, in the determination of the Director, is capable of being used as a bedroom.
6. When specified in single-family zones, Section 23.44.015, the Director may waive some or all of the parking requirements.
7. For public schools, when an auditorium or other place of assembly is demolished and a new one built in its place, parking requirements shall be determined based on the new construction. When an existing public school on an existing public school site is remodeled, additional parking is required if any auditorium or other place of assembly is expanded or additional fixed seats are added. Additional parking is required as shown on Chart A for the increase in floor area or increase in number of seats only. If the parking requirement for the increased area or seating is ten (10) percent or less than that for the existing auditorium or other place of assembly, then no additional parking shall be required.
8. Development standards departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 to reduce the required or permitted number of parking spaces.
9. A child care facility, when co-located with an assisted living facility, may count the passenger load/unload space required for the assisted living facility toward its required passenger load/unload spaces.
10. When a library is permitted in single-family zones as conditional use, the Director may modify the parking requirements pursuant to Section 23.44.022; when a library is permitted in multifamily zones as a conditional use, the Director may modify the parking requirements pursuant to Section 23.45.122; and when a library is permitted in commercial zones, the Director may modify the parking requirements pursuant to Section 23.44.022 L.
11. Required parking for spectator sports facilities or exhibition halls must be available when the facility or exhibition hall is in use. A facility shall be considered to be “in use” during the period beginning three (3) hours before an event is scheduled to begin and ending one (1) hour after a scheduled event is expected to end. For sports events of variable or uncertain duration, the expected event length shall be the average length of the events of the same type for which the most recent data are available, provided it is within the past five (5) years. During an inaugural season, or for nonrecurring events, the best available good faith estimate of event duration will be used. A facility will not be deemed to be “in use” by virtue of the fact that administrative or maintenance personnel are present. The Director may reduce the required parking for any event when projected attendance for a spectator sports facility is certified to be fifty (50) percent or less of the facility’s seating capacity, to an amount not less than that required for the certified projected attendance, at the rate of one (1) space for each ten (10) fixed seats of certified projected attendance. An application for reduction and the certification shall be submitted to the Director at least fifteen (15) days prior to the event. When the event is one of a series of similar events, such certification may be submitted for the entire series fifteen (15) days prior to the first event in the series. If the Director finds that a certification of projected attendance of fifty (50) percent or less of the seating capacity is based on satisfactory evidence such as past attendance at similar events or advance ticket sales, the Director shall, within fifteen (15) days of such submittal, notify the facility operator that a reduced parking requirement has been approved, with any conditions deemed appropriate by the Director to ensure adequacy of parking if expected attendance should change. The parking requirement reduction may be applied for only if the goals of the facility’s Transportation Management Plan are otherwise being met. The Director may revoke or modify a parking requirement reduction approval during a series, if projected attendance is exceeded.

**Chart A  
for Section 23.54.015 (Continued)**

12. For purposes of this section, Center City neighborhoods are the following urban villages: Uptown Queen Anne, South Lake Union, Capitol Hill, Pike/Pine, First Hill and 12th Avenue, as shown in the City of Seattle Comprehensive Plan.
13. These general requirements multifamily uses are superseded to the extent that a use, structure or development qualifies for either a greater or a lesser parking requirement under any provision below. To the extent that more than one of the provisions below applies to a multifamily use, the least of the applicable parking requirements applies. The different parking requirements for certain multifamily uses listed below shall not be construed to create separate uses for purposes of any requirements related to establishing or changing a use under this title.
14. Notice of Income Restrictions. Prior to issuance of any permit to establish, construct or modify any use or structure, or to reduce any parking accessory to a multifamily use or structure, if the applicant relies upon these reduced parking requirements, the applicant shall record in the King County Office of Records and Elections a declaration signed and acknowledged by the owner(s), in a form prescribed by the Director, which shall identify the subject property by legal description, and shall acknowledge and provide notice to any prospective purchasers that specific income limits are a condition for maintaining the reduced parking requirement.

**Seattle Municipal Code**

**December 2002 code update file**

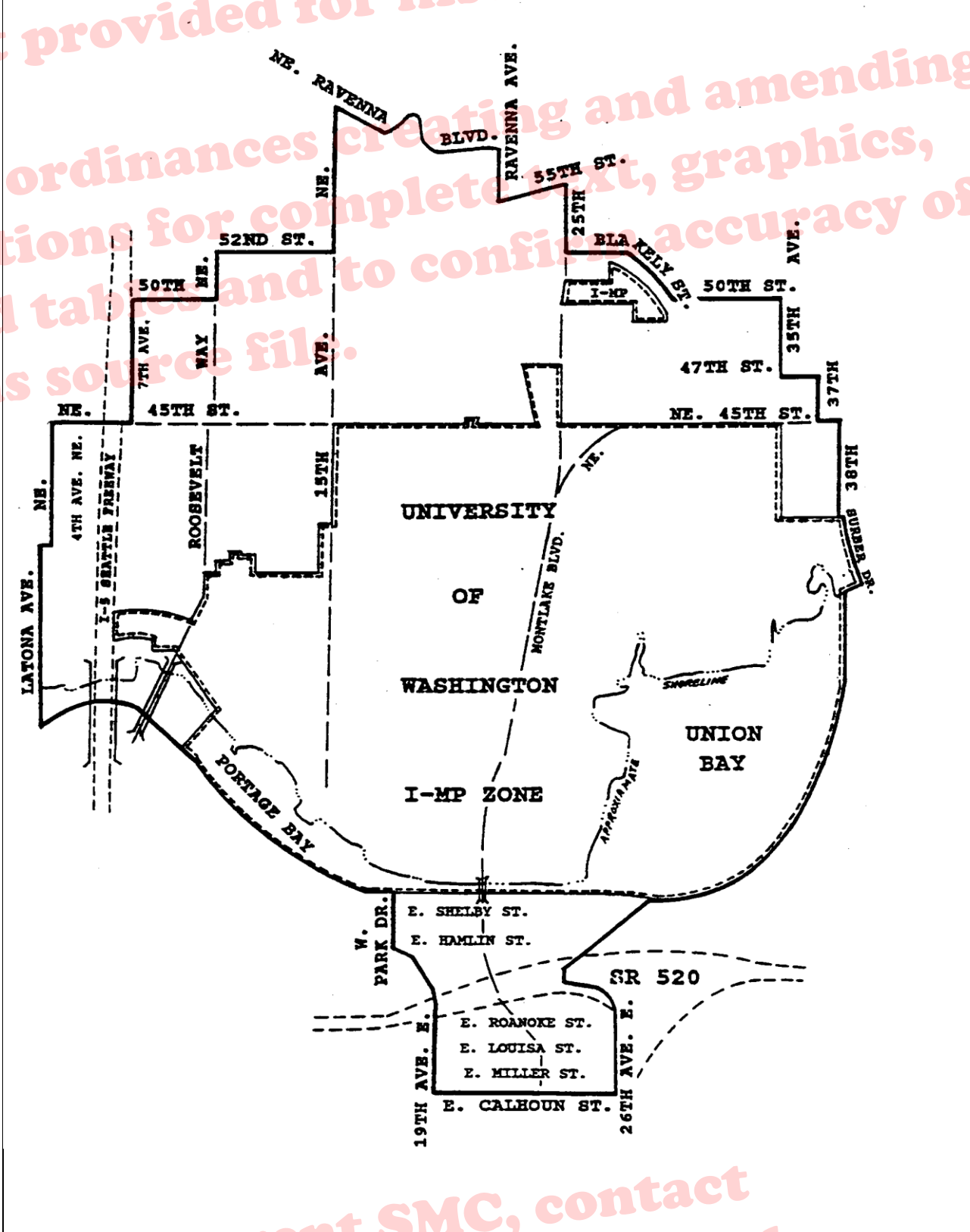
**Text provided for historic reference only.**

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

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Seattle Municipal Code  
December 2002 code update file  
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Exhibit for Chart A, Section 23.54.015  
Map A — University District Parking Overlay Area



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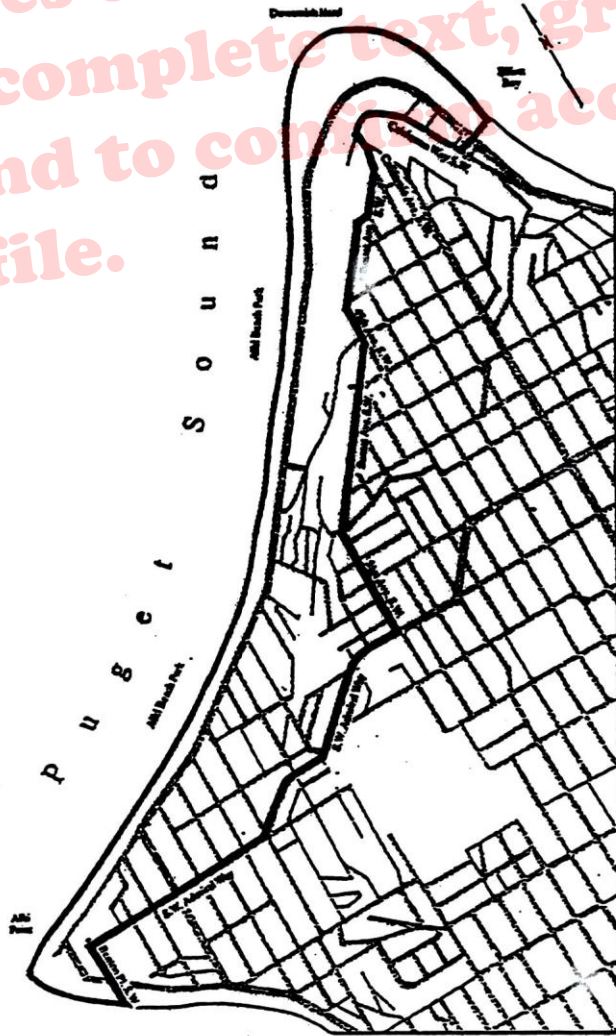


Seattle Municipal Code  
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Exhibit for Chart A, Section 23.54.015  
Map B — Alki Area Parking Overlay

The provisions of this section  
apply to all multifamily and  
neighborhood commercial zones  
within the boundary lines noted.

Boundary Line \_\_\_\_\_



See ordinances creating and amending  
sections for complete text, graphics,  
and tables and to confirm accuracy of  
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F. Exceptions to the parking requirements set forth in this section are provided in Section 23.54.020, Parking quantity exceptions, unless otherwise specified in Chart A.

G. Except in downtown zones, off-street parking for fleet vehicles shall be provided separately, in addition to the minimum parking requirements.

H. For nonschool uses permitted to locate in a former or existing public school by a School Use Advisory Committee (SUAC), parking requirements shall be determined by the school use criteria, according to Chapter 23.78, Establishment of Criteria for Joint Use or Reuse of Schools.

I. Bicycle Parking.

1. In L2, L3, L4, MR and HR zones, and the SCM zone, for apartments and terraced housing, spaces for bicycles shall be provided in a safe and convenient location, according to the following chart:

Number of Units	Number of Bicycle Spaces Required
5—10	1
11—20	2
More than 20	1 for every 10 units

2. Bicycle parking spaces shall be provided by all institutions in multifamily zones. The number of required bicycle parking spaces shall be five (5) percent of the number of required vehicle spaces. All bicycle spaces should be sheltered from the weather, visible from the institution, and conveniently located.

3. Bicycle parking facilities, either off-street or in the street right-of-way, shall be provided in NC1, NC2, NC3, C1 zones, and the SCM zone for any new use which requires twenty (20) or more automobile parking spaces according to Chart A. Automobile service stations, and other drive-in businesses except fast-food restaurants, shall be exempted from this requirement. All bicycle parking facilities in the street right-of-way shall conform to Seattle Transportation standards.

a. The number of required bicycle parking spaces shall be ten (10) percent of the number of required off-street auto parking spaces.

b. When any covered automobile parking is provided, all bicycle parking shall be covered.

4. Bicycle parking facilities accessory to nonresidential uses shall be located on the lot or within eight hundred (800) feet of the lot. Bicycle parking accessory to residential uses shall be located on-site. Bicycle parking facilities shared by more than one (1) use are encouraged. When located off-street, bicycle and automobile parking areas shall be separated by a barrier or painted lines.

(Ord. 120953 § 1, 2002; Ord. 120609 § 13, 2001; Ord. 120541 § 1, 2001; Ord. 120004 § 4, 2000; Ord. 119972 § 9, 2000; Ord. 119969 § 1, 2000; Ord. 119715 § 2, 1999; Ord. 119239 § 29, 1998; Ord. 119238 § 8, 1998; Ord.

118624 § 2, 1997; Ord. 118414 § 40, 1996; Ord. 118409 § 199, 1996; Ord. 118302 § 13, 1996; Ord. 117869 § 1, 1995; Ord. 117202 § 10, 1994; Ord. 116168 § 1, 1992; Ord. 116146 § 2, 1992; Ord. 115719 § 1, 1991; Ord. 115043 § 12, 1990; Ord. 115002 § 13(part), 1990; Ord. 114875 §§ 13, 14, 1989; Ord. 114623 § 15, 1989; Ord. 113710 § 1(part), 1987; Ord. 113658 § 7(part), 1987; Ord. 113464 § 2(part), 1987; Ord. 113263 § 26(part), 1986; Ord. 112777 § 32(part), 1986.)

**23.54.016 Major Institutions—Parking and transportation.**

Major Institution uses shall be subject to the following transportation and parking requirements:

A. General Provisions.

1. Minimum requirements for parking quantity are established in subsection B of this section.

2. The maximum number of spaces provided for the Major Institution use shall not exceed one hundred thirty-five (135) percent of the minimum requirement, except through administrative or Council review as provided in subsection C of this section.

3. Parking requirements for Major Institutions with more than one (1) type of institutional use (for example, a hospital and a university), shall be calculated for each use separately, and then added together to derive the total number of required spaces.

4. When a permit application is made for new development at an existing Major Institution, parking requirements shall be calculated both for the entire Major Institution and for the proposed new development. If there is a parking deficit for the entire institution, the institution shall make up a portion of the deficit in addition to the quantity required for the new development, according to the provisions of subsection B5 of this section. If there is a parking surplus, above the maximum allowed number of spaces, for the institution as a whole, requirements for new development will first be applied to the surplus in the required ratio of long-term and short-term spaces. Additional parking shall be permitted only when no surplus remains.

5. When determining parking requirements, individuals fitting into more than one (1) category (for example, a student who is also an employee or a faculty member who is also a doctor) shall not be counted twice. The category requiring the greater number of parking spaces shall be used.

B. Parking Quantity Required. The minimum number of parking spaces required for a Major Institution shall be as follows:

1. Long-term Parking.

a. Medical Institutions. A number of spaces equal to eighty (80) percent of hospital-based doctors; plus twenty-five (25) percent of staff doctors; plus thirty (30) percent of all other employees present at peak hour;

b. Educational Institutions. A number of spaces equal to fifteen (15) percent of the maximum stu-

dents present at peak hour, excluding resident students; plus thirty (30) percent of employees present at peak hour; plus twenty-five (25) percent of the resident unmarried students; plus one (1) space for each married student apartment unit.

2. Short-term Parking.

a. Medical Institutions. A number of spaces equal to one (1) space per six (6) beds; plus one (1) space per five (5) average daily outpatients;

b. Educational Institutions. A number of spaces equal to five (5) percent of the maximum students present at peak hour excluding resident students.

3. Additional Short-term Parking Requirements. When one (1) of the following uses is a Major Institution use, the following additional short-term parking requirements shall be met. Such requirements may be met by joint use of parking areas and facilities if the Director determines that the uses have different hours of operation according to Section 23.54.020 G:

a. Museum. One (1) space for each two hundred fifty (250) square feet of public floor area;

b. Theater, Auditorium, or Assembly Hall. One (1) space for each two hundred (200) square feet of audience assembly area not containing fixed seats, and one (1) space for every ten (10) seats for floor area containing fixed seats;

c. Spectator Sports Facility Containing Fewer than Twenty Thousand (20,000) Seats. One (1) space for each ten (10) permanent seats and one (1) space for each one hundred (100) square feet of spectator assembly area not containing fixed seats;

d. Spectator Sports Facility Containing Twenty Thousand (20,000) or More Seats. One (1) space for each ten (10) permanent seats and one (1) bus space for each three hundred (300) permanent seats.

4. Bicycle Parking. Bicycle parking meeting the development standards of Section 23.54.015 I4 and subsection D2 of this section shall be provided in the following quantities:

a. Medical Institutions. A number of spaces equal to two (2) percent of employees, including doctors, present at peak hour;

b. Educational Institutions. A number of spaces equal to ten (10) percent of the maximum students present at peak hour plus five (5) percent of employees.

If at the time of application for a master use permit, the applicant can demonstrate that the bicycle parking requirement is inappropriate for a particular institution because of topography, location, nature of the users of the institution or other reasons, the Director may modify the bicycle parking requirement.

5. Parking Deficits. In addition to providing the minimum required parking for a new structure, five (5) percent of any vehicular or bicycle parking deficit as determined by the minimum requirements of this subsection, existing on the effective date of the ordinance codified in

this section,<sup>1</sup> shall be supplied before issuance of a certificate of occupancy.

C. Requirement for a Transportation Management Program.

1. When a Major Institution proposes parking in excess of one hundred thirty-five (135) percent of the minimum requirement for short-term parking spaces, or when a Major Institution prepares a master plan or applies for a master use permit for development that would require twenty (20) or more parking spaces or increase the Major Institution's number of parking spaces by twenty (20) or more above the level existing on May 2, 1990, a transportation management program shall be required or an existing transportation management program shall be reviewed and updated. The Director shall assess the traffic and parking impacts of the proposed development against the general goal of reducing the percentage of the Major Institution's employees, staff and/or students who commute in single-occupancy vehicles (SOV) during the peak period to fifty (50) percent or less, excluding those employees or staff whose work regularly requires the use of a private vehicle during working hours.

2. Transportation management programs shall be prepared and implemented in accordance with the Director's Rule governing Transportation Management Programs. The Transportation Management Program shall be in effect upon Council adoption of the Major Institution master plan.

3. If an institution has previously prepared a transportation management program, the Director, in consultation with the Director of Transportation, shall review the Major Institution's progress toward meeting stated goals. The Director shall then determine:

a. That the existing program should be revised to correct deficiencies and/or address new or cumulative impacts; or

b. That the application will not be approved until the Major Institution makes substantial progress toward meeting the goals of its existing program; or

c. That a new program should be developed to address impacts associated with the application; or

d. That the existing program does not need to be revised.

4. Through the process of reviewing a new or updated transportation management program in conjunction with reviewing a master plan, the Council may approve in excess of one hundred thirty-five (135) percent of the minimum requirements for long-term parking spaces, or may increase or decrease the required fifty (50) percent SOV goal, based upon the Major Institution's impacts on traffic and opportunities for alternative means of transportation. Factors to be considered shall include, but not be limited to:

a. Proximity to a street with fifteen (15) minute transit service headway in each direction;



b. Air quality conditions in the vicinity of the Major Institution;

c. The absence of other nearby traffic generators and the level of existing and future traffic volumes in and through the surrounding area;

d. The patterns and peaks of traffic generated by Major Institution uses and the availability or lack of on-street parking opportunities in the surrounding area;

e. The impact of additional parking on the Major Institution site;

f. The extent to which the scheduling of classes or work shifts reduces the transportation alternatives available to employees and/or students or the presence of limited carpool opportunities due to the small number of employees; and

g. The extent to which the Major Institution has demonstrated a commitment to SOV alternatives.

5. The provision of short-term parking spaces in excess of one hundred thirty-five (135) percent of the minimum requirements established in subsection B2 of this section may be permitted by the Director through preparation or update of a Transportation Management Program. In evaluating whether to allow more than one hundred thirty-five (135) percent of the minimum, the Director, in consultation with Seattle Transportation and metropolitan King County, shall consider evidence of parking demand and opportunities for alternative means of transportation. Factors to be considered shall include but are not necessarily limited to the criteria contained in subsection D of this section and the following:

a. The nature of services provided by Major Institution uses which generate short-term parking demand; and

b. The extent to which the Major Institution manages short-term parking to ensure its availability to meet short-term parking needs.

Based on this review, the Director shall determine the amount of additional short-term parking to be permitted, if any.

6. When an institution applies for a permit for development included in its master plan, it shall present evidence that it has made substantial progress toward the goals of its transportation management program as approved with a master plan, including the SOV goal. If substantial progress is not being made, as determined by the Director in consultation with the Seattle Transportation and metropolitan King County, the Director may:

a. Require the institution to take additional steps to comply with the transportation management program; and/or

b. Require measures in addition to those in the transportation management program which encourage alternative means of transportation for the travel generated by the proposed new development; and/or

c. Deny the permit if previous efforts have not resulted in sufficient progress toward meeting the SOV goals of the institution.

D. Development Standards for Parking.

1. Long-term Parking.

a. Carpools and vanpools shall be given guaranteed spaces in a more convenient location to the Major Institution uses they serve than SOV spaces, and shall be charged substantially less than the prevailing parking rates for SOVs.

b. There shall be a charge for all noncarpool/vanpool long-term parking spaces.

2. Bicycle Parking.

a. Required bicycle parking shall be in a convenient location, covered in the same proportion as auto parking spaces and provided free of charge.

b. Bicycle rack designs shall accommodate locking of the bicycle frame and both wheels with chains, cables, or U-shaped bicycle locks to an immovable rack or stall.

3. Joint use or shared use of parking areas and facilities shall be encouraged if approved by the Director according to the standards of Section 23.54.020 G.

4. The location and design of off-street parking and access to off-street parking shall be regulated according to the general standards of Chapter 23.54 and the specific standards of the underlying zone in which the parking is located.

(Ord. 118409 § 200, 1996; Ord. 118362 § 8, 1996; Ord. 115165 § 1(part), 1990; Ord. 115002 § 13(part), 1990; Ord. 113710 § 1(part), 1987; Ord. 113658 § 7(part), 1987; Ord. 113464 § 2(part), 1987; Ord. 113263 § 26(part), 1986; Ord. 112777 § 32(part), 1986.)

1. Editor's Note: Ordinance 115002, which originally added Section 23.54.016 as subsection K of Section 23.54.015, on Major Institutions, was passed by the City Council on March 26, 1990. Ordinance 115165, which created Section 23.54.016 from Section 23.54.015 K, was passed by the Council on June 25, 1990.

### **23.54.020 Parking quantity exceptions.**

The parking quantity exceptions set forth in this section shall apply in all zones except downtown zones, which are regulated by Section 23.49.016, and Major Institution zones, which are regulated by Section 23.54.016.

A. Adding Units to Existing Structures in Multifamily and Commercial Zones.

1. For the purposes of this section, "existing structures" shall be those structures which were established under permit, or for which a permit has been granted and has not expired as of the effective date of the applicable chapter of this Land Use Code, as follows:

a. In multifamily zones, August 10, 1982;

b. In commercial zones, June 9, 1986.

2. If an existing residential structure in a multifamily or commercial zone has parking which meets the

development standards, and the lot area is not increased, one (1) unit may be added without additional parking. If two (2) units are added, one (1) space will be required; three (3) units will require two (2) spaces, etc. Additional parking must meet all development standards for the particular zone.

3. In a Lowrise Duplex/Triplex zone:

a. When an existing residential structure provides less than one (1) parking space per unit, one (1) parking space shall be required for each additional dwelling unit when dwelling units are added to the structure or the structure is altered to create additional dwelling units;

b. When an existing nonresidential structure is partially or completely converted to residential use, then no parking space shall be required for the first new dwelling unit, provided that the lot area is not increased and existing parking is screened and landscaped to the greatest extent practical.

Additional parking provided shall meet all development standards for the Lowrise Duplex/Triplex zone.

4. If an existing structure does not conform to the development standards for parking, or is occupied by a nonconforming use, when:

— Dwelling units are added to the structure; or

— The structure is altered to create additional dwelling units; or

— The structure is completely converted to residential use, then no parking space need be provided for the first new or added dwelling unit, provided that the lot area is not increased and existing parking is screened and landscaped to the greatest extent practical. Additional parking provided shall meet all development standards for the particular zone. This exception shall not apply in Lowrise Duplex/Triplex zones.

B. Tandem Parking.

1. Off-street parking required for multifamily structures may be provided as tandem parking. A tandem parking space shall equal one and one-half (1½) parking spaces and shall meet the minimum size requirements of subsection A of Section 23.54.030.

2. A minimum of one (1) parking space per multifamily dwelling unit is required, whether provided as a regular space or as a tandem space.

C. Parking Exception for Landmark Structures. The Director may reduce or waive the minimum accessory off-street parking requirements for a use permitted in a Landmark structure, or when a Landmark structure is completely converted to residential use according to Sections 23.42.108 or 23.45.006, or for a use in a Landmark district which is located in a commercial zone, as a special exception pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

1. In making any such reduction or waiver, the Director shall assess area parking needs. The Director may require a survey of on- and off-street parking availability. The Director may take into account the level of transit

service in the immediate area; the probably relative importance of walk-in traffic; proposals by the applicant to encourage carpooling or transit use by employees; hours of operation; and any other factor or factors considered relevant in determining parking impact.

2. The Director may also consider the types and scale of uses proposed or practical in the Landmark structure, and the controls imposed by the Landmark designation.

3. For conversion of structures to residential use, the Director shall also determine that there is no feasible way to meet parking requirements on the lot.

D. Expansion of Existing Nonresidential Uses in Commercial Zones and in the Seattle Cascade Mixed (SCM) Zone. In commercial zones and within the Seattle Cascade Mixed (SCM) zone additional parking spaces for nonresidential uses shall not be required for the expansion of existing structures if the minimum parking requirement would not be increased by more than ten (10) percent. If the minimum parking requirement would be increased by more than ten (10) percent, the parking spaces required for the entire expansion shall be provided. This provision may be used only once for any individual structure.

E. Reductions to required parking in pedestrian-designated commercial zones shall be permitted according to the provisions of Section 23.47.044. Further reductions to required parking for nonresidential use in the Seattle Cascade Mixed (SCM) zone shall be permitted according to the provisions of Section 23.48.032 E.

F. Reductions to Minimum Parking Requirements for Nonresidential Uses.

1. Reductions to minimum parking requirements permitted by this subsection shall be calculated from the minimum parking requirements in Section 23.54.015. Total reductions to required parking as provided in this subsection shall not exceed forty (40) percent.

2. Transit Reduction.

a. In commercial zones, except pedestrian-designated zones, and in the Seattle Cascade Mixed (SCM) zone, except on Class I Pedestrian Streets, the minimum parking requirement for a nonresidential use, except institutions, may be reduced by twenty (20) percent when the use is located within eight hundred (800) feet of a street with midday transit service headways of fifteen (15) minutes or less in each direction. This distance shall be the walking distance measured from the nearest bus stop to the property line of the lot containing the use.

b. In industrial zones, the minimum parking requirement for a nonresidential use may be reduced by fifteen (15) percent when the use is located within eight hundred (800) feet of a street with peak transit service headways of fifteen (15) minutes or less in each direction. This distance shall be the walking distance measured from the nearest bus stop to the property line of the lot containing the use.



3. Substitution of Alternative Transportation. For new or expanding administrative offices or manufacturing uses which require forty (40) or more parking spaces, the minimum parking requirement may be reduced up to a maximum of forty (40) percent by the substitution of alternative transportation programs, according to the following provisions:

a. For every certified carpool space accompanied by a cash fee, performance bond or alternative guarantee acceptable to the Director, the total parking requirement shall be reduced by one and nine-tenths ( $1\frac{9}{10}$ ) spaces, up to a maximum of forty (40) percent of the parking requirement. The Director shall consult with the Seattle Rideshare Office in certifying carpool spaces and the location of carpool parking.

b. For every certified vanpool purchased or leased by the applicant for employee use, or equivalent cash fee for purchase of a van by the public ridesharing agency, the total parking requirement shall be reduced by six (6) spaces, up to a maximum of twenty (20) percent of the parking requirement. 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, the Director, and the Seattle Rideshare Office.

c. If transit or transportation passes are provided with a fifty (50) percent or greater cost reduction to all employees in a proposed structure for the duration of the business establishment(s) within it, or five (5) years, whichever is less, and if transit service is located within eight hundred (800) feet, the parking requirement shall be reduced by ten (10) percent. With a twenty-five (25) percent to forty-nine (49) percent cost reduction, and if transit service is located within eight hundred (800) feet, the parking requirement shall be reduced by five (5) percent.

d. For every four (4) covered bicycle parking spaces provided, the total parking requirement shall be reduced by one (1) space, up to a maximum of five (5) percent of the parking requirement, provided that there is access to an arterial over improved streets.

#### G. Shared Parking.

##### 1. Shared Parking, General Provisions.

a. Shared parking shall be allowed between two (2) or more uses to satisfy all or a portion of the minimum off-street parking requirement of those uses as provided in subsections G2 and G3.

b. Shared parking shall be allowed between different categories of uses or between uses with different hours of operation, but not both.

c. A use for which an application is being made for shared parking shall be located within eight hundred (800) feet of the parking.

d. No reduction to the parking requirement shall be made if the proposed uses have already received a reduction through the provisions for cooperative parking, subsection H.

e. The reductions to parking permitted through shared use of parking shall be determined as a percentage of the minimum parking requirement as modified by the reductions permitted in subsections A through F.

f. An agreement providing for the shared use of parking, executed by the parties involved, shall be filed with the Director. Shared parking privileges shall continue in effect only as long as the agreement, binding on all parties, remains in force. If the agreement is no longer in force, then parking shall be provided as otherwise required by this chapter.

##### 2. Shared Parking for Different Categories of Uses.

a. A business establishment may share parking according to only one (1) of the following subsections G2b, G2c or G2d.

b. If an office use and a retail sales and service use share parking, the parking requirement for the retail sales and service use may be reduced by twenty (20) percent, provided that the reduction shall not exceed the minimum parking requirement for the office use.

c. If a residential use shares parking with a retail sales and service use other than lodging uses, eating and drinking establishments or entertainment uses, the parking requirement for the residential use may be reduced by thirty (30) percent, provided that the reduction does not exceed the minimum parking requirement for the retail sales and service use.

d. If an office and a residential use share off-street parking, the parking requirement for the residential use may be reduced by fifty (50) percent, provided that the reduction shall not exceed the minimum parking requirement for the office use.

##### 3. Shared Parking for Uses With Different Hours of Operation.

a. For the purposes of this section, the following uses shall be considered daytime uses:

- (1) Customer service and administrative offices;
- (2) Retail sales and services, except eating and drinking establishments, lodging uses, and entertainment uses;
- (3) Wholesale, storage and distribution uses;
- (4) Manufacturing uses; and
- (5) Other similar primarily daytime uses, when authorized by the Director.

b. For the purposes of this section, the following uses shall be considered nighttime or Sunday uses:

- (1) Auditoriums accessory to public or private schools;
- (2) Religious facilities;
- (3) Entertainment uses, such as theaters, bowling alleys, and dance halls;
- (4) Eating and drinking establishments; and
- (5) Other similar primarily nighttime or Sunday uses, when authorized by the Director.

c. Up to ninety (90) percent of the parking required for a daytime use may be supplied by the off-street parking provided by a nighttime or Sunday use and vice-versa, when authorized by the Director, except that this may be increased to one hundred (100) percent when the nighttime or Sunday use is a religious facility.

d. The applicant shall show that there is no substantial conflict in the principal operating hours of the uses for which the sharing of parking is proposed.

e. The establishment of park-and-pool lots shall be permitted, provided that the park-and-pool lot shall not use spaces required by another use if there is a substantial conflict in the principal operating hours of the park-and-pool lot and the use.

**H. Cooperative Parking.**

1. Cooperative parking shall be permitted between two (2) or more business establishments which are commercial uses according to the provisions of this subsection.

2. Up to a twenty (20) percent reduction in the total number of required parking spaces for four (4) or more separate business establishments, fifteen (15) percent reduction for three (3) business establishments, and ten (10) percent reduction for two (2) commercial uses may be authorized by the Director under the following conditions:

a. No reductions to the parking requirement shall be made if the proposed business establishments have already received a reduction through the provisions for shared parking, subsection G of this section.

b. The business establishments for which the application is being made for cooperative parking shall be located within eight hundred (800) feet of the parking, and the parking shall be located in a commercial or residential-commercial zone or the Seattle Cascade Mixed (SCM) zone.

c. The reductions to parking permitted through cooperative parking shall be determined as a percentage of the minimum parking requirement as modified by the reductions permitted in subsections A through F of this section.

d. An agreement providing for the cooperative use of parking shall be filed with the Director when the facility or area is established as cooperative parking. Cooperative parking privileges shall continue in effect only as long as the agreement to use the cooperative parking remains in force. If the agreement is no longer in force, then parking shall be provided as otherwise required by this chapter. New business establishments seeking to meet parking requirements by becoming part of an existing cooperative arrangement shall provide the Director with an amendment to the agreement stating their inclusion in the cooperative parking facility or area.

I. Reductions to Minimum Parking Requirements for Department of Parks and Recreation (DOPAR) Community Centers.

1. When family support centers are located within DOPAR community centers, the Director may, upon request by DOPAR, lower the combined parking requirement for the community center and the family support center by up to a maximum of fifteen (15) percent.

2. The parking requirement may be reduced only if the reduction is supported by a recommendation of the Project Advisory Committee formed to review the DOPAR community center, and the Director determines and makes written findings that:

a. The lower parking requirement is necessary to preserve existing natural features or recreational facilities deemed significant by DOPAR and the Project Advisory Committee formed to review the DOPAR community center, and the reduction is the minimum necessary to preserve such features and/or facilities; and

b. The surrounding streets can accommodate overflow parking from the combined community center and family support center or, alternatively, any adverse parking impacts on the neighborhood from the combined community center and family support center will be mitigated.

J. Parking for City-recognized Car-sharing Programs. One (1) space or up to five (5) percent of the total number of spaces, whichever is greater, may be used to provide parking for vehicles operated by a City-recognized car-sharing program. The number of required accessory parking spaces will be reduced by one (1) space for every parking space leased by a City-recognized car-sharing program.

(Ord. 120691 § 16, 2001; Ord. 120535 § 1, 2001; Ord. 120293 § 9, 2001; Ord. 119239 § 30, 1998; Ord. 118794 § 41, 1997; Ord. 118362 § 9, 1996; Ord. 118302 § 14, 1996; Ord. 117869 § 2, 1995; Ord. 117263 § 51, 1994; Ord. 114196 § 17, 1988; Ord. 113710 § 2, 1987; Ord. 113658 § 8, 1987; Ord. 113263 § 27, 1986; Ord. 112777 § 32(part), 1986.)

**23.54.025 Parking covenants.**

When parking is provided on a lot other than the lot of the use to which it is accessory, the following conditions shall apply:

A. The owner of the parking spaces shall be responsible for notifying the Director should the use of the lot for covenant 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.

B. A covenant between the owner or operator of the principal use, the owner of the parking spaces 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 recording number and parking layouts shall be submitted as part of any permit application for development requiring parking.  
(Ord. 112777 § 32(part), 1986.)

**23.54.030 Parking space standards.**

On lots subject to this Code, all parking spaces provided shall meet the following standards whether or not the spaces are required by this Code:

A. Parking Space Dimensions.

1. "Large vehicle" means the minimum size of a large vehicle parking space shall be eight and one-half (8½) feet in width and nineteen (19) feet in length.

2. "Medium vehicle" means the minimum size of a medium vehicle parking space shall be eight (8) feet in width and sixteen (16) feet in length.

3. "Small vehicle" means the minimum size of a small vehicle parking space shall be seven and one-half (7½) feet in width and fifteen (15) feet in length.

4. "Barrier-free parking" means a parking space meeting the following standards:

a. Parking spaces shall not be less than eight (8) feet in width and shall have an adjacent access aisle not less than five (5) feet in width. Van-accessible parking spaces shall have an adjacent access aisle not less than eight (8) feet in width. Where two (2) adjacent spaces are provided, the access aisle may be shared between the two (2) spaces. Boundaries of access aisles shall be marked so that aisles will not be used as parking space.

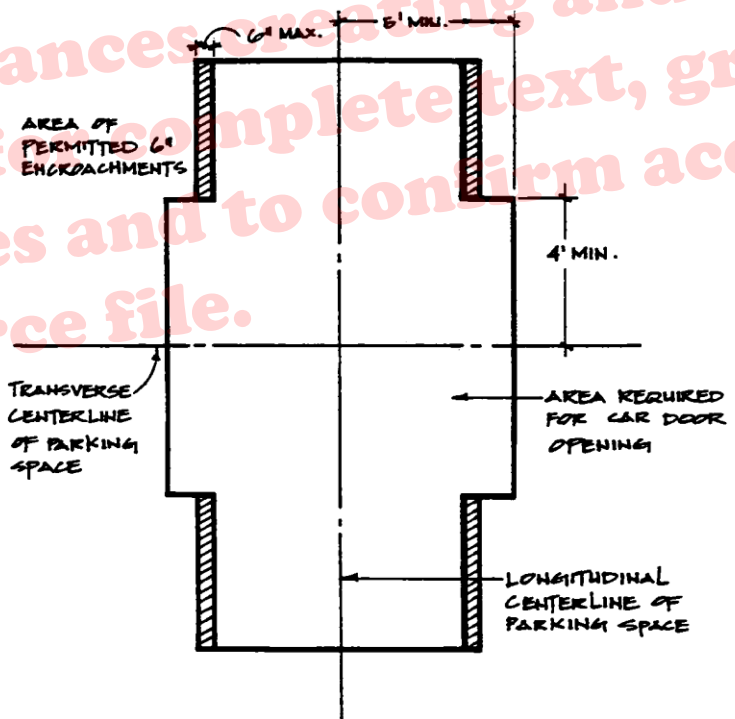
b. A minimum length of nineteen (19) feet or when more than one (1) barrier-free parking space is provided, at least one (1) shall have a minimum length of nineteen (19) feet, and other spaces may be the lengths of small, medium or large spaces in approximate proportion to the number of each size space provided on the lot.

5. "Tandem parking" means a parking space equal to the width and two (2) times the length of the vehicle size standards in subsections A1, A2, and A3 for the size of the vehicle to be accommodated.

6. Columns or other structural elements may encroach into the parking space a maximum of six (6) inches on a side, except in the area for car door opening, five (5) feet from the longitudinal centerline or four (4) feet from the transverse centerline of a parking space (Exhibit 23.54.030 A). No wall, post, guardrail, or other obstruction, or property line, shall be permitted within the area for car door opening.

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

Exhibit 23.54.030 A  
Encroachments Into Required Parking  
Space



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

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7. If the parking space is next to a property line, the minimum width of the space shall be nine (9) feet.

B. Parking Space Requirements. The required size of parking spaces shall be determined by whether the parking is for a residential or nonresidential use. In structures containing both residential and nonresidential uses, parking which is clearly set aside and reserved for residential use shall meet the standards of subsection B1; otherwise, all parking for the structure shall meet the standards of subsection B2.

1. Residential Uses.

a. When five (5) or fewer parking spaces are provided, the minimum required size of a parking space shall be for a medium car, as described in subsection A2 of this section.

b. When more than five (5) parking spaces are provided, a minimum of sixty (60) percent of the parking spaces shall be striped for medium vehicles. The minimum size for a medium parking space shall also be the maximum size. Forty (40) percent of the parking spaces may be striped for any size, provided that when parking spaces are striped for large vehicles, the minimum required aisle width shall be as shown for medium vehicles.

c. Assisted Living Facilities. Parking spaces shall be provided as in subsections B1a and B1b above, except that a minimum of two (2) spaces shall be striped for a large vehicle.

2. Nonresidential Uses.

a. When ten (10) or fewer parking spaces are provided, a maximum of twenty-five (25) percent of the parking spaces may be striped for small vehicles. A minimum of seventy-five (75) percent of the spaces shall be striped for large vehicles.

b. When between eleven (11) and nineteen (19) parking spaces are provided, a minimum of twenty-five (25) percent of the parking spaces shall be striped for small vehicles. The minimum required size for these small parking spaces shall also be the maximum size. A maximum of sixty-five (65) percent of the parking spaces may be striped for small vehicles. A minimum of thirty-five (35) percent of the spaces shall be striped for large vehicles.

c. When twenty (20) or more parking spaces are provided, a minimum of thirty-five (35) percent of the parking spaces shall be striped for small vehicles. The minimum required size for small parking spaces shall also be the maximum size. A maximum of sixty-five (65) percent of the parking spaces may be striped for small vehicles. A minimum of thirty-five (35) percent of the spaces shall be striped for large vehicles.

d. The minimum vehicle clearance shall be at least six (6) feet nine (9) inches on at least one (1) floor, and there shall be at least one (1) direct entrance from the street for all parking garages accessory to nonresidential uses and all principal use parking garages which is at least six (6) feet nine (9) inches in height.

C. Backing Distances and Moving Other Vehicles.

1. Adequate ingress to and egress from all parking spaces shall be provided without having to move another vehicle, except for single-family dwellings.

2. Except for lots with fewer than three (3) parking spaces, ingress to and egress from all parking spaces shall be provided without requiring backing more than fifty (50) feet.

D. Driveways. Driveway requirements for residential and nonresidential uses are described below. When a driveway is used for both residential and nonresidential parking, it shall meet the standards for nonresidential uses described in subsection D2.

1. Residential Uses.

a. Driveways shall be at least ten (10) feet wide. Driveways with a turning radius of more than thirty-five (35) degrees shall conform to the minimum turning path radius shown in Exhibit 23.54.030 B.

b. Vehicles may back onto a street from a parking area serving five (5) or fewer vehicles, provided that:

(1) The street is not an arterial as defined in Section 11.18.010 of the Seattle Municipal Code;

(2) The slope of the driveway does not exceed ten (10) percent in the first twenty (20) feet from the property line; and

(3) For one (1) single-family structure, the Director may waive the requirements of subsections D1b(1) and (2) above, and may modify the parking access standards based upon a safety analysis, addressing visibility, traffic volume and other relevant issues.

c. Driveways less than one hundred (100) feet in length, which serve thirty (30) or fewer parking spaces, shall be a minimum of ten (10) feet in width for one (1) way or two (2) way traffic.

d. Except for driveways serving one (1) single-family dwelling, driveways more than one hundred (100) feet in length which serve thirty (30) or fewer parking spaces shall either:

(1) Be a minimum of sixteen (16) feet wide, tapered over a twenty (20) foot distance to a ten (10) foot opening at the property line; or

(2) Provide a passing area at least twenty (20) feet wide and twenty (20) feet long. The passing area shall begin twenty (20) feet from the property line, with an appropriate taper to meet the ten (10) foot opening at the property line. If a taper is provided at the other end of the passing area, it shall have a minimum length of twenty (20) feet.

e. Driveways serving more than thirty (30) parking spaces shall provide a minimum ten (10) foot wide driveway for one (1) way traffic or a minimum twenty (20) foot wide driveway for two (2) way traffic.

f. Nonconforming Driveways. The number of parking spaces served by an existing driveway that does not meet the standards of this subsection D1 shall not be increased. This prohibition may be waived by the Director



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after consulting with Seattle Transportation based on a safety analysis.

- 2. Nonresidential Uses.
  - a. Driveway Widths.

- (1) The minimum width of driveways for one way traffic shall be twelve (12) feet and the maximum width shall be fifteen (15) feet.

- (2) The minimum width of driveways for two way traffic shall be twenty-two (22) feet and the maximum width shall be twenty-five (25) feet.

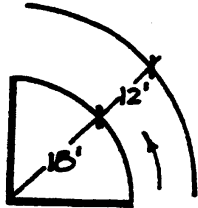
- b. Driveways shall conform to the minimum turning path radius shown in Exhibit 23.54.030 B.

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

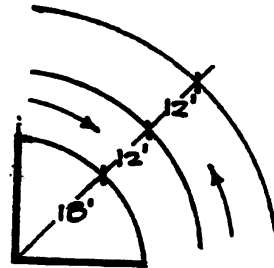
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Exhibit 23.54.030 B  
Turning Path Radius



ONE WAY TRAFFIC



TWO WAY TRAFFIC

For current SMC, contact  
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23.54.030 LAND USE CODE

3. Maximum grade curvature for all driveways shall not exceed the curvature shown in Exhibit 23.54.030 C.

4. Driveway Slope. No portion of a driveway, whether located on private property or on a right-of-way, shall exceed a slope of twenty (20) percent, except as provided in this subsection. The maximum twenty (20) percent slope shall apply in relation to both the current grade of the right-of-way to which the driveway connects, and to the proposed finished grade of the right-of-way if it is different from the current grade. The Director may permit a driveway slope of more than twenty (20) percent if it is found that:

a. The topography or other special characteristic of the lot makes a twenty (20) percent maximum driveway slope infeasible;

b. The additional amount of slope permitted is the least amount necessary to accommodate the conditions of the lot; and

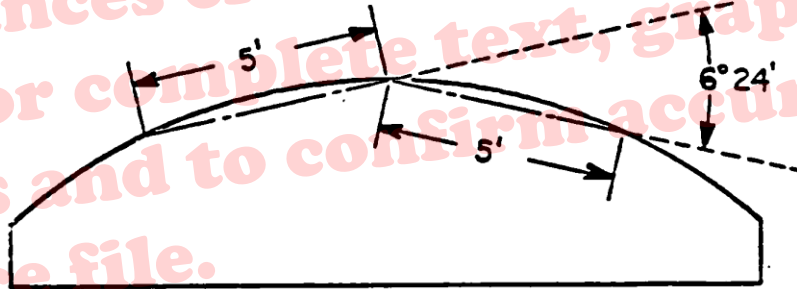
c. The driveway is still useable as access to the lot.

E. Parking Aisles.

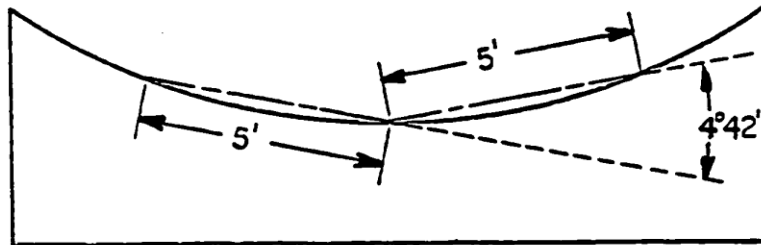
1. Parking aisles shall be provided according to the requirements of Exhibit 23.54.030 D.

Seattle Municipal Code  
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Text provided for historic reference only.

Exhibit 23.54.030 C  
Maximum Grade Curvatures



Crest Vertical Curve



Sag Vertical Curve

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Exhibit 23.54.030 D  
Parking Aisle Dimensions

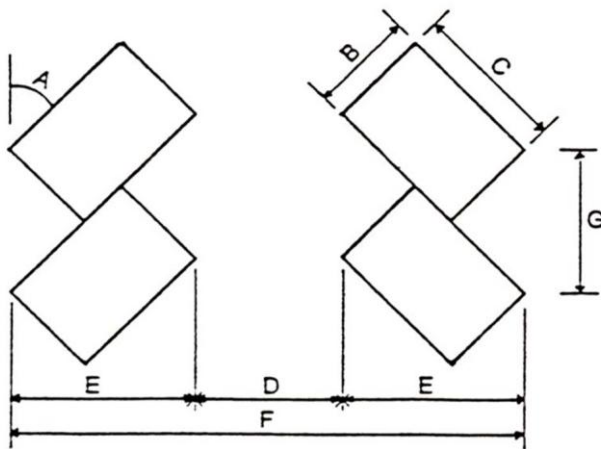
A	B	C	D	E	F	G
Parking Angle	Stall Width	Stall Length	Aisle Width <sup>1</sup>	Curb Depth Per Car	Unit Width <sup>3</sup>	Curb Length Per Car
0°	7.5	18.0	10.0	7.5	25.0	18.0
	8.0	20.0	10.0	8.0	26.0	20.0
	8.5	24.0	12.0	8.5	29.0	24.0
45°	7.5	15.0	11.0	15.91	42.82	10.61
	8.0	16.0	13.0	16.97	46.90	11.3
	8.5	19.0	13.0	19.44	51.88	12.02
60°	7.5	15.0	13.0	16.74	46.48	8.66
	8.0	16.0	15.0	17.86	50.72	9.24
	8.5	19.0	17.5	20.70	58.90	9.82
75°	7.5	15.0	16.5	16.43	49.36	7.76
	8.0	16.0	18.5	17.52	53.54	8.25
	8.5	19.0	20.0	20.55	61.10 <sup>3</sup>	8.80
90°	7.5	15.0	20.0	15.0	50.0	7.5
	8.0	16.0	22.0	16.0	54.0	8.0
	8.5	19.0 <sup>2</sup>	24.0 <sup>2</sup>	19.0	62.0	8.5

<sup>1</sup> Required aisle width is for one-way traffic only. If two-way traffic is proposed, then the minimum aisle width shall be 20 feet or greater.

<sup>2</sup> When lot width is less than 43 feet, 40 feet may be substituted for a two-way aisle and a single row of cars at 90° to the aisle, provided that the minimum width of the parking stalls shall be 9½ feet.

<sup>3</sup> 60 feet may be substituted for required unit width on lots where the available width is in 60-foot whole multiples, provided that the minimum width of the parking stalls shall be 9½ feet.

The following equations may be used to compute dimensions for parking angles other than those provided in the chart above:



$$E = C \sin A + B \cos A$$

$$G = B / \sin A$$

NOTE: Aisle widths shall be provided as required for the next greater parking angle shown in the chart above



2. Minimum aisle widths shall be provided for the largest vehicles served by the aisle.

3. Turning and maneuvering areas shall be located on private property, except that alleys may be credited as aisle space.

4. Aisle slope shall not exceed seventeen (17) percent provided that the Director may permit a greater slope if the criteria in subsections D4a, D4b and D4c of this section are met.

F. Curbcuts. Curbcut requirements shall be determined by whether the parking served by the curbcut is for residential or nonresidential use, and by the zone in which the use is located. When a curbcut is used for more than one (1) use, the requirements for the use with the largest curbcut requirements shall apply.

1. Residential Uses in Single-family and Multifamily Zones and Single-purpose Residential Uses in All Other Zones.

a. For lots not located on a principal arterial as designated on Exhibit 23.53.015 A, the number of curbcuts permitted shall be according to the following chart:

Street or Easement Frontage of the Lot	Number of Curbcuts Permitted
0—80 feet	1
81—160 feet	2
161—240 feet	3
241—320 feet	4

For lots with frontage in excess of three hundred twenty (320) feet, the pattern established in the chart shall be continued.

b. Curbcuts shall not exceed a maximum width of ten (10) feet except that:

(1) One (1) curbcut greater than ten (10) feet but in no case greater than twenty (20) feet in width may be substituted for each two (2) curbcuts permitted by subsection F1a; and

(2) A greater width may be specifically permitted by the development standards in a zone; and

(3) When subsection D of Section 23.54.030 requires a driveway greater than ten (10) feet in width, the curbcut may be as wide as the required width of the driveway.

c. For lots on principal arterials designated on Exhibit 23.53.015 A, curbcuts of a maximum width of twenty-three (23) feet shall be permitted according to the following chart.

Street Frontage of the Lot	Number of Curbcuts Permitted
0—160 feet	1
161—320 feet	2
321—480 feet	3

For lots with street frontage in excess of four hundred eighty (480) feet, the pattern established in the chart shall be continued.

d. There shall be at least thirty (30) feet between any two (2) curbcuts located on a lot.

e. A curbcut may be less than the maximum width permitted but shall be at least as wide as the minimum required width of the driveway it serves.

f. Where two (2) adjoining lots share a common driveway according to the provisions of Section 23.54.030 D1, the combined frontage of the two (2) lots shall be considered one (1) in determining the maximum number of permitted curbcuts.

2. Nonresidential Uses in Single-family and Multifamily Zones, and All Uses, Except Single-purpose Residential Uses, in All Other Zones Except Industrial Zones.

a. Number of Curbcuts.

(1) In RC, NC1, NC2 and NC3 zones and within Major Institution Overlay Districts, the number of two-way curbcuts permitted shall be according to the following chart:

Street Frontage of the Lot	Number of Curbcuts Permitted
0—80 feet	1
81—240 feet	2
241—360 feet	3
361—480 feet	4

For lots with frontage in excess of four hundred eighty (480) feet the pattern established in the chart shall be continued. The Director may allow two (2) one-way curbcuts to be substituted for one (1) two-way curbcut, after determining that there would not be a significant conflict with pedestrian traffic.

(2) In C1 and C2 zones and the SCM zone, the Director shall review and make a recommendation on the number and location of curbcuts.

(3) In downtown zones, a maximum of two (2) curbcuts for one (1) way traffic at least forty (40) feet apart, or one (1) curbcut for two (2) way traffic, shall be permitted on each street front where access is permitted by Section 23.49.018. No curbcut shall be located within forty (40) feet of an intersection. These standards may be modified by the Director on lots with steep slopes or other special conditions, the minimum necessary to provide vehicular and pedestrian safety and facilitate a smooth flow of traffic.

(4) For public schools, the minimum number of curbcuts determined necessary by the Director shall be permitted.

b. Curbcut Widths.

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(1) For one (1) way traffic, the minimum width of curbcuts shall be twelve (12) feet, and the maximum width shall be fifteen (15) feet.

(2) For two (2) way traffic, the minimum width of curbcuts shall be twenty-two (22) feet, and the maximum width shall be twenty-five (25) feet, except that the maximum width may be increased to thirty (30) feet when truck and auto access are combined.

(3) For public schools, the maximum width of curbcuts shall be twenty-five (25) feet. Development standards departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79.

(4) When one (1) of the following conditions applies, the Director may require a curbcut of up to thirty (30) feet in width, if it is found that a wider curbcut is necessary for safe access:

i. The abutting street has a single lane on the side which abuts the lot; or

ii. The curb lane abutting the lot is less than eleven (11) feet wide; or

iii. The proposed development is located on an arterial with an average daily traffic volume of over seven thousand (7,000) vehicles; or

iv. Off-street loading space is required according to subsection H of Section 23.54.015.

c. The entrances to all garages accessory to nonresidential uses and the entrances to all principal use parking garages shall be at least six (6) feet nine (9) inches high.

3. All Uses in Industrial Zones.

a. Number and Location of Curbcuts. The number and location of curbcuts shall be determined by the Director.

b. Curbcut Width. Curbcut width in Industrial zones shall be provided as follows:

(1) When the curbcut provides access to a parking area or structure it shall be a minimum of fifteen (15) feet wide and a maximum of thirty (30) feet wide.

(2) When the curbcut provides access to a loading berth, the maximum width of thirty (30) feet set in subsection F3b(1) may be increased to fifty (50) feet.

(3) Within the minimum and maximum widths established by this subsection, the Director shall determine the size of the curbcuts.

4. Curbcuts for Access Easements.

a. When a lot is crossed by an access easement serving other lots, the curbcut serving the easement may be as wide as the easement roadway.

b. The curbcut serving an access easement shall not be counted against the number or amount of curbcut permitted to a lot if the lot is not itself served by the easement.

5. Curbcut Flare. A flare with a maximum width of two and one-half (2½) feet shall be permitted on either side of curbcuts in any zone.

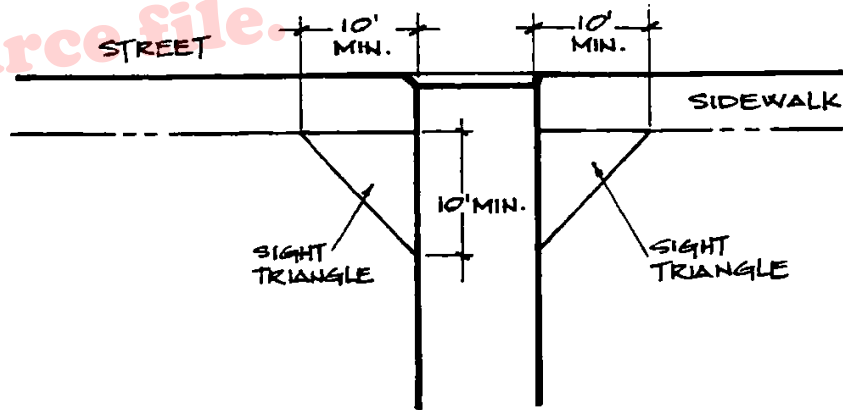
6. Replacement of Unused Curbcuts. When a curbcut is no longer needed to provide access to a lot, the curb and any planting strip shall be replaced.

G. Sight Triangle.

1. For exit-only driveways and easements, and two (2) way driveways and easements less than twenty-two (22) feet wide, a sight triangle on both sides of the driveway or easement shall be provided, and shall be kept clear of any obstruction for a distance of ten (10) feet from the intersection of the driveway or easement with a driveway, easement, sidewalk or curb intersection if there is no sidewalk, as depicted in Exhibit 23.54.030 E.

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Exhibit 23.54.030 E  
Sight Triangle



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**23.54.030 LAND USE CODE**

2. For two (2) way driveways or easements at least twenty-two (22) feet wide, a sight triangle on the side of the driveway used as an exit shall be provided, and shall be kept clear of any obstruction for a distance of ten (10) feet from the intersection of the driveway or easement with a driveway, easement, sidewalk, or curb intersection if there is no sidewalk. The entrance and exit lanes shall be clearly identified.

3. The sight triangle shall also be kept clear of obstructions in the vertical spaces between thirty-two (32) inches and eighty-two (82) inches from the ground.

4. When the driveway or easement is less than ten (10) feet from the property line, the sight triangle may be provided as follows:

a. An easement may be provided sufficient to maintain the sight triangle. The easement shall be recorded with the King County Department of Records and Elections; or

b. The driveway may be shared with a driveway on the neighboring property; or

c. The driveway or easement may begin five (5) feet from the property line, as depicted in Exhibit 23.54.030 F.

5. An exception to the sight triangle requirement may be made for driveways serving lots containing only residential structures and fewer than three (3) parking spaces, when providing the sight triangle would be impractical.

6. In all downtown zones, the sight triangle at a garage exit may be provided by mirrors and/or other approved safety measures.

7. Sight triangles shall not be required for one-way entrances into a parking garage or surface parking area.

H. Attendant Parking. In downtown zones, any off-street parking area or structure providing more than five (5) parking spaces where automobiles are parked solely by attendants employed for that purpose shall have parking spaces at least eight (8) feet in width, and fifteen (15) feet in length. Subsections A, B, C, D and E of this section shall not apply, except that the grade curvature of any area used for automobile travel or storage shall not exceed that specified in subsection D3 of this section. Should attendant operation be discontinued, the provisions of subsections A, B, C, D and E of this section shall apply to the parking.

I. Off-street Bus Parking. Bus parking spaces, when required, shall be thirteen (13) feet in width and forty (40) feet in length. Buses parked en masse shall not be required to have adequate ingress and egress from each parking space.

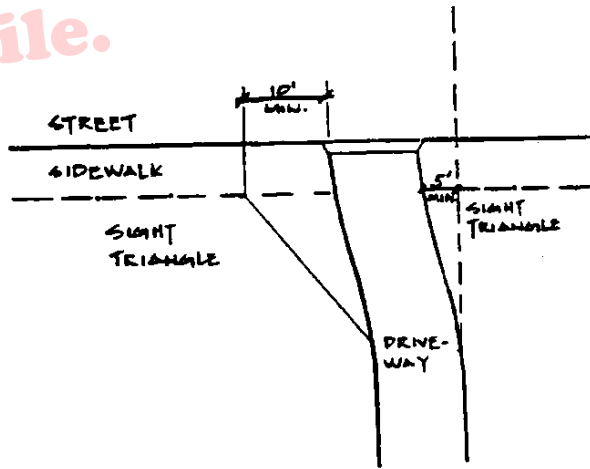
J. The Director may reduce any required dimension for nonresidential uses up to three (3) percent to allow more efficient use of a surface parking area or parking garage, except for the dimensions of parking spaces and aisles for small vehicles.

(Ord. 120691 § 17, 2001; Ord. 119238 § 9, 1998; Ord. 118414 § 41, 1996; Ord. 118409 § 201, 1996; Ord. 118302 § 15, 1996; Ord. 117432 § 39, 1994; Ord. 117263 § 52, 1994; Ord. 115568 § 9, 1991; Ord. 115326 § 28, 1990; Ord. 113710 § 3, 1987; Ord. 113658 § 9, 1987; Ord. 113279 § 30, 1987; Ord. 113263 § 28, 1986; Ord. 112777 § 32(part), 1986.)

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

Exhibit 23.54.030 F  
Sight Triangle Exception



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**23.54.035 Loading berth requirements and space standards.**

**A. Quantity of Loading Spaces.**

1. The minimum number of off-street loading berths required for specific uses shall be set forth in Chart A. (See Chart A for Section 23.54.035.)

2. For uses not listed on Chart A the Director shall determine the loading berth requirements. Loading demand and loading requirements for similar uses shall be considered in determining such requirements.

3. Existing deficits in the number of required loading berths shall be allowed to continue if a change of use occurs.

4. Uses shall be considered low-demand uses, medium-demand uses and high-demand uses, as follows. (See Table for 23.54.035 A.)

5. When a lot contains more than one (1) business establishment within the same category of low-, medium- or high-demand use, the square footage of the business establishments within the same category shall be added together in order to determine the number of required loading berths.

**B. Exception to Loading Requirements.** For uses with less than sixteen thousand (16,000) square feet of gross floor area which provide a loading space on a street or alley, the loading berth requirements may be waived by the Director following a review by the Seattle Transportation Department which finds that the street or alley berth is adequate.

**C. Standards for Loading Berths.**

1. **Width and Clearance.** Each loading berth shall be not less than ten (10) feet in width and shall provide not less than fourteen (14) feet vertical clearance.

2. **Length.**

a. **High-demand Uses.** Each loading berth for a high-demand use shall be a minimum of fifty-five (55) feet in length unless reduced by determination of the Director as provided at subsection C2c.

b. **Low- and Medium-demand Uses.** Each loading berth for low- and medium-demand uses, except those uses identified in subsection C2d, shall be a minimum of thirty-five (35) feet in length unless reduced by determination of the Director as provided at subsection C2c.

c. **Exceptions to Loading Berth Length.** Where the Director finds, after consulting with the property user, that site design and use of the property will not result in vehicles extending beyond the property line, loading berth lengths may be reduced to not less than the following:

(i) **High-demand Uses.** Thirty-five (35) feet when access is from a collector arterial or local access street; and forty-five (45) feet when access is from a principal or minor arterial street;

(ii) **Low- and Medium-demand Uses.** Twenty-five (25) feet.

d. **Multipurpose convenience stores, sales, service and rental of major durables, and specialty food stores**

may be required by the Director to increase the length of required loading berths; however, these uses shall not be required to provide loading berths in excess of fifty-five (55) feet. The review of loading berth length requirements for these uses shall focus on the size of vehicles that frequently serve the business and the frequency of loading activity that will extend beyond the lot line during daytime hours (six (6:00) a.m. to six (6:00) p.m.). Large-truck loading occurring on a daily basis shall generally require longer loading berths; when such activity occurs on at least a weekly basis, it will be evaluated regarding the amount of traffic disruption and safety problems potentially created; such activity occurring on less than a weekly basis shall generally not require longer loading berths.

3. For uses not listed in Chart A, the Director shall determine the loading berth length requirements. Loading demand and loading requirements for similar uses shall be considered.

4. **Maneuvering Space for Loading Berths.** In addition to the length of the loading berth, additional maneuvering space may be required by the Director in the following cases:

a. For any uses with over ten thousand (10,000) square feet of gross floor area with loading berth access from a principal or minor arterial street;

b. For high-demand uses with over ten thousand (10,000) square feet of gross floor area with loading berth access from a collector arterial or local access street, especially if located across the street from another high-demand use. When required, the additional maneuvering space shall be designed and arranged to allow the most efficient use of all required loading berths by motor vehicles of the types typically employed by the activities served.

(Ord. 119238 § 10, 1998; Ord. 118409 § 202, 1996; Ord. 117432 § 40, 1994; Ord. 113658 § 10, 1987.)

**Chart A**  
for Section 23.54.035

Type of Use	Square Feet of Aggregate Gross Floor Area	Required Number of Loading Berths
<b>Low Demand</b>	40,000 to 60,000	1
	60,001 to 160,000	2
	160,001 to 264,000	3
	264,001 to 388,000	4
	388,001 to 520,000	5
	520,001 to 652,000	6
	652,001 to 784,000	7
	784,001 to 920,000	8
	For each additional 140,000	1 additional berth
<b>Medium Demand</b>	10,000 to 60,000	1
	60,001 to 160,000	2
	160,001 to 264,000	3
	264,001 to 388,000	4
	388,001 to 520,000	5
	520,001 to 652,000	6
	652,001 to 784,000	7
	784,001 to 920,000	8
	For each additional 140,000	1 additional berth
<b>High Demand</b>	5,000 to 16,000	1
	16,001 to 40,000	2
	40,001 to 64,000	3
	64,001 to 96,000	4
	96,001 to 128,000	5
	128,001 to 160,000	6
	160,001 to 196,000	7
	For each additional 36,000	1 additional berth

**Table for Section 23.54.035 A**

Low Demand	Medium Demand	High Demand
Animal services	Agricultural uses	Airport, land-based
Business incubator	Airport, water-based	
	Assisted living facilities	
Business support services	Automotive parts or accessory sales	Cargo terminals
Car wash	Eating and drinking establishments	Commercial laundries
Custom and craft work	Heavy commercial services except commercial laundries and construction services	Construction services
Entertainment uses	Institute for advanced study	Food processing for human consumption
Gas station	Mini-warehouse	High-impact uses
Helistop and heliport	Mortuary services	Hospitals
Institutions, except hospitals and institutes for advanced study	Passenger terminal	Manufacturing
Lodging	Personal and household retail sales and services	Outdoor storage

Table for Section 23.54.035 A

Low Demand	Medium Demand	High Demand
Marine retail sales, services Medical services Offices	Recycling collection stations Research and development laboratory Sales, service and rental of equipment	Recycling center (separate facilities) Sale of heating fuel Sales, service and rental of commercial equipment and construction materials
Personal transportation services Sales and rental of motorized vehicles Towing services	Transit vehicle base Utilities  Vehicular repair, major and minor	Salvage yard Warehouse  Wholesale showroom

**Chapter 23.55  
SIGNS**

**Part 1 General Standards for All Zones**

**Sections:**

**Part 1 General Standards for All Zones**

- 23.55.001 **Intent.**
- 23.55.002 **Scope of provisions.**
- 23.55.003 **Signs prohibited in all zones.**
- 23.55.004 **Signs projecting over public rights-of-way.**
- 23.55.005 **Video display methods.**
- 23.55.008 **Signs near intersections or driveways.**
- 23.55.012 **Temporary signs permitted in all zones.**
- 23.55.014 **Off-premises signs.**
- 23.55.015 **Sign kiosks and community bulletin boards.**
- 23.55.016 **Light and glare from signs.**

**Part 2 Standards for Specific Zones**

- 23.55.020 **Signs in single-family zones.**
- 23.55.022 **Signs in multi-family zones.**
- 23.55.024 **Signs in residential commercial (RC) zones.**
- 23.55.028 **Signs in NC1 and NC2 zones.**
- 23.55.030 **Signs in NC3, SCM, C1 and C2 zones.**
- 23.55.034 **Signs in downtown zones.**
- 23.55.036 **Signs in IB, IC, IG1 and IG2 zones.**
- 23.55.040 **Special exception for signs in commercial and downtown zones.**
- 23.55.042 **Off-premises and business signs adjacent to certain public highways.**

**Part 3 Appeals**

- 23.55.050 **Appeals to Municipal Court.**

**23.55.001 Intent.**

The intent of the standards in this chapter is:

- A. To encourage the design of signs that attract and invite rather than demand the public's attention, and to curb the proliferation of signs;
  - B. To encourage the use of signs that enhance the visual environment of the city;
  - C. To promote the enhancement of business and residential properties and neighborhoods by fostering the erection of signs complementary to the buildings and uses to which they relate and which are harmonious with their surroundings;
  - D. To protect the public interest and safety;
  - E. To protect the right of business to identify its premises and advertise its products through the use of signs without undue hindrance or obstruction; and
  - F. To provide opportunities for communicating information of community interest.
- (Ord. 120388 § 3, 2001; Ord. 112830 § 10(part), 1986.)

**23.55.002 Scope of provisions.**

- A. The provisions of this chapter shall apply to signs in all zones, except those zones regulated by Chapter 23.66, Special Review Districts.
- B. Signs located in the Shoreline District shall meet the requirements of the Seattle Shoreline Master Program in addition to the provisions of this chapter. In the event that there is a conflict between the provisions of this chapter and the regulations of the Shoreline Master Program, the provisions of the Shoreline Master Program shall apply.
- C. Signs are also regulated by the provisions of Chapter 32 of the Building Code, Title 22 of the Seattle Municipal Code, including the permit requirements of that title.
- D. Signs located completely within public rights-of-way shall be regulated by the Street Use Ordinance, Title 15 of the Seattle Municipal Code. Signs projecting from private property over public rights-of-way are also regu-

lated by the Street Use Ordinance, as well as the provisions of this chapter.

E. Signs adjacent to certain public highways and designated scenic routes shall meet the provisions of Section 23.55.042 of this chapter. Signs adjacent to state highways may also be regulated by state law or regulations.

F. Variances may be permitted from the provisions of this chapter, except that variances shall not be permitted from subsection A of Section 23.55.014, and variances from Section 23.55.042, Off-premises and business signs adjacent to certain public highways, shall be limited by the provisions of subsection E of Section 23.55.042.

G. Measurements provisions for signs are located in Chapter 23.86, Measurements. (Ord. 119239 § 31, 1998; Ord. 112830 § 10(part), 1986.)

**23.55.003 Signs prohibited in all zones.**

A. The following signs shall be prohibited in all zones:

1. Flashing signs;
2. Signs which rotate or have a rotating or moving part or parts that revolve at a speed in excess of seven (7) revolutions per minute;
3. Signs attached to or located on stationary motor vehicles, equipment, trailers, and related devices, except for signs not exceeding five (5) square feet in area and relating to the sale, lease or rent of a motor vehicle to which the signs are attached;
4. Portable signs other than readily detachable signs having a fixed base or mounting for the placement and intermittent use of such signs;
5. Banners, streamers, strings of pennants, fabric signs, festoons of lights, clusters of flags, wind-activated objects, balloons, searchlights, and similar devices, except where the principal use or activity on the lot is outdoor retail sales in NC3, C1, C2 and downtown zones, and except where permitted as temporary signs under Section 23.55.012.
6. Signs that attempt or appear to attempt to direct the movement of traffic or that interfere with, imitate or resemble any official traffic sign, signal or device.
7. Signs using a video display method, except as provided in section 23.55.005, Video display methods. (Ord. 120466 § 1, 2001; Ord. 112830 § 10(part), 1986.)

**23.55.004 Signs projecting over public rights-of-way.**

A. Signs projecting into any public right-of-way, except alleys, shall have a minimum clearance of eight (8) feet over the adjacent sidewalk or other grade.

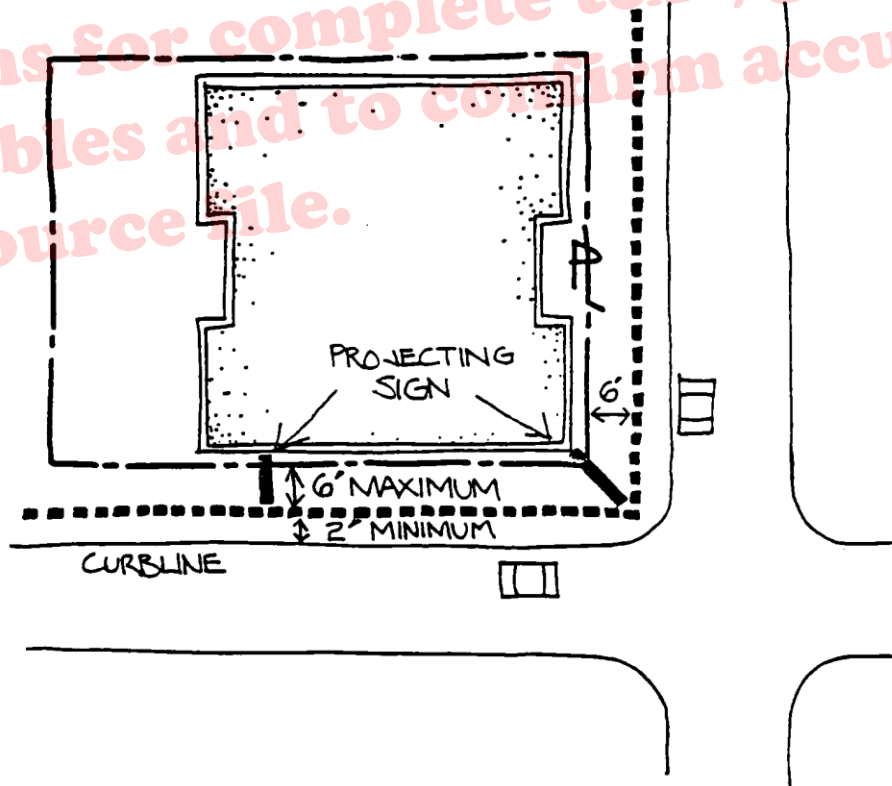
B. Signs projecting into any public alley shall have a minimum clearance of sixteen (16) feet above grade, and shall not project more than twenty-four (24) inches beyond the property line.

C. No permanent sign shall extend into any public right-of-way to within less than two (2) feet of the cur-

bline, or more than six (6) feet beyond the property line, except that at street intersections, signs which project from intersecting street property lines may extend to the intersection of the six (6) foot projection margins on each street (Exhibit 23.55.004 A).

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Exhibit 23.55.004 A  
Signs Projecting Over Public Rights-of-way



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D. No barberpole, including the brackets and fastenings for the barberpole, shall extend more than one (1) foot into any public right-of-way.

E. No temporary sign made of rigid material shall extend more than four (4) inches into the public right-of-way.

F. Marquee signs may be permitted in conjunction with any lawful marquee, provided that they shall not project more than twelve (12) inches beyond the front of the marquee, nor closer than two (2) feet to the curbline. Marquee signs may not exceed thirty (30) inches in height above the top of the marquee, and total vertical dimension may not exceed five (5) feet. Only one (1) sign may be placed on or attached to an end face of a marquee.

G. Roof signs shall not project into any public right-of-way. (Ord. 112830 § 10(part), 1986.)

### 23.55.005 Video display methods

A. Development standards. Video display may be used on a sign when the sign meets all of the following development standards:

1. The sign is an on-premises sign;
2. The sign is not located in a residential, NC1 or NC2 zone, Special Review District, Historical District, Preservation District or shoreline environment;
3. The sign meets one of the following criteria:
  - i. The sign face is not visible from a street, driveway or surface parking area, and also is not visible from a lot that is owned by a different person, in which case the size of the sign is not limited by this subsection, and the standards for duration or pause periods and subsection A5 shall not apply; or
  - ii. The sign area is less than or equal to one thousand (1000) square inches and no single dimension of the sign exceeds three (3) feet; or
  - iii. The sign meets the standards set out in subsection B, in addition to meeting all other standards of this subsection A.
4. The maximum height for any sign using a video display method shall be fifteen (15) feet above existing grade. Pole signs using a video display method shall be at least ten (10) feet above the ground;
5. The sign is at least thirty-five (35) linear feet in any direction from any other sign that uses a video display method;
6. When located within fifty (50) feet of a lot in a residential zone, any part of the sign using a video display method is oriented so that no portion of the sign face is visible from an existing or permitted principal structure on that lot;
7. Duration: Any portion of the message that uses a video display method shall have a minimum duration of two (2) seconds and a maximum duration of five (5) seconds. Calculation of the duration shall not include the number of frames per second used in a video display

method. Calculation of the maximum duration shall include the time used for any other display methods incorporated within that portion of the message displayed using a video display method;

8. Pause Between Video Portions of Message. There shall be twenty (20) seconds of still image or blank screen following every message using a video display method;

9. Audio speakers shall be prohibited in association with a sign using a video method of display;

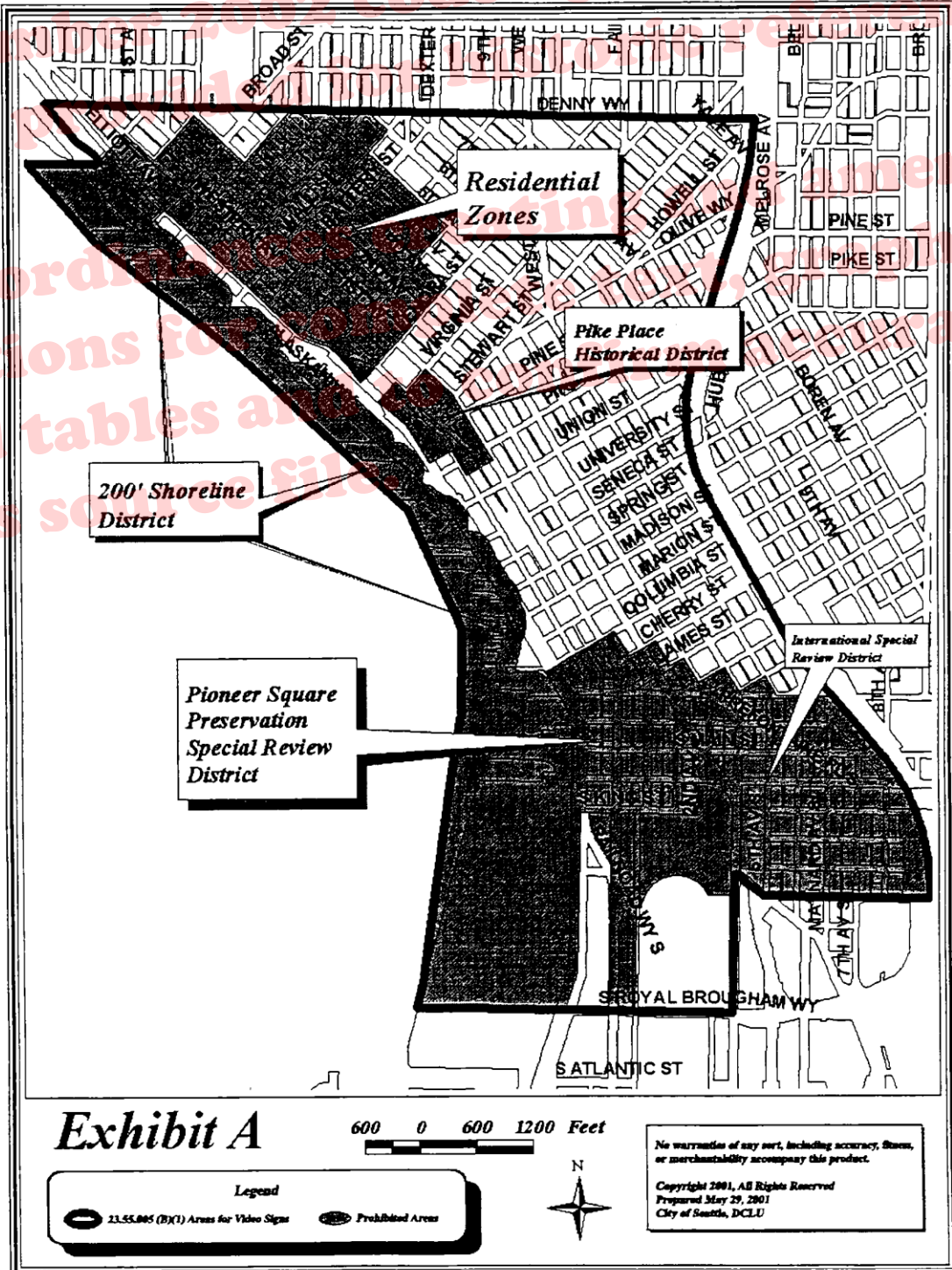
10. Between dusk and dawn the video display shall be limited in brightness to no more than five hundred (500) units when measured from the sign's face at its maximum brightness; and

11. Signs using a video display method may be used after dusk only until 11:00 p.m. or, if the advertising is an on-premises message about an event at the site where the sign is located, for up to one (1) hour after said event.

B. In lieu of complying with subsection A3 above, the Director of DCLU shall allow video display methods on a sign if the sign meets all of the following additional development standards:

1. The sign is within the area shown on the map attached as Exhibit 23.55.005 A and not within a Special Review District, Historic District, Preservation District, residential zone or shoreline environment;

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2. The sign is a minimum distance of fifteen (15) feet from the curb; and

3. The maximum size of the sign is twenty (20) square feet as independently applied to each sign face, including framework and border.

C. Video Signs Previously Erected. On-premises signs using the video method of display, that have permits authorizing use of that method of display issued prior to August 1, 2001, may continue to use the video method of display authorized in the permit provided that they meet the standards of 23.55.005A6-11 above within one hundred eighty (180) days from the effective date of the ordinance codified in this section. Previously erected and permitted signs that use a video method of display located within the area shown on the map attached as Exhibit A shall not be subject to the foregoing standards of this section except 23.55.005A1. If the video method of display is terminated for one hundred eighty (180) days or the sign is relocated or reconstructed, then the video method of display cannot be used except in conformance with the development standards of this section. (Ord. 120466 § 2, 2001.)

**23.55.008 Signs near intersections or driveways.**

Signs which are ten (10) feet or less in height as measured from street or driveway grade and which obscure the vision of motorists shall be located at least twenty (20) feet from intersections and driveways. (Ord. 112830 § 10(part), 1986.)

**23.55.012 Temporary signs permitted in all zones.**

A. Real estate “for sale,” “for rent” and “open house” temporary signs, temporary signs identifying the architect, engineer or contractor for work currently under construction, and temporary noncommercial messages displayed on fabric signs, flags or rigid signs shall be permitted in all zones at all times, provided they are not painted with light-reflecting paint or illuminated. The total area for these types of temporary signs in the aggregate shall not exceed eight (8) square feet per building lot in single-family zones, and twenty-four (24) square feet per building lot in all other zones, except as follows: the total area allowed for noncommercial messages may increase to a maximum of eight (8) square feet per dwelling unit for use by the occupant of that dwelling unit; and in buildings where there are eight (8) dwelling units or more, a real estate banner not exceeding thirty-six (36) square feet may be permitted for one (1) nine (9) month period starting from the date of the issuance of the certificate of occupancy.

B. In addition to the signs described in subsection A of this section above, commercial or noncommercial messages may be displayed for a total of four (4) fourteen (14) consecutive day periods a calendar year; these additional four (4) periods are the maximum, whether the message is the same message or a different message. These messages

may be displayed on banners, streamers, strings of pennants, fabric signs, festoons of lights, flags, wind-animated objects, rigid signs, balloons, searchlights, portable signs attached to vehicles, or devices of a carnival nature, and shall be allowed as temporary signs in all zones. The total area for all temporary signs per fourteen (14) day period, when combined with those signs authorized under subsection A of this section, in the aggregate shall not exceed thirty-two (32) square feet per building lot for signs made of rigid material, with no dimension greater than eight (8) feet, and one hundred (100) square feet per building lot for temporary signs not made of rigid material; provided that the total area allowed for noncommercial messages may increase to a maximum of thirty-two (32) square feet per dwelling unit, with no dimension greater than eight (8) feet, for signs made of rigid material, and one hundred (100) square feet per dwelling unit for temporary signs not made of rigid material, all for use by the occupant of that dwelling unit. No individual sign made of nonrigid material may exceed thirty-six (36) square feet.

C. All signs authorized by this section are subject to the following regulations:

1. No sign may be placed on public property or on the planting strips that abut public property, including planting strips forming a median in a public street, except as provided in subsection C3 below and except for portable signs attached to vehicles that are using the public streets.

2. All signs must be erected with the consent of the occupant of the property on which the sign is located, except as provided in subsection C3 below.

3. Temporary Signs on Public Property or in Planting Strips.

a. Temporary signs with commercial or noncommercial messages may be located on public rights-of-way or in planting strips in business districts, subject to the requirements of City of Seattle Public Works Rules Chapter 4.60 or its successor Rule.

b. Temporary signs with noncommercial messages, other than in subsection C3a above, may be located in the planting strip in front of private property with the consent of the occupant of that property and may not exceed eight (8) square feet or be supported by stakes that are more than one (1) foot into the ground. Signs in the planting strip shall be no more than twenty-four (24) inches in height as measured from street or driveway grade when located within thirty (30) feet from the curblines of intersections. Signs shall be no more than thirty-six inches (36”) in height as measured from street or driveway grade when located thirty feet (30’) or more from the curblines of intersections.

c. In addition to commercial signs in business districts allowed in subsection C3a above, only temporary commercial “open house” signs may be placed in planting strips. One (1) “open house” temporary sign per street frontage of a lot may be located with the consent of the



**23.55.014 LAND USE CODE**

occupant and provided the occupant or seller is on the premises. The "open house" signs may not exceed eight (8) square feet per lot or be supported by stakes that are more than one foot (1') into the ground. The "open house" signs shall be no more than twenty-four inches (24") in height as measured from street or driveway grade when located within thirty feet (30') from the curblineline of intersections, and shall be no more than thirty-six inches (36") in height as measured from street or driveway grade when located thirty feet (30') or more from the curblineline of intersections.

d. No sign placed in a planting strip may be displayed on banners, streamers, strings of pennants, festoons of lights, flags, wind-animated objects or balloons.

e. The requirements of this subsection C3 shall be enforced by the Director of Seattle Transportation pursuant to the enforcement provisions of that Department.

4. No sign shall obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control sign, bus stop, fire hydrant, or any other type of street furniture, or otherwise create a hazard, including a tripping hazard.

5. Signs shall be designed to be stable under all weather conditions, including high winds.

6. A temporary sign shall conform to the standards for roof signs, flashing, changing image or message board signs, for moving signs, and for lighting and height regulations for the zone or special review district in which the temporary sign is located, provided that balloons may exceed height regulations.

7. The entire visible surface of the sign, exclusive of support devices, shall be included in area calculations. (Ord. 118409 § 203, 1996; Ord. 117555 § 2, 1995; Ord. 112830 § 10(part), 1986.)

**23.55.014 Off-premises signs.**

**A. Advertising Signs.**

1. No advertising sign shall be erected, or constructed, unless an existing advertising sign is relocated or reconstructed at a new location. An advertising sign may be relocated or reconstructed if:

a. The existing advertising sign was lawfully erected and after the effective date of the ordinances codified in this section,<sup>1</sup> is registered to pursuant to subsection F of this section;

b. The advertising sign is located on a site or in a zone where it is not permitted, except as provided in subsection A1c of this section;

c. In each calendar year one advertising sign which is located on a site or in a zone where it is permitted may be relocated or reconstructed if a citizen submits a written request for relocation to the Director;

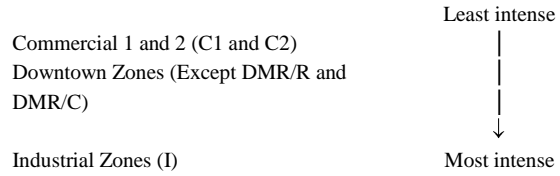
d. The reconstructed or relocated advertising sign will be a permitted use and will conform with all ordinances of the City at its new location;

e. The construction permit for the relocated or reconstructed advertising sign is issued during the pendency of the demolition permit for the existing sign;

f. The advertising sign face does not increase in size; and

g. The advertising sign is relocated to an area with the same or more intensive zoning. Areas in which advertising signs are allowed are listed below from least intense to most intense zoning, and zones listed on the same line are considered of the same intensity. Zones which do not allow advertising signs shall be considered less intense zones for the purpose of relocation. This list is for purposes of this criterion only.

**Downtown Mixed Residential/Commercial (DMR/C)**



h. The number of relocated advertising signs does not exceed twelve (12) structure locations per year or twenty-four (24) sign face locations per year, excluding relocations pursuant to subsection G of this section.

2. For purposes of relocation, sign owners maintain the right to relocation.

3. Wall signs cannot be relocated.

4. Maximum Sign Face Area. The maximum total area of any advertising sign in Commercial 1 and 2, Industrial and Downtown (except Downtown Mixed Residential/Commercial) zones shall be six hundred seventy-two (672) square feet, with a maximum vertical dimension of twenty-five feet (25') and a maximum horizontal dimension of fifty feet (50'), provided that cutouts and extensions may add up to twenty percent (20%) of additional sign area. The maximum total area of any advertising sign in Downtown Mixed Residential/Commercial (DMR/C) zones shall be three hundred (300) square feet, except for visually blocked signs which may be a maximum of six hundred seventy-two (672) square feet.

5. All advertising signs shall be located at least fifty feet (50') from any lot in a residential zone, and at least five hundred feet (500') from any public school grounds, public park, or public playground, or community center. For purposes of this section, a public park or public playground means a park or playground at least one (1) acre in size and a community center must be publicly owned.

6. No variances shall be permitted from the provisions of this subsection A.

B. Off-premises Directional Signs. The maximum area of any off-premises directional sign shall be one hundred (100) square feet, with a maximum vertical dimen-

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sion of ten feet (10') and a maximum horizontal dimension of twenty feet (20').

C. The maximum area for each sign face for business district identification signs shall be that permitted for pole signs in the zone.

D. The maximum area for each sign face for residential district identification signs shall be fifty (50) square feet.

E. Development Standards Applicable to All Off-premises Signs.

1. Dispersion Standard.

a. Directional Sign Faces and Business District Identification Signs. Not more than a total of four (4) off-premises directional sign faces, plus two (2) identification signs for a business district, shall be permitted on both sides of a street within a space of six hundred sixty feet (660'). There shall be a minimum distance of one hundred feet (100') between sign structures.

b. Advertising Signs.

(1) Not more than a total of five (5) advertising sign structures shall be permitted when counting both sides of a street within a linear distance of two thousand six hundred forty feet (2640', one-half (½) mile).

(2) There shall be a minimum distance of three hundred linear feet (300') between advertising sign structures on the same side of the street; a maximum of two (2) advertising sign structures within three hundred linear feet (300') when counting both sides of the street; and, a minimum distance of one hundred radial (100') between advertising sign structures.

(3) Visually blocked advertising signs shall count as one-half (½) a structure, and may be within any distance from each other on the same side of the street as long as they are oriented in opposite directions. Visually blocked advertising signs oriented in the same direction or on opposite sides of the street are subject to the spacing criteria under subsection E1b(2) of this section.

(4) There shall be a maximum of two (2) sign faces per advertising sign structure and a maximum of one (1) sign face per side of the advertising sign structure.

2. Off-premises signs shall not be roof signs.

3. Lighting. No off-premises sign shall be incandescently illuminated by more than one and one-quarter (1¼) watts of electrical power per square foot of sign area, or be fluorescently or otherwise illuminated by more than one (1) watt of electrical power per square foot of sign area. Off-premises signs that include lights as part of the message or content of the sign (chasing and message board advertising signs) are prohibited.

4. Sign Height. The maximum height limit for any portion of an off-premises sign (except in Industrial zones) is forty (40) feet or the height limit of the zone, whichever is less. The maximum height limit for any portion of an off-premises sign in an Industrial zone is sixty-

five (65) feet or the height limit of the zone, whichever is less.

F. Registration of Advertising Signs. Each owner of an off-premises advertising sign shall file a written report with the Director on or before July 1st of each year. The report shall be submitted on a form supplied by the Director. The owner shall identify the number and location of advertising signs maintained by the owner in the City at any time during the previous year, and provide such other information as the Director deems necessary for the inspection of signs and for the administration and enforcement of this section. The owner shall pay a fee to the Director at the time the written report is filed. The amount of the fee is Forty Dollars (\$40) for each sign face identified in the report. DCLU shall assign a registration number to each sign face, and the sign number shall be displayed on the face of the billboard frame in figures which are a minimum of eight (8) inches tall. It is unlawful to maintain a sign face which has not been registered as required by this section. Notwithstanding any other provision of this code, any person who maintains an unregistered sign face is subject to an annual civil penalty of Five Thousand Dollars (\$5,000) for each unregistered sign face.

G. Side-by-Side Advertising Signs. One (1) of the two (2) sign faces that comprise side-by-side advertising signs shall be removed within three (3) years of the effective date of the ordinance codified in this section.<sup>1</sup> The sign face may be relocated if the sign will meet the requirements of subsections A1e, A1f and A1g of this section, provided that in lieu of relocation the two (2) side-by-side advertising signs may be replaced by one (1) six hundred seventy-two (672) square foot advertising sign at the same location.



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H. The provisions of this section do not apply to sign kiosks, except subsection A5, prohibiting advertising signs within five hundred (500) feet from any public school grounds. (Ord. 120388 § 4, 2001; Ord. 116780 § 1, 1993; Ord. 112830 § 10(part), 1986.)

e. Lights, changing image signs, and message board signs shall not be placed on any part of a sign kiosk that is visible from the street. Flashing signs and

1. Editor's Note: Ordinance 116780 was passed by the City Council on July 19, 1993.

**23.55.015 Sign kiosks and community bulletin boards.**

A. Sign Kiosks. Sign kiosks are permitted in all zones, except single-family residential zones and multifamily residential zones, provided that a sign kiosk may abut a park or playground at least one acre in size, or publicly owned community center in all zones. Sign kiosks are not permitted within fifty (50) feet of a single-family residential zone or multifamily residential zone.

B. Sign Kiosks in the Public Right-of-way. Sign kiosks that are located in the public right-of-way must obtain a street use permit from Seattle Transportation and are subject to the requirements, conditions and procedures set out in SMC Title 15. Seattle Transportation shall review an application for a sign kiosk in the public right-of-way for compliance with the provisions of this chapter. The street use permit issued by Seattle Transportation shall serve as the required sign permit.

C. Development Standards for Sign Kiosks.

1. Design and Construction.

a. The design of any sign kiosk shall comply with the design principles for sign kiosks approved by the Seattle Design Commission, or shall be reviewed and recommended by the Commission.

b. The design of any sign kiosk adjacent to a park, playground or publicly owned community center shall also be reviewed and must be approved by the Seattle Department of Parks and Recreation for aesthetic compatibility with existing signs and the design of the park, playground or community center.

c. The design of any sign kiosk in a special review district established in SMC Chapters 23.66, 25.16, 25.20, 25.22, and 25.24 shall also be reviewed and must be approved by the board for that district for compliance with the standards of that district.

d. The sign kiosk shall be in sections with maximum dimensions of seven (7) feet high, three (3) feet wide measuring from the centers of the supporting posts on either side of the sections, and six (6) inches deep, with a maximum of four (4) sections. No more than two (2) feet of additional height will be allowed for artistic decoration on top of the kiosk, with additional width not to exceed the width of the kiosk structure. The Seattle Design Commission may approve a different style or different dimensions, which shall not exceed the maximum height dimension and the maximum overall size set out above.

chasing signs are prohibited on any part of a kiosk. Any lighting fixtures used within kiosks or used externally to illuminate kiosks shall be fully shielded. The maximum illumination level at the kiosk shall be five (5) foot-candles (fc) maintained at ground level.

f. Materials used in constructing sign kiosks shall minimize reflective glare from natural or artificial illumination.

g. The design of any kiosk structure shall not be likely to be mistaken for any traffic control device and shall comply with SMC Sections 11.50.500 through 11.50.560.

h. All sign kiosks shall be designed, constructed and maintained in accordance with SMC Chapter 22, Section 3204, the Seattle Building Code provisions governing signs.

2. Location.

a. The location of any sign kiosk shall comply with the location standards set out in the rules of Seattle Transportation, including without limitation rules for line of sight at intersections, compatibility with traffic control signs and other right-of-way uses, parking and pedestrian safety, and access to adjacent and abutting property.

b. The location of any sign kiosk adjacent to a park, playground or publicly owned community center shall also be reviewed and must be approved by the Seattle Department of Parks and Recreation as not conflicting with or distracting from existing signs of the park, playground or community center.

c. The location of any sign kiosk in a special review district established in SMC Chapters 23.66, 25.16, 25.20, 25.22, and 25.24 shall also be reviewed by and must be approved by the board for that district for compliance with the standards of that district.

d. Sign kiosks shall be located in compliance with SMC Section 23.55.042 and Chapter 23.60.

e. Sign kiosks that are not located in the public right-of-way shall be located so that they are accessible for posting and reading by the public at all times.

3. Dispersion.

a. Not more than a total of five (5) sign kiosks are permitted when counting both sides of street within a linear distance of two thousand six hundred forty (2640) feet (one-half (½) mile).

b. There shall be a minimum distance of three hundred (300) linear feet between sign kiosks on the same side of the street; a maximum of two (2) sign kiosks within three hundred (300) linear feet when counting both sides of the street; and a minimum distance of one hundred (100) radial feet between sign kiosks.

D. Standards for Posting Signs on Sign Kiosks.

1. All members of the public may post signs on sign kiosks. Each person may post, or have posted on his/her behalf, two signs with noncommercial messages

and one sign with a commercial message on each sign kiosk.

2. Graffiti is prohibited on sign kiosks.

3. All signs posted on sign kiosks shall comply with the following standards:

a. The maximum size of any sign shall be eight and one-half (8½) inches by fourteen (14) inches.

b. Signs shall not be posted in a manner that creates the appearance of a sign larger than eight and one-half (8½) inches by fourteen (14) inches.

c. The design of any posting shall not be likely to be mistaken for any traffic control device and shall comply with SMC Sections 11.50.500 through 11.50.560.

4. Signs shall show the date they are posted and shall be removed within thirty (30) days of posting or the day after the event announced, whichever is first. Signs with commercial messages must also include the name of the person posting the sign or causing the sign to be posted.

5. The sign posting standards set out in subsections D1, 2, 3 and 4 shall be affixed to the kiosk. These standards are in addition to any standards set out in City ordinances or rules, in policies adopted by City departments and posted on the sign kiosk, and in contracts with The City of Seattle for sign kiosks.

6. The sign kiosk permit holder shall clearly designate and maintain one quarter of the total posting area and may designate and maintain up to three-quarters of the total posting area of a sign kiosk for posting only noncommercial signs.

7. The City of Seattle may post a map of the area and historical information on any kiosk in addition to the area reserved for noncommercial speech.

8. No one may (1) sell, (2) rent, or (3) reserve or transfer for consideration posting space on a sign kiosk. Posting a sign on sign kiosk does not create a transferable right.

E. Sign Kiosks Previously Erected. The Council finds that the sign kiosks erected or planned for before the effective date of Ordinance 120388<sup>1</sup> that are listed on Attachment 1 of the ordinance amending this section, which is filed with the City Clerk in C.F. 305387, are consistent with the policies for allowing sign kiosks and reasonably further the objectives of promoting traffic safety, aesthetics, and community communication. As a result, they are lawful signs. All postings on these sign kiosks shall comply with the requirements of this section. Any alteration of these sign kiosks or their location shall comply with the requirements of this section. (Ord. 120924 § 1, 2002; Ord. 120388 § 5, 2001.)

1. Editor's Note: Ordinance 120388 was passed by the City Council on May 29, 2001.

**23.55.016 Light and glare from signs.**

A. The source of light for externally illuminated signs shall be shielded so that direct rays from the light are visible only on the lot where the sign is located.

B. The light source for externally illuminated signs, except advertising signs, shall be no farther away from the sign than the height of the sign. (Ord. 112830 § 10(part), 1986.)

**Part 2 Standards for Specific Zones**

**23.55.020 Signs in single-family zones.**

A. Signs shall be stationary and shall not rotate.

B. No flashing, changing-image or message board signs shall be permitted.

C. No roof signs shall be permitted.

D. The following signs shall be permitted in all single-family zones:

1. Electric, externally illuminated or nonilluminated signs bearing the name of the occupant of a dwelling unit, not exceeding sixty-four (64) square inches in area;

2. Memorial signs or tablets, and the name of buildings and dates of building erection when cut into a masonry surface or constructed of bronze or other non-combustible materials;

3. Signs for public facilities indicating danger and/or providing service or safety information;

4. Properly displayed national, state and institutional flags;

5. One (1) electric or nonilluminated double-faced identifying wall or ground sign for any permitted nonresidential use in the zone, including institutions, on each street frontage, not to exceed fifteen (15) square feet of area per sign face; except that for public elementary or secondary schools, departure from these standards may be granted or required pursuant to the criteria and procedures of Chapter 23.79;

6. On-premises directional signs not exceeding eight (8) square feet in area. One (1) such sign shall be permitted for each entrance or exit to a surface parking area or parking garage.

E. Existing business signs for nonconforming business establishments may be replaced, provided that:

1. Maximum total area of sign faces shall be one hundred seventy (170) square feet, and the maximum area of the face of any single sign face shall be eighty-five (85) square feet.

2. The replacement sign shall not be a roof sign.

3. Replacement signs may be located in the same place as the original sign except that maximum height of any portion of the replacement sign shall be twenty-five (25) feet.

4. Replacement signs may be electric or nonilluminated.

5. The number of business signs shall not be increased.

F. No sign shall be maintained in a surface parking area or on a parking garage which faces a residential lot

other than one (1) designating an entrance, exit, or condition of use.

G. Off-premises signs shall not be permitted, except that:

1. When accessory parking is provided on a lot other than the lot where the principal use is located, off-premises directional signs five (5) square feet or less in area identifying the accessory parking shall be permitted;

2. One (1) residential district identification wall or ground sign per entrance meeting the standards of Section 23.55.014 shall be permitted.

3. Sign kiosks are not permitted, except when the sign kiosk abuts a park or playground at least one (1) acre in size, or publicly owned community center and complies with Section 23.55.015.

(Ord. 120609 § 14, 2001; Ord. 120388 § 6, 2001; Ord. 112830 § 10(part), 1986.)

### **23.55.022 Signs in multi-family zones.**

A. Signs shall be stationary and shall not rotate.

B. No flashing, changing-image or message board signs shall be permitted.

C. No roof signs shall be permitted.

D. The following signs shall be permitted in all multi-family zones:

1. Electric, externally illuminated or nonilluminated signs bearing the name of the occupant of a dwelling unit, not exceeding sixty-four (64) square inches in area;

2. Memorial signs or tablets, and the names of buildings and dates of building erection when cut into a masonry surface or constructed of bronze or other non-combustible materials;

3. Signs for public facilities indicating danger and/or providing service or safety information;

4. Properly displayed national, state and institutional flags;

5. One (1) electric, externally illuminated or nonilluminated sign bearing the name of a home occupation not exceeding sixty-four (64) square inches in area;

6. One (1) nonilluminated wall or ground identification sign for multifamily structures on each street or alley frontage in addition to signs permitted by subsection D2. For structures of sixteen (16) units or less, the maximum area of each sign face shall be sixteen (16) square feet. One (1) square foot of sign area shall be permitted for each additional unit over sixteen, to a maximum area of fifty (50) square feet per sign face;

7. One (1) electric or nonilluminated double-faced identifying wall or ground sign for an institution on each street frontage, not to exceed twenty-four (24) square feet of area per sign face; except that for public elementary or secondary schools, departure from these standards may be granted or required pursuant to the criteria and procedures of Chapter 23.79 of the Land Use Code;

8. One (1) electric, externally illuminated or nonilluminated sign bearing the name of a bed and breakfast, not exceeding sixty-four (64) square inches in area.

E. In Midrise and Highrise zones which are not designated Residential-Commercial, permitted ground-floor business establishments in multifamily structures may have one (1) electric or nonilluminated sign per street frontage. The sign may be a wall or projecting sign. The maximum area of each sign face shall be twenty-four (24) square feet. The maximum height of any portion of the sign shall be fifteen (15) feet.

F. Existing business signs for nonconforming uses may be replaced, provided that:

1. Maximum total area of sign faces shall be one hundred seventy (170) square feet, and the maximum area of any single sign face shall be eighty-five (85) square feet;

2. The replacement sign shall not be a roof sign;

3. Replacement signs may be located in the same place as the original signs, except that the maximum height of any portion of the replacement sign shall be thirty (30) feet;

4. Replacement signs may be electric or nonilluminated;

5. The number of business signs shall not be increased.

G. On-premises directional signs shall be permitted. Maximum sign area shall be eight (8) square feet. One (1) such sign shall be permitted for each entrance or exit to a surface parking area or parking garage.

H. No sign shall be maintained in a surface parking area or on a parking garage which faces a residential lot other than one (1) designating an entrance, exit, or condition of use.

I. Off-premises signs shall not be permitted, except that:

1. When accessory parking is provided on a lot other than the lot where the principal use is located, off-premises directional signs five (5) square feet or less in area identifying the accessory parking shall be permitted;

2. One (1) residential district identification, wall or ground sign per entrance meeting the standards of Section 23.55.014 shall be permitted.

3. Sign kiosks are not permitted, except when the sign kiosk abuts a park or playground at least one (1) acre in size, or publicly owned community center and complies with Section 23.55.015.

(Ord. 120388 § 7, 2001; Ord. 113464 § 3, 1987; Ord. 112830 § 10(part), 1986.)

### **23.55.024 Signs in residential commercial (RC) zones.**

A. The standards of this section shall apply only to signs for business establishments permitted on the ground floor or below in RC zones. The standards for multi-family



zones, Section 23.55.022, shall apply to all other signs in RC zones.

B. Ground-floor business establishments may have one (1) electric or nonilluminated wall sign per street frontage, located on the commercial portion of the structure.

C. Maximum total area of sign faces per business establishment shall be one hundred seventy (170) square feet, and the maximum area of any single sign face shall be eighty-five (85) square feet.

D. The maximum height of any portion of a sign for a business establishment shall be fifteen (15) feet.

E. Sign kiosks as provided in Section 23.55.015 are permitted. (Ord. 120388 § 8, 2001; Ord. 112830 § 10(part), 1986.)

**23.55.028 Signs in NC1 and NC2 zones.**

A. Signs shall be stationary and shall not rotate, except for barberpoles.

B. Signs may be electric, externally illuminated, or nonilluminated.

C. No flashing, changing-image or chasing signs shall be permitted, except that chasing signs for motion picture and performing arts theaters shall be permitted in NC2 zones.

**D. On-premises Signs.**

1. The following signs shall be permitted in addition to the signs permitted by subsections D2, D3 and D4:

a. Electric, externally illuminated or nonilluminated signs bearing the name of the occupant of a dwelling unit, not exceeding sixty-four (64) square inches in area;

b. Memorial signs or tablets, and the names of buildings and dates of building erection when cut into a masonry surface or constructed of bronze or other non-combustible materials;

c. Signs for public facilities indicating danger and/or providing service or safety information;

d. Properly displayed national, state and institutional flags;

e. One (1) under-marquee sign which does not exceed ten (10) square feet in area;

f. One (1) electric, externally illuminated or nonilluminated sign bearing the name of a home occupation, not exceeding sixty-four (64) square inches in area.

**2. Number and Type of Permitted Signs for Business Establishments.**

a. Each business establishment may have one (1) ground, roof, projecting or combination sign (Type A sign) for each three hundred (300) lineal feet, or portion thereof, of frontage on public rights-of-way, except alleys.

b. In addition to the signs permitted by subsection D2a, each business establishment may have one (1) wall, awning, canopy, marquee, or under-marquee sign (Type B sign) for each thirty (30) lineal feet, or portion thereof, of frontage on public rights-of-way, except alleys.

c. In addition to the signs permitted by subsections D2a and D2b, each multiple business center and drive-in business may have one (1) pole sign for each three hundred (300) lineal feet, or portion thereof, of frontage on public rights-of-way, except alleys. Such pole signs may be for a drive-in business or for an individual business establishment located in a multiple business center, or may identify a multiple business center.

d. Individual businesses which are not drive-in businesses and which are not located in a multiple business center may have one (1) pole sign in lieu of another Type A sign permitted by Section D2a for each three hundred (300) lineal feet, or portion thereof, of frontage on public rights-of-way, except alleys.

3. Maximum Area of Signs for Nonresidential Uses. The maximum area of all signs for each business establishment permitted in subsection d2 shall be one hundred eighty-five (185) square feet, and the maximum area of any one (1) Type A sign shall be seventy-two (72) square feet, provided that the maximum area of pole signs for gas stations which identify the price of motor fuel being offered by numerals of equal size shall be ninety-six (96) square feet.

**4. Identification Signs for Multifamily Structures.**

a. One (1) identification sign bearing the name of a multifamily structure shall be permitted on each street or alley frontage of a residential use in addition to the signs permitted by subsection D1.

b. Identification signs may be wall, ground, awning, canopy, marquee, under-marquee, or projecting signs.

c. For structures of twenty-four (24) units or less, the maximum area of each sign face shall be twenty-four (24) square feet. One (1) square foot of sign area shall be permitted for each additional unit over twenty-four (24), to a maximum of fifty (50) square feet per sign face.

**5. Sign Height.**

a. The maximum height for any portion of a pole, projecting or combination sign shall be twenty-five (25) feet.

b. The maximum height for any portion of a wall or under-marquee sign shall be twenty (20) feet or the height of the cornice of the structure to which the sign is attached, whichever is greater.

c. Marquee signs may not exceed a height of thirty (30) inches above the top of the marquee, and total vertical dimension shall not exceed five (5) feet.

d. No portion of a roof sign shall exceed a height of twenty-five (25) feet above grade.

**E. Off-premises Signs. Off-premises signs shall not be permitted, except that:**

1. Each business district may have two (2) identifying ground, pole, wall or projecting signs which may list businesses located in the district. The identifying signs shall not be located in a residential zone, and shall



meet the standards of Section 23.55.014, Off-premises signs.

2. One (1) residential district identification wall or ground sign per entrance, meeting the standards of Section 23.55.014, shall be permitted.

3. When accessory parking is provided on a lot other than the lot where the principal use is located, off-premises directional signs five (5) square feet or less in area identifying the accessory parking shall be permitted. Off-premises directional signs five (5) square feet or less in area shall not be counted in sign size or number limits.

4. Sign kiosks as provided in Section 23.55.015 are permitted.

F. Signs Near Residential Zones. When located within fifty (50) feet of an abutting lot in a residential zone, electric and externally illuminated signs shall be oriented so that no portion of the sign face is visible from an existing or permitted principal structure on the abutting lot. (Ord. 120388 § 9, 2001; Ord. 113387 § 5, 1987; Ord. 112830 § 10(part), 1986.)

### 23.55.030 Signs in NC3, C1 and C2 zones.

A. No sign shall have rotating or moving parts that revolve at a speed in excess of seven (7) revolutions per minute.

B. Signs may be electric, externally illuminated, non-illuminated or may use video display methods when the sign meets the development standards in Section 23.55.005, Video display methods.

C. No flashing signs shall be permitted.

D. On-Premises Signs.

1. The following signs shall be permitted in addition to the signs permitted by subsections D2 and D3 of this section:

a. Electric, externally illuminated or nonilluminated signs bearing the name of the occupant of a dwelling unit, not exceeding sixty-four (64) square inches in area;

b. Memorial signs or tablets, and the names of buildings and dates of building erection when cut into a masonry surface or constructed of bronze or other non-combustible materials;

c. Signs for public facilities indicating danger and/or providing service or safety information;

d. Properly displayed national, state and institutional flags;

e. One (1) under-marquee sign which does not exceed ten (10) square feet in area;

f. One (1) electric, externally illuminated or nonilluminated sign bearing the name of a home occupation, not to exceed sixty-four (64) square inches in area.

2. Number and Type of Permitted Signs for Business Establishments.

a. Each business establishment may have one (1) ground, roof, projecting or combination sign (Type A sign) for each three hundred (300) lineal feet, or portion thereof, of frontage on public rights-of-way, except alleys.

b. In addition to the signs permitted by subsection D2a of this section, each business establishment may have one (1) wall, awning, canopy, marquee or under-marquee sign (Type B sign) for each thirty (30) lineal feet, or portion thereof, of frontage on public rights-of-way, except alleys.

c. In addition to the signs permitted by subsections D2a and D2b of this section, each multiple business center and drive-in business may have one (1) pole sign for each three hundred (300) lineal feet, or portion thereof, of frontage on public rights-of-way, except alleys. Such pole signs may be for a drive-in business or for an individual business establishment located in a multiple business center, or may identify a multiple business center.

d. Individual businesses which are not drive-in businesses and which are not located in multiple business centers may have one (1) pole sign in lieu of another Type A sign permitted by subsection D2a of this section for each three hundred (300) lineal feet, or portion thereof, of frontage on public rights-of-way, except alleys.

e. Where the principal use or activity on the lot is outdoor retail sales, banners and strings of pennants maintained in good condition shall be permitted in addition to the signs permitted by subsections D2a, D2b and D2c of this section.

3. Maximum Area.

a. NC3 Zones and the SCM zone.

(1) The maximum area of each face of a pole, ground, roof, projecting or combination signs shall be seventy-two (72) square feet plus two (2) square feet for each foot of frontage over thirty-six (36) feet on public rights-of-way, except alleys, to a maximum area of three hundred (300) square feet, provided that:

i. The maximum area for signs for multiple business centers, and signs for business establishments located within one hundred (100) feet of a state route right-of-way which is not designated in Section 23.55.042 as a landscaped or scenic view section, shall be six hundred (600) square feet; and

ii. The maximum area for pole signs for gas stations which identify the price of motor fuel being offered by numerals of equal size shall be ninety-six (96) square feet.

(2) There shall be no maximum area limit for wall, awning, canopy, marquee or under-marquee signs.

b. C1 and C2 Zones. There shall be no maximum area limits for on-premises signs for business establishments in C1 and C2 zones.

4. Identification Signs for Multifamily Structures.

a. One (1) identification sign shall be permitted on each street or alley frontage of a multi-family structure.

b. Identification signs may be wall, ground, awning, canopy, marquee, under-marquee, or projecting signs.

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c. The maximum area of each sign shall be seventy-two (72) square feet.

5. Sign Height.

a. The maximum height for any portion of a projecting or combination sign shall be sixty-five (65) feet above existing grade, or the maximum height limit of the zone, whichever is less.

b. The maximum height limit for any portion of a pole sign shall be thirty (30) feet; except for pole signs for multiple business centers and for business establishments located within one hundred (100) feet of a state route right-of-way which is not designated in Section 23.55.042 as a landscaped or scenic view section, which shall have a maximum height of forty (40) feet.

c. The maximum height for any portion of a wall, marquee, under-marquee or canopy sign shall be twenty (20) feet or the height of the cornice of the structure to which the sign is attached, whichever is greater.

d. No portion of a roof sign shall:

- (1) Extend beyond the height limit of the zone;
- (2) Exceed a height above the roof in excess of the height of the structure on which the sign is located; or
- (3) Exceed a height of thirty (30) feet above the roof, measured from a point on the roof line directly below the sign or from the nearest adjacent parapet.

E. Off-Premises Signs.

1. Identifying Signs for Business Districts. Each business district may have up to two (2) identifying ground, pole, wall or projecting signs which may list businesses located in the district. The identifying signs shall not be located in a residential zone, and shall meet the standard of Section 23.55.014, Off-premises signs.

2. One (1) residential district identification wall or ground sign per entrance, meeting the standards of Section 23.55.014, shall be permitted.

3. When accessory parking is provided on a lot other than the lot where the principal use is located, off-premises directional signs five (5) square feet or less in area identifying the accessory parking shall be permitted.

4. Off-premises directional signs and advertising signs, in addition to those permitted by subsections E1, E2 and E3 of this section, shall be permitted according to Section 23.55.014, Off-premises signs.

5. Advertising signs are prohibited in Neighborhood Commercial 3 zones and in the Seattle Cascade Mixed (SCM) zone.

6. Sign kiosks as provided in Section 23.55.015 are permitted.

F. Signs Near Residential Zones. When located within fifty (50) feet of an abutting lot in a residential zone, electrical and externally illuminated signs shall be oriented so that no portion of the sign face is visible from an existing or permitted principal structure on the abutting lot.

(Ord. 120466 § 3, 2001; Ord. 120388 § 10, 2001; Ord. 118302 § 16, 1996; Ord. 116780 § 2, 1993; Ord. 113387 § 6, 1987; Ord. 112830 § 10(part), 1986.)

**23.55.034 Signs in downtown zones.**

A. The provisions of this section shall apply to all downtown zones except PSM, IDR and IDM zones, and portions of PMM zones located in a Historic District. In areas of PMM zones not located in a Historic District, these regulations may be modified by the provisions of the Pike Place Urban Renewal Plan. Signs in the PSM, IDR and IDM zones are regulated by the provisions of Chapter 23.66, Special Review Districts.

B. The following signs shall be permitted in all downtown zones regulated by this section:

1. Electric, externally illuminated or nonilluminated signs bearing the name of the occupant of a dwelling unit, not exceeding sixty-four (64) square inches in area;
2. Memorial signs or tablets, and the names of buildings and dates of building erection when cut into a masonry surface or constructed of bronze or other non-combustible materials;
3. Signs for public facilities indicating danger and/or providing service or safety information;
4. Properly displayed national, state and institutional flags.

C. General Standards for All Signs.

1. Signs may be electrical, externally illuminated, nonilluminated or may use video display methods when the sign meets the development standards in Section 23.55.005, Video display methods.

2. No sign shall have rotating or moving parts that revolve at a speed in excess of seven (7) revolutions per minute.

3. No flashing signs shall be permitted.

4. Roof signs shall not be permitted.

5. No portion of any on-premises or off-premises sign shall be located more than sixty-five (65) feet above the elevation of the sidewalk at the street property line closest to the sign, other than for on-premises signs that only identify hotels and public buildings and where such a sign shall have no rotating or moving parts and shall meet the other requirements of this section.

D. On-premises Signs.

1. Number and Type of Permitted Signs.

a. Each use may have one (1) pole, ground, projecting or combination sign for each three hundred (300) lineal feet, or portion thereof, of frontage on public rights-of-way, except alleys.

b. In addition to the signs permitted by subsection D1a, each use may have one (1) wall, awning, canopy, marquee, or under-marquee sign for each thirty (30) lineal feet, or portion thereof, of frontage on public rights-of-way, except alleys.

c. In addition to the signs permitted by subsections D1a and D1b, each multiple business center may

have one (1) wall, marquee, under-marquee, projecting or combination sign for each three hundred (300) lineal feet, or portion thereof, of frontage on public rights-of-way, except alleys.

d. Among the number and type of permitted signs in subsections D1a, D1b and D1c, a maximum of four (4) of these signs identifying hotels or public buildings may be located sixty-five (65) feet or more above the elevation of the sidewalk.

e. Where the principal use or activity on the lot is outdoor retail sales, banner and strings of pennants maintained in good condition shall be allowed in addition to the signs permitted by subsections D1a, D1b and D1c.

2. There shall be no maximum area limits for on-premises signs, except for signs identifying hotels and public buildings sixty-five (65) feet or more above the elevation of the sidewalk, which shall not exceed eighteen (18) feet in length, height or any other direction.

E. Off-premises Signs.

1. When accessory parking is provided on a lot other than the lot where the principal use is located, off-premises directional signs five (5) square feet or less in area identifying the accessory parking shall be permitted.

2. Off-premises directional signs and advertising signs, in addition to those permitted by subsection E1, shall be permitted according to Section 23.55.014.

3. Advertising signs are prohibited in Downtown Mixed Residential/Residential (DMR/R) zones.

4. Sign kiosks as provided in Section 23.55.015 are allowed in downtown zones.

(Ord. 120466 § 4, 2001; Ord. 120388 § 11, 2001; Ord. 119239 § 32, 1998; Ord. 118414 § 42, 1996; Ord. 116780 § 3, 1993; Ord. 112830 § 10(part), 1986.)

**23.55.036 Signs in IB, IC, IG1 and IG2 zones.**

A. No sign shall have rotating or moving parts that revolve at a speed in excess of seven (7) revolutions per minute.

B. Signs may be electric, externally illuminated, or nonilluminated or may use video display methods when the sign meet the development standards in Section 23.55.005, Video display methods.

C. No flashing signs shall be permitted.

D. On-premises Signs.

1. The following signs shall be permitted in addition to the signs permitted by subsections D2, D3 and D4:

a. Electric, externally illuminated or nonilluminated signs bearing the name of the occupant of a dwelling unit, not exceeding sixty-four (64) square inches in area;

b. Memorial signs or tablets, and the names of buildings and dates of building erection when cut into a masonry surface or constructed of bronze noncombustible materials;

c. Signs for public facilities indicating danger and/or providing service or safety information;

d. Property displayed national, state and institutional flags;

e. One (1) under-marquee sign which does not exceed ten (10) square feet in area;

f. One (1) electric, externally illuminated or nonilluminated sign bearing the name of a home occupation, not exceeding sixty-four (64) square inches in area.

2. Number and Type of Permitted Signs for Business Establishments.

a. Except as further restricted in subsection D5, each business establishment may have one (1) ground, roof, projecting or combination sign (Type A sign) for each three hundred (300) lineal feet, or portion thereof, of frontage on public rights-of-way, except alleys.

b. In addition to the signs permitted by subsection D2a, each business establishment may have one (1) wall, awning, canopy, marquee, or under-marquee sign (Type B sign) for each thirty (30) lineal feet, or portion thereof, of frontage on public rights-of-way, except alleys.

c. In addition to the signs permitted by subsections D2a and D2b, each multiple business center and drive-in business may have one (1) pole sign for each three hundred (300) lineal feet, or portion thereof, of frontage on public rights-of-way, except alleys. Such pole signs may be for a drive-in business or for an individual business establishment located in a multiple business center, or may identify a multiple business center.

d. Individual businesses which are not drive-in businesses and which are not located in multiple business centers may have one (1) pole sign in lieu of another Type A sign permitted by subsection D2a for each three hundred (300) lineal feet, or portion thereof, of frontage on public rights-of-way, except alleys.

e. Where principal use or activity on the lot is outdoor retail sales, banners and strings of pennants maintained in good condition shall be permitted in addition to the signs permitted by subsections D2a, D2b and D2c.

3. Maximum Area. Except as provided in subsection D5, there shall be no maximum area limits for on-premises signs for business establishments.

4. Identification Signs for Multifamily Structures.

a. One (1) identification sign shall be permitted on each street or alley frontage of a multifamily structure.

b. Identification signs may be wall, ground, awning, canopy, marquee, under-marquee, or projecting signs.

c. The maximum area of each sign shall be seventy-two (72) square feet.

5. Sign Height.

a. The maximum height for any portion of a projecting or combination sign shall be sixty-five (65) feet above existing grade, or the maximum height limit of the zone, whichever is less.

b. The maximum height limit for any portion of a pole sign shall be thirty (30) feet; except for pole signs



for multiple business centers and for business establishments located within one hundred (100) feet of a state route right-of-way which is not designated in Section 23.55.042 as a landscaped or scenic view section, which shall have a maximum height of forty (40) feet.

c. The maximum height for any portion of a wall, marquee, under-marquee, or canopy sign shall be twenty (20) feet or the height of the cornice of the structure to which the sign is attached, whichever is greater.

d. No portion of a roof sign shall:

(1) Extend beyond the height limit of the zone for office uses, except that spectator sports facilities with a seating capacity of forty thousand (40,000) or greater and more than one (1) roof level may have up to two (2) identification signs, with the vertical dimension of lettering or characters limited to twelve (12) feet and a maximum total area for both signs limited to three thousand (3,000) square feet; provided, the sign height does not exceed the highest roof level. One (1) additional identification sign may be applied to each surface of the highest roof level, provided it does not exceed the height of that roof level.

(2) Exceed a height above the roof in excess of the height of the structure on which the sign is located; or

(3) Exceed a height of thirty (30) feet above the roof measured from a point on the roof line directly below the sign or from the nearest adjacent parapet.

E. Off-premises Signs.

1. Identifying Signs for Business Districts. Each business district may have up to two (2) identifying ground, pole, wall, or projecting signs which may list businesses located in the district. The identifying signs shall not be located in a residential zone, and shall meet the standard of Section 23.55.014, Off-premises signs.

2. When accessory parking is provided on a lot other than the lot where the principal use is located, off-premises directional signs five (5) square feet or less in area identifying the accessory parking shall be permitted.

3. Off-premises directional signs and advertising signs in addition to those permitted by subsections E1, E2, and E3 shall be permitted according to Section 23.55.014, Off-premises signs.

4. Sign kiosks as provided in Section 23.55.015 are permitted.

F. Signs Near Residential Zones. When located within fifty (50) feet of an abutting lot in a residential zone, electrical and externally illuminated signs shall be oriented so that no portion of the sign face is visible from an existing or permitted principal structure on the abutting lot. (Ord. 120611 § 15, 2001; Ord. 120466 § 5, 2001; Ord. 120388 § 12, 2001; Ord. 119391 § 1, 1999; Ord. 113658 § 11, 1987.)

23.55.040 Special exception for signs in commercial and downtown zones.

The Director may authorize exceptions to the regulations for the size, number, type, height and depth of projection of on-premises signs in neighborhood commercial, commercial, downtown office core, downtown retail core, downtown mixed commercial and downtown harborfront zones as a special exception pursuant to Chapter 23.76, Procedures for Master Use Permit and Council Land Use Decisions, except that no special exception may be authorized for a sign using video display methods. When one (1) or more of the conditions in subsection A of this section have been met, the characteristics described in subsection B of this section shall be used to evaluate the merits of the proposal. Proposals must also meet the intent of the Sign Code as specified in Section 23.55.001, Intent. An exception shall not be granted for roof signs or signs prohibited in Section 23.55.003. In downtown zones, the Director shall consult with the Seattle Design Commission before issuance of the special exception decision.

A. Conditions. One (1) or more of the following conditions shall be met:

1. The proposed sign plan shows an exceptional effort toward creating visual harmony among signs, desirable streetscape features, building facades and other architectural elements of the building structure through the use of a consistent design theme;

2. The proposed sign plan will preserve a desirable existing design or siting pattern for signs in an area;

3. The proposed sign plan will reduce views of historic landmarks designated by the Landmarks Preservation Board no more than would be permitted by a sign permitted outright without a special exception.

B. Desired Characteristics. All the following desired characteristics shall be used to evaluate applications for a special exception, and at least one (1) must be met. The proposed sign(s):

1. Unifies the project as a whole or contributes positively to a comprehensive building and tenant signage plan;

2. Is compatible with the building facade and scale of building in terms of size, height and location;

3. Adds interest to the street level environment, while also identifying upper level businesses;

4. Helps orient pedestrians and motorists at street-level in the vicinity of the subject building;

5. Integrates support fixtures, conduits, wiring, switches and other mounting apparatus into the building architecture to the extent feasible.

C. Submittal Requirements. As part of any application for a special sign exception, the following information shall be submitted:

1. A narrative describing how the proposal is consistent with the conditions and desired characteristics listed in subsection A and B of this section, and why the

desired results cannot be achieved without a special exception;

2. A colored rendering showing the proposed signs and how they relate to development in the area and on the subject property.  
(Ord. 120466 § 6, 2001; Ord. 118888 § 2, 1998; Ord. 112830 § 10(part), 1986.)

**23.55.042 Off-premises and business signs adjacent to certain public highways.**

A. Intent. The purpose of this section is to implement the purpose and policy expressed by the Highway Advertising Control Act of the State of Washington in the regulation of outdoor off-premises signs adjacent to certain public highways, and this section is declared to be an exercise of the police power of the City to protect the public health, safety, convenience and the enjoyment of public travel, to attract visitors to the City and to conserve the beauty of the natural and built environment by regulating the size and location of certain signs adjacent to certain designated freeways, expressways, parkways and scenic routes within the City. This section shall be liberally construed for the accomplishment of these purposes and is intended to be additional and supplemental to other laws regulating the size and location of signs.

B. Off-premises and Business Signs Prohibited Near Certain Areas. No off-premises sign or business sign shall be erected within six hundred sixty (660) feet outgoing from the nearest edge of the main traveled way of any landscaped and/or scenic view section of a freeway, expressway, parkway or scenic route designated by this subsection and shown on Exhibit 23.55.042 A (Type A sections), and no off-premises sign shall be erected within two hundred (200) feet in any direction from the main traveled way of the exit and entrance ramps thereto, if any part of the advertising matter or informative content of the sign is visible from any place on the traveled way of the landscaped and/or scenic view section or ramp, except as provided in subsections C and D:

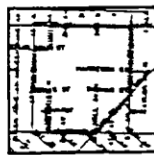


Seattle Municipal Code  
December 2002 code update file  
Text provided for historic reference only.

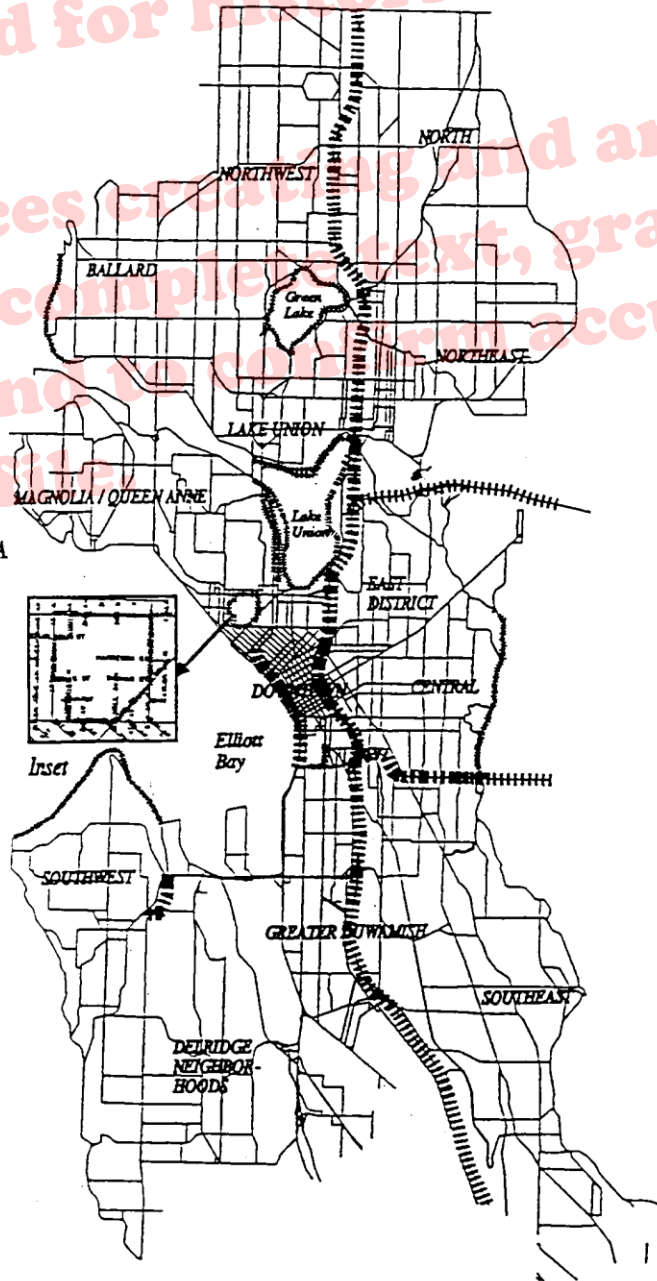
See ordinances creating and amending  
sections for complete text, graphics,  
and tables and for full accuracy of  
this source file.

Exhibit 23.55.042 A

- Type A Sections
- Type B Sections



*Most advertising control routes shown on this map pertain to one side of the street only. For precise descriptions of these routes, see Section 23.55.042 of the Land Use Code.*



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1. West Seattle Freeway from Harbor Avenue S.W. to 35th Avenue S.W.;

2. The west side of the Alaskan Freeway from South Connecticut Street to the west portal of the Battery Street Tunnel. The east side of the Alaskan Freeway from South Connecticut Street to the west portal of the Battery Street Tunnel;

3. Interstate Highway No. 5 from the north City limits to the south City limits;

4. Interstate Highway No. 90 from the east City limits to Interstate Highway No. 5;

5. State Route 520 (Evergreen Point Bridge) to Interstate Highway No. 5.

C. Business Signs Permitted on Type A Landscaped and Scenic View Sections. The following business signs shall be permitted outright on Type I landscaped and scenic view sections:

1. Stationary, nonflashing business signs on the face of a structure, the total area of which shall not exceed ten (10) percent of the face of the structure or two hundred fifty (250) square feet, whichever is less;

2. Stationary, nonflashing freestanding business signs, of which the total area visible from any place on the traveled way of the landscaped and/or scenic view section does not exceed seventy-five (75) square feet, and not exceeding thirty (30) feet in height including structures and component parts as measured from the grade immediately below the sign;

3. Real estate "for sale" or "for rent" signs, provided the total area of all such signs on any lot shall not exceed fifty (50) square feet;

4. Stationary, nonflashing business signs for gas stations, the area of a single face of which shall not exceed one hundred fifty (150) square feet and the total combined area of which shall not exceed two hundred fifty (250) square feet, which may be apportioned among freestanding business signs not exceeding thirty (30) feet in height and business signs on the face of a structure.

D. Discretionary Exceptions.

1. Discretionary exceptions from the provisions of subsection B may be issued for the types of signs listed in subsection D2 as a Type I decision under Chapter 23.76, Master Use Permits and Council Land Use Decisions, when the Director finds that the following criteria are met:

a. The exception will not make difficult the viewing and comprehending by motorists and pedestrians of official or conforming signs; and

b. The exception will not increase the density of signs along a designated landscaped and/or scenic view section to an extent tending to constitute a hazard to traffic safety or a detriment to the appearance of the neighborhood; and

c. The exception will not allow a sign to impinge upon a view of scenic interest.

2. Discretionary exemptions may be permitted for the following types of signs:

a. Business signs composed of letters, numbers or designs individually painted or mounted directly on a structure;

b. Business signs on a structure which extend not more than twelve (12) feet in height above the face of the structure, provided that the maximum permitted area of such signs, except for gas station signs, shall be reduced by fifty (50) percent;

c. Time, temperature and/or stock index recording devices as part of a business sign;

d. Business signs on a structure face of five thousand (5,000) square feet or more, the area of which exceeds two hundred fifty (250) square feet but which in no case exceeds five (5) percent of the area of the face of the structure;

e. Except signs for gas stations, freestanding business signs on the same premises with business signs on the face of a structure.

E. Off-premises Signs Prohibited Near Certain Areas. No off-premises sign shall be erected within six hundred sixty (660) feet outgoing from the nearest edge of the main traveled way of any landscaped and/or scenic view section designated by this subsection (Type B section) and shown on Exhibit 23.55.042 A, and no off-premises signs shall be erected within two hundred (200) feet in any direction from the main traveled way of the exit or entrance ramps thereto, if any part of the advertising matter or informative content of the off-premises sign is visible from any place on the traveled way of the landscaped and/or scenic view section or ramp.

1. The east side of Aurora Avenue North from the George Washington Memorial Bridge (Raye Street) to Prospect Street;

2. The east side of Dexter Avenue North from Westlake Avenue North to Aloha Street;

3. The east side of Westlake Avenue North from the Fremont Bridge to Valley Street;

4. The west side of Fairview Avenue North and Fairview Avenue East from Valley Street to the Lake Union Ship Canal;

5. The north side of Valley Street from Westlake Avenue North to Fairview Avenue North;

6. The south side of North 34th Street from the Fremont Bridge to North Pacific Street;

7. The south side of North Northlake Way and Northeast Northlake Way from the George Washington Memorial Bridge to Tenth Avenue Northeast;

8. The east side of Harbor Avenue Southwest from Southwest Florida Street to Duwamish Head;

9. The northwesterly side of Alki Avenue Southwest from Duwamish Head to Alki Point;

10. Lake Washington Boulevard and Lake Washington Boulevard South from Interstate 90 to Denny Blaine Park;

11. The perimeter streets of Green Lake, consisting of Aurora Avenue North from West Green Lake Way North to West Green Lake Drive North; West Green Lake Drive North; East Green Lake Way North; and West Green Lake Way North;

12. Northwest 54th Street and Seaview Avenue Northwest from the Hiram Chittenden Locks to Golden Gardens Park;

13. All streets forming the perimeter of Seattle Center, as follows:

Mercer Street from Warren Avenue North to Fifth Avenue North; Fifth Avenue North from Mercer Street to Broad Street; Broad Street from Fifth Avenue North to Denny Way; Denny Way from Broad Street to Second Avenue North; Second Avenue North from Denny Way to Thomas Street; Thomas Street from Second Avenue North to First Avenue North; First Avenue North from Thomas Street to Republican Street; Republican Street from First Avenue North to Warren Avenue; Warren Avenue from Republican Street to Mercer Street;

14. The south side of North Pacific Street and Northeast Pacific Street from 34th Street North to Latona Avenue Northeast;

15. Fourth Avenue South from Airport Way South to South Royal Brougham and South Royal Brougham Way from Fourth Avenue South to Occidental Avenue South.

(Ord. 119239 § 33, 1998; Ord. 116780 § 4, 1993; Ord. 112830 § 10(part), 1986.)

**Part 3 Appeals**

**23.55.050 Appeals to Municipal Court.**

If a person asserts a noncommercial speech right protected by the First Amendment of the United States Constitution and/or Article I, Sections 3, 4, and 5 of the Washington Constitution, and is aggrieved by an action of the City in denying or enforcing a permit or in removing a sign, and time be of the essence, the person may petition the presiding judge of the Seattle Municipal Court for a prompt review thereof. The matter shall be granted priority as a case involving constitutional liberties and shall be heard in the manner provided by the Municipal Court by rule, and the decision of the Municipal Court shall be final subject only to judicial review.  
(Ord. 120388 § 13, 2001.)

**Chapter 23.57  
COMMUNICATIONS REGULATIONS**

**Sections:**

**Subchapter I General Provisions**

- 23.57.001 Intent and objectives.**
- 23.57.002 Scope and applicability of provisions.**
- 23.57.003 Nonconforming uses and structures.**
- 23.57.004 Removal of unused facilities.**

**Subchapter II Major Communication Utilities**

- 23.57.005 Permitted and prohibited locations.**
- 23.57.006 Council conditional use criteria.**
- 23.57.007 Administrative conditional use criteria.**
- 23.57.008 Development standards.**

**Subchapter III Minor Communication Utilities and Accessory Communication Devices**

- 23.57.009 Permitted and prohibited locations for all minor communication utilities, and development for minor communication utilities with freestanding transmission towers in all zones.**
- 23.57.010 Single Family and Residential Small Lot zones.**
- 23.57.011 Lowrise, midrise and highrise zones.**
- 23.57.012 Commercial zones.**
- 23.57.013 Downtown zones.**
- 23.57.014 Special review, historic and landmark districts.**
- 23.57.015 Industrial zones.**
- 23.57.016 Visual impacts and design standards.**

**Subchapter I General Provisions**

**23.57.001 Intent and objectives.**

This chapter provides regulations and development standards for major and minor communication utilities and accessory communication devices. The regulations and development standards contained in this chapter are imposed to minimize the health, safety and visual impact of telecommunication utilities on nearby areas. Development of communication utilities and accessory devices may also be subject to other regulations, including but not limited to Chapter 25.05, SEPA Policies and Procedures and Chapter 25.10, Radiofrequency Radiation, in addition to the Land Use Code.  
(Ord. 120928 § 24, 2002; Ord. 118414 § 44, 1996; Ord. 116295 § 25(part), 1992.)

**23.57.002 Scope and applicability of provisions.**

A. The provisions of this chapter shall apply to communication utilities and accessory communication devices in all zones where permitted.

1. Direct broadcast satellite service, video programming service, or fixed wireless service antennas, as defined in applicable federal regulations, that measure one (1) meter (3.28 feet) or less in diameter or diagonal measurement are exempt from the provisions of this chapter, except in special review, historic and landmark districts and on buildings designated by the Seattle Landmarks Preservation Board.

2. Special Rule for Satellite Dish Antennas. Satellite dish antennas are exempt from the provisions of this chapter when:

- a. The antenna measures one (1) meter (3.28 feet) or less in diameter in residential zones; or
- b. The antenna measures two (2) meters (6.56 feet) or less in diameter in non-residential zones.

B. The provisions of this chapter do not apply to Citizen Band radios, equipment designed and marketed as

consumer products such as computers (including internet linkage), telephones, microwave ovens and remote control toys, and to television broadcast and radio receive-only antennas except satellite dishes not exempted in subsection A.

C. Lots located in the Shoreline District shall meet the requirements of the Seattle Shoreline Master Program in addition to the provisions of this chapter. In the event there is a conflict between the regulations of the Shoreline Master Program and this chapter, the provisions of the Shoreline Master Program shall apply.

D. Communication Utilities and Accessory Communication Devices Located in Major Institutional Overlay Districts. Communication Utilities located in Major Institutional Overlay Districts (Chapter 23.69) shall be subject to the use provisions and development standards of Chapter 23.57. Communication devices accessory to major institution uses located in a Major Institutional Overlay District shall be subject to the use provisions and development standards of Chapter 23.57 unless such devices are addressed in a Master Plan adopted pursuant to Subchapter VI of Chapter 23.69. Accessory Communication Devices associated with the University of Washington are subject to Section 23.69.006 A. (Ord. 120928 § 25, 2002; Ord. 116295 § 25(part), 1992.)

#### **23.57.003 Nonconforming uses and structures.**

A. Existing communication utilities and accessory communication devices which are nonconforming uses may remain in use subject to the provisions of this chapter.

B. The following activities shall be permitted outright for existing major and minor communication utilities and accessory communication devices which are nonconforming structures: structural alteration to meet safety requirements, replacement on-site, maintenance, renovation or repair. The addition of new telecommunication devices to an existing major communication utility transmission tower shall be permitted outright, except as follows: No more than a total of fifteen (15) horn and dish antennas which are over four (4) feet in any dimension may be located on an existing tower, unless the applicant submits copies of Federal Communications Commission licenses, as provided in Section 23.57.008 G, showing that all of the existing fifteen (15) horn and dish antennas over four (4) feet in any dimension, plus any proposed additional such horn or dish antenna, are accessory to the communication utility. Physical expansion shall be prohibited, except as may be permitted by the provisions in each zone. (Ord. 120928 § 26, 2002; Ord. 116295 § 25(part), 1992.)

#### **23.57.004 Removal of unused facilities.**

There shall be a rebuttable presumption that any major or minor communication utility or accessory communication device that is regulated by this chapter and that is not operated for a period of twelve (12) months shall be considered abandoned. This presumption may be rebutted by a showing that such utility or device is an auxiliary, backup, or emergency utility or device not subject to regular use or that the facility is otherwise not abandoned. For

those utilities deemed abandoned, all equipment, including but not limited to antennas, poles, towers, and equipment shelters associated with the utility or accessory communication device shall be removed within twelve (12) months of the cessation of operation. Irrespective of any agreement among them to the contrary, the owner or operator of such unused facility, or the owner of a building or land upon which the utility is located, shall be jointly and severally responsible for the removal of abandoned utilities or devices (Ord. 120928 § 27, 2002.)

### **Subchapter II Major Communication Utilities**

#### **23.57.005 Permitted and prohibited locations.**

A. Single Family, Residential Small Lot, Lowrise, Midrise, Highrise, Neighborhood Commercial 1, 2 and 3, and the Seattle Cascade Mixed zones.

1. New major communication utilities shall be prohibited.

2. Physical expansion of existing major communication utilities may be permitted by Council Conditional Use under the criteria listed in Section 23.57.006 and according to development standards in Section 23.57.008.

3. The following activities shall be permitted outright for existing communication utilities and accessory communication devices: structural alteration to meet safety requirements, replacement on-site, maintenance, renovation, or repair. The addition of new accessory communication devices or new minor communication utilities to an existing tower shall be permitted outright, except as follows: No more than a total of fifteen (15) horn and dish antennas which are over four (4) feet in any dimension may be located on an existing tower, unless the applicant submits copies of Federal Communications Commission licenses, as provided in Section 23.57.008 G, showing that all of the existing fifteen (15) horn and dish antennas over four (4) feet in any dimension, plus any proposed additional such horn or dish antennas, are accessory to the communication utility.

B. Commercial 1 and 2 Zones.

1. New Major Communication Utilities.

a. Single-occupant major communication utilities may be permitted by Council Conditional Use under the criteria listed in Section 23.57.006 and according to the development standards in Section 23.57.008.

b. Shared-use major communication utilities may be permitted by Administrative Conditional Use under the criteria listed in Section 23.57.007 and according to development standards in Section 23.57.008.

2. Physical expansion of existing major communication utilities may be permitted by Council Conditional Use under the criteria listed in Section 23.57.006 and according to development standards in Section 23.57.008.

3. The following activities shall be permitted outright for existing communication utilities and accessory communication devices: structural alteration to meet safety requirements, replacement on-site, maintenance, renovation,



tion, or repair. The addition of new accessory communication devices or new minor communication utilities to an existing tower shall be permitted outright, except as follows: No more than a total of fifteen (15) horn and dish antennas which are over four (4) feet in any dimension may be located on an existing tower, unless the applicant submits copies of Federal Communications Commission licenses, as provided in Section 23.57.008 G, showing that all of the existing fifteen (15) horn and dish antennas over four (4) feet in any dimension, plus any proposed additional such horn or dish antennas, are accessory to the communication utility.

C. Downtown Zones.

1. In Pioneer Square Mixed, International District Mixed, International District Residential and Pike Market Mixed Zones, new major communication utilities shall be prohibited.

2. In all other downtown zones, establishment or physical expansion of major communication utilities may be permitted, whether single-occupant or shared, by Administrative Conditional Use under the evaluation criteria listed in Section 23.57.007 and according to development standards in Section 23.57.008.

3. The following activities shall be permitted outright for existing communication utilities and accessory communication devices: structural alteration to meet safety requirements, replacement on-site, maintenance, renovation, or repair. The addition of new accessory communication devices or new minor communication utilities to an existing tower shall be permitted outright, except as follows: No more than a total of fifteen (15) horn and dish antennas which are over four (4) feet in any dimension may be located on an existing tower, unless the applicant submits copies of Federal Communications Commission licenses, as provided in Section 23.57.008 G, showing that all of the existing fifteen (15) horn and dish antennas over four (4) feet in any dimension, plus any proposed addi-

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tional such horn or dish antennas, are accessory to the communication utility.

**D. Industrial Zones.**

Establishment or physical expansion of major communication utilities, whether single-occupant or shared, may be permitted by Administrative Conditional Use under the criteria listed in Section 23.57.007 and the development standards in Section 23.57.008. The following activities shall be permitted outright for existing communication utilities and accessory communication devices: structural alteration to meet safety requirements, replacement on-site, maintenance, renovation, or repair. The addition of new accessory communication devices or new minor communication utilities to an existing tower shall be permitted outright, except as follows: No more than a total of fifteen (15) horn and dish antennas which are over four (4) feet in any dimension may be located on an existing tower, unless the applicant submits copies of Federal Communications Commission licenses, as provided in Section 23.57.008 G, showing that all of the existing fifteen (15) horn and dish antennas over four (4) feet in any dimension, plus any proposed additional such horn or dish antennas, are accessory to the communication utility. (Ord. 120928 § 28, 2002; Ord. 116295 § 25(part), 1992.)

**23.57.006 Council conditional use criteria.**

When evaluating an application for a new or expanded major communication utility, the Council shall weigh the potential benefits to the general public of improved broadcast communications against potential negative impacts. The following criteria shall be weighed and balanced to make this determination:

A. Whether the proposed major communication utility will be substantially detrimental to the pedestrian or retail character of the surrounding commercial area or the residential character of nearby residentially zoned areas. Detriment may include diminished street-level activity. The impacts considered shall include, but not be limited to, visual, noise, land use, safety and traffic impacts;

B. Whether the location provides topographic conditions which maximize the opportunity for the use and operation of the major communication utility;

C. If a single-occupant major communication utility is proposed, whether reasonable efforts have been made and the applicant has demonstrated that it is not practical to locate the proposed antenna(s) on an existing communication utility, determined in part by the ability to achieve equivalent broadcast performance, and that locations other than in Residential, Neighborhood Commercial or Commercial zones have been considered in good faith;

D. Whether the proposed new, expanded or replaced communication utility provides the opportunity for sharing of facilities, so that the demand for major communication utilities elsewhere is minimized;

E. The Federal Aviation Administration advises the City that the proposed major communication utility does not create a hazard to aviation. (Ord. 116295 § 25(part), 1992.)

**23.57.007 Administrative conditional use criteria.**

When evaluating an application for the establishment of a proposed major communication utility or its physical expansion, the Director shall consider the following criteria:

A. Whether the public benefit is outweighed by the adverse impacts, which cannot otherwise be mitigated;

B. Whether the project will have substantial adverse impacts on residential development in the vicinity, including demolition of housing. (Ord. 116295 § 25(part), 1992.)

**23.57.008 Development standards.**

A. In Single Family, Residential Small Lot, Lowrise, Midrise, Highrise, Neighborhood Commercial, and Seattle Cascade Mixed zones, physical expansion of a major communication utility may be permitted only when:

1. The expanded facility will be a shared-use utility, and another broadcaster has contracted to relocate its transmitter to the expanded facility; and

2. A different existing tower of similar size in the immediate vicinity will be removed within six (6) months of issuance of the certificate of occupancy.

B. Access to sites containing major communication utilities shall be restricted to authorized personnel by fencing or other means of security. This fencing or other barrier shall be incorporated into the landscaping and/or screening to reduce visual impact of the facility.

**C. Setbacks and Landscaping.**

1. Major communication utility structures, including accessory structures, shall be set back at least twenty (20) feet from all lot lines.

**2. Landscaping in the required setback:**

a. A five (5)-foot deep setback measured perpendicular to the property lines shall be planted with ground cover.

b. The area between five (5) feet and ten (10) feet in from all lot lines shall be planted with continuous vegetation consisting of bushes.

c. The area between ten (10) feet and twenty (20) feet in from all lot lines shall be planted with view-obscuring vegetation consisting of evergreen hedges, and evergreen trees which are a minimum of ten (10) feet tall at time of planting and are expected to reach at least thirty (30) feet at maturity.

d. All landscaping shall conform to the Director's Rule on Landscape Standards.

**3. Exceptions to Landscaping and Setback Requirements.**

a. The setback requirement of subsection C1 may be reduced for any particular frontage of the utility site which is adjacent to, or across a street or alley from, a commercially zoned lot and the Director finds that an alternate plan for screening and landscaping would result in the same screening and mitigation of visual impacts as would result from the provision of the requirements of subsections C1 and C2, and would result in an appearance compatible with the commercial area. Alternative screen-

ing devices could include decorative walls, fences or murals. The screening may be provided by a structure if the appearance is compatible with the commercial area and if it results in the screening of the base of the transmission tower from adjacent uses.

b. The setback and landscaping requirements of subsection C shall not apply when the lot is adjacent to, or across a street or alley from, an industrially zoned lot.

c. Landscaping requirements of subsection C2 may be waived or reduced if the distance from the property line to the structure is far enough to substantially diminish the impact of the height of the structure or if the topography or existing vegetation provides a visual barrier comparable to the requirements of subsection C2.

D. The maximum height limit for all major communication utilities shall be one thousand one hundred (1,100) feet above mean sea level. These structures are also subject to Chapter 23.64, Airport Height District. Accessory structures are subject to the height limits of the zone.

E. The applicant shall use material, shape, color and lighting to minimize to the greatest extent practicable the visual impact, as long as these measures are not inconsistent with the requirements of the Federal Aviation Administration.

F. The applicant shall submit and follow a construction and maintenance plan to control or eliminate off-site impacts from construction or maintenance debris and ice-fall. This plan shall include a requirement to notify residents and business owners on properties immediately adjacent to or across a street or alley from the site when maintenance work such as sandblasting or painting is to occur.

G. When a horn or dish antenna over four (4) feet in any dimension is proposed to be added to an existing tower which already contains fifteen (15) such antennas, per Section 23.57.003 or 23.57.005, the applicant must submit copies of Federal Communications Commission licenses for auxiliary broadcast service, showing that all of the existing fifteen (15) horn and dish antennas which are over four (4) feet in any dimension, plus any proposed additional such horn or dish antenna, are accessory to the communication utility.

H. Equipment shelters and other accessory structures shall comply with the development standards of this section whether or not physical expansion, as defined in Section 23.84.006, is proposed.

(Ord. 120928 § 29, 2002; Ord. 116295 § 25(part), 1992.)

### Subchapter III Minor Communication Utilities and Accessory Communication Devices

#### 23.57.009 Permitted and prohibited locations for all minor communication utilities, and development standards for minor communication utilities with freestanding transmission towers in all zones.

A. Permitted and Prohibited Locations for All Minor Communication Utilities. New minor communication utilities and accessory communication devices shall be regulated as provided in Sections 23.57.010, 23.57.011, 23.57.012, 23.57.013, 23.57.014, and 23.57.015. However, minor communication utilities shall be permitted at any location if the applicant can demonstrate by technical studies that 1) the facility is for commercial mobile service, unlicensed wireless services, fixed wireless service, or common carrier wireless exchange access service as defined by applicable federal statutes or regulations; and 2) a facility at the site proposed is necessary to close an existing significant gap or gaps in the availability of a wireless carrier's communication service or to provide additional call capacity and that, absent the proposed facility, remote users of a wireless carrier's service are unable to connect with the land-based national telephone network, or to maintain a connection capable of supporting a reasonably uninterrupted communication; and 3) that the facility and the location proposed is the least intrusive facility at the least intrusive location consistent with effectively closing the service gap. In considering the degree of intrusiveness, the impacts considered shall include but not be limited to visual, noise, compatibility with uses allowed in the zone, traffic and the displacement of residential dwelling units in a residential zone.

B. Interior Locations. Minor communication utilities located entirely within the interior of a structure shall be permitted outright on lots developed with non-single family principal uses in single family zones, and on all lots in all other zones. The installation of the utility shall not result in the removal of a dwelling unit in a residential zone.

C. Minor communication utilities with freestanding transmission towers shall be subject to the access, setback, screening and landscaping requirements for major communication utilities in subsections B, C, E and H of Section 23.57.008 in addition to the standards of each zone as described in this chapter.

(Ord. 120928 § 30, 2002; Ord. 116295 § 25(part), 1992.)

#### 23.57.010 Single Family and Residential Small Lot zones.

A. Uses Permitted Outright.

1. Amateur radio devices accessory to a residential use that meet the development standards of subsection E are permitted outright.

2. Minor communication utilities are permitted outright on existing freestanding major or minor telecommunication utility towers. Minor communication utilities

locating on major communication utility towers are subject to the limitations of Sections 23.57.003 and 23.57.005.

**B. Accessory Communication Devices.**

1. Communication devices, regulated by this chapter pursuant to Section 23.57.002, that are accessory to residential uses and meet the development standards of subsection E are permitted outright;

2. Communication devices on the same lot as and accessory to institutions, public facilities, public utilities, major institutions and nonconforming residential uses, which meet the development standards of subsection E are permitted outright.

**C. Uses Permitted by Administrative Conditional Use.**

1. The following may be permitted by Administrative Conditional Use, pursuant to criteria listed in subsection C2, as applicable:

a. The establishment or expansion of a minor communication utility, except on lots zoned Single Family or Residential Small Lot and containing a single family residence or no use.

b. Mechanical equipment associated with minor communication utilities whose antennas are located on another site or in the right-of-way, where the equipment is completely enclosed within a structure that meets the development standards of the zone. The equipment shall not emit radiofrequency radiation, and shall not result in the loss of a dwelling unit. Antennas attached to City-owned poles in the right-of-way shall follow the terms and conditions contained in Section 15.32.300.

**2. Administrative Conditional Use Criteria.**

a. The proposal shall not be significantly detrimental to the residential character of the surrounding residentially zoned area, and the facility and the location proposed shall be the least intrusive facility at the least intrusive location consistent with effectively providing service. In considering detrimental impacts and the degree of intrusiveness, the impacts considered shall include but not be limited to visual, noise, compatibility with uses allowed in the zone, traffic, and the displacement of residential dwelling units.

b. The visual impacts that are addressed in Section 23.57.016 shall be mitigated to the greatest extent practicable.

c. Within a Major Institution Overlay District, a Major Institution may locate a minor communication utility or an accessory communication device, either of which may be larger than permitted by the underlying zone, when:

(i) The antenna is at least one hundred (100) feet from a MIO boundary, and

(ii) The antenna is substantially screened from the surrounding neighborhood's view.

d. If the proposed minor communication utility is proposed to exceed the permitted height of the zone, the applicant shall demonstrate the following:

(i) The requested height is the minimum necessary for the effective functioning of the minor communication utility, and

(ii) Construction of a network of minor communication utilities that consists of a greater number of smaller less obtrusive utilities is not technically feasible.

e. If the proposed minor communication utility is proposed to be a new freestanding transmission tower, the applicant shall demonstrate that it is not technically feasible for the proposed facility to be on another existing transmission tower or on an existing building in a manner that meets the applicable development standards. The location of a facility on a building on an alternative site or sites, including construction of a network that consists of a greater number of smaller less obtrusive utilities, shall be considered.

f. If the proposed minor communication utility is for a personal wireless facility and it would be the third separate utility on the same lot, the applicant shall demonstrate that it meets the criteria contained in subsection 23.57.009 A, except for minor communication utilities located on a freestanding water tower or similar facility.

**D. Uses Permitted by Council Conditional Use.** The establishment or expansion of a minor communication utility other than as described in subsection C above, may be permitted as a Council Conditional Use, pursuant to the following criteria, as applicable:

1. The proposal is for a personal wireless facility that meets the criteria contained in subsection 23.57.009 A;

2. If located on a lot developed with a single family dwelling, the proposed minor communication utility is clearly incidental to the use of the property as a dwelling;

3. If the proposed minor communication utility is proposed to exceed the permitted height of the zone, the applicant shall demonstrate that the requested height is the minimum necessary for the effective functioning of the minor communication utility.

**E. Development Standards.**

1. Location. Minor communication utilities and accessory communication devices regulated pursuant to Section 23.57.002 and amateur radio towers:

a. Are prohibited in the required front yard, and amateur radio towers are additionally prohibited in side yards.

b. When ground-mounted, shall be included in lot coverage and rear yard coverage calculations. For dish antennas, lot coverage shall be calculated with the dish in a horizontal position.

c. May be located on rooftops of non-residential buildings, but shall not be located on rooftops of principal or accessory structures containing residential uses, except as provided in subsection E5.

**2. Height and Size.**

a. The height limit of the zone shall apply to minor communication utilities and accessory communication devices. Exceptions to the height limit may be authorized through the approval of an Administrative Conditional Use (see subsection C above) or a Council Conditional Use (subsection D above).



b. The maximum diameter of dish antennas shall be six (6) feet, except for major institutions within a Major Institution Overlay District, when regulated as an administrative conditional use in subsection C above.

c. The maximum height of an accessory amateur radio tower shall be no more than fifty (50) feet above existing grade. Cages and antennas may extend to a maximum additional fifteen (15) feet. The base of the tower shall be setback from any lot line a distance at least equivalent to one-half (½) the height of the total structure, including tower or other support, cage and antennas.

3. Visual Impacts. All minor communication utilities and accessory communication devices, except for facilities located on buildings designated by the Seattle Landmarks Preservation Board, facilities governed by Section 23.57.014, and amateur radio towers, shall meet the standards set forth in Section 23.57.016.

4. Access and Signage. Access to transmitting accessory communication devices and to minor communication utilities shall be restricted to authorized personnel by fencing or other means of security. If located on a residential structure or on a public utility, warning signs at every point of access to the transmitting antenna shall be posted with information on the existence of radiofrequency radiation.

5. Reception Window Obstruction. When, in the case of an accessory communications device or minor communications utility that would otherwise comply with this section, the strict adherence to all development standards would result in reception window obstruction in all permissible locations on the subject lot, the Director may grant a waiver from development standards of subsections E1b and E1d of this section and the screening requirements of Section 23.57.016. The first waiver to be considered will be reduction, then waiver from screening. Only if these waived regulations would still result in obstruction shall rooftop location be considered. Approval of a waiver shall be subject to the following criteria:

a. The applicant shall demonstrate that the obstruction is a result of factors beyond the property owner's control, taking into consideration potential permitted development on adjacent and neighboring lots with regard to future reception-window obstruction.

b. The applicant shall be required to use material, shape and color to minimize visual impact.

c. If a waiver is sought per this subsection to permit a rooftop location, the maximum permitted height of the device shall be four (4) feet above the existing roofline or four (4) feet above the zone height limit, whichever is higher.

(Ord. 120928 § 31, 2002; Ord. 116295 § 25(part), 1992.)

### **23.57.011 Lowrise, Midrise and Highrise zones.**

#### **A. Uses Permitted Outright.**

1. Amateur radio devices accessory to a residential use that meet the development standards of subsection C are permitted outright.

2. Communication devices accessory to residential, public facility, public utility, major institution or

institutional use are permitted outright when they meet the development standards of subsection C.

3. Mechanical equipment, associated with minor communication utilities whose antennas are located on another site or in the right-of-way, is permitted outright where the equipment is completely enclosed within a structure that meets the development standards of the zone. The equipment shall not emit radiofrequency radiation, and shall not result in the loss of a dwelling unit. Antennas attached to City-owned poles in the right-of-way shall follow the terms and conditions contained in Section 15.32.300.

4. Minor communication utilities are permitted outright on existing freestanding major or minor telecommunication utility towers. Minor communication utilities locating on major communication utility towers are subject to the limitations of Sections 23.57.003 and 23.57.005.

B. Uses Permitted by Administrative Conditional Use. The establishment or expansion of a minor communication utility regulated pursuant to Section 23.57.002, may be permitted as an Administrative Conditional Use when they meet the development standards of subsection C and the following criteria, as applicable:

1. The project shall not be substantially detrimental to the residential character of nearby residentially zoned areas, and the facility and the location proposed shall be the least intrusive facility at the least intrusive location consistent with effectively providing service. In considering detrimental impacts and the degree of intrusiveness, the impacts considered shall include but not be limited to visual, noise, compatibility with uses allowed in the zone, traffic, and the displacement of residential dwelling units.

2. The visual impacts that are addressed in Section 23.57.016 shall be mitigated to the greatest extent practicable.

3. Within a Major Institution Overlay District, a Major Institution may locate a minor communication utility or an accessory communication device, either of which may be larger than permitted by the underlying zone, when:

a. The antenna is at least one hundred (100) feet from a MIO boundary, and

b. The antenna is substantially screened from the surrounding neighborhood's view.

4. If the minor communication utility is proposed to exceed the zone height limit, the applicant shall demonstrate that the requested height is the minimum necessary for the effective functioning of the minor communication utility.

5. If the proposed minor communication utility is proposed to be a new freestanding transmission tower, the applicant shall demonstrate that it is not technically feasible for the proposed facility to be on another existing transmission tower or on an existing building in a manner that meets the applicable development standards. The location of a facility on a building on an alternative site or sites, including construction of a network that consists of a

greater number of smaller less obtrusive utilities, shall be considered.

C. Development Standards.

1. Location. Minor communication utilities and accessory communication devices regulated pursuant to Section 23.57.002 and amateur radio towers:

a. Are prohibited in a required front or side setback.

b. May be located in a required rear setback, except for transmission towers.

c. In all Lowrise, Midrise and Highrise zones, minor communication utilities and accessory communication devices may be located on rooftops of buildings, including sides of parapets and penthouses above the roofline. Rooftop space within the following parameters shall not count toward meeting open space requirements: the area eight (8) feet from and in front of a directional antenna and at least two (2) feet from the back of a directional antenna, or, for an omnidirectional antenna, eight (8) feet away from the antenna in all directions. The Seattle-King County Public Health Department may require a greater distance for paging facilities after review of the Non-Ionizing Electromagnetic Radiation (NIER) report.

2. Height and Size.

a. The height limit of the zone shall apply to minor communication utilities and accessory communication devices, except as may be permitted in subsection C of this section.

b. The maximum diameter of dish antennas shall be six (6) feet, except for major institutions within the Major Institution Overlay District, regulated through an administrative conditional use in subsection C above.

c. The maximum height of an amateur radio tower shall be no more than fifty (50) feet above existing grade. Cages and antennas may extend to a maximum additional fifteen (15) feet. The base of the tower shall be setback from any lot line a distance at least equivalent to one-half (½) the height of the total structure, including tower or other support, cage and antennas.

3. Visual Impacts. All minor communication utilities and accessory communication devices, except for facilities located on buildings designated by the Seattle Landmarks Preservation Board, facilities governed by Section 23.57.014, and amateur radio towers, shall meet the standards set forth in Section 23.57.016.

4. Access and Signage. Access to transmitting minor communication utilities and to accessory communication devices shall be restricted to authorized personnel by fencing or other means of security. Warning signs at every point of access to the rooftop or common area shall be posted with information on the existence of radio frequency radiation.

5. Reception Window Obstruction. When, in the case of an accessory communications device or minor communications utility that would otherwise comply with this section, the strict adherence to all development standards would result in reception window obstruction in all permissible locations on the subject lot, the Director may grant a waiver from the screening requirements of Section

23.57.016. Approval of a waiver shall be subject to the following criteria:

a. The applicant shall demonstrate that the obstruction is due to factors beyond the control of the property owner, taking into consideration potential permitted development on adjacent and neighboring lots with regard to future reception-window obstruction.

b. The applicant shall use material, shape and color to minimize visual impact.  
(Ord. 120928 § 32, 2002 : Ord. 116295 § 25(part), 1992.)

**23.57.012 Commercial zones.**

A. Uses Permitted Outright.

1. In Neighborhood Commercial, Commercial, and the Seattle Cascade Mixed zones, minor communication utilities other than freestanding transmission towers and accessory communication devices shall be permitted outright when meeting the height limit of the zone as modified by subsection C of this section.

2. Minor communication utilities that do not meet the height limit of the zone are permitted outright on existing freestanding major or minor telecommunication utility towers. Minor communication utilities locating on major communication utility towers are subject to the limitations of Sections 23.57.003 and 23.57.005.

B. Uses Permitted by Administrative Conditional Use. In Neighborhood Commercial, Commercial, and the Seattle Cascade Mixed zones, an Administrative Conditional Use shall be required for the establishment or expansion of a free standing transmission tower, regardless of height, and for minor communication utilities and accessory communication devices that exceed the height limit of the underlying zone as modified by subsection C of this section. Approval shall be pursuant to the following criteria, as applicable:

1. The proposal shall not result in a significant change in the pedestrian or retail character of the commercial area.

2. If the minor communication utility is proposed to exceed the zone height limit as modified by subsection C of this section, the applicant shall demonstrate that the requested height is the minimum necessary for the effective functioning of the minor communication utility.

3. If the proposed minor communication utility is proposed to be a new freestanding transmission tower, the applicant shall demonstrate that it is not technically feasible for the proposed facility to be on another existing transmission tower or on an existing building in a manner that meets the applicable development standards. The location of a facility on a building on an alternative site or sites, including construction of a network that consists of a greater number of smaller less obtrusive utilities, shall be considered.

C. Development Standards.

1. Location and Height. Facilities in special review, historic, and landmark districts are subject to the standards of Section 23.57.014. On sites that are not in special review, historic, or landmark districts, antennas may be located on the rooftops of buildings, including



sides of parapets and equipment penthouses above the roofline, subject to the height limits in Paragraphs 1.a and 1.b, as limited by Paragraph 1.c. below:

a. Utilities and devices located on a rooftop of a building nonconforming as to height may extend up to fifteen (15) feet above the height of the building legally existing as of the effective date of Ordinance 120928.<sup>1</sup>

b. Utilities and devices located on a rooftop of a building that conforms to the height limit may extend up to fifteen (15) feet above the zone height limit or above the highest portion of a building, whichever is less.

c. Any height above the underlying zone height limit permitted under Paragraphs 1.a and 1.b, above, shall be allowed only if the combined total coverage by communication utilities and accessory communication devices, in addition to the roof area occupied by rooftop features listed in Section 23.47.012 H.4, does not exceed twenty (20) percent of the total rooftop area, or twenty-five (25) percent of the rooftop area including screened mechanical equipment.

d. The following rooftop areas shall not be counted towards open space requirements for the building:

(i) The area eight (8) feet from and in front of a directional antenna and the area two (2) feet from and in back of a directional antenna.

(ii) The area within eight (8) feet in any direction from an omnidirectional antenna.

(iii) Such other areas in the vicinity of paging facilities as determined by the Seattle-King County Health Department after review of the Non-Ionizing Electromagnetic Radiation (NIER) report.

2. Access and Signage. Access to minor communication utilities and transmitting accessory communication devices shall be restricted to authorized personnel by fencing or other means of security. Warning signs at every point of access to the rooftop or common area shall be posted with information on the existence of radiofrequency radiation.

3. Height of Amateur Radio Tower. The maximum height of an amateur radio tower shall be no more than fifty (50) feet above grade in zones where the maximum height limit is fifty (50) feet or less. Cages and antennas may extend to a maximum additional fifteen (15) feet. In zones with a maximum permitted height over fifty (50) feet, the height above grade of the amateur radio tower shall not exceed the maximum height limit of the zone.

4. Visual Impacts. All minor communication utilities and accessory communication devices, except for facilities located on buildings designated by the Seattle Landmarks Preservation Board, facilities governed by Section 23.57.014, and amateur radio towers, shall meet the standards set forth in Section 23.57.016.

5. Reception Window Obstruction. When, in the case of an accessory communications device or minor communications utility that would otherwise comply with this section, the strict adherence to all development standards would result in reception window obstruction in all permissible locations on the subject lot, the Director may

grant a waiver from the development standards of this section and Section 23.57.016, subject to the following criteria:

a. The applicant shall demonstrate that obstruction of the reception window is due to factors beyond the control of the property owner, taking into account potential permitted development on adjacent and neighboring lots with regard to reception window obstruction.

b. The applicant shall use material, shape and color to minimize visual impact.  
(Ord. 120928 § 33, 2002; Ord. 116295 § 25(part), 1992.)

1. Editor's Note: Ordinance 120928 is effective as of October 23, 2002.

### 23.57.013 Downtown zones.

A. Permitted Uses. Minor communication utilities and accessory communication devices shall be permitted outright when meeting development standards of the zone in which the site is located, except for heights limits, and subsection B.

#### B. Development Standards.

1. Access to transmitting minor communication utilities and accessory communication devices shall be restricted to authorized personnel when located on rooftops or other common areas. Warning signs at every point of access to the rooftop or common area shall be posted with information on the existence of radiofrequency radiation.

#### 2. Height.

a. Except for special review, historic and landmark districts (see Section 23.57.014), minor communication utilities and accessory communication devices may be located on rooftops of buildings, including sides of parapets and equipment penthouses above the roofline, as follows:

(i) These utilities and devices located on a rooftop of a building nonconforming as to height may extend up to fifteen (15) feet above the height of the building existing as of the date of Ordinance 120928;<sup>1</sup>

(ii) These utilities and devices located on a rooftop may extend up to fifteen (15) feet above the zone height limit or above the highest portion of a building, whichever is less.

The additional height permitted in a(i) and (ii) above is permitted if the combined total of communication utilities and accessory communication devices, in addition to the roof area occupied by rooftop features listed in Section 23.49.008 C2, does not exceed twenty (20) percent of the total rooftop area or twenty-five (25) percent of the rooftop area including screened mechanical equipment.

b. The height of minor communications utilities and accompanying screening may be further increased through the design review process, not to exceed ten (10) percent of the maximum height of the zone in which the structure is located. For new buildings this in-

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**December 2023 code update file**  
**Text provided for historic reference only.**

crease in height may be granted through the design review process provided for in Section 23.41.014. For minor

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

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communication utilities on existing buildings this increase in height may be granted through administrative design review provided for in Section 23.41.016.

3. **Visual Impacts.** All minor communication utilities and accessory communication devices, except for facilities located on buildings designated by the Seattle Landmarks Preservation Board, facilities governed by Section 23.57.014, and amateur radio towers, shall meet the standards set forth in Section 23.57.016.

4. Antennas may be located on rooftops of buildings, including sides of parapets above the roofline. Rooftop space within the following parameters shall not count toward meeting open space requirements: the area eight (8) feet away from and in front of a directional antenna and at least two (2) feet from the back of a directional antenna, or, for an omnidirectional antenna, eight (8) feet away from the antenna in all directions. The Seattle-King County Department of Public Health may require a greater distance for paging facilities after review of the Non-Ionizing Electromagnetic Radiation (NIER) report.

C. **Reception Window Obstruction.** When, in the case of an accessory communications device or minor communications utility that would otherwise comply with this section, the strict adherence to all development standards would result in reception window obstruction in all permissible locations on the subject lot, the Director may grant a waiver from the development standards of this section and Section 23.57.016, subject to the following criteria:

1. The applicant shall demonstrate that the obstruction is due to factors beyond the control of the property owner, taking into account potential permitted development on adjacent and neighboring lots with regard to future reception-window obstruction.

2. The applicant shall use material, shape and color to minimize visual impact.  
(Ord. 120928 § 34, 2002; Ord. 116295 § 25(part), 1992.)

1. Editor's Note: Ordinance 120928 is effective as of October 23, 2002.

### **23.57.014 Special review, historic and landmark districts.**

Communication utilities and accessory communication devices for which a Certificate of Approval may be required in IDR, PSM, IDM, PMM (see SMC Chapter 25.24) zones, the International Special Review District, the Pioneer Square Preservation District, and the Ballard Avenue (SMC Chapter 25.16), Columbia City (SMC Chapter 25.20) and Harvard-Belmont (SMC Chapter 25.22) Landmark Districts shall be sited in a manner that minimizes visibility from public streets and parks and may be permitted as follows:

A. Minor communication utilities and accessory communication devices may be permitted subject to the use provisions and development standards of the underlying zone and this chapter, with the following additional height allowance: communication utilities and devices

may extend up to four (4) feet above a roof of the structure, regardless of zone height limit.

B. An Administrative Conditional Use approval shall be required for communication utilities and accessory devices regulated per Section 23.57.002, and which do not meet the requirements of subsection A above. Any action under this section shall be subject to the Pioneer Square Preservation District and the International Special Review District review and approval and the Department of Neighborhoods Director; in the Ballard Avenue Landmark District by the Ballard Avenue Landmark District Board and the Department of Neighborhoods Director; in the Pike Place Market Historical District by the Pike Place Market Historical Commission, and in the Columbia City Landmark District and the Harvard-Belmont Landmark District by the Landmarks Preservation Board, according to the following criteria:

1. Location on rooftops is preferred, set back toward the center of the roof as far as possible. If a rooftop location is not feasible, communication utilities and accessory communication devices may be mounted on secondary building facades. Siting on primary building facades may be permitted only if the applicant shows it is impossible to site the devices on the roof or secondary facade. Determination of primary and secondary building facades will be made by the appropriate board or commission.

2. Communication utilities and accessory communication devices shall be installed in a manner that does not hide, damage or obscure architectural elements of the building or structure.

3. Visibility shall be further minimized by painting, screening, or other appropriate means, whichever is less obtrusive. Creation of false architectural features to obscure the device is discouraged.

(Ord. 120928 § 35, 2002; Ord. 116295 § 25(part), 1992.)

### **23.57.015 Industrial zones.**

A. **Permitted Uses.** Minor communication utilities and accessory communication devices shall be permitted outright when meeting the standards of the zone in which the site is located, except for height limits, and subsection B of this section.

B. **Development Standards.**

1. Height limits of the zone shall not apply to antennas or their support structures.

2. Access to transmitting minor communication utilities and accessory communication devices shall be restricted to authorized personnel when located on rooftops or other common areas. Warning signs at every point of access to the rooftop or common area shall be posted with information on the existence of radiofrequency radiation.

3. **Visual Impacts.** All minor communication utilities and accessory communication devices, except for facilities located on buildings designated by the Seattle Landmarks Preservation Board, facilities governed by Section 23.57.014, and amateur radio towers, shall meet the standards set forth in Section 23.57.016.

C. Reception Window Obstruction. When, in the case of an accessory communications device or minor communications utility that would otherwise comply with this section, the strict adherence to all development standards would result in reception-window obstruction in all permissible locations on the subject lot, the Director may grant a waiver from the development standards of this section and Section 23.57.016, subject to the following criteria:

1. The applicant shall demonstrate that the obstruction is due to factors beyond the control of the property owner, taking into account potential permitted development on adjacent and neighboring lots with regard to future reception-window obstruction.

2. The applicant shall use material, shape and color to minimize visual impact.  
(Ord. 120928 § 36, 2002; Ord. 116295 § 25(part), 1992.)

**23.57.016 Visual impacts and design standards.**

A. Telecommunication facilities shall be integrated with the design of the building to provide an appearance as compatible as possible with the structure. Telecommunication facilities, or methods to screen or conceal facilities, shall result in a cohesive relationship with the key architectural elements of the building.

B. If mounted on a pitched roof, facilities shall be screened by materials that maintain the pitch of the roof, matching color and texture as closely as possible, or integrated with and enclosed within structures such as dormers or gables compatible with the roof design. See exhibit 23.57.016 B.

C. If mounted on a flat roof, screening shall extend to the top of communication facilities except that whip antennas may extend above the screen as long as mounting structures are screened. Screening for satellite dishes is addressed in subsection E, below. Said screening shall be integrated with architectural design, material, shape and color. Facilities in a separate screened enclosure shall be located near the center of the roof, if technically feasible. Facilities not in a separate screened enclosure shall be mounted flat against existing stair and elevator penthouses or mechanical equipment enclosures and shall be no taller than such structures.

D. Facilities that are side-mounted on buildings shall be integrated with architectural elements such as window design or building decorative features, or screened by siding or other materials matching the building exterior, or otherwise be integrated with design, material, shape, and color so as to not be visibly distinctive. In general, antennas shall be as unobtrusive as practicable, including the use of non-reflective materials. Installations on the primary building façade shall be allowed only if roof, ground-mounted, or secondary façade mounted installation is technically unfeasible.

E. Satellite dishes that are not located on freestanding transmission towers shall be screened to the top of the dish on at least three (3) sides and shall be enclosed in the direction of the signal to the elevation allowed by the azimuth of the antenna. If screening on the remaining side is not to

the top of the antenna, the antenna and the inside and outside of the screen shall be painted the same color to minimize visibility and mask the contrasting shape of the dish with building or landscape elements.

F. New antennas shall be consolidated with existing antennas and mechanical equipment unless the new antennas can be better obscured or integrated with the design of other parts of the building.

G. Antennas mounted on a permitted accessory structure, such as a free standing sign, shall be integrated with design, material, shape and color and shall not be visibly distinctive from the structure.

H. A screen for a ground-mounted dish antenna shall be a minimum six (6) feet tall and shall extend to the top of the dish. The screen may be in the form of a view-obscuring fence, wall or hedge that shall be maintained in good condition. Chain link, plastic or vinyl fencing/screening is prohibited.

I. Antennas attached to a public facility, such as a water tank, shall be integrated with the design, material, shape and color of, and shall not be visibly distinctive from, the public facility. Antennas attached to City-owned poles shall follow the terms and conditions contained in Section 15.32.300.

J. Freestanding transmission towers shall minimize external projections from the support structure to reduce visual impacts and to the extent feasible shall integrate antennas in a screening structure with the same dimensions as external dimensions of the support structure, or shall mount antennas with as little projection from the structure as feasible. External conduits, climbing structures, fittings, and other projections from the external face of the support structure shall be minimized to the extent feasible.

K. The standards set forth in this Section 23.57.016 may be varied as follows:

1. For new buildings these standards may be varied through the design review process provided for in Section 23.41.014.

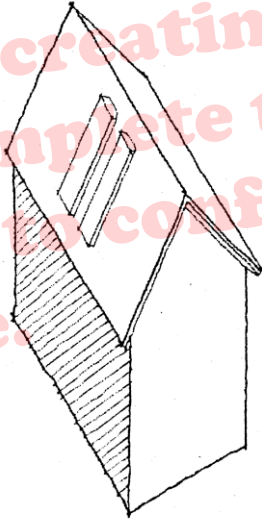
2. For existing buildings that have previously gone through the design review process these standards may be varied by the Director if the Director determines that the new minor communication facilities would be consistent with the Director's design review decision on the original building; otherwise, these standards may be varied through the administrative design review process provided for in Section 23.41.016.

3. For existing buildings that have not previously gone through the design review process these standards may be varied through the administrative design review process provided for in Section 23.41.016.  
(Ord. 120928 § 37, 2002.)

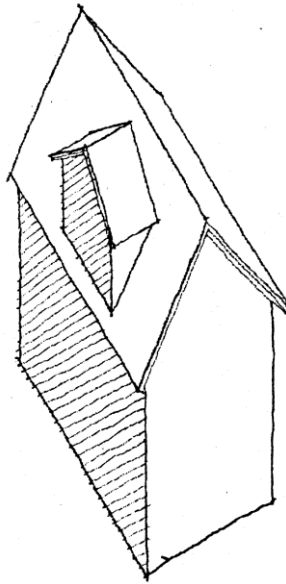
Seattle Municipal Code  
December 2002 code update file  
Text provided for historic reference only.

Exhibit 23.57.016 B  
Integration of Telecommunication Facilities

Screened by material that  
maintain the pitch of the roof.



Enclosed within structures  
such as dormers or gables  
compatible with the roof design.



For current SMC, contact  
the Office of the City Clerk



<p><b>Division 3 Overlay Districts</b> 23.60.034</p> <p><b>Chapter 23.59</b> 23.60.036</p> <p><b>GENERAL PROVISIONS</b> 23.60.038</p> <p><b>Sections:</b></p> <p>23.59.010 <b>Overlay district generally.</b></p> <p>23.59.010 <b>Overlay district generally.</b></p> <p>A. Purpose. Overlay districts are established to conserve and enhance The City of Seattle’s unique natural marine and mountain setting and its environmental and topographic features; to preserve areas of historical note or architectural merit; to accomplish City policy objectives for specific areas; to assist in the redevelopment and rehabilitation of declining areas of the City; to balance the needs of Major Institution development with the need to preserve adjacent neighborhoods; and to promote the general welfare by safeguarding such areas for the future use and enjoyment of all people.</p> <p>B. Application of Regulations. Property located within an overlay district as identified on the Official Land Use Maps, Chapter 23.32, is subject both to its zone classification regulations and to additional requirements imposed for the overlay district. In any case where the provisions of the overlay district conflict with the provisions of the underlying zone, the overlay district provisions shall apply. (Ord. 118414 § 45, 1996.)</p> <p style="text-align: center;"><b>Chapter 23.60</b> <b>SHORELINE DISTRICT</b></p> <p><b>Sections:</b></p> <p style="padding-left: 20px;"><b>Subchapter I Purpose and Policies</b></p> <p>23.60.002 <b>Title and purpose.</b></p> <p>23.60.004 <b>Shoreline goals and policies.</b></p> <p style="padding-left: 20px;"><b>Subchapter II Administration</b></p> <p style="padding-left: 40px;"><b>Part 1 Compliance</b></p> <p>23.60.010 <b>Shoreline District established.</b></p> <p>23.60.012 <b>Liberal construction.</b></p> <p>23.60.014 <b>Regulations supplemental.</b></p> <p>23.60.016 <b>Inconsistent development prohibited.</b></p> <p>23.60.018 <b>Nonregulated actions.</b></p> <p>23.60.020 <b>Substantial development permit required.</b></p> <p>23.60.022 <b>Application when development partly out of Shoreline District.</b></p> <p>23.60.024 <b>Development of lots split into two or more shoreline environments.</b></p> <p>23.60.026 <b>Phasing of developments.</b></p> <p style="padding-left: 40px;"><b>Part 2 Criteria for Application Review</b></p> <p>23.60.030 <b>Criteria for substantial development permits.</b></p> <p>23.60.032 <b>Criteria for special use approvals.</b></p>	<p>23.60.060</p> <p>23.60.062</p> <p>23.60.064</p> <p>23.60.065</p> <p>23.60.066</p> <p>23.60.068</p> <p>23.60.070</p> <p>23.60.072</p> <p>23.60.074</p> <p>23.60.076</p> <p>23.60.078</p> <p>23.60.080</p> <p>23.60.082</p>	<p><b>Criteria for shoreline conditional use approvals.</b></p> <p><b>Criteria for shoreline variances.</b></p> <p><b>Criteria for Council conditional use approvals.</b></p> <p><b>Part 3 Procedures</b></p> <p><b>Procedures for shoreline environment redesignations.</b></p> <p><b>Procedures for obtaining exemptions from substantial development permit requirements.</b></p> <p><b>Procedures for obtaining substantial development permits, shoreline variance permits, shoreline conditional use permits and special use authorizations.</b></p> <p><b>Procedure for limited utility extensions and bulkheads.</b></p> <p><b>Procedure for determination of feasible or reasonable alternative locations.</b></p> <p><b>Procedure for Council conditional use authorization.</b></p> <p><b>Decisions to State of Washington—Review.</b></p> <p><b>Commencement of construction.</b></p> <p><b>Effective date of substantial development permits and time limits for permit validity.</b></p> <p><b>Revisions to permits.</b></p> <p><b>Rescission.</b></p> <p><b>Fee schedule.</b></p> <p><b>Enforcement.</b></p> <p style="padding-left: 20px;"><b>Subchapter III General Provisions</b></p> <p style="padding-left: 40px;"><b>Part 1 Use Standards</b></p> <p>23.60.090 <b>Identification of principal permitted uses.</b></p> <p>23.60.092 <b>Accessory uses.</b></p> <p style="padding-left: 40px;"><b>Part 2 Nonconforming Uses and Structures</b></p> <p>23.60.120 <b>Applicability to existing development.</b></p> <p>23.60.122 <b>Nonconforming uses.</b></p> <p>23.60.124 <b>Nonconforming structures.</b></p> <p>23.60.126 <b>Structures in trespass.</b></p> <p style="padding-left: 40px;"><b>Part 3 Development Standards</b></p> <p>23.60.150 <b>Applicable development standards.</b></p> <p>23.60.152 <b>General development.</b></p> <p>23.60.154 <b>Shoreline design review.</b></p> <p>23.60.156 <b>Parking requirements.</b></p> <p>23.60.158 <b>Drive-in businesses.</b></p> <p>23.60.160 <b>Standards for regulated public access.</b></p>
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LAND USE CODE

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**Severability.** The Seattle Shoreline Master Program is declared to be severable. If any section, subsection, paragraph, clause or other portion of any part adopted by reference is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of the Seattle Shoreline Master Program. If any section, subsection, paragraph, clause or any portion is adjudged invalid or unconstitutional as applied to a particular property, use or structure, the application of such portion of the Seattle Shoreline Master Program to other property, uses or structures shall not be affected. (Ord. 113466 § 5, 1987.)

**Subchapter I Purpose and Policies**

- 23.60.002 Title and purpose.**
    - A. Title. This chapter shall be known as the "Seattle Shoreline Master Program."
    - B. Purpose. It is the purpose of this chapter to implement the policy and provisions of the Shoreline Management Act and the Shoreline Goals and Policies of the Seattle Comprehensive Plan by regulating development of the shorelines of the City in order to:
      1. Protect the ecosystems of the shoreline areas;
      2. Encourage water-dependent uses;
      3. Provide for maximum public use and enjoyment of the shorelines of the City; and
      4. Preserve, enhance and increase views of the water and access to the water.
- (Ord. 118793 § 1, 1997; Ord. 118408 § 4, 1996; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

- 23.60.004 Shoreline goals and policies.**

The Shoreline Goals and Policies are part of the Land Use Element of Seattle's Comprehensive Plan. The Shoreline Goals and Policies and the purpose and location criteria for each shoreline environment designation contained in SMC Section 23.60.220 shall be considered in making all discretionary decisions in the Shoreline District and in making discretionary decisions on lands adjacent to the shoreline where the intent of the Land Use Code is a criterion and the proposal may have an adverse impact on the Shoreline District. They shall also be considered by the Director in the promulgation of rules and interpretation decisions. The Shoreline Goals and Policies do not constitute regulations and shall not be the basis for enforcement actions. (Ord. 118408 § 5, 1996; Ord. 113466 § 2(part), 1987.)

**Subchapter II Administration**

**Part 1 Compliance**

- 23.60.010 Shoreline District established.**
  - A. There is established the Shoreline District which shall include all shorelines of the City, the boundaries of which are illustrated on the Official Land Use Map, Chapter 23.32. In the event that any of the boundaries on the Official Land Use Map conflict with the criteria of WAC 173-22-040 as amended, the criteria shall control.

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B. All property located within the Shoreline District shall be subject to both the requirements of the applicable zone classification and to the requirements imposed by this chapter except as provided in Section 23.60.014. (Ord. 113466 § 2(part), 1987.)

### 23.60.012 Liberal construction.

This chapter shall be exempted from the rule of strict construction, and it shall be liberally construed to give full effect to the objectives and purposes of Chapter 90.58 RCW, the State Shoreline Management Act. This chapter shall not be used when construing other chapters of this title except for shoreline development or as stated in Sections 23.60.014 and 23.60.022.

(Ord. 118793 § 2, 1997; Ord. 118408 § 6, 1996; Ord. 113466 § 2(part), 1987.)

### 23.60.014 Regulations supplemental.

The regulations of this chapter shall be superimposed upon and modify the underlying land use zones in the Shoreline District. The regulations of this chapter supplement other regulations of this title in the following manner

A. Uses. To be permitted in the Shoreline District, a use must be permitted in both the shoreline environment and the underlying zone in which it is located.

B. Development Standards.

1. A development in the Shoreline District shall meet the development standards of the shoreline environment, any other overlay district in which it is located, as well as those of the underlying zone. In the case of irreconcilable conflicts between the regulations of the shoreline environment and the underlying zoning, the shoreline regulations shall apply, except as provided in this subsection B.

2. The height permitted in the Shoreline District shall be the lower of the heights permitted by the applicable shoreline environment and the underlying zone, except in the Urban Harborfront (UH) Environment where the shoreline height limits shall control.

3. The floor area ratio (FAR) of the underlying zone may not be exceeded, regardless of whether or not the maximum height and lot coverage permitted in the shoreline environment can be achieved.

4. Where view corridors are required in the Shoreline District, yards and/or setbacks of the underlying zoning may be reduced or waived by the Director. Where view corridors are not required by the Shoreline District, yards and/or setbacks of the underlying zoning shall be required.

5. Development standards for which there are regulations in the underlying zoning but not in this chapter shall apply to developments in the Shoreline District. Such standards include but shall not be limited to parking, open space, street-level location, facade treatments, building depth, width and modulation, and vehicular access. In the case of irreconcilable conflict between a shoreline regulation and a requirement of the underlying zoning, the shoreline regulation shall apply, unless otherwise provided in subsections B2 and B3 above.

6. Measurements in the Shoreline District shall be as regulated in this chapter, Subchapter XVII, Measurements.

7. Lake Union construction limit line.

a. Established. There is established along the shores of Lake Union and waters in the vicinity thereof in the City, a "Seattle Construction Limit Line." The Seattle Construction Limit Line, formerly designated on Exhibit "A" of SMC Section 24.82.010 which this subsection replaces, shall be superimposed upon and modify the Official Land Use Map of The City of Seattle, as established in Chapter 23.32.

b. Unlawful Construction—Exceptions. It is unlawful to erect, construct or maintain any building or structure outward from the shores of Lake Union beyond the Lake Union Construction Limit Line established in subsection 23.60.014 B7a except such buildings or structures as are expressly authorized by the laws of the United States or State of Washington; provided, any residential structure located in whole or in part outside the construction limit line prior to December 18, 1968 shall be permitted as a lawful, nonconforming structure as long as the same is not extended, expanded or structurally altered.

C. Standards applicable to environmentally critical areas as provided in Seattle Municipal Code Chapter 25.09, Regulations for Environmentally Critical Areas, shall apply in the Shoreline District. If there are any conflicts between the Seattle Shoreline Master Program and Seattle Municipal Code Chapter 25.09, the most restrictive requirements shall apply.

(Ord. 117571 § 1, 1995; Ord. 116325 § 1, 1992; Ord. 113466 § 2(part), 1987.)

### 23.60.016 Inconsistent development prohibited.

No development shall be undertaken and no use, including a use that is located on a vessel, shall be established in the Shoreline District unless the Director has determined that it is consistent with the policy of the Shoreline Management Act and the regulations of this chapter. This restriction shall apply even if no substantial development permit is required.

(Ord. 120866 § 1, 2002; Ord. 118793 § 3, 1997; Ord. 113466 § 2(part), 1987.)

### 23.60.018 Nonregulated actions.

Except as specifically provided otherwise, the regulations of this chapter shall not apply to the operation of boats, ships and other vessels designed and used for navigation; nor to the vacation and closure, removal or demolition of buildings found by the Director to be unfit for human habitation pursuant to the Seattle Housing Code;<sup>1</sup> nor to correction of conditions found by the Director to be in violation of the minimum standards of Chapters 22.200, et seq., of the Seattle Housing Code; nor to the demolition of a structure pursuant to an ordinance declaring it to be a public nuisance and providing for summary abatement. None of these actions shall constitute a development requiring a permit.

(Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

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

**23.60.020 Substantial development permit required.**

A. No development, except for those listed in subsection C of this section below, shall be undertaken in the Shoreline District without first obtaining a substantial development permit from the Director. "Substantial development" means any development of which the total cost or fair market value exceeds Two Thousand Five Hundred Dollars (\$2,500) or any development which materially interferes with the normal public use of the water or shorelines of the City.

B. Application and Interpretation of Exemptions.

1. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one (1) or more of the listed exemptions may be granted exemption from the substantial development permit process.

2. An exemption from the substantial development permit process is not an exemption from compliance with the Shoreline Management Act or provisions of this chapter, nor from any other regulatory requirements. To be authorized, all uses and developments must be consistent with the policies and provisions of the Seattle Shoreline Master Program and the Shoreline Management Act. A development or use that is listed as a conditional use pursuant to this chapter or is an unlisted use, must obtain a conditional use permit even though the development or use does not require a substantial development permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of this chapter, such development or use can only be authorized by approval of a variance.

3. The burden of proof that a development or use is exempt from the permit process is on the applicant.

4. If any part of a proposed development is not eligible for exemption, then a substantial development permit is required for the entire proposed development project.

5. The Director may attach conditions to the approval of exempted developments and/or uses as necessary to assure consistency of the project with the Shoreline Management Act and this chapter.

C. Exemptions. The following developments or activities shall not be considered substantial development and are exempt from obtaining a substantial development permit from the Director.

1. Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" means those usual acts to prevent a decline, lapse or cessation from a lawfully established state comparable to its original condition, including but not limited to its size, shape, configuration, location, and external appearance, within a reasonable

period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resources or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment;

2. Construction of the normal protective bulkhead common to single-family residences. A "normal protective bulkhead" means those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical wall is being constructed or reconstructed, not more than one (1) cubic yard of fill per one (1) foot of wall may be used as backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an ordinary high water mark has been established by the presence and action of water landward of the bulkhead then the replacement bulkhead must be located at or near the actual ordinary high water mark. Beach nourishment and bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the State Department of Fish and Wildlife;

3. Emergency construction necessary to protect property from damage by the elements. An emergency means an unanticipated and imminent threat to public health, safety or the environment which requires immediate action within a time too short to allow full compliance with this chapter. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the Director to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to Chapter 90.58 RCW or these regulations shall be obtained. All emergency construction shall be consistent with the policies of Chapter 90.58 RCW and the Seattle Shoreline Master Program. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency;

4. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation struc-

tures including but not limited to head gates, pumping facilities, and irrigation channels; provided, that a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities;

5. Construction or modification, by or under the authority of the Coast Guard or a designated port management authority, of navigational aids such as channel markers and anchor buoys;

6. Construction on shorelands by an owner, lessee or contract purchaser of a single-family residence, including those structures and developments within a contiguous ownership which are a normal appurtenance, for his or her own use or for the use of his or her family, which residence does not exceed a height of thirty-five (35) feet above average grade level and which meets all requirements of the City other than requirements imposed pursuant to this chapter. A normal appurtenance is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and the perimeter of a wetland. Normal appurtenances include, but are not limited to, a garage, deck, driveway, utilities, fences, installation of a septic tank and drainfield, and grading which does not exceed two hundred fifty (250) cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark;

7. Construction of a pier accessory to residential structures, including a community pier, designed for pleasure craft only, for the private noncommercial use of the owners, lessee or contract purchaser of a single-family or multifamily residence. This exception applies if either:

a. In salt waters, which include Puget Sound and all associated bays and inlets, the fair market value of the pier accessory to residential structures does not exceed Two Thousand Five Hundred Dollars (\$2,500), or

b. In fresh waters, the fair market value of the pier accessory to residential structures does not exceed Ten Thousand Dollars (\$10,000), but if subsequent construction having a fair market value exceeding Two Thousand Five Hundred Dollars (\$2,500) occurs within five (5) years of a completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter;

8. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater for the irrigation of lands;

9. The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;

10. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on June 4,

1975, which were created, developed or utilized primarily as a part of an agricultural drainage or diking system;

11. Demolition of structures, except where the Director determines that such demolition will have a major impact upon the character upon of the shoreline;

12. Any project with a certification from the Governor pursuant to Chapter 80.50 RCW;

13. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:

a. The activity does not interfere with the normal public use of the surface waters,

b. The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values,

c. The activity does not involve the installation of any structure, and upon the completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity,

d. A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to The City of Seattle to ensure that the site will be restored to preexisting conditions, and

e. The activity is not subject to the permit requirements of RCW 90.58.550;

14. The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, and regulated in Section 23.60.210 C of this chapter;

15. Watershed restoration projects that implement a watershed restoration plan. The City of Seattle shall review the projects for consistency with its Shoreline Master Program in an expeditious manner and shall issue its decision along with any conditions within forty-five (45) days of receiving from the applicant all materials necessary to review the request for exemption. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects as used in this section;

16. A public or private project, the primary purpose of which is to improve fish or wildlife habitat or fish passage, when all of the following apply:

a. The project has been approved in writing by the State Department of Fish and Wildlife as necessary for the improvement of the habitat or passage and appropriately designed and sited to accomplish the purpose,

b. The project has received hydraulic project approval by the State Department of Fish and Wildlife pursuant to Chapter 75.20 RCW, and

c. The project is consistent with the City's Shoreline Master Program. This determination shall be made in a timely manner and provided to the project proponent in writing; and

17. Hazardous substance remedial actions. The procedural requirements of Chapter 90.58 RCW shall not apply to a project for which a consent decree, order or agreed order has been issued pursuant to Chapter 70.105D RCW, or to the State Department of Ecology when it con-



ducts a remedial action under Chapter 70.105D RCW. The State Department of Ecology shall, in conjunction with The City of Seattle, assure that such projects comply with the substantive requirements of Chapter 90.58 RCW and the Seattle Shoreline Master Program.

D. Developments proposed in the Shoreline District may require permits from other governmental agencies. (Ord. 118793 § 4, 1997; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

**23.60.022 Application when development partly out of Shoreline District.**

Where a substantial development is proposed which would be partly within and partly without the Shoreline District, a shoreline substantial development permit shall be required for the entire development. The use and development standards of this chapter shall apply only to that part of the development which occurs within the Shoreline District unless the underlying zoning requires the entire development to comply with all or part of this chapter. The use and development standards including measurement techniques for that portion of the development outside of the Shoreline District shall be as provided by the underlying zoning. (Ord. 113466 § 2(part), 1987.)

**23.60.024 Development of lots split into two or more shoreline environments.**

If a shoreline lot is split by a shoreline environment boundary line, each portion of the lot shall be regulated by the shoreline environment covering that portion. Where the lot coverage requirements differ for portions of the lot governed by different environments the lot coverage restrictions must be met on each separate portion of the lot. (Ord. 113466 § 2(part), 1987.)

**23.60.026 Phasing of developments.**

A. Unless specifically stated otherwise in a shoreline substantial development permit, the following development components when required shall be completed no later than final inspection of the development by the Director:

1. Regulated public access and landscaping;
2. Piers, floats, barge facilities or over-water elements of a water-related development; and
3. The water-dependent components of a mixed water-dependent and non-water-dependent development.

B. The Director may require that components of developments in addition to those listed in subsection A above be completed before final inspection of a portion of a development or at another time during construction if the timing is necessary to ensure compliance with the intent of the Shoreline Master Program as stated in the Shoreline Policies.

(Ord. 113466 § 2(part), 1987.)

**Part 2 Criteria for Application Review**

**23.60.030 Criteria for substantial development permits.**

- A. A substantial development permit shall be granted only when the development proposed is consistent with
1. The policies and procedures of Chapter 90.58 RCW;
  2. The regulations of this chapter; and
  3. The provisions of Chapter 173-27 WAC.

B. Conditions may be attached to the approval of a permit as necessary to assure consistency of the proposed development with the Seattle Shoreline Master Program and the Shoreline Management Act. (Ord. 118793 § 5, 1997; Ord. 113466 § 2(part), 1987.)

**23.60.032 Criteria for special use approvals.**

Uses which are identified as requiring special use approval in a particular environment may be approved, approved with conditions or denied by the Director. The Director may approve or conditionally approve a special use only if the applicant can demonstrate all of the following:

- A. That the proposed use will be consistent with the policies of RCW 90.58.020 and the Shoreline Policies;
- B. That the proposed use will not interfere with the normal public use of public shorelines;
- C. That the proposed use of the site and design of the project will be compatible with other permitted uses within the area;
- D. That the proposed use will cause no unreasonably adverse effects to the shoreline environment in which it is to be located; and
- E. That the public interest suffers no substantial detrimental effect.

(Ord. 113466 § 2(part), 1987.)

**23.60.034 Criteria for shoreline conditional use approvals.**

Uses or developments which are identified in this chapter as requiring shoreline conditional use approval, and other uses which, although not expressly mentioned in lists of permitted uses, are permitted in the underlying zones and are not prohibited in the Shoreline District, may be approved, approved with conditions or denied by the Director in specific cases based on the criteria in WAC 173-27-160, as now constituted or hereafter amended, and any additional criteria given in this chapter. Upon transmittal of the Director's approval to the Department of Ecology (DOE), the permit may be approved, approved with conditions or denied by DOE.

(Ord. 118793 § 6, 1997; Ord. 113466 § 2(part), 1987)

**23.60.036 Criteria for shoreline variances.**

In specific cases the Director with approval of DOE may authorize variances from certain requirements of this chapter if the request complies with WAC 173-27-170, as now constituted or hereafter amended.

(Ord. 118793 § 7, 1997; Ord. 113466 § 2(part), 1987.)

**23.60.038 Criteria for Council conditional use approvals.**

Uses which are identified in this chapter as requiring Council conditional use approval may be approved only if the use as conditioned meets the criteria set forth for each Council conditional use in the applicable environment, and any additional criteria given in this chapter. (Ord. 113466 § 2(part), 1987.)

**Part 3 Procedures**

**23.60.060 Procedures for shoreline environment redesignations.**

A. Shoreline environment designations may be amended according to the procedure provided for land use map amendments in Chapter 23.76. A shoreline environment redesignation is a Shoreline Master Program amendment which must be approved by the State Department of Ecology (DOE) according to State procedures before it becomes effective.

B. A request for a shoreline environment redesignation is considered a rezone, a Council land use decision subject to the provisions of Chapter 23.76, and shall be evaluated against the following criteria:

1. The Shoreline Management Act. The proposed redesignation shall be consistent with the intent and purpose of the Shoreline Management Act (RCW 90.58) and with Department of Ecology Guidelines (WAC 173-16).

2. Shorelines of Statewide Significance. If the area is within a shoreline of statewide significance the redesignation shall be consistent with the preferences for shorelines of statewide significance as given in RCW 90.58.020.

3. Comprehensive Plan Shoreline Area Objectives. In order to ensure that the intent of the Seattle Shoreline Master Program is met the proposed redesignation shall be consistent with the Comprehensive Plan Shoreline Area Objectives in which the proposed redesignation is located.

4. Harbor Areas. If the area proposed for a shoreline designation change is within or adjacent to a harbor area, the impact of the redesignation on the purpose and intent of harbor areas as given in Articles XV and XVII of the State Constitution shall be considered.

5. Consistency with Underlying Zoning. The proposed redesignation shall be consistent with the appropriate rezone evaluation criteria for the underlying zoning in Chapter 23.34 of the Land Use Code unless overriding shoreline considerations exist.

6. Rezone Evaluation. The proposed redesignation shall comply with the rezone evaluation provisions in Section 23.34.007.

7. General Rezone Criteria. The proposed redesignation shall meet the general rezone standards in Section 23.34.008, subsections B through J. (Ord. 120691 § 18, 2001; Ord. 118793 § 8, 1997; Ord. 118408 § 7, 1996; Ord. 113466 § 2(part), 1987.)

**23.60.062 Procedures for obtaining exemptions from substantial development permit requirements.**

A determination that a development exempt from the requirement for a substantial development permit is consistent with the regulations of this chapter, as required by Section 23.60.016, shall be made by the Director as follows:

A. If the development requires other authorization from the Director, the determination as to consistency shall be made with the submitted application for that authorization.

B. If the development requires a Section 10 Permit under the Rivers and Harbors Act of 1899 or a Section 404 permit under the Federal Water Pollution Control Act of 1972, the determination of consistency shall be made at the time of review of the Public Notice from the Corps of Engineers, and a Letter of Exemption as specified in WAC 173-27-050 shall be issued if the development is consistent.

C. If the development does not require other authorizations, information of sufficient detail for a determination of consistency shall be submitted to the Department and the determination of consistency shall be made prior to any construction.

(Ord. 118793 § 9, 1997; Ord. 113466 § 2(part), 1987.)

**23.60.064 Procedures for obtaining substantial development permits, shoreline variance permits, shoreline conditional use permits and special use authorizations.**

A. Procedures for application, notice of application and notice of decision for a shoreline substantial development permit, shoreline variance permit or shoreline conditional use permit shall be as required for a Master Use Permit in Chapter 23.76.

B. The burden of proving that a substantial development, conditional use, special use, or variance meets the applicable criteria shall be on the applicant. The applicant may be required to submit information or data, in addition to that routinely required with permit applications, sufficient to enable the Director to evaluate the proposed development or use or to prepare any necessary environmental documents.

C. In evaluating whether a development which requires a substantial development permit, conditional use permit, variance permit or special use authorization meets the applicable criteria, the Director shall determine that:

1. The proposed use is not prohibited in the shoreline environment(s) and underlying zone(s) in which it would be located;

2. The development meets the general development standards and any applicable specific development standards set forth in Subchapter III, the development standards for the shoreline environment in which it is located, and any applicable development standards of the underlying zoning, except where a variance from a specific standard has been applied for; and



3. If the development or use requires a conditional use, variance, or special use approval, the project meets the criteria for the same established in Sections 23.60.034, 23.60.036 or 23.60.032, respectively.

D. If the development or use is a permitted use and meets all the applicable criteria and standards, or if it can be conditioned to meet the applicable criteria and standards, the Director shall grant the permit or authorization. If the development or use is not a permitted use or cannot be conditioned to meet the applicable criteria and standards, then the Director shall deny the permit.

E. In addition to other requirements provided in this chapter, the Director may attach to the permit or authorization any conditions necessary to carry out the spirit and purpose of and assure compliance with this chapter and RCW 90.58.020. Such conditions may include changes in the location, design, and operating characteristics of the development or use. Performance bonds not to exceed a term of five years may be required to ensure compliance with the conditions.

F. Nothing in this section shall be construed to limit the Director's authority to condition or deny a project pursuant to the State Environmental Policy Act. (Ord. 113466 § 2(part), 1987.)

**23.60.065 Procedure for limited utility extensions and bulkheads.**

As required by WAC 173-27-120, an application for a substantial development permit for a limited utility extension or for the construction of a bulkhead or other measures to protect a single-family residence and its appurtenant structures from shoreline erosion shall be subject to all of the requirements of this chapter except that the following time periods and procedures shall be used:

A. The public comment period shall be twenty (20) days. The notice provided shall state the manner in which the public may obtain a copy of the decision on the application no later than two (2) days following its issuance;

B. The decision to grant or deny the permit shall be issued within twenty-one (21) days of the last day of the comment period specified in subsection A of this section above; and

C. If there is an appeal of the decision to grant or deny the permit to the Hearing Examiner, the appeal shall be finally determined within thirty (30) days. (Ord. 118793 § 10, 1997.)

**23.60.066 Procedure for determination of feasible or reasonable alternative locations.**

A. Plan Shoreline Permits.

1. When a use or development is identified in subsection F of this section as being permitted in the Shoreline District only after a determination that no reasonable or feasible alternative exists, the determination as to whether such alternative exists may be made as an independent shoreline permit decision prior to submission of an application for a project-specific shoreline permit for the development. This determination shall be referred to as

the "Plan Shoreline Permit." The Plan Shoreline Permit shall be for the purposes of making a feasible or reasonable location decision and determining conditions appropriate to that decision.

2. The process may be used upon a determination by the Director that a proposal for a development within the Shoreline District is complex, involves the phasing of programmatic and project-specific decisions, or affects more than one (1) shoreline site.

3. A Plan Shoreline Permit shall require that a subsequent shoreline permit be obtained with accompanying environmental documentation prior to construction of a specific project in the Shoreline District.

B. Application Requirements for Plan Shoreline Permits.

1. Application for a Plan Shoreline Permit shall include the scope and intent of proposed projects within the Shoreline District and the appropriate nonshoreline alternative(s) identified by the applicant or the Director.

2. The application shall be accompanied by the necessary environmental documentation, as determined by the Director, including an assessment of the impacts of the proposed projects and of the nonshoreline alternative(s), according to the state and local SEPA guidelines.

3. For projects within the Shoreline District, the application shall provide the information specified in WAC 173-27-180 and this title. The application shall include information on the overall system which outlines the interrelationship of shoreline and nonshoreline facilities. Schematic plans outlining dimensions, elevations, locations on site and similar specifications shall be provided for projects within the Shoreline District and for the nonshoreline alternative(s) which may be changed at the time of the project-specific shoreline permit(s) within the limitations of subsection G of this section.

C. Type of Decision.

1. The decision on a Plan Shoreline Permit for sewage treatment plants shall be made by the Council as a Council conditional use pursuant to Chapter 23.76. The decision on a Plan Shoreline Permit for utility lines and utility service uses shall be made by the Director as a substantial development permit, pursuant to Chapter 23.76. The Council or the Director may grant the Plan Shoreline Permit with conditions, including reasonable mitigation measures, or may deny the permit.

2. The decision on a project specific-substantial development permit for a sewage treatment plant for which a Plan Shoreline Permit has been issued shall be made by the Council as a Council conditional use, pursuant to Chapter 23.76.

D. Appeal of Decision. The decision of the Council for Type IV decisions, or of the Director for Type II decisions, shall be final and binding upon the City and the applicant. The decision is subject to appeal to the State Shoreline Hearings Board pursuant to Section 23.60.068. If no timely appeal is made, the Plan Shoreline Permit may not later be appealed in conjunction with an appeal of a shoreline permit issued for a specific project at the approved location(s).

E. Criteria for Decision. The decision as to the feasibility or reasonableness of alternatives shall be based upon the Shoreline Goals and Policies in the Seattle Comprehensive Plan and the Shoreline Management Act, as amended, and a full consideration of the environmental, social and economic impacts on the community.

F. Developments Qualify for Process. Developments for which a Plan Shoreline Permit may be required are:

Utility service uses, utility lines, and sewage treatment plants.

G. Project-specific Shoreline Permit. Any application for substantial development which is permitted in the Shoreline District after a determination that no feasible or reasonable alternative exists and which relies upon a Plan Shoreline Permit shall be approved only if it complies with the provisions of this chapter, provides for the reasonable mitigation of environmental impacts and is in substantial conformance with the Plan Shoreline Permit. Substantial conformance shall include, but not be limited to, a determination that all of the following standards have been met:

1. There is no increase in the amount or change in location of landfill on submerged lands;
2. There is no increase in lot coverage over water;
3. There is no net substantial increase in environmental impacts in the Shoreline District compared to the impacts of the proposed development allowed in the Plan Shoreline Permit; and
4. Conditions included as part of the Plan Shoreline Permit are met.

(Ord. 118793 § 11, 1997; Ord. 113466 § 2(part), 1987.)

#### **23.60.068 Procedure for Council conditional use authorization.**

Projects required by this chapter to obtain Council conditional use authorization shall be processed in the following manner:

A. Application for the Council conditional use and the shoreline substantial development permit shall be made concurrently. Application for environmental review if required shall be filed with the Council conditional use application.

B. Notice of application shall be consolidated.

C. The Council conditional use shall be processed as required by Chapter 23.76, Procedures For Master Use Permits and Council Land Use Decisions.

D. Upon receipt of Council's findings, conclusions and decisions from the City Clerk, the Director shall file the decision to approve, deny, or condition the shoreline substantial development permit with the State Department of Ecology as required by Chapter 173-27 WAC. The Director shall be bound by and incorporate the terms and conditions of the Council's decision in the shoreline substantial development permit. The Council's findings, conclusions and decisions shall constitute the City report on the application.

E. The Director's decision to approve, condition or deny the shoreline substantial development permit shall be

the final City decision on the project and shall be appealable to the Shoreline Hearings Board.

(Ord. 118793 § 12, 1997; Ord. 113466 § 2(part), 1987.)

#### **23.60.070 Decisions to State of Washington—Review**

A. Any decision on an application for a permit under authority of this chapter, whether it be an approval or denial shall, concurrently with the transmittal of the ruling to the applicant, be filed by the Director with DOE and the Attorney General according to the requirements contained in WAC 173-27-130. For shoreline conditional use and variance decisions, the Director shall provide final notice of DOE's decision according to WAC 173-27-200(3).

B. Any person aggrieved by the granting or denying of a substantial development permit on shorelines of the City, or by the rescission of a permit pursuant to this chapter may seek review by the Shoreline Hearings Board by filing a petition for review within twenty-one (21) days of receipt of the permit decision by DOE. Within seven (7) days of the filing of any petition for review with the Shoreline Hearings Board pertaining to a final decision of a local government, the petitioner shall serve copies of the petition on the Director of DOE, the Attorney General and the Director of DCLU as provided in RCW 90.58.180. (Ord. 119240 § 1, 1998; Ord. 118793 § 13, 1997; Ord. 117789 § 3, 1995; Ord. 113466 § 2(part), 1987.)

#### **23.60.072 Commencement of construction.**

A. No construction pursuant to a substantial development permit authorized by this chapter shall begin or be authorized and no building, grading or other construction permits shall be issued by the Director until twenty-one (21) days from the date of filing of the Director's final decision granting the shoreline substantial development permit with the Director of the Department of Ecology and the Attorney General; or until all review proceedings are terminated if such proceedings were initiated within twenty-one (21) days of the date of filing of the Director's final decision.

B. Exception: Construction may be commenced no sooner than thirty (30) days after the date of filing of a judicial appeal of a decision of the Shoreline Hearings Board approving the Director's decision to grant the shoreline substantial development permit or approving a portion of the substantial development for which the permit was granted, unless construction is prohibited until all Superior Court review proceedings are final after a judicial hearing as provided in RCW 90.58.140. Any applicant who wishes to begin construction pursuant to this section prior to termination of all review proceedings does so at the applicant's own risk.

(Ord. 119240 § 2, 1998; Ord. 118793 § 14, 1997; Ord. 117789 § 4, 1995; Ord. 113466 § 2(part), 1987.)

**23.60.074 Effective date of substantial development permits and time limits for permit validity.**

Pursuant to WAC 173-27-090, the following time requirements shall apply to all substantial development permits and to any development authorized pursuant to a variance or conditional use permit authorized under this chapter.

A. Upon finding of good cause, based on the requirements and circumstances of the project proposed and consistent with the policy and provisions of WAC 173-27 and this chapter, the Director may adopt different time limits from those set forth in subsection B of this section below as part of the decision on a shoreline substantial development permit. The Director may also, with approval from DOE, adopt appropriate time limits as part of the decision on a shoreline conditional use or shoreline variance. "Good cause, based on the requirements and circumstances of the project," means that the time limits established are reasonably related to the time actually necessary to perform the development on the ground and complete the project that is being permitted, and/or are necessary for the protection of shoreline resources.

B. Where the Director did not adopt different time limits on a permit decision, the following time limits shall apply:

1. Construction activities or substantial progress toward construction of a project or, where no construction activities are involved, the use or activity for which a permit has been granted pursuant to this chapter shall be commenced within two (2) years of the effective date of a substantial development permit or the permit shall terminate. The Director may authorize a single extension of the two (2) year period not to exceed one (1) year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record on the substantial development permit and to DOE.

2. If a project for which permit has been granted pursuant to this chapter has not been completed within five (5) years after the effective date of the substantial development permit, authorization to conduct construction activities shall expire unless the Director authorizes a single extension based on reasonable factors, for a period not to exceed one (1) year, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and to DOE.

3. The effective date of a substantial development permit shall be the date of filing as provided in RCW 90.58.140(6). The time periods in subsections A and B of this section do not include the time during which a project, use or activity was not actually pursued due to the pendency of administrative appeals or legal actions or due to the need to obtain other government permits and approvals for the project, use or activity that authorize it to proceed, including all reasonably related administrative or legal actions on any such permits or approval.

4. The Plan Shoreline Permit shall be valid for a period of five (5) years or as otherwise permitted by WAC 173-27-090. Project-specific shoreline permits must be applied for within that period to be considered pursuant to the determination made under the Plan Shoreline Permit. Development under project-specific permits shall conform to the time limits outlined in subsections A and B of this section.

(Ord. 118793 § 15, 1997; Ord. 118408 § 8, 1996; Ord. 113466 § 2(part), 1987.)

**23.60.076 Revisions to permits.**

When an applicant seeks to revise a permit, the Director shall request from the applicant detailed plans and text describing the proposed changes in the permit.

A. If the Director determines that the proposed changes are within the scope and intent of the original permit as defined in WAC 173-27-100(2), as now constituted or hereafter amended, the Director shall approve the revision. Within eight (8) days of the date of approval, the approved revision, along with copies of the revised site plan and text, shall be submitted by certified mail to DOE, the Attorney General, and copies provided to parties of record and to persons who have previously notified the Director of their desire to receive notice of decision on the original application.

B. If the proposed changes are not within the scope and intent of the original permit, the applicant shall apply for a new permit in the manner provided for in this chapter.

C. If the revision to the original permit involves a conditional use or variance, either of which was conditioned by DOE, the Director shall submit the revision to DOE for DOE's approval, approval with conditions or denial, indicating that the revision is being submitted under the requirements of WAC 173-27-100(6). DOE shall transmit to the City and the applicant its final decision within fifteen (15) days of the date of DOE receipt of the submittal by the Director, who shall notify parties of record of DOE's final decision.

D. The revised permit is effective immediately upon final action by the Director, or when appropriate under WAC 173-27-100(6), by DOE.

E. Appeals shall be in accordance with RCW 90.58.180 and shall be filed with the Shoreline Hearings Board within twenty-one (21) days from date of DOE's receipt of the revision approved by the Director, or when appropriate under WAC 173-27-100(6), the date DOE's final decision is transmitted to the City and the applicant. Appeals shall be based only upon contentions of noncompliance with the provisions of WAC 173-27-100(2). Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit. The party seeking review shall have the burden of



proving the revision was not within the scope and intent of the original permit.  
(Ord. 119240 § 3, 1998; Ord. 118793 § 16, 1997; Ord. 117789 § 5, 1995; Ord. 113466 § 2(part), 1987.)

### **23.60.078 Rescission.**

A. After holding a public hearing, the Director may rescind or suspend a substantial development permit if any of the following conditions are found:

1. The permittee has developed the site in a manner not authorized by the permit;
2. The permittee has not complied with the conditions of the permit;
3. The permittee has secured the permit with false or misleading information; or
4. The permit was issued in error.

B. Notice of the hearing shall be mailed to the permittee not less than fifteen (15) days prior to the date set for the hearing and included in the general mailed release.  
(Ord. 113466 § 2(part), 1987.)

### **23.60.080 Fee schedule.**

Permit and other shoreline-related fees shall be as described in the Permit Fee Ordinance.<sup>1</sup>  
(Ord. 113466 § 2(part), 1987.)

1. Editor's Note: The Permit Fee Ordinance is set out at chapter 22.900 of this Code.

### **23.60.082 Enforcement.**

Procedures for investigation and notice of violation, compliance, and the imposition of civil penalties for the violation of any requirements of this chapter shall be as specified in Chapter 23.90, Enforcement of the Land Use Code.

(Ord. 113466 § 2(part), 1987.)

## **Subchapter III General Provisions**

### **Part 1 Use Standards**

#### **23.60.090 Identification of principal permitted uses.**

A. To be permitted in the Shoreline District, a use must be permitted in both the shoreline environment and the underlying land use zone in which it is located.

B. Unless otherwise stated in this chapter all principal uses on waterfront lots shall be water-dependent, water-related or non-water-dependent with public access.

C. Principal uses are permitted in the respective shoreline environments in accordance with the lists of permitted and prohibited uses in the respective environments and subject to all applicable development standards. If a use is not identified in this chapter and is permitted in the underlying zone, it may be authorized as a conditional use by the Director in specific cases upon approval by the Department of Ecology when the criteria contained in Section 23.60.034 are satisfied.

D. For purposes of this chapter, standards established in the use sections of each environment are not subject to variance.

E. Principal uses which are water-dependent may be permitted over water. Principal uses which are non-water-dependent shall not be permitted over water unless specifically stated otherwise in the regulations for the applicable shoreline environment. For purposes of this chapter, this regulation shall be considered a use standard not subject to variance.

F. Floating structures, including vessels which do not have a means of self-propulsion and steering equipment and which are designed or used as a place of residence, with the exception of house barges moored within The City of Seattle in June 1990 and licensed by The City of Seattle, shall be regulated as floating homes pursuant to this chapter. Locating other non-water-dependent uses over water on floating structures, including vessels, which do not have a means of self-propulsion or steering equipment is prohibited unless specifically permitted on house barges or historic ships by other sections of this chapter.

G. For purposes of this chapter, house barges shall only be permitted under the following conditions:

1. A permit for the house barge, which is transferable between owners but not transferable to another house barge, has been secured from the Department of Construction and Land Use verifying that the house barge existed and was used for residential purposes within The City of Seattle in June 1990;

2. The house barge permit applicant must demonstrate compliance with state water quality standards for discharge by toilet as a condition of permit issuance.

3. The permit is effective for three (3) years. At the expiration of three (3) years, the permit may be renewed at the request of the owner, provided it is demonstrated, consistent with state water quality standards, that all overboard discharges have been sealed and that satisfactory means of conveying wastewater to an approved disposal facility have been provided. The Director, after consultation with State Department of Ecology (Northwest Regional Office) water quality staff, may grant an exception to this requirement based upon approval of a detailed plan that considers all feasible measures to control and minimize overboard discharge of wastewater. In such cases, the Director at the time of permit renewal, shall implement the plan by attaching conditions to the permit which limit overboard discharge of wastewater or the adverse environmental consequences thereof to the maximum extent practicable. Permit conditions may require implementation of best management practices for minimizing wastewater discharges, or the use of alternative treatment and disposal methods.

4. House barges must be moored at a recreational marina, as defined by Seattle Municipal Code Section 23.60.926.

5. House barges permitted under this section shall be regulated as a nonconforming use and shall be subject to the standards of Section 23.60.122, except that relocation of an established house barge to a different

moorage within Seattle shall be permitted. When a house barge is removed from Seattle waters for more than six (6) months, the permit establishing its use shall be rescinded and the house barge shall be prohibited from relocating in Seattle waters.

H. For purposes of this chapter, dredging, landfill, and shoreline protective structures shall be considered to be uses not subject to variance.

I. As determined by the Director, uses in public facilities that are most similar to uses permitted outright, permitted as an accessory use, permitted as a special use, permitted conditionally, or prohibited under this chapter shall also be permitted outright, permitted as an accessory use, permitted as a special use, permitted conditionally or prohibited subject to the same use regulations, development standards, accessory use requirements, special use requirements, and conditional use criteria that govern the similar use unless otherwise specified.

(Ord. 118663 § 1, 1997; Ord. 116328 § 1, 1993; Ord. 116051 § 1, 1992; Ord. 113466 § 2(part), 1987.)

#### **23.60.092 Accessory uses.**

A. Any principal use permitted in a specific shoreline environment either outright, or as a special use, conditional use or Council conditional use shall also be permitted as an accessory use outright or as a special use, conditional use or Council conditional use, respectively.

B. Uses prohibited as principal uses but customarily incidental to a use permitted in a shoreline environment may be permitted as accessory uses only if clearly incidental and necessary for the operation of a permitted principal use unless expressly permitted or prohibited as accessory uses. Examples of accessory uses include parking, offices and caretaker's quarters not exceeding eight hundred (800) square feet in living area. For purposes of this section, landfill, water-based airports, heliports and helistops shall not be considered to be accessory to a principal use and shall only be permitted as provided in the applicable shoreline environment.

C. Unless specifically stated otherwise in the regulations for the applicable environment, accessory uses which are non-water-dependent and non-water-related, even if accessory to water-dependent or water-related uses, shall be permitted over water according to subsection A above only if either:

1. The over-water location is necessary for the operation of the water-dependent or water-related use; or
2. The lot has a depth of less than fifty (50) feet of dry land.

D. Parking shall not be permitted over water unless it is accessory to a water-dependent or water-related use located on a lot with a depth of less than fifty (50) feet of dry land and the Director determines that adequate on-site or off-site dry land parking within eight hundred (800) feet is not reasonably available.

E. Piers, floats, pilings, breakwaters, drydocks and similar accessory structures for moorage shall be permitted as accessory to permitted uses subject to the development

standards unless specifically prohibited in the applicable shoreline environment.

F. Accessory uses shall be located on the same lot as the principal use; provided that when the accessory use is also permitted as a principal use in the shoreline environment applicable to an adjacent lot, the accessory use may be located on that adjacent lot.

(Ord. 119929 § 1, 2000; Ord. 116907 § 9, 1993; Ord. 116616 § 8, 1993; Ord. 113466 § 2(part), 1987.)

### **Part 2 Nonconforming Uses and Structures**

#### **23.60.120 Applicability to existing development.**

Except as specifically stated, the regulations of this chapter shall not apply to developments legally undertaken in the Shoreline District prior to adoption of the ordinance codified in this chapter.<sup>1</sup>

(Ord. 113466 § 2(part), 1987.)

1. Editor's Note: Chapter 23.60, the Seattle Shoreline Master Program, became effective on December 31, 1987.

#### **23.60.122 Nonconforming uses.**

A. 1. Any nonconforming use may be continued subject to the provisions of this section.

2. Any nonconforming use which has been discontinued for more than twelve (12) consecutive months in the CN, CP, CR, CM, CW, UR, UH and US Environments or more than twenty-four (24) consecutive months in the UM, UG or UI Environments shall not be reestablished or recommenced. A use shall be considered discontinued when:

- a. A permit to change the use of the structure or property was issued and acted upon;
- b. The structure or portion of a structure, or the property is not being used for the use allowed by the most recent permit; or
- c. The structure or property is vacant, or the portion of the structure or property formerly occupied by the nonconforming use is vacant.

The use of the structure shall be considered discontinued even if materials from the former use remain or are stored on the property. A multifamily structure with one (1) or more vacant dwelling units shall not be considered unused unless the total structure is unoccupied.

3. Any sign in the Shoreline District which does not conform to the provisions of this chapter shall be discontinued within seven (7) years from the effective date of the ordinance codified in this chapter,<sup>1</sup> unless designated a landmark pursuant to Chapter 25.12, the Landmark Preservation Ordinance.

B. A structure or development containing a nonconforming use or uses may be maintained, repaired, renovated or structurally altered but shall not be expanded or extended beyond its existing external dimensions except as provided in subsection E below, as otherwise required by law, as necessary to improve access for the elderly and disabled, or to provide regulated public access.



C. A nonconforming use which is destroyed by fire or other act of nature, including normal deterioration of structures in or over the water, may be resumed provided that any structure occupied by the nonconforming use may be rebuilt to the same or smaller configuration existing immediately prior to the time the structure was destroyed; provided that action toward replacement must be commenced within twelve (12) months after demolition or destruction in the CN, CP, CR, CM, CW, UR, UH and US Environments or within twenty-four (24) months after demolition or destruction in the UM, UG or UI Environments. A rebuilt structure housing a nonconforming eating and drinking establishment use in an Urban Stable Environment may consolidate other existing nonconforming uses on the property, provided that no cumulative expansion or intensification of the nonconforming use and no increase in over-water coverage occurs and the Director finds that the reconfiguration will allow removal of structures housing other nonconforming uses, resulting in improved view corridors or regulated public access.

D. The change of one (1) nonconforming use to another use not permitted in the shoreline environment may be authorized as a conditional use by the Director with the concurrence of the Department of Ecology if the Director determines that the new use is no more detrimental to the property in the shoreline environment and vicinity than the existing use and the existing development is unsuited for a use permitted in the environment, and if the criteria for conditional uses in WAC 173-27-160 are satisfied. The new use shall retain its nonconforming use status for the purposes of subsections A through C of this section above.

E. Reconfiguration of an existing nonconforming moorage may be authorized as a conditional use by the Director with the concurrence of the Department of Ecology if the Director determines that the goals of this chapter, including enhancing upland and street views, limiting location of structures over water and providing public access, would be better served. Such reconfiguration may be authorized only if view corridors and public access are improved. The square footage of the covered moorage and the height of the covered moorage shall not be increased. Covered moorage with open walls shall be preferred. (Ord. 118793 § 17, 1997; Ord. 113466 § 2(part), 1987.)

1. Editor's Note: Chapter 23.60, the Seattle Shoreline Master Program, became effective on December 31, 1987.

#### **23.60.124 Nonconforming structures.**

A. A nonconforming structure may be maintained, renovated, repaired or structurally altered but shall be prohibited from expanding or extending in any manner which increases the extent of nonconformity, or creates additional nonconformity, except as otherwise required by law, as necessary to improve access for the elderly and disabled or to provide regulated public access. When the development is nonconforming as to lot coverage, existing lot coverage may not be transferred from the dry-land portion of the site to the water.

B. A nonconforming structure or development which is destroyed by fire or other act of nature, including normal deterioration of structures constructed in or over the water, may be rebuilt to the same or smaller configuration existing immediately prior to the time the structure was destroyed; provided that action toward replacement must be commenced within twelve (12) months after demolition or destruction of a structure in the CN, CP, CR, CM, CW, UR, UH and US Environments or within twenty-four (24) months after demolition or destruction of a structure in the UM, UG, or UI Environments. A rebuilt nonconforming structure housing a nonconforming eating and drinking establishment use in an Urban Stable environment may consolidate other existing nonconforming structures on the property, provided that no increase in height or cumulative expansion of the area of nonconforming structures and no increase in overwater coverage occurs, and provided that the Director finds that the reconfiguration will allow removal of other nonconforming structures, resulting in improved view corridors or regulated public access.

C. The Director may require compliance with the standards of Section 23.60.152, General development, for part or all of a lot as a condition for new development of part of a lot if it is found that continued nonconformity will cause adverse impacts to air quality, water quality, sediment quality, aquatic life, or human health.

D. The Director may require compliance with Section 23.60.160, Standards for regulated public access, as a condition of a substantial development permit for expansion or alteration of a development nonconforming as to public access requirements.

(Ord. 113466 § 2(part), 1987.)

#### **23.60.126 Structures in trespass.**

The above provisions for nonconforming uses and structures, Sections 23.60.122 through 23.60.124, shall not apply to any structure, improvement, dock, fill or development placed on tidelands, shorelands, or beds of waters which are in trespass or in violation of state statutes.

(Ord. 113466 § 2(part), 1987.)

### **Part 3 Development Standards**

#### **23.60.150 Applicable development standards.**

All uses and developments in the Shoreline District shall be subject to the general development standards applicable to all environments, to the development standards for the specific environment in which the use or development is located, and to any development standards associated with the particular use or development.

(Ord. 113466 § 2(part), 1987.)

#### **23.60.152 General development.**

All uses and developments shall be subject to the following general development standards:

A. The location, design, construction and management of all shoreline developments and uses shall protect the quality and quantity of surface and ground water on and adjacent to the lot and shall adhere to the guidelines, poli-

cies, standards and regulations of applicable water quality management programs and regulatory agencies. Best management practices such as paving and berming of drum storage areas, fugitive dust controls and other good house-keeping measures to prevent contamination of land or water shall be required.

B. Solid and liquid wastes and untreated effluents shall not enter any bodies of water or be discharged onto the land.

C. Facilities, equipment and established procedures for the containment, recovery and mitigation of spilled petroleum products shall be provided at recreational marinas, commercial moorage, vessel repair facilities, marine service stations and any use regularly servicing vessels with petroleum product capacities of ten thousand five hundred (10,500) gallons or more.

D. The release of oil, chemicals or other hazardous materials onto or into the water shall be prohibited. Equipment for the transportation, storage, handling or application of such materials shall be maintained in a safe and leakproof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.

E. All shoreline developments and uses shall minimize any increases in surface runoff, and control, treat and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected. Control measures may include, but are not limited to, dikes, catchbasins or settling ponds, interceptor drains and planted buffers.

F. All shoreline developments and uses shall utilize permeable surfacing where practicable to minimize surface water accumulation and runoff.

G. All shoreline developments and uses shall control erosion during project construction and operation.

H. All shoreline developments and uses shall be located, designed, constructed and managed to avoid disturbance, minimize adverse impacts and protect fish and wildlife habitat conservation areas including, but not limited to, spawning, nesting, rearing and habitat areas, commercial and recreational shellfish areas, kelp and eel grass beds, and migratory routes. Where avoidance of adverse impacts is not practicable, project mitigation measures relating the type, quantity and extent of mitigation to the protection of species and habitat functions may be approved by the Director in consultation with state resource management agencies and federally recognized tribes.

I. All shoreline developments and uses shall be located, designed, constructed and managed to minimize interference with or adverse impacts to beneficial natural shoreline processes such as water circulation, littoral drift, sand movement, erosion and accretion.

J. All shoreline developments and uses shall be located, designed, constructed and managed in a manner that minimizes adverse impacts to surrounding land and water uses and is compatible with the affected area.

K. Land clearing, grading, filling and alteration of natural drainage features and landforms shall be limited to the minimum necessary for development. Surfaces cleared

of vegetation and not to be developed shall be replanted. Surface drainage systems or substantial earth modifications shall be professionally designed to prevent maintenance problems or adverse impacts on shoreline features.

L. All shoreline development shall be located, constructed and operated so as not to be a hazard to public health and safety.

M. All development activities shall be located and designed to minimize or prevent the need for shoreline defense and stabilization measures and flood protection works such as bulkheads, other bank stabilization, landfills, levees, dikes, groins, jetties or substantial site regrades.

N. All debris, overburden and other waste materials from construction shall be disposed of in such a way as to prevent their entry by erosion from drainage, high water or other means into any water body.

O. Navigation channels shall be kept free of hazardous or obstructing development or uses.

P. No pier shall extend beyond the outer harbor or pierhead line except in Lake Union where piers shall not extend beyond the Construction Limit Line as shown in the Official Land Use Map, Chapter 23.32, or except where authorized by this chapter and by the State Department of Natural Resources and the U.S. Army Corps of Engineers.

Q. Submerged public right-of-way shall be subject to the following standards:

1. All structures shall be floating except as permitted in subsection Q2 below;

2. Piling and dolphins may be permitted to secure floating structures only if the structures cannot be safely secured with anchors or with pilings or dolphins located outside of the right-of-way;

3. The maximum height of structures shall be fifteen feet (15');

4. Structures shall not occupy more than thirty-five (35) percent of the right-of-way and shall not occupy more than forty (40) percent of the width of the right-of-way;

5. A view corridor or corridors of not less than fifty (50) percent of the width of the right-of-way shall be provided and maintained; and

6. An open channel, unobstructed by vessels or structures for access to and from the water for public navigation and for access to adjacent properties shall be maintained.

R. Within all Shoreline Districts, submerged lands shall not be counted in calculating lot area for purposes of minimum lot area requirements of Single-family zones or density standards of other zones.

(Ord. 116325 § 2, 1992; Ord. 113466 § 2(part), 1987.)

### **23.60.154 Shoreline design review.**

The Director may require that any development by a public agency or on public property which has not been reviewed by the Design Commission be reviewed for visual design quality by appropriate experts selected by mutual agreement between the applicant and the Director prior to

approval of the development. The Shoreline design review may be conducted prior to an application for a substantial development permit at the request of the applicant. The costs of the Shoreline design review shall be borne by the applicant.

(Ord. 116909 § 4, 1993; Ord. 113466 § 2(part), 1987.)

#### **23.60.156 Parking requirements.**

A. Required parking spaces and loading berths shall be provided for uses in the Shoreline District as specified in Chapter 23.54 except that the requirements may be waived or modified at the discretion of the Director: (1) if alternative means of transportation will meet the parking demand of the proposed development in lieu of such off-street parking and loading requirements, or (2) if parking to serve the proposed uses is available within eight hundred (800) feet of the proposed development and if pedestrian facilities are provided. Waivers shall not be granted if they encourage the use of scarce, on-street parking in the neighborhood surrounding the development.

B. New off-street parking areas or structures of more than five (5) spaces shall be located at least fifty (50) feet from the water's edge. The Director may modify this requirement for lots with insufficient space between the ordinary high water mark and the lot line furthest upland from the water's edge. In such cases the parking shall be located as far upland from the water's edge as feasible.

C. If the number of parking spaces for a proposed substantial development which is required by Chapter 23.54 or which is proposed by the applicant will adversely affect the quality of the shoreline environment, the Director shall direct that the plans for the development be modified to eliminate or ameliorate the adverse effect.

(Ord. 118793 § 18, 1997; Ord. 117571 § 2, 1995; Ord. 113466 § 2(part), 1987.)

#### **23.60.158 Drive-in businesses.**

Uses may not have drive-in windows on waterfront lots in the Shoreline District. Uses may have drive-in windows on upland lots in the Shoreline District if permitted by the underlying zoning.

(Ord. 113466 § 2(part), 1987.)

#### **23.60.160 Standards for regulated public access.**

A. 1. Regulated public access shall be a physical improvement in the form of any one (1) or combination of the following: Walkway, bikeway, corridor, viewpoint, park, deck, observation tower, pier, boat-launching ramp, transient moorage, or other areas serving as a means of view and/or physical approach to public waters for the public. Public access may also include, but not be limited to, interpretive centers and displays explaining maritime history and industry.

2. The minimum regulated public access shall consist of an improved walkway at least five (5) feet wide on an easement ten (10) feet wide, leading from the street or from a public walkway directly to a waterfront use area or to an area on the property from which the water and

water activities can be observed. There shall be no significant obstruction of the view from this viewpoint.

3. Maintenance of the public access shall be the responsibility of the owner or developer.

B. The Director shall review the type, design, and location of public access to insure development of a public place meeting the intent of the Shoreline Master Program. The Director shall consider the following criteria in determining what constitutes adequate public access on a specific site:

1. The location of the access on the lot shall be chosen to:

a. Maximize the public nature of the access by locating adjacent to other public areas including street-ends, waterways, parks, other public access and connecting trails;

b. Maximize views of the water and sun exposure; and

c. Minimize intrusions of privacy for both site users and public access users by avoiding locations adjacent to windows and/or outdoor private open spaces or by screening or other separation techniques.

2. Public amenities appropriate to the usage of the public access space such as benches, picnic tables, public docks and sufficient public parking to serve the users shall be selected and placed to ensure a usable and comfortable public area.

3. Public access shall be located to avoid interference with the use of the site by water-dependent businesses located on the site.

C. Regulated public access may be limited as to hours of availability and types of activities permitted. However, twenty-four (24) hour availability is preferable and the access must be available to the public on a regularly scheduled basis.

D. Regulated public access shall be open to the public no later than the time of the Director's final inspection of the proposed development which requires public access.

E. Regulated public access and related parking shall be indicated by signs provided by the applicant, of standard design and materials prescribed by the Director. The signs shall be located for maximum public visibility.

F. All public access points shall be provided through an easement, covenant or similar legal agreement recorded with the King County Department of Records and Elections.

G. For shoreline development requiring more than one (1) substantial development permit or extending for more than one thousand (1,000) lineal feet of shoreline, regulated public access shall be required in the context of the entire project as follows:

1. A shoreline development which requires more than one (1) substantial development permit need not provide separate regulated public access for each permit, but public access shall be provided in the context of the entire development.

2. A comprehensive development plan for the entire project shall be submitted with the first shoreline permit application. The plan shall include all project com-



ponents intended, plans for the public access and a development schedule. The level of detail of the plans for the public access shall be equal to that of the project proposal.

3. If a public access area for the development has previously been agreed upon during a street vacation process, then the Director shall not require a greater land area for access, but may require development of physical improvements.

4. A minimum of one (1) public access site shall be provided for each three thousand five hundred (3,500) lineal feet of shoreline unless public access standards are met elsewhere as part of a public access plan approved by the City Council or public access is not required for the development.

H. General Exceptions.

1. The requirement for one (1) public access site for each major terminal or facility shall be waived if the terminal or facility is included in a public access plan approved by the Council and the applicant complies with the plan.

2. In lieu of development of public access on the lot, an applicant may choose to meet the requirement for public access through payment or by development of public property when the applicant's lot is located in an area included in a public access plan approved by the Council. To be permitted, payment in lieu or development off-site must be permitted by the approved public access plan.

3. Regulated public access shall not be required where:

a. The cost of providing public access is unreasonably disproportionate to the total cost of the proposed development; or

b. The site is not located in an area covered by a public access plan approved by the Council and one (1) of the following conditions exists:

(1) Unavoidable hazards to the public in gaining access exist,

(2) Inherent security requirements of the use cannot be satisfied,

(3) Unavoidable interference with the use would occur, or

(4) Public access at the particular location cannot be developed to satisfy the public interest in providing a recreational, historical, cultural, scientific or educational opportunity or view.

The exceptions in subsection H3b above apply only if the Director has reviewed all reasonable alternatives for public access. The alternatives shall include the provision of access which is physically separated from the potential hazard or interference through barriers such as fencing and landscaping and provision of access at a site geographically separated from the development site but under the control of the applicant.

4. Access to a shoreline may be denied to any person who creates a nuisance or engages in illegal conduct on the property. The Director may authorize regulated public access to be temporarily or permanently closed if it

is found that offensive conduct cannot otherwise be reasonably controlled.

(Ord. 113466 § 2(part), 1987.)

**23.60.162 View corridors.**

A. View corridors shall be provided for uses and developments in the Shoreline District as required in the development standards of the environment in which the use or development is located.

B. When a view corridor is required the following provisions shall apply:

1. A view corridor or corridors of not less than the percentage of the width of the lot indicated in the development standards for the applicable shoreline environment shall be provided and maintained.

2. Structures may be located in view corridors if the slope of the lot permits full, unobstructed view of the water over the structures.

3. Unless provided otherwise in this chapter, parking for motor vehicles shall not be located in view corridors except when:

a. The parking is required parking for a water-dependent or a water-related use and no reasonable alternative exists; or

b. The area of the lot where the parking would be located is four (4) or more feet below street level.

4. Removal of existing landscaping shall not be required.

C. The Director may waive or modify the view corridor requirements if it is determined that the intent to preserve views cannot be met by a strict application of the requirements or one (1) of the following conditions applies:

1. There is no available clear view of the water from the street;

2. Existing development or topography effectively blocks any possible views from the street; or

3. The shape of the lot or topography is unusual or irregular.

D. In making the determination of whether to modify the requirement, the Director shall consider the following factors:

1. The direction of predominant views of the water;

2. The extent of existing public view corridors, such as parks or street ends in the immediate vicinity;

3. The availability of actual views of the water and the potential of the lot for providing those views from the street;

4. The percent of the lot which would be devoted to view corridor if the requirements were strictly applied;

5. Extreme irregularity in the shape of the lot or the shoreline topography which precludes effective application of the requirements; and

6. The purpose of the shoreline environment in which the development is located, to determine whether the primary objective of the environment is water-dependent uses or public access views.



(Ord. 113466 § 2(part), 1987.)

**Part 4 Development Standards Applicable to Specific Uses**

**23.60.179 Additional development standards.**

The following uses shall meet the additional development standards provided below as well as the General Development Standards of Part 3 of this subchapter and any applicable development standards for the environment in which the use is located.

(Ord. 113466 § 2(part), 1987.)

**23.60.180 Sign standards.**

**A. General Standards for All Signs.**

1. Roof signs shall not be permitted in the Shoreline District.

2. Signs mounted on buildings shall be wall-mounted except for projecting signs mounted on the street-front facade of a building facing a street running generally parallel to the shoreline and located at a distance from the corner of the building so as not to obstruct views of the water.

3. Pole signs shall be permitted only on piers or floats which lack buildings for wall-mounted signs and only to provide visibility from fairways (publicly owned navigable waters) for water-dependent or water-related uses. Pole signs shall not be located in view corridors required by this chapter or so as to obstruct views through view corridors required by this chapter or of a substantial number of residents. The Director may modify proposed signs to prevent such view obstruction.

4. Ground signs are permitted when not located in required view corridors or in an area which impairs visual access to view corridors.

5. The size, height and number of permitted signs and the determination as to whether a sign may be flashing, illuminated, rotating or portable, shall be as regulated in the underlying zoning except as follows:

a. Any sign which is visible from a fairway (publicly owned navigable water) shall be limited to only the name and nature of the use, and each letter shall be limited to no more than sixteen inches (16") in height;

b. Signs on piers shall be limited to forty (40) square feet in area; and

c. Freestanding signs on piers shall not exceed twelve feet (12') in height.

**B. Types of Signs.**

1. Signs permitted in the CN, CP, CR, CM, CW and UR Environments shall be limited to identification signs, on-premises directional signs, and interpretive signs.

2. Signs permitted in the US, UH, UM, and UG Environments shall be limited to identification signs, on-premises directional signs, interpretive signs and business signs.

3. Signs permitted in the UI Environment shall be limited to identification signs, on-premises directional signs, interpretive signs, business signs, and off-premises

directional signs. Advertising signs may be permitted only on upland lots in the UI Environment.

4. Temporary signs as defined in Section 23.55.012 shall be allowed in all Environments, subject to the restrictions in subsection A.

(Ord. 117555 § 3, 1995; Ord. 113466 § 2(part), 1987.)

**23.60.182 Dredging standards.**

A. Dredging and dredged material disposal shall be designed to include reasonable mitigating measures to protect aquatic habitats and to minimize adverse impacts such as turbidity, release of nutrients, heavy metals, sulfides, organic materials or toxic substances, dissolved oxygen depletion, disruption of food chains, loss of benthic productivity and disturbance of fish runs and important biological communities.

B. Dredging shall be timed so that it does not interfere with migrating aquatic life, as prescribed by state and federal requirements.

C. Open-water disposal of dredged material shall be permitted only at designated disposal sites.

D. Stockpiling of dredged material in or under water is prohibited.

E. Dredging of material that does not meet the Environmental Protection Agency and Department of Ecology criteria for open-water disposal shall be permitted only if:

1. The dredging would not cause long-term adverse impacts to water sediment quality, aquatic life or human health in adjacent areas; and

2. A dry land or contained submerged disposal site has been approved by the Environmental Protection Agency (EPA) and the Director of the Seattle/King County Department of Public Health, or any successor agency.

F. Dredging for the purpose of obtaining fill or construction material, or otherwise mining submerged land is prohibited except where the applicant can show that:

1. The existing benthos is sterile or largely degraded and shows no sign of regeneration; and

2. The dredging will have only mitigable impact on water quality and aquatic life.

G. Incidental dredged material resulting from the installation of a utility line or intake or outfall may remain under water if:

1. It can be placed without long-term adverse impacts to water quality, sediment quality, aquatic life or human health; and

2. The environmental impacts of removing the material and relocating it to an open-water disposal site are greater than the impacts of leaving the material at the original site.

(Ord. 113466 § 2(part), 1987.)

**23.60.184 Standards for landfill and creation of dry land.**

A. Solid waste, refuse, and debris shall not be placed in the shoreline.

B. Shoreline fills or cuts shall be designed and located so that:

1. No significant damage to ecological values or natural resources shall occur; and

2. No alteration of local currents nor littoral drift creating a hazard to adjacent life, property or natural resources systems shall occur.

C. All perimeters of fills shall be provided with vegetation, retaining walls, or other mechanisms for erosion prevention.

D. Fill materials shall be of a quality that will not cause problems of water quality.

E. Shoreline fills shall not be considered for sanitary landfills or the disposal of solid waste except for the disposal of dredged material permitted in subsection I below.

F. In evaluating fill projects and in designating areas appropriate for fill, such factors as total water surface reduction, navigation restriction, impediment to water flow and circulation, reduction of water quality and destruction of habitat shall be considered.

G. Deposit of fill material including dredged material shall not be permitted on lands which contain unique, fragile or ecologically valuable resources.

H. The final location and slope of fill material on submerged lands shall meet the criteria of the State Fisheries and Game Hydraulic Code.

I. Dredged material not meeting the Environmental Protection Agency and Department of Ecology criteria for open-water disposal may be used for landfill in the shoreline only if:

1. The landfill is designed to be used for future water-dependent or water-related development;

2. The landfill meets the criteria for landfill in the environment in which it is located;

3. Either the area in which the material is placed has similar levels of the same contaminants or the material is placed in a manner that it will not be a source of contaminants in an area cleaner than the proposed fill material;

4. The landfill can be placed in the water or on the land without long-term adverse impacts to water quality, sediment quality, aquatic life, or human health; and

5. If classified as problem waste, any required EPA or DOE approval is obtained.

J. Incidental landfill which does not create dry land and is necessary for the installation of a utility line intake or outfall may be placed on submerged land if it will not have long-term adverse impacts to water quality, sediment quality, aquatic life or human health.

K. Landfill which creates dry land which is necessary to repair pocket erosion between adjacent revetments shall meet the following standards in addition to those in subsections A through J above:

1. The erosion pocket does not exceed one hundred feet (100') in width as measured between adjacent revetments;

2. The erosion pocket is in an area characterized by continuous revetments abutting and extending in both directions along the shoreline away from the erosion pocket;

3. The fill will not appreciably increase interference with a system of beach accretion and erosion; and

4. The fill does not extend beyond a line subtended between the adjacent revetments.

(Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

### **23.60.186 Standards for natural beach protection.**

A. The design and use of naturally regenerating systems for prevention and control of beach erosion is encouraged and preferred over bulkheads and other structures when the length and configuration of the beach will accommodate it, and the protection is a reasonable solution to the needs of the specific site where it is proposed. Design alternatives shall include the best available technology such as, but not limited to:

1. Gravel berms, drift sills, beach nourishment, and beach enhancement when appropriate.

2. Planting with short-term mechanical assistance, when appropriate. All plantings provided shall be maintained.

B. Natural beach protection shall not:

1. Detrimentially interrupt littoral drift, or redirect waves, current or sediments to other shorelines;

2. Result in any exposed groin-like structures;

3. Extend waterward more than the minimum amount necessary to achieve the desired stabilization;

4. Result in contours sufficiently steep to impede easy pedestrian passage, or trap drifting sediments; or

5. Create additional dry land mass.

C. Maintenance of natural beach protection systems shall be the responsibility of the owner.

(Ord. 113466 § 2(part), 1987.)

### **23.60.188 Standards for bulkheads.**

A. Bulkheads accessory to nonresidential uses may be authorized when:

1. The bulkhead would not detrimentally redirect littoral drift, waves, currents or sediments to other shorelines;

2. If dry land is created, the landfill complies with all standards for landfill; and

3. The bulkheads are:

a. Adjacent to a navigable channel,

b. Necessary for a water-dependent or water-related use, or

c. Necessary to prevent extraordinary erosion, but only when natural beach protection is not a practical alternative.

B. Bulkheads accessory to residential uses may be authorized when:

1. Necessary to maintain existing land and to protect from extraordinary erosion, and when natural beach protection is not a practical alternative;

2. Additional dry land mass is not created, except as otherwise provided in the standards of the applicable environment;

3. The bulkhead does not extend waterward of ordinary high water unless necessary to protect the toe of a cliff from wave action;

4. The bulkhead does not extend into the water beyond adjacent bulkheads;

5. The bulkhead would not detrimentally redirect littoral drift, waves, currents or sediments to other shores; and

6. The existing contour of the natural shoreline is generally followed.

C. Bulkheads accessory to single-family residences and meeting the conditions of subsection B above are normal protective bulkheads common to single-family residences and are exempt from the substantial development permit requirement.

D. Riprap bulkheads shall be preferred over vertical wall or slab bulkheads except in the UM, UG, and UI Environments. Sheetpiling and precast concrete slabs with vertical waterward faces shall include adequate tiebacks and toe protection.

E. Riprap faces shall be constructed to a stable slope and shall be of a material of sufficient size to be stable. (Ord. 113466 § 2(part), 1987.)

**23.60.190 Standards for breakwaters and jetties.**

A. Breakwaters and jetties may be authorized only for protection of water-dependent uses.

B. Where practical, floating breakwaters shall be used rather than solid landfill breakwaters or jetties in order to maintain sand movement and fish habitat.

C. Solid breakwaters and jetties shall be constructed only where design modifications can eliminate potentially detrimental effects on the movement of sand and circulation of water. (Ord. 113466 § 2(part), 1987.)

**23.60.192 Standards for utility lines.**

A. To the extent practicable, all new utility lines shall be located or constructed within existing utility corridors.

B. The installation of new electrical, telephone or other utility lines in areas where no such lines exist, or the substantial expansion of existing electrical, telephone or other utility lines in all environments except UI shall be accomplished underground, or under water, except for lines carrying one hundred fifteen (115) kilovolts or more.

C. Overhead installation of utility lines shall be permitted where there are no significant impacts on upland views. Location and design shall minimize visibility of overhead utilities and preserve views.

D. Upon completion of utility line installation or maintenance projects, the shoreline shall be restored to preproject configuration, replanted and provided maintenance care until the newly planted vegetation is reestablished.

E. Underwater pipelines except gravity sewers and storm drains, carrying materials intrinsically harmful or potentially injurious to aquatic life and/or water quality

shall be provided with shutoff facilities at each end of the underwater segments.

(Ord. 113466 § 2(part), 1987.)

**23.60.194 Standards for intakes and outfalls.**

A. All intakes and outfalls shall be located so they will not be visible at mean lower low water.

B. All intakes and outfalls shall be designed and constructed to prevent the entry of fish.

(Ord. 113466 § 2(part), 1987.)

**23.60.196 Floating homes.**

A. General Standards.

1. Floating home moorages shall comply with the Seattle Building Code adopted by Chapter 22.100 of the Seattle Municipal Code, and the requirements of this chapter.

2. Moorage Location.

a. Except as provided below, every floating home moorage shall be located on privately owned or privately controlled premises. No floating home shall be located in any waterway or fairway or in the public waters of any street or street end.

b. Floating homes and floating home moorages which were located in the public waters or any street or street end on January 1, 1974, or on property later dedicated to the City for street purposes, and which have continuously remained in such locations, comply with all other provisions of this chapter and are authorized by a use and occupancy permit approved by the Director of Seattle Transportation shall be permitted; provided that when any such floating home so located and permitted to use such public waters is moved from its existing site the public waters shall not be reoccupied.

c. Floating homes and floating home moorages located in Portage Bay in a submerged street segment lying generally parallel to the shoreline that terminates on the north and on the south in a submerged street area when the same person owns or leases the property abutting on both sides thereof shall be permitted.

d. Floating homes are permitted when located at an existing floating home moorage and located partially on private property and partially in submerged portions of Fairview Avenue East lying generally parallel to the shoreline, when the occupant of the floating home owns or leases the private portion of the moorage site and has obtained a long-term permit from City Council to occupy the abutting street area.

3. Views. Floating homes shall not be located or relocated in such a manner as to block the view corridor from the end of a dock or walkway. In the location and the design of remodeled floating homes, views of the water for moorage tenants and the public shall be preserved.

4. Existing Floating Homes. An existing floating home, for the purposes of this section, shall be one assigned a King County Assessor's (KCA) number and established by that number as existing at an established moorage in Lake Union or Portage Bay as of the effective date of the ordinance codified in this chapter.<sup>1</sup>



5. Relocation. Two (2) floating homes may exchange moorage sites, either within a moorage or between moorages, if:

a. Both floating homes are the same height or the relocation will not result in a floating home, which is over eighteen (18) feet in height and higher than the floating home being replaced, being located seaward of floating homes which are eighteen (18) feet or less in height, provided that no floating home greater than eighteen (18) feet in height shall be relocated to a nonconforming floating home moorage except to replace a floating home of equal or greater height;

b. The minimum distance between adjacent floating home walls and between any floating home wall and any floating home site line will meet the requirements of the applicable moorage standards in subsection B or C of this section below unless reduced for existing floating homes by the Director; and

c. The requirements of Chapter 7.20 of the Seattle Municipal Code, Floating Home Moorages, have been met.

6. Moorage Plan. Any proposal to replace, remodel, rebuild, or relocate a floating home, or expand a floating home moorage, shall be accompanied by an accurate, fully dimensioned moorage site plan, at a scale of not less than one (1) inch equals twenty (20) feet, unless such plan is already on file with the Department. When the proposal is to expand a moorage, the plan shall designate individual moorage sites for the entire moorage.

#### B. Conforming Floating Home Moorages.

1. New moorages or expanded portions of conforming floating home moorages shall meet the following standards:

a. Floating homes shall not exceed twenty-one (21) feet at the highest point measured from the surface of the water, except that the following specific structures, and only these structures, may exceed this height limit to the minimum extent necessary in order to satisfy the provisions of the Building Code: open railings, chimneys and mechanical vents. Open railings shall be limited to thirty-six (36) inches in height.

b. New floating homes shall not cover in excess of one thousand two hundred (1,200) square feet of water area, and existing floating homes shall not be expanded beyond one thousand two hundred (1,200) square feet, inclusive of float, decks, roof overhang and accessory floats.

c. Minimum site area for an individual floating home shall be two thousand (2,000) square feet, except as provided in subsection D of this section.

d. Total water coverage of all floating homes and all fixed or floating moorage walkways shall not exceed forty-five (45) percent of the submerged portion of the moorage lot area.

e. Setbacks.

(1) The minimum distance between adjacent floating home floats or walls shall be ten (10) feet of open water.

(2) The minimum distance between floating homes on opposite sides of a moorage walkway shall be ten (10) feet, wall-to-wall.

(3) The minimum distance between any floating home float or wall and any floating home moorage lot line shall be five (5) feet except that there shall be no minimum distance required between a floating home float or wall and a moorage lot line when the lot line is adjacent to a public street right-of-way, a waterway or the fairway. A moorage walkway may abut upon the lot line.

f. Each floating home shall have direct access to a moorage walkway of not less than five (5) feet of unobstructed width leading to a street.

g. Each floating home in a floating home moorage shall abut upon open water at least twenty (20) feet wide and open continuously to navigable waters.

h. The view corridor requirements of the applicable shoreline environment shall be met.

2. Floating home moorages meeting the above standards shall be considered to be conforming.

3. Remodeling, rebuilding or relocation of a floating home shall be permitted at a conforming moorage if the provisions of subsections A and B1 of this section are met.

#### C. Nonconforming Floating Home Moorages.

1. The remodeling, replacement, or rebuilding of a floating home at a moorage existing as of March 1, 1977, whether or not legally established at that time, when the moorage does not satisfy the lot coverage, open water, site area, setback, view corridor or location provisions for conforming floating home moorages shall be permitted subject to the following provisions:

a. The total float area of the floating home float shall not be increased;

b. The height of the remodeled floating home or of the remodeled portion of the floating home shall not be increased beyond eighteen (18) feet from the water surface or the height shall not exceed eighteen (18) feet from the water if the floating home is being replaced or rebuilt, except that the following specific structures, and only these structures, may exceed this height limit to the minimum extent necessary in order to satisfy the provisions of the Building Code: open railings, chimneys and mechanical vents. Open railings shall be limited to thirty-six (36) inches in height;

c. The minimum distance between adjacent floating home walls shall not be decreased to less than six (6) feet if the floating home is being remodeled or shall not be less than six (6) feet if the floating home is being rebuilt or replaced, except as provided in subsection D of this section;

d. The minimum distance between any floating home wall and any floating home site line shall not be decreased to less than three (3) feet if the floating home is being remodeled or shall not be less than three (3) feet if the floating home is being rebuilt or replaced;

e. No part of the floating home shall be further extended over water beyond the edge of the float if the floating home is being remodeled or shall not be extended



over water beyond the edge of the float if the floating home is being rebuilt or replaced;

f. Any accessory float which was attached to a floating home as of March 1, 1977, may be maintained or replaced provided that the area of the accessory float shall not be increased. An accessory float may not be transferred from one (1) floating home to another. New accessory floats are prohibited; and

g. The extent of nonconformity of the floating home moorage with respect to view corridors shall not be increased.

2. The expansion of a nonconforming moorage shall be permitted if the expanded portion of the moorage meets the following provisions:

a. No floating home in the expanded portion of the moorage is over eighteen (18) feet in height or the height of the floating home located immediately landward in the existing moorage, whichever is greater;

b. New floating homes shall not cover an excess of one thousand two hundred (1,200) square feet of water area, and existing floating homes shall not be expanded beyond one thousand two hundred (1,200) square feet, inclusive of float, decks, roof overlay and accessory floats;

c. Minimum site area for an individual floating home shall be two thousand (2,000) square feet except as provided in subsection D of this section;

d. Total water coverage of all floating homes and all fixed or floating moorage walkways in the expanded portion of the moorage shall not exceed forty-five (45) percent of the expanded submerged portion of the moorage lot area;

e. Setbacks.

(1) The minimum distance between adjacent floating home floats or walls shall be ten (10) feet of open water,

(2) The minimum distance between floating homes on opposite sides of a moorage walkway shall be ten (10) feet, wall-to-wall,

(3) The minimum distance between any floating home float or wall and any floating home moorage lot line shall be five (5) feet except that there shall be no minimum distance required between a floating home float or wall and a moorage lot line when the lot line is adjacent to a public street right-of-way, a waterway or the fairway. A moorage walkway may abut upon the lot line;

f. Each floating home shall have direct access to a moorage walkway of not less than five (5) feet of unobstructed width leading to a street;

g. Each floating home in a floating home moorage shall abut upon open water at least twenty (20) feet wide and open continuously to navigable waters; and

h. The extent of nonconformity of the floating home moorage with respect to view corridors is not increased.

D. "Safe Harbor" Development Standards—Exceptions. There shall be no parking requirements or minimum site area for the following:

1. In the Urban Residential Environment, the addition of no more than two (2) existing floating homes, as defined in subsection A4 of Section 23.60.196 of this chapter on each lot developed with a recreational marina, commercial moorage or floating home moorage on the effective date of the ordinance codified in this chapter<sup>1</sup> and established prior to April 1, 1987 when the floating homes are relocated from another lot after April 1, 1987; and

2. In the Urban Stable Environment, no more than two (2) floating homes at each lot as permitted by subsection A4 of Section 23.60.600 of this chapter when relocated from another lot after April 1, 1987.

(Ord. 119240 § 4, 1998; Ord. 118793 § 19, 1997; Ord. 118409 § 204, 1996; Ord. 116744 § 27, 1993; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

1. Editor's Note: Chapter 23.60, the Seattle Shoreline Master Program, became effective on December 31, 1987.

### **23.60.198 Residences other than floating homes.**

A. Residences shall not be constructed over water unless specifically permitted in the regulations for applicable shoreline environment.

B. 1. Residences on waterfront lots shall not be located further waterward than adjacent residences. If a required setback exceeds seventy-five (75) feet from the line of ordinary high water, the Director may reduce the setback to no less than seventy-five (75) feet if it does not adversely impact the shoreline environment and if views of the shoreline from adjacent existing residences are not blocked. If there are no other residences within one hundred (100) feet, residences shall be located at least twenty-five (25) feet back from the line of ordinary high water.

2. Fences, freestanding walls, bulkheads and other structures normally accessory to residences may be located in the residential setback if views of the shoreline from adjacent existing residences are not blocked. The Director shall determine the permitted height of the accessory structures.

C. Residences constructed partially or wholly over water shall not be located further waterward than adjacent over-water residences. If there are no over-water residences within one hundred (100) feet or if this provision would not allow reasonable development, the Director shall determine the maximum distance from shore that the structure may extend. In making this determination, the Director shall find that:

1. The amount of view blockage from adjacent residences is minimized;

2. The use of dry land is maximized;

3. The square footage of the proposed structure is comparable to residential development in the vicinity; and

4. The Shoreline Policies are met.

D. Single-family residences on both waterfront and upland lots shall meet the yard requirements of the underlying zoning.

E. Multifamily developments shall meet all development standards of the underlying zoning including mod-

ulation and structure width and depth, provided that, where view corridors are required, the Director may reduce or waive the yard and setback requirements of the underlying zoning. Where view corridors are not required, yards and setbacks of the underlying zoning shall be required.

F. Submerged lands may not be used to satisfy landscaped open space requirements of multifamily developments. (Ord. 118415 § 1, 1996; Ord. 113466 § 2(part), 1987.)

### **23.60.200 Recreational marinas.**

General requirements for recreational marinas:

A. Lavatory facilities connected to a sanitary sewer and adequate to serve the marina shall be provided.

B. Self-service sewage pumpout facilities or the best available method of disposing of sewage wastes and appropriate disposal facilities for bilge wastes shall be provided at marinas having in excess of three thousand five hundred (3,500) lineal feet of moorage or slips large enough to accommodate boats larger than twenty (20) feet in length, and shall be located so as to be conveniently available to all boats. An appropriate disposal facility for removal of bilge wastes shall be either a vacuum apparatus, or oil-absorbent materials and waste receptacles.

C. Untreated sewage shall not be discharged into the water at any time. Treated sewage shall not be discharged while boats are moored.

D. Long-term parking areas shall be located away from the water. Short-term loading areas, however, may be located near berthing areas.

E. Public access shall be provided as follows:

1. The minimum public access for a marina providing less than nine thousand (9,000) feet of moorage space shall consist of an improved walkway at least five (5) feet wide on an easement at least ten (10) feet wide leading to an area located at the water's edge, which area shall be at least ten (10) feet wide and shall provide at least ten (10) feet of water frontage for every one hundred (100) feet of the marina's water frontage.

2. The minimum public access for a marina providing nine thousand (9,000) or more feet of moorage space shall consist of an improved walkway at least five (5) feet wide on an easement at least ten (10) feet wide leading to a public walkway at least five (5) feet wide on an easement at least ten (10) feet wide located along the entire length of the marina's water frontage.

3. Marinas which provide less than two thousand (2,000) lineal feet of moorage space and which contain only water-dependent or water-related principal uses are exempt from this public access requirement.

F. Transient Moorage.

1. Transient moorage shall be provided at the rate of forty (40) lineal feet of transient moorage space for each one thousand (1,000) lineal feet of moorage space in the marina if one (1) or more of the following conditions apply:

a. The marina provides nine thousand (9,000) or more lineal feet of moorage;

b. The marina is part of a development which includes restaurants or other nonwater-dependent or non-water-related uses which operate during evening and weekend hours; or

c. The marina is owned, operated, or franchised by a governmental agency for use by the general public.

2. The Director may waive the requirement for transient moorage if it is found that there is adequate transient moorage already existing in the vicinity.

3. Transient moorage for commercial vessels may be required as part of a recreational marina providing more than nine thousand (9,000) lineal feet of moorage if the site is in an area near commercial facilities generating commercial transient moorage demand.

G. Facilities, equipment and established procedures for the containment, recovery and mitigation of spilled petroleum products shall be provided. (Ord. 113466 § 2(part), 1987.)

### **23.60.202 Standards for yacht, boat and beach clubs.**

Nonwater-dependent facilities of yacht, boat and beach clubs, other than moorage facilities, shall be located only on dry land except as specifically provided in the applicable shoreline environment.

(Ord. 113466 § 2(part), 1987.)

### **23.60.204 Piers and floats accessory to residential development.**

A. Preference shall be given to shared piers or moorage facilities for residential development. Shared facilities may be located adjacent to or on both sides of a property line upon agreement of two (2) or more adjacent shoreline property owners. Easements or covenants assuring joint use shall be furnished with a joint application.

B. Size and Location.

1. Piers may be fixed or floating. Piers shall be located generally parallel to side lot lines and perpendicular to the shoreline. If the shoreline or the lot lines are irregular, the Director shall decide the orientation of the pier. No pier shall be located within fifteen (15) feet of a side lot line unless the pier is shared with the owner of the adjacent lot or unless a pier is already in existence on the adjacent lot and located less than five (5) feet from the common side lot line, in which case the minimum distance between a pier and the side lot line may be reduced to not less than five (5) feet.

2. An existing pier not meeting the location provisions of this section may be extended to the maximum length permitted in subsection B5 below.

3. Piers shall be permitted only when the lot width is not less than forty-five (45) feet, except where the pier is shared with the owner of an adjacent lot, in which case the width of the combined lots shall be not less than sixty (60) feet. No single-family lot shall have more than one (1) pier or float structure.

4. No pier shall exceed six (6) feet in width.

5. Maximum extension of a pier from the water's edge shall be the greater of the following, limited by subsection B6:

a. A line subtended by the ends of adjacent existing piers, if within two hundred (200) yards of the proposed pier; or

b. A line subtended by the ends of an adjacent existing pier on one (1) side within two hundred (200) yards of the proposed new pier, and the first pier beyond an adjacent existing pier on the opposite side and within one hundred (100) yards of the proposed new pier; or

c. To a point where the depth of the water at the end of the pier reaches eight (8) feet below ordinary high water in fresh water or mean lower low water in tidal waters.

6. No pier shall extend more than one hundred (100) feet and no pier shall extend beyond the Outer Harbor or Pierhead Line except in Lake Union where piers shall not extend beyond the Construction Limit Line as shown upon the Official Land Use Map of The City of Seattle or except where authorized by this chapter and by the State Department of Natural Resources and the U.S. Army Corps of Engineers.

7. No pier shall exceed five (5) feet in height above ordinary high water.

C. Piers accessory to single-family, duplex or triplex developments may include one overwater projection in the form of a finger or spur pier, angled extension, float or platform per dwelling unit, not to exceed one hundred (100) square feet in area and not to be located closer than five (5) feet from a side lot line. Residential piers serving multifamily residences of four (4) or more units shall be limited to one (1) over-water projection of no more than one hundred (100) square feet per each two (2) dwelling units.

D. A shared pier may include one (1) extension, finger pier or float for each single-family dwelling unit not to exceed one hundred fifty (150) square feet in area for each residence.

E. No fees or other compensation may be charged for use by nonresidents of piers accessory to residences in the UR Environment.

F. Uncovered boat lifts and diving boards shall be permitted if in scale with the pier.

G. Swimming floats not meeting the standards of subsections A through F above shall be permitted in lieu of moorage piers when anchored off-shore and limited to one hundred (100) square feet per dwelling unit for single-family, two (2) family, and three (3) family residential units and fifty (50) square feet per dwelling unit for four (4) or more family residential units. (Ord. 113466 § 2(part), 1987.)

#### **23.60.206 Streets.**

A. Except for bridges necessary to cross a water body, new streets shall be permitted in the Shoreline District only if necessary to serve lots in the Shoreline District or to connect to public access facilities.

B. Where permitted, new streets on the shoreline shall be designed to:

1. Improve public visual and physical access to the shoreline;

2. Conform to the topography and other natural features with minimum of cut, fill, and structural elements;

3. Provide means for the public to overcome the physical barrier created by the facility and gain access to the shoreline; and

4. Minimize the area of upland lots and maximize the area of waterfront lots.

(Ord. 113466 § 2(part), 1987.)

#### **23.60.208 Railroads and rail transit.**

A. New railroad tracks shall be permitted in the Shoreline District only if necessary to serve lots in the Shoreline District.

B. Existing railroad tracks may be expanded within existing rail corridors.

C. Where possible, new rail transit facilities in the Shoreline District shall use existing highway or rail corridors.

D. All railroads and rail transit facilities shall provide means for the public to overcome the physical barrier created by the facility and gain access to the shoreline.

(Ord. 113466 § 2(part), 1987.)

#### **23.60.210 Aquatic noxious weed control.**

The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, may be accomplished through the following practices:

A. By hand-pulling, mechanical harvesting, or placement of aquascreens if proposed to maintain existing water depth for navigation, which shall be considered normal maintenance and repair and therefore exempt from the requirement to obtain a shoreline substantial development permit; or

B. By derooting, rotovating or other method which disturbs the bottom sediment or benthos, which shall be considered development for which a substantial development permit is required, unless proposed to maintain existing water depth for navigation in an area covered by a previous permit for such activity, in which case it shall be considered normal maintenance and repair and therefore exempt from the requirement to obtain a substantial development permit; or

C. Through the use of herbicides or other treatment methods applicable to the control of aquatic noxious weeds that are recommended in a final environmental impact statement published by the State Department of Agriculture or the State Department of Ecology jointly with other state agencies under Chapter 43.21 RCW, and subject to approval from the State Department of Ecology. The approve permit from the Department of Ecology shall specify the type of chemical(s) to be used and document that chemical treatment for the control of aquatic noxious weeds shall be applied by a person or entity licensed by the Department of Agriculture.

(Ord. 118793 § 20, 1997: Ord. 113466 § 2(part), 1987.)



Subchapter IV Shoreline Environments

23.60.220 Environments established.

A. The following shoreline environments and the boundaries of these environments are established on the Official Land Use Map as authorized in Chapter 23.32.

B. For the purpose of this chapter, the Shoreline District is divided into eleven (11) environments designated below.

Environment	Designation
Conservancy Navigation	CN
Conservancy Preservation	CP
Conservancy Recreation	CR
Conservancy Management	CM
Conservancy Waterway	CW
Urban Residential	UR
Urban Stable	US
Urban Harborfront	UH
Urban Maritime	UM
Urban General	UG
Urban Industrial	UI

C. The purpose and locational criteria for each shoreline environment designation are described below.

1. Conservancy Navigation (CN) Environment.
  - a. Purpose. The purpose of the CN Environment is to preserve open water for navigation,
  - b. Locational Criteria. Submerged lands used as a fairway for vessel navigation,
  - c. Submerged lands seaward of the Outer Harbor Line, Construction Limit Line or other navigational boundary which are not specifically designated or shown on the Official Land Use Map shall be designated Conservancy Navigation;
2. Conservancy Preservation (CP) Environment.
  - a. Purpose. The purpose of the CP Environment is to preserve, protect, restore, or enhance certain areas which are particularly biologically or geologically fragile and to encourage the enjoyment of those areas by the public. Protection of such areas is in the public interest.
  - b. Locational Criteria. Dry or submerged lands owned by a public agency and possessing particularly fragile biological, geological or other natural resources which warrant preservation or restoration;
3. Conservancy Recreation (CR) Environment.
  - a. Purpose. The purpose of the CR shoreline environment is to protect areas for environmentally related purposes, such as public and private parks, aquaculture areas, residential piers, underwater recreational sites, fishing grounds, and migratory fish routes. While the natural environment is not maintained in a pure state, the activities to be carried on provided minimal adverse impact. The intent of the CR environment is to use the natural ecological system for production of food, for recreation, and to provide access by the public for recreational use of the

shorelines. Maximum effort to preserve, enhance or restore the existing natural ecological, biological, or hydrological conditions shall be made in designing, developing, operating and maintaining recreational facilities.

- b. Locational Criteria.
  - (1) Dry or submerged lands generally owned by a public agency and developed as a park, where the shoreline possesses biological, geological or other natural resources that can be maintained by limiting development,
  - (2) Residentially zoned submerged lands in private or public ownership located adjacent to dry lands designated Urban Residential where the shoreline possesses biological, geological or other natural resources that can be maintained by limiting development;
4. Conservancy Management (CM) Environment.
  - a. The purpose of the CM shoreline environment is to conserve and manage areas for public purposes, recreational activities and fish migration routes. While the natural environment need not be maintained in a pure state, developments shall be designed to minimize adverse impacts to natural beaches, migratory fish routes and the surrounding community.
  - b. Locational Criteria.
    - (1) Dry or submerged land in sensitive areas generally owned by a public agency, developed with a major public facility, including navigation locks, sewage treatment plants, ferry terminals and public and private parks containing active recreation areas,
    - (2) Waterfront lots containing natural beaches or a natural resource such as fish migration routes or fish feeding areas which require management but which are compatible with recreational development;
5. Conservancy Waterway (CW) Environment.
  - a. Purpose. The purpose of the CW Environment is to preserve the waterways for navigation and commerce, including public access to and from water areas. Since the waterways are public ways for water transport, they are designated CW to provide navigational access to adjacent properties, access to and from land for the loading and unloading of watercraft and temporary moorage.
  - b. Locational Criteria. Waterways on Lake Union and Portage Bay;
6. Urban Residential (UR) Environment.
  - a. Purpose. The purpose of the UR environment is to protect residential areas.
  - b. Locational Criteria.
    - (1) Areas where the underlying zoning is Single-family or Multifamily residential,
    - (2) Areas where the predominant development is Single-family or Multifamily residential,
    - (3) Areas where steep slopes, shallow water, poor wave protection, poor vehicular access or limited water access make water-dependent uses impractical,
    - (4) Areas with sufficient dry land lot area to allow for residential development totally on dry land;
7. Urban Stable (US) Environment.
  - a. Purpose.



(1) Provide opportunities for substantial numbers of people to enjoy the shorelines by encouraging water-dependent recreational uses and by permitting non-water dependent commercial uses if they provide substantial public access and other public benefits,

(2) Preserve and enhance views of the water from adjacent streets and upland residential areas,

(3) Support water-dependent uses by providing services such as marine-related retail and moorage.

b. Locational Criteria.

(1) Areas where the underlying zoning is Commercial or Industrial,

(2) Areas with small amounts of dry land between the shoreline and the first parallel street, with steep slopes, limited truck and rail access or other features making the area unsuitable for water-dependent or water-related industrial uses,

(3) Areas with large amounts of submerged land in relation to dry land and sufficient wave protection for water-dependent recreation,

(4) Areas where the predominant land use is water-dependent recreational or nonwater-dependent commercial;

8. Urban Harborfront (UH) Environment.

a. Purpose. The purpose of the UH Environment is to encourage economically viable water-dependent uses to meet the needs of waterborne commerce, facilitate the revitalization of Downtown's waterfront, provide opportunities for public access and recreational enjoyment of the shoreline, preserve and enhance elements of historic and cultural significance and preserve views of Elliott Bay and the land forms beyond.

b. Locational Criteria.

(1) Areas where the underlying zoning is a Downtown zone,

(2) Areas in or adjacent to a State Harbor Area,

(3) Areas where the water area is developed with finger piers and transit sheds;

9. Urban Maritime (UM) Environment.

a. Purpose. The purpose of the UM environment is to preserve areas for water-dependent and water-related uses while still providing some views of the water from adjacent streets and upland residential streets. Public access shall be second in priority to water-dependent uses unless provided on street ends, parks or other public lands.

b. Locational Criteria.

(1) Areas where the underlying zoning is industrial or Commercial 2,

(2) Areas with sufficient dry land for industrial uses but generally in smaller parcels than in UI environments,

(3) Areas developed predominantly with water-dependent manufacturing or commercial uses or a combination of manufacturing-commercial and recreational water-dependent uses,

(4) Areas with concentrations of state waterways for use by commerce and navigation,

(5) Areas near, but not necessarily adjacent to residential or neighborhood commercial zones which require preservation of views and protection from the impacts of heavy industrialization;

10. Urban General (UG) Environment.

a. Purpose. The purpose of the UG environment is to provide for economic use of commercial and manufacturing areas which are not suited for full use by water-dependent businesses. Public access or viewing areas shall be provided by nonwater-dependent uses where feasible.

b. Locational Criteria.

(1) Areas with little or no water access, which makes the development of water-dependent uses impractical,

(2) Areas where the underlying zoning is Commercial 2 or Industrial,

(3) Areas developed with nonwater-dependent manufacturing, warehouses, or offices;

11. Urban Industrial (UI) Environment.

a. Purpose. The purpose of the Urban Industrial environment is to provide for efficient use of industrial shorelines by major cargo facilities and other water-dependent and water-related industrial uses. Views shall be secondary to industrial development and public access shall be provided mainly on public lands or in conformance with an area-wide Public Access Plan.

b. Locational Criteria.

(1) Areas where the underlying zoning is industrial,

(2) Areas with large amounts of level dry land in large parcels suitable for industrial use,

(3) Areas with good rail and truck access,

(4) Areas adjacent to or part of major industrial centers which provide support services for water-dependent and other industry,

(5) Areas where predominant uses are manufacturing warehousing, major port cargo facilities or other similar uses.

D. Submerged Lands. The environmental designation given to waterfront dry land shall be extended to the outer Harbor Line, Construction Limit Line, or other navigational boundary on Lake Union, on Portage Bay, in industrially zoned areas, and in the Urban Harborfront area. On Puget Sound, Lake Washington and Green Lake submerged lands shall be designated to preserve them for public or recreational purposes.

(Ord. 120691 § 19, 2001; Ord. 118408 § 9, 1996; Ord. 113466 § 2(part), 1987.)

## Subchapter V The Conservancy Navigation Environment

### Part 1 Uses

#### 23.60.240 Uses permitted outright in the CN Environment.

The following uses shall be permitted outright in the Conservancy Navigation Environment as either principal or accessory uses:

A. Navigational aids including channel markers and anchor buoys.  
(Ord. 113466 § 2(part), 1987.)

#### 23.60.242 Special uses in the CN Environment.

The following uses may be authorized in the CN Environment by the Director as either principal or accessory uses if the special use criteria of Section 23.60.032 are satisfied:

- A. Bridges;
- B. Utilities lines;
- C. Underwater diving areas and reefs;
- D. Aquaculture;
- E. Natural beach protection to prevent erosion or to enhance public access; and
- F. The disposal of dredged material at authorized dredge disposal sites established as a conditional use.  
(Ord. 113466 § 2(part), 1987.)

#### 23.60.244 Conditional uses in the CN Environment.

The following uses may be authorized in the CN Environment by the Director, with the concurrence of the Department of Ecology, as principal or accessory uses if the criteria for conditional uses of WAC 173-27-160 are satisfied:

- A. The establishment of an open-water dredge material disposal site pursuant to WAC 332-30-166;
- B. Floating dolphins necessary for a water-dependent or water-related use;
- C. Off-shore facilities necessary for a water-dependent or water-related use;
- D. Bulkheads necessary to prevent extraordinary erosion where natural beach protection is not feasible;
- E. Dredging necessary to:
  1. Maintain or improve navigational channels,
  2. Provide access to a water-dependent or water-related use,
  3. Protect or enhance the natural environment, or
  4. Install utility lines and bridges; and
- F. The following types of landfill:
  1. Landfill on submerged land which does not create dry land, if necessary to install utility lines and bridges; and
  2. Landfill for the creation of wildlife or fisheries habitat as mitigation or enhancement.  
(Ord. 118793 § 21, 1997; Ord. 113466 § 2(part), 1987.)

#### 23.60.246 Prohibited uses in the CN Environment.

The following uses shall be prohibited as principal or accessory uses in the CN Environment:

- A. Residential uses;
- B. Commercial uses;
- C. Utilities, except utility lines;
- D. Salvage and recycling uses;
- E. Manufacturing uses;
- F. High-impact uses;
- G. Institutional uses;
- H. Public facilities not authorized by Section 23.60.248;
- I. All shoreline recreation uses except underwater diving areas and reefs;
- J. Agricultural uses except aquaculture;
- K. Groins and similar structures which block the flow of sand to adjacent beaches, except drift sills or other structures which are part of a natural beach protection system; and
- L. Landfill which creates dry land, except for wildlife habitat mitigation or enhancement.  
(Ord. 118663 § 2, 1997; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

#### 23.60.248 Public facilities.

A. Except as provided in subsection B1 or B2 below, uses in public facilities that are most similar to uses permitted as a special use or permitted as a conditional use under Sections 23.60.242 and 23.60.244 shall also be permitted as a special use or conditional use, subject to the same use regulations, development standards, special use requirements, and conditional use criteria that govern the similar uses.

B. Public Facilities not Meeting Development Standards Requiring City Council Approval.

1. The City Council, with the concurrence of the Department of Ecology, may waive or modify applicable special use requirements or conditional use criteria for those uses in public facilities that are similar to uses permitted as a special use or permitted as a conditional use under Sections 23.60.242 through 23.60.244 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.

2. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted as a special use or permitted as a conditional use under Sections 23.60.242 and 23.60.244 may be permitted by the City Council. City Council, with the concurrence of the Department of Ecology, may waive or modify development standards, special use requirements 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.

C. Expansion of Uses in Public Facilities.

1. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

D. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities. (Ord. 118663 § 3, 1997.)

## Part 2 Development Standards

### 23.60.270 Development standards in the CN Environment.

In addition to development standards applicable to all environments contained in Subchapter III, General Provisions, developments in the Conservancy Navigation Environment shall be located and designed to avoid interference with navigation. Buoys or other markings may be required to warn of navigation hazards. (Ord. 113466 § 2(part), 1987.)

## Subchapter VI The Conservancy Preservation Environment

### Part 1 Uses

### 23.60.300 Uses permitted outright in the CP Environment.

The following uses shall be permitted outright in the Conservancy Preservation Environment:  
None.  
(Ord. 113466 § 2(part), 1987.)

### 23.60.302 Special uses in the CP Environment.

The following uses may be authorized in the CP Environment by the Director as either principal or accessory uses if the special use criteria of Section 23.60.032 are satisfied:

- A. Utility lines if no reasonable alternative location exists;
- B. The following shoreline recreation uses:
  1. Underwater diving areas and reefs,
  2. Bicycle and pedestrian paths,
  3. Viewpoints;

C. Aquaculture; and

D. Natural beach protection to prevent erosion or to enhance public access.  
(Ord. 113466 § 2(part), 1987.)

### 23.60.304 Conditional uses in the CP Environment.

The following uses may be authorized in the CP Environment by the Director, with the concurrence of the Department of Ecology, as either principal or accessory uses if the criteria for conditional uses of WAC 173-27-160 are satisfied;

A. Bulkheads necessary to prevent extraordinary erosion where natural beach protection is not feasible;

B. Dredging necessary to protect or enhance the natural environment, to install utility lines, or for navigational access;

C. The following types of landfill:

1. Landfill on dry land if necessary to construct permitted uses and structures,

2. Landfill for the creation of wildlife or fisheries habitat as mitigation or enhancement, and

3. Landfill which does not create dry land if necessary for the installation of utility lines; and

D. Streets, railroads and bridges.

(Ord. 118793 § 22, 1997; Ord. 113466 § 2(part), 1987.)

### 23.60.306 Prohibited uses in the CP Environment.

The following uses shall be prohibited as principal or accessory uses in the CP Environment:

A. Residential uses;

B. Commercial uses including accessory parking;

C. Utility uses, except utility lines;

D. Salvage and recycling uses;

E. Manufacturing uses;

F. High-impact uses;

G. Institutional uses except permitted shoreline recreational uses;

H. Public facilities not authorized by Section 23.60.308;

I. Shoreline recreation uses except underwater diving areas or reefs, bicycle and pedestrian paths and viewpoints;

J. Agricultural uses except aquaculture;

K. The following protective structures:

1. Bulkheads on Class I beaches, and

2. Groins and similar structures which block the flow of sand to adjacent beaches, except drift sills or other structures which are part of a natural beach protection system; and

L. Landfill which creates dry land except as part of wildlife or fisheries habitat.

(Ord. 118663 § 4, 1997; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

### 23.60.308 Public facilities.

A. Except as provided in subsection B 1 or B2 below, uses in public facilities that are most similar to uses per-

mitted as a special use or permitted as a conditional use under Sections 23.60.302 and 23.60.304 shall also be permitted as a special use or conditional use, subject to the same use regulations, development standards, special use requirements, and conditional use criteria that govern the similar uses.

B. Public Facilities not Meeting Development Standards Requiring City Council Approval.

1. The City Council, with the concurrence of the Department of Ecology, may waive or modify applicable special use requirements or conditional use criteria for those uses in public facilities that are similar to uses permitted as a special use or permitted as a conditional use under Sections 23.60.302 and 23.60.304 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.

2. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted as a special use or permitted as a conditional use under Sections 23.60.302 and 23.60.304 may be permitted by the City Council. City Council, with the concurrence of the Department of Ecology, may waive or modify development standards, special use requirements 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.

C. Expansion of Uses in Public Facilities.

1. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

D. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities. (Ord. 118663 § 5, 1997.)

## Part 2 Development Standards

### 23.60.330 Development standards in the CP Environment.

All developments in the Conservancy Protection Environment shall meet the requirements of this Part 2 as well as the development standards applicable to all environments contained in Subchapter III, General Provisions. (Ord. 113466 § 2(part), 1987.)

### 23.60.332 Natural area protection in the CP Environment.

A. Developments in the CP Environment shall be located and designed to minimize adverse impacts to natural areas of biological or geological significance and to enhance the enjoyment by the public of those natural areas.

B. Development in critical natural areas shall be minimized. Critical areas include: Salt or fresh water marshes, swamps, bogs, eel grass areas, kelp beds, streams, fish spawning areas and other habitats. (Ord. 113466 § 2(part), 1987.)

### 23.60.334 Height in the CP Environment.

The maximum height in the CP Environment shall be fifteen (15) feet. (Ord. 113466 § 2(part), 1987.)

## Subchapter VII The Conservancy Recreation Environment

### Part 1 Uses

### 23.60.360 Uses permitted outright in the CR Environment.

The following uses shall be permitted outright in the Conservancy Recreation Environment as either principal or accessory uses:

A. Shoreline recreation uses except auto-trailer boat launching ramps; and

B. Aquaculture. (Ord. 116325 § 3, 1992; Ord. 113466 § 2(part), 1987.)

### 23.60.362 Accessory uses permitted outright in the CR Environment.

The following uses and structures are permitted outright in the CR Environment as accessory to permitted uses:

A. Piers and floats accessory to residences permitted by Section 23.60.360 A or to residences on adjacent land designated UR.

(Ord. 113466 § 2(part), 1987.)

### 23.60.364 Special uses in the CR Environment.

The following uses may be authorized in the CR Environment by the Director as either principal or accessory uses if the special use criteria of Section 23.60.032 are satisfied:

A. Streets necessary to serve shoreline lots;

B. Railroads and bridges;



C. Utility lines if no reasonable alternative location exists;

D. The following protective structures:  
 1. Natural beach protection,  
 2. Bulkheads to support a water-dependent or water-related use and any accessory use thereto, to enclose a permitted landfill area or to prevent erosion on Class II or Class III beaches when natural beach protection is not a practical alternative;

E. Dredging necessary for water-dependent uses, installation of utility lines or creation of wildlife or fisheries habitat as mitigation or enhancement; and

F. The following types of landfill:  
 1. Landfill on dry land, where necessary to construct permitted uses and structures,  
 2. Landfill for the creation of wildlife or fisheries habitat as mitigation or enhancement, and  
 3. Landfill on submerged land which does not create dry land, where necessary for the installation of utility lines.  
 (Ord. 113466 § 2(part), 1987.)

**23.60.365 Administrative conditional uses in the CR Environment.**

The following uses may be authorized by the Director, with the concurrence of the Department of Ecology, as principal or accessory use, if the criteria for administrative conditional uses in WAC 173-27-160 are satisfied:

A. Single-family dwelling units constructed partially or wholly over water and meeting the following conditions:

1. If located on a residentially zoned and privately owned lot established in the public records of the County or City prior to March 1, 1977 by deed, contract of sale, mortgage, platting, property tax segregation or building permit; and
2. If the lot has less than thirty (30) feet but at least fifteen (15) feet of dry land calculated as provided for in measurements Section 23.60.956; and
3. If the development is limited to the dry-land portion of the site, to the greatest extent possible, and particularly to the most level and stable portions of the dry-land area.

B. Development standards of the underlying zone applicable to the single-family use in a CR environment may be waived or modified by the Director to minimize the amount of development over submerged lands.

C. The following uses may be authorized in the CR Environment either as principal or accessory uses:

1. The following uses when associated with a public park:
  - a. Small craft center,
  - b. Boat launching ramp for auto-trailer boats,
  - c. The following non-water-dependent commercial uses:
    - (1) Sale of boat parts or accessories,
    - (2) Personal and household retail sales and services, and

- (3) Eating and drinking establishments;
2. Community yacht, boat and beach clubs when:

- a. No eating and drinking establishments are included in the use,
- b. No more than one (1) pier or float is included in the use, and
- c. Any accessory pier or float meets the standards of Section 23.60.204 for piers and floats accessory to residential development.  
 (Ord. 118793 § 23, 1997; Ord. 118663 § 6, 1997; Ord. 116325 § 4, 1992.)

**23.60.368 Prohibited uses in the CR Environment.**

The following uses shall be prohibited as principal uses in the CR Environment:

- A. Residential uses except those permitted by Section 23.60.365 A;
- B. Commercial uses except those specifically permitted by Section 23.60.365 C;
- C. Utility uses except utility lines;
- D. Salvage and recycling uses;
- E. Manufacturing uses;
- F. High-impact uses;
- G. Institutional uses except community clubs meeting the criteria of Section 23.60.365 C;
- H. Public facilities not authorized by Section 23.60.370;
- I. Open space uses except shoreline recreation uses permitted by Section 23.60.360 B;
- J. Agricultural uses except aquaculture;
- K. The following shoreline protective structures:
  1. Groins and similar structures which block the flow of sand to adjacent beaches, except drift sills or other structures which are part of a natural beach protection system, and
  2. Bulkheads on Class I beaches; and
- L. Landfill which creates dry land except as part of habitat mitigation or enhancement.  
 (Ord. 118663 § 8, 1997; Ord. 117571 § 3, 1995; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

**23.60.370 Public facilities.**

A. Except as provided in subsection B1 or B2 below, uses in public facilities that are most similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.360 through 23.60.365 shall also be permitted outright, as a special use or conditional use, subject to the same use regulations, development standards, special use requirements, and conditional use criteria that govern the similar uses.

B. Public Facilities not Meeting Development Standards Requiring City Council Approval.

1. The City Council, with the concurrence of the Department of Ecology, may waive or modify applicable development standards, special use requirements or conditional use criteria for those uses in public facilities that are similar to uses permitted outright, permitted as a

special use or permitted as a conditional use under Sections 23.60.360 through 23.60.365 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.

2. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.364 through 23.60.365 may be permitted by the City Council. City Council, with the concurrence of the Department of Ecology, may waive or modify development standards, special use requirements 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.

C. Expansion of Uses in Public Facilities.

1. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

D. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities. (Ord. 118663 § 9, 1997.)

## Part 2 Development Standards

### 23.60.390 Development standards in the CR Environment.

All developments in the Conservancy Recreation Environment shall meet the requirements of this Part 2 as well as the development standards applicable to all environments contained in Subchapter III, General Provisions. (Ord. 113466 § 2(part), 1987.)

### 23.60.392 Natural area protection in the CR Environment.

A. All developments in the CR Environment shall be located and designed to minimize adverse impacts to natural areas of biological or geological significance and to

enhance the enjoyment by the public of those natural areas.

B. Development in critical natural areas shall be minimized. Critical areas include: Salt or fresh water marshes, swamps, bogs, eel grass areas, kelp beds, streams, fish spawning areas and other habitats. (Ord. 113466 § 2(part), 1987.)

### 23.60.394 Height in the CR Environment.

A. The maximum height permitted outright in the CR Environment shall be fifteen (15) feet except as modified by subsections C through E of this section.

B. The maximum height permitted as an administrative conditional use shall be thirty (30) feet except as modified in subsections C through E.

C. Pitched Roofs. The ridge of pitched roofs on principal structures may extend five (5) feet above the height permitted in subsection A or B above. All parts of the roof above the height limit must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the height limit under this provision.

D. Rooftop Features.

1. Radio and television receiving antennas, flagpoles and chimneys may extend ten (10) feet above the maximum height limit.

2. Open railings, planters, skylights, clerestories, monitors, greenhouses, solar collectors, parapets and firewalls may extend four (4) feet above the maximum height limit.

E. Bridges. Bridges may extend above the maximum height limits. (Ord. 120927 § 1, 2002; Ord. 116325 § 5, 1992; Ord. 113466 § 2(part), 1987.)

**23.60.396 Lot coverage in the CR Environment.**

A. Lot Coverage Regulations. Structures, including floats and piers, shall not occupy more than thirty-five (35) percent of a waterfront lot located in the CR Environment except as modified by subsection B.

B. Lot Coverage Exceptions. On single-family zoned lots, the maximum lot coverage permitted for principal and accessory structures shall not exceed thirty-five (35) percent of the lot area or one thousand seven hundred fifty (1,750) square feet, whichever is greater. (Ord. 113466 § 2(part), 1987.)

**23.60.398 View corridors in the CR Environment.**

A view corridor or corridors of not less than thirty-five (35) percent of the width of the lot shall be provided and maintained on all waterfront lots except those developed with single-family dwellings. (Ord. 113466 § 2(part), 1987.)

**23.60.400 Regulated public access in the CR Environment.**

A. Public Property. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on all publicly owned and publicly controlled waterfront property whether leased to private lessees or not, except where the property is submerged land which does not abut dry land.

B. Private Property.

1. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on privately owned waterfront lots for the following developments:

a. Multifamily residential developments containing more than four (4) units with more than one hundred (100) feet of shoreline, except when located on salt water shorelines where public access from a street is available within six hundred (600) feet of the proposed development; and

b. Other nonresidential non-water-dependent developments.

2. Water-dependent uses and water-related uses located on private property are not required to provide public access.

C. Utilities. Regulated public access shall be provided on utility-owned or controlled property within the Shoreline District. (Ord. 113466 § 2(part), 1987.)

**Subchapter VIII The Conservancy Management Environment**

**Part 1 Uses**

**23.60.420 Uses permitted outright on waterfront lots in the CM Environment.**

The following uses shall be permitted outright on waterfront lots in the Conservancy Management Environment as either principal or accessory uses:

A. Utilities:

1. Utility lines, and
2. Utility service uses whose operations require a shoreline location, excluding communication utilities;
- B. Existing yacht, boat and beach clubs;
- C. Shoreline recreation;
- D. Aquaculture.

(Ord. 120927 § 2, 2002; Ord. 113466 § 2(part), 1987.)

**23.60.422 Accessory uses permitted outright in the CM Environment.**

The following uses and structures are permitted outright in the CM Environment as accessory to permitted uses:

A. Piers and floats accessory to residential uses permitted on adjacent UR land. (Ord. 113466 § 2(part), 1987.)

**23.60.424 Special uses permitted on waterfront lots in the CM Environment.**

The following uses may be authorized by the Director on waterfront lots in the CM Environment as either principal or accessory uses if the special use criteria in Section 23.60.032 are satisfied:

A. The following commercial uses:

1. Sale or rental of large boats,
2. Marine service station,
3. Vessel repair, minor,
4. Recreational marina,
5. Dry storage of boats,
6. Water-dependent passenger terminals, provided that the impact of terminal operation on adjacent residential neighborhoods and streets can be mitigated, and
7. Airports, water-based;

B. Streets;

C. Bridges;

D. Expansion of existing sewage treatment plants, not including expansion for additional treatment capacity or the addition of a new treatment level;

E. Public facilities, water-dependent or water-related;

F. The following institutional uses:

1. New yacht, boat and beach clubs,
2. Institute for advanced study, water-dependent or water-related,
3. Museum, water-dependent or water-related,
4. Shoreline recreation accessory to a school, college or university;

G. The following shoreline protective structures:

1. Natural beach protection,
2. Bulkheads to support a water-dependent or water-related use, or to enclose a permitted landfill area, or to prevent erosion on Class II or Class III beaches when natural beach protection is not a practical alternative;

H. Dredging, when the dredging is necessary for a water-dependent or water-related use;

I. The following types of landfill:

1. Landfill on submerged lands which does not create dry land, if necessary for a water-dependent or wa-

ter-related use or for the installation of a bridge or utility line,

2. Landfill for the creation of wildlife or fisheries habitat as mitigation or enhancement, and

3. Landfill on submerged land which creates dry land:

a. When the dry land is necessary for a water-dependent or water-related use, and

b. If more than two (2) square yards of dry land per linear yard of shoreline is created, the landfill meets the following additional criteria:

(1) No reasonable alternative to the landfill exists,

(2) The development provides a clear public benefit, and

(3) The landfill site is not located in Lake Union or Portage Bay.

(Ord. 113674 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

### **23.60.426 Conditional uses permitted in the CM Environment.**

The following uses may be authorized in the CM Environment by the Director, with the concurrence of the Department of Ecology, as principal or accessory uses if the criteria for conditional uses in WAC 173-27-160 are satisfied:

A. Non-water-dependent commercial uses associated with a recreational marina:

1. The following uses associated with a recreational marina may be permitted when meeting the criteria in subsection A2:

a. Sale of boat parts or accessories, and

b. Eating and drinking establishments;

2. a. The use is associated with a recreational marina with at least nine thousand (9,000) lineal feet of moorage,

b. The size and location of the use will not restrict efficient use of the site for water-dependent recreation or public access, and

c. The use is located on dry land, provided the use may be located over water if the lot has a depth of less than fifty (50) feet and a dry land location is not feasible;

B. Non-water-dependent commercial uses on historic ships:

1. The following uses may be permitted on an historic ship when meeting the criteria in subsection B2:

a. Sale of boat parts or accessories,

b. Personal and household retail sales and services, and

c. Eating and drinking establishments;

2. a. The use is located on a ship designated as historic by the Landmarks Preservation Board or listed on the National Register of Historic Places,

b. The use is compatible with the existing design and/or construction of the ship without significant alteration,

c. Other uses permitted outright or as special uses are not practical because of ship design or such uses cannot provide adequate financial support necessary to sustain the ship in a reasonably good physical condition,

d. A Certificate of Approval has been obtained from the Landmarks Preservation Board, and

e. No other historic ship containing restaurant or retail uses is located within one-half (½) mile of the proposed site;

C. Non-water-dependent commercial uses associated with a public park:

1. The following uses associated with a public park may be permitted when meeting the criteria of subsection C2:

a. Sale of boat parts or accessories,

b. Personal and household retail sales and services, and

c. Eating and drinking establishments;

a. The use is associated with a public park,

b. The use is located on a lot which does not exceed two thousand four hundred (2,400) square feet in area, and

c. All personal and household goods sold or rented are for use on the lot or immediate adjacent waters.

(Ord. 118793 § 25, 1997; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

### **23.60.428 Council conditional uses in the CM Environment.**

Expansion of existing sewage treatment plants in the CM Environment to add capacity or a new treatment level may be authorized by the Council according to the procedures of Section 23.60.068 when:

A. A determination has been made, according to the process established in Section 23.60.066, Procedure for determination of feasible or reasonable alternative locations, that no feasible alternative exists to expanding the plant in the CM Environment. The determination as to feasibility shall be based upon the Shoreline Goals and Policies, the Shoreline Management Act, as amended, and a full consideration of the environmental, social and economic impacts on the community;

B. Public access is provided along the entire length of the shoreline except for any portion occupied by barge loading and unloading facilities to serve the plant. Public access shall be most important along views of the water and any other significant shoreline element; and

C. All reasonable mitigation measures to protect views and to control odors, noise, traffic and other impacts on the natural and manmade environment are required.

(Ord. 118793 § 26, 1997; Ord. 113466 § 2(part), 1987.)

### **23.60.430 Prohibited principal uses on waterfront lots in the CM Environment.**

The following uses are prohibited as principal uses on waterfront lots in the CM Environment:

A. Residential uses;



- B. The following commercial uses:
1. Vessel repair, major,
  2. Commercial moorage,
  3. Tugboat services,
  4. Sale of boat parts or accessories except when permitted as a conditional use,
  5. Personal and household retail sales and services except when permitted as a conditional use,
  6. Medical services,
  7. Animal services,
  8. Automotive retail sales and services,
  9. Eating and drinking establishments except when permitted as a conditional use,
  10. Lodging,
  11. Mortuary services,
  12. Nonhousehold sales and services,
  13. Parking, principal use,
  14. Offices,
  15. Entertainment uses,
  16. Wholesale showrooms,
  17. Mini-warehouses,
  18. Warehouses,
  19. Outdoor storage,
  20. Personal transportation services,
  21. Passenger terminals, non-water-dependent,
  22. Cargo terminals,
  23. Transit vehicle bases,
  24. Helistops and heliports,
  25. Airports, land-based,
  26. Research and development laboratories, and
  27. Food processing and craft work uses;
- C. Salvage and recycling uses;
- D. Railroads;
- E. The following utilities:
1. Communication utilities,
  2. Solid waste transfer stations,
  3. Power plants, and
  4. New sewage treatment plants;
- F. Manufacturing uses;
- G. High-impact uses;
- H. Institutional uses except those specifically permitted under Sections 23.60.420 and 23.60.422;
- I. Public facilities not authorized by Section 23.60.436 and those that are non-water-dependent;
- J. Open space uses except shoreline recreation;
- K. Agricultural uses except aquaculture; and
- L. The following shoreline protective structures:
1. Groins and similar structures which block the flow of sand to adjacent beaches, except drift sills or other structures which are part of a natural beach protection system, and
  2. Bulkheads on Class I beaches.
- (Ord. 118663 § 10, 1997; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

**23.60.432 Permitted uses on upland lots in the CM Environment.**

- A. Uses Permitted Outright.

1. All uses permitted on waterfront lots shall also be permitted on upland lots;
  2. Additional uses permitted outright:
    - a. Institutional uses, and
    - b. Open space uses.
- B. Uses Permitted as Special Uses. Uses permitted as special uses on waterfront lots are permitted as special uses on upland lots unless permitted outright.
- C. Conditional Uses. Uses permitted as conditional uses on waterfront lots are permitted as conditional uses on upland lots.  
(Ord. 113466 § 2(part), 1987.)

**23.60.434 Prohibited uses on upland lots in the CM Environment.**

All uses prohibited on waterfront lots are also prohibited on upland lots unless specifically permitted in Section 23.60.432.  
(Ord. 113466 § 2(part), 1987.)

**23.60.436 Public facilities.**

A. Except as provided in subsection B1 or B2 below, uses in public facilities that are most similar to permitted and accessory uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.420 through 23.60.428 shall also be permitted outright, as an accessory use, as a special use, or conditional use, subject to the same use regulations, development standards, accessory use requirements, special use requirements, and conditional use criteria that govern the similar uses.

B. Public Facilities not Meeting Development Standards Requiring City Council Approval.

1. The City Council, with the concurrence of the Department of Ecology, may waive or modify applicable development standards, accessory use requirements, special use requirements or conditional use criteria for those uses in public facilities that are similar to uses permitted outright, permitted as an accessory use, permitted as a special use, or permitted as a conditional use under Sections 23.60.420 through 23.60.428 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.

2. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted outright, permitted as an accessory use, permitted as a special use, or permitted as a conditional use under Sections 23.60.420 through 23.60.428 may be permitted by the City Council. City Council, with the concurrence of the Department of Ecology may waive or modify development standards, accessory use requirements, special use requirements 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.

C. Expansion of Uses in Public Facilities.

1. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

D. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities. (Ord. 118663 § 11, 1997.)

## Part 2 Development Standards

### 23.60.450 Development standards for the CM Environment.

All developments in the Conservancy Management Environment shall meet the requirements of this Part 2 as well as the development standards applicable to all environments contained in Subchapter III, General Provisions. (Ord. 113466 § 2(part), 1987.)

### 23.60.452 Critical habitat protection in the CM Environment.

All developments in the CM Environment shall be located and designed to minimize disturbance of any critical habitat area. "Critical habitat areas" include salt or fresh water marshes, swamps, bogs, eel grass areas, kelp beds, streams, fish spawning areas, and other habitats. (Ord. 113466 § 2(part), 1987.)

### 23.60.454 Height in the CM Environment.

A. Maximum Height. The maximum height in the CM Environment shall be thirty (30) feet, except on Lake Washington where the maximum height for structures over water, including existing single-family residences, shall be fifteen (15) feet, and except as modified in subsections B through E of this section.

B. Pitched Roofs. The ridge of pitched roofs on principal structures may extend up to five (5) feet above the maximum height limit. All parts of the roof above the height limit must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the height limit under this provision.

C. Water-dependent Uses. Cranes, mobile conveyers and similar equipment necessary for the function of water-

dependent uses or the servicing of vessels may extend above the maximum height limit.

### D. Rooftop Features.

1. Radio and television receiving aerials, flagpoles, chimneys and religious symbols for religious institutions, are exempt from height limits, except as regulated in Chapter 23.64, Airport Height Overlay District, provided such features are:

a. No closer to any adjoining lot line than fifty (50) percent of their height above existing grade; or

b. If attached only to the roof, no closer to any adjoining lot line than fifty (50) percent of their height above the roof portion where attached.

2. Open railings, skylights, clerestories, monitors, solar collectors, parapets and firewalls may extend four (4) feet above the maximum height limit.

E. Bridges. Bridges may extend above the maximum height limit.

(Ord. 120117 § 43, 2000; Ord. 113466 § 2(part), 1987.)

### 23.60.456 Lot coverage in the CM Environment.

A. Structures, including floats and piers, shall not occupy more than thirty-five (35) percent of a waterfront lot or an upland lot except as modified by subsection B.

B. Lot Coverage Exceptions. On single-family zoned lots, the maximum lot coverage permitted for principal and accessory structures shall not exceed thirty-five (35) percent of the lot area or one thousand seven hundred fifty (1,750) square feet, whichever is greater.

(Ord. 113466 § 2(part), 1987.)

### 23.60.458 View corridors in the CM Environment.

A. A view corridor or corridors of not less than thirty-five (35) percent of the width of the lot shall be provided and maintained on all waterfront lots and on any upland through lot separated from a waterfront lot designated CM, CR, CP or CN by a street or railroad right-of-way.

B. The following uses may be located in a required view corridor:

1. Open wet moorage;

2. Storage of boats undergoing repair; and

3. Parking which meets the criteria of subsection B3 of Section 23.60.162, View corridors.

(Ord. 113466 § 2(part), 1987.)

### 23.60.460 Regulated public access in the CM Environment.

A. Public Property. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on all publicly owned and publicly controlled waterfront whether leased to private lessees or not, except when the property is submerged land which does not abut dry land.

### B. Private Property.

1. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on privately owned waterfront lots for the following developments:

a. Marinas, except as exempted in Section 23.60.200 E;

b. Non-water-dependent uses, except those located on private lots in Lake Union which have a front lot line of less than one hundred (100) feet in length measured at the upland street frontage generally parallel to the water edge and which abut upon a street or waterway providing public access.

2. Water-dependent uses other than marinas and water-related uses located on private property are not required to provide public access.

C. Utilities. Regulated public access shall be provided on utility-owned or controlled property within the Shoreline District. (Ord. 113466 § 2(part), 1987.)

**Subchapter IX The Conservancy Waterway Environment**

**Part 1 Uses**

**23.60.480 General provisions.**

A. Public and nonprofit uses may be permitted as principal uses in the Conservancy Waterway Environment. All other uses shall be permitted only when either accessory to or associated with abutting uses.

B. Uses permitted in the CW Environment shall also meet the use standards of abutting waterfront shoreline environments. Uses may also require separate approval from the Washington Department of Natural Resources. (Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

**23.60.482 Uses permitted outright in the CW Environment.**

The following uses shall be permitted outright in the CW Environment:

None. (Ord. 113466 § 2(part), 1987.)

**23.60.484 Special uses in the CW Environment.**

The following uses may be authorized in the CW Environment by the Director if the special use criteria of Section 23.60.032 are satisfied:

- A. Community yacht, boat and beach clubs;
- B. Shoreline recreation;
- C. The following commercial uses:
  - 1. Vessel repair, minor,
  - 2. Commercial moorage,
  - 3. Tugboat services,
  - 4. Rental of boats, and
  - 5. Airport, water-based;
- D. Museum, water-dependent;
- E. Public facilities, water-dependent or water-related;
- F. Shoreline protective structures;
- G. Utility lines, excluding communication utilities;
- H. Dredging necessary to maintain or improve navigation channels, to install utility lines or for a water-dependent or water-related use; and

I. Landfill which does not create dry land. (Ord. 120927 § 3, 2002; Ord. 113466 § 2(part), 1987.)

**23.60.486 Conditional uses in the CW Environment.**

The following uses may be authorized in the CW Environment by the Director with the concurrence of the Department of Ecology as principal or accessory uses if the criteria for conditional uses in WAC 173-27-160 are satisfied:

- A. Commercial uses:
    - 1. Vessel repair, major, of historic ships;
    - B. Non-water-dependent commercial uses on historic ships:
      - 1. The following uses may be permitted on an historic ship when meeting the criteria in subsection B2:
        - a. Sale of boat parts and accessories,
        - b. Personal and household retail sales and services, and
        - c. Eating and drinking establishments;
      - 2. a. The ship is designated as historic by the Landmarks Preservation Board or listed on the National Register of Historical Places,
        - b. The use is compatible with the existing design and/or construction of the ship without significant alteration,
        - c. Other uses permitted outright are impractical because of ship design or such uses cannot provide adequate financial support to sustain the ship in a reasonably good physical condition,
        - d. A certificate of approval has been obtained from the Landmarks Preservation Board, and
        - e. No other historic ship containing restaurant or retail uses is located within one-half (1/2) mile of the proposed site.
- (Ord. 118793 § 27, 1997; Ord. 113466 § 2(part), 1987.)

**23.60.488 Prohibited uses in the CW Environment.**

The following uses shall be prohibited as principal and accessory uses in the CW Environment;

- A. The following commercial uses:
  - 1. Marine service station,
  - 2. Sale of large boats,
  - 3. Sale of boat parts and accessories,
  - 4. Dry boat storage,
  - 5. Recreational marina,
  - 6. All non-water-dependent commercial uses except those permitted on historic ships, and
  - 7. Vessel repair, major, except of historic ships;
- B. Residential uses;
- C. Institutional uses not permitted above;
- D. Salvage and recycling uses;
- E. Manufacturing uses;
- F. Agricultural uses;
- G. Utility uses, except utility lines;
- H. High-impact uses; and
- I. Landfill on submerged land which creates dry land. (Ord. 120927 § 4, 2002; Ord. 113466 § 2(part), 1987.)



**23.60.490 Public facilities.**

A. Except as provided in subsection B1 or B2 below, uses in public facilities that are most similar to uses permitted as a special use or permitted as a conditional use under Sections 23.60.484 through 23.60.486 shall also be permitted as a special use or conditional use, subject to the same use regulations, development standards, special use requirements, and conditional use criteria that govern the similar uses.

B. Public Facilities not Meeting Development Standards Requiring City Council Approval.

1. The City Council, with the concurrence of the Department of Ecology, may waive or modify applicable special use requirements or conditional use criteria for those uses in public facilities that are similar to uses permitted as a special use or permitted as a conditional use under Sections 23.60.484 through 23.60.486 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.

2. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted as a special use or permitted as a conditional use under Sections 23.60.484 through 23.60.486 may be permitted by the City Council. City Council, with the concurrence of the Department of Ecology, may waive or modify development standards, special use requirements 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.

C. Expansion of Uses in Public Facilities.

1. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

D. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities. (Ord. 118663 § 12, 1997.)

**Part 2 Development Standards****23.60.510 Development standards in the CW Environment.**

All developments in the Conservancy Waterway Environment shall meet the requirements of this Part 2 as well as the development standards applicable to all environments contained in Subchapter III, General Provisions. (Ord. 113466 § 2(part), 1987.)

**23.60.512 Temporary structures.**

A. All structures in waterways shall be floating except as permitted in subsections B and C of this section.

B. Piling and dolphins may be permitted in waterways to secure floating structures only if the structures cannot be safely secured with anchors, or with pilings or dolphins located outside of the waterway.

C. Public access improvements including structures may be permitted on dry land portions of waterways. (Ord. 113466 § 2(part), 1987.)

**23.60.514 Height.**

The height of structures permitted in waterways shall be fifteen (15) feet. (Ord. 113466 § 2(part), 1987.)

**23.60.516 Lot coverage.**

Structures shall not occupy more than thirty-five (35) percent of the entire waterway nor more than forty (40) percent of the width of the waterway. (Ord. 113466 § 2(part), 1987.)

**23.60.518 View corridors.**

A view corridor or corridors of not less than fifty (50) percent of the width of the waterway shall be provided and maintained for all developments. (Ord. 113466 § 2(part), 1987.)

**23.60.520 Public access.**

A. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on all waterways.

B. An open water area with a width of not less than fifty (50) feet for the length of the waterway shall be provided and maintained on all waterways to provide access for public navigation. The location of the open water area shall be determined by the Director. (Ord. 113466 § 2(part), 1987.)

**Subchapter X The Urban Residential Environment****Part 1 Uses****23.60.540 Uses permitted outright on waterfront lots in the UR Environment.**

The following uses shall be permitted outright on waterfront lots in the Urban Residential Environment as either principal or accessory uses:



23.60.490 LAND USE CODE

- A. The following residential uses:
  - 1. Floating home moorage in Lake Union or Portage Bay,
  - 2. Single-family and multifamily residences,
- and
- 3. Congregate residences and nursing homes;
- B. Streets;
- C. Bridges;
- D. Railroads;
- E. The following utilities:
  - 1. Utility lines, and
  - 2. Utility service uses whose operations require a shoreline location; and
- F. Shoreline recreation uses.

(Ord. 118793 § 28, 1997; Ord. 113466 § 2(part), 1987.)

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

**23.60.542 Special uses permitted on waterfront lots in the UR Environment.**

The following uses may be authorized on waterfront lots in the UR Environment by the Director as either principal or accessory uses if the special use criteria in Section 23.60.032 are satisfied:

- A. The following institutional uses:
    - 1. Community center that provides shoreline recreation, and
    - 2. Community yacht, boat, and beach clubs;
  - B. The following shoreline protective structures:
    - 1. Natural beach protection, and
    - 2. Bulkheads to support a water-dependent or water-related use, to enclose a permitted landfill area, or to prevent erosion on Class II or Class III beaches, when natural beach protection is not a practical alternative;
  - C. Dredging when necessary for water-dependent or water-related uses;
  - D. The following types of landfill:
    - 1. Landfill on dry land where necessary for a permitted use and as part of an approved development,
    - 2. Landfill on submerged lands which does not create dry land where necessary for a water-dependent or water-related use or for the installation of a bridge or utility line,
    - 3. Landfill for the creation of wildlife or fisheries habitat as mitigation or enhancement, and
    - 4. Landfill on submerged land which creates dry land where necessary for a water-dependent or water-related use, provided that if more than two (2) square yards of dry land per lineal yard of shoreline is created, the landfill meets the following additional criteria:
      - a. No reasonable alternative to the landfill exists,
      - b. The landfill provides a clear public benefit, and
      - c. The landfill site is not located in Lake Union or Portage Bay.
- (Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

**23.60.544 Prohibited uses on waterfront lots in the UR Environment.**

The following uses shall be prohibited as principal uses on waterfront lots in the UR Environment:

- A. Commercial uses;
- B. The following utilities:
  - 1. Major and minor communication utilities,
  - 2. Solid waste transfer stations,
  - 3. Power plants, and
  - 4. Sewage treatment plants;
- C. Salvage and recycling uses;
- D. Manufacturing uses;
- E. High-impact uses;
- F. The following institutional uses:
  - 1. Institutions, nonwater-dependent,
  - 2. Private yacht, boat and beach clubs;
- G. Public facilities not authorized by Section 23.60.550;

- H. Agricultural uses;
  - I. Open space uses except shoreline recreation;
  - J. The following shoreline protective structures:
    - 1. Groins and similar structures which block the flow of sand to adjacent beaches, except drift sills or other structures which are part of a natural beach protection system, and
    - 2. Bulkheads on Class I beaches.
- (Ord. 120927 § 5, 2002; Ord. 118663 § 13, 1997; Ord. 118415 § 2, 1996; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

**23.60.546 Permitted uses on upland lots in the UR Environment.**

- A. Uses permitted outright in the UR Environment:
    - 1. Uses permitted outright on waterfront lots are permitted outright on upland lots;
    - 2. Additional uses permitted outright:
      - a. Institutional uses, and
      - b. Open space uses.
  - B. Uses permitted as special uses on waterfront lots are permitted as special uses on upland lots unless permitted outright.
- (Ord. 113466 § 2(part), 1987.)

**23.60.548 Prohibited uses on upland lots in the UR Environment.**

All uses prohibited on waterfront lots are prohibited on upland lots unless specifically permitted in Section 23.60.546.

(Ord. 113466 § 2(part), 1987.)

**23.60.550 Public facilities.**

A. Except as provided in subsection B1 or B2 below, uses in public facilities that are most similar to uses permitted outright or permitted as a special use under Sections 23.60.540 through 23.60.542 shall also be permitted outright or as a special use, subject to the same use regulations, development standards, and special use requirements that govern the similar uses.

B. Public Facilities not Meeting Development Standards Requiring City Council Approval.

1. The City Council, with the concurrence of the Department of Ecology, may waive or modify applicable development standards or special use requirements for those uses in public facilities that are similar to uses permitted outright or permitted as a special use under Sections 23.60.540 through 23.60.542 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.

2. 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 special use under Sections 23.60.540 through 23.60.542 may be permitted by the City Council. City Council, with the concurrence of the Department of Ecology, may waive or modify development standards or special use require-

ments according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

C. Expansion of Uses in Public Facilities.

1. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

D. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities. (Ord. 118663 § 14, 1997.)

## Part 2 Development Standards

### 23.60.570 Development standards for the UR Environment.

All development in the Urban Residential Environment shall meet the requirements of this Part 2 as well as the development standards applicable to all environments contained in Subchapter III, General Provisions. (Ord. 113466 § 2(part), 1987.)

### 23.60.572 Height in the UR Environment.

A. Maximum Height. The maximum height in the UR Environment shall be thirty (30) feet except as modified by subsections B through E of this section.

B. The maximum height on upland lots on Harbor Avenue Southwest and Alki Avenue Southwest from Southwest Leon Place to 59th Avenue Southwest shall be sixty (60) feet.

C. Pitched Roofs. The ridge of pitched roofs on principal structures may extend five (5) feet above the maximum height established in subsection A or B above. All parts of the roof above the maximum must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the maximum height limit under this provision.

D. Rooftop Features.

1. Radio and television receiving antennas, flagpoles, and religious symbols for religious institutions are exempt from the height limit, except as regulated in

Chapter 23.64, Airport Height Overlay District, provided such features are:

a. No closer to any adjoining lot line than fifty (50) percent of their height above existing grade; or  
b. If attached only to the roof, no closer to any adjoining lot line than fifty (50) percent of their height above the roof portion where attached.

2. Open railings, planters, skylights, clerestories, monitors, solar greenhouses, parapets, and firewalls may extend four (4) feet above the maximum height.

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

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

E. Bridges. Bridges may extend above the maximum height limit.

(Ord. 120927 § 6, 2002; Ord. 120117 § 44, 2000; Ord. 113466 § 2(part), 1987.)

### 23.60.574 Lot coverage in the UR Environment.

A. Structures including floats and piers shall not occupy more than thirty-five (35) percent of a waterfront lot or an upland lot except as modified in subsection B.

B. Lot Coverage Exceptions.

1. Floating home moorages shall meet the lot coverage provisions in Section 23.60.196, Floating homes.

2. On single-family zoned lots the maximum lot coverage permitted for principal and accessory structures shall not exceed thirty-five (35) percent of the lot area or one thousand seven hundred fifty (1,750) square feet, whichever is greater.

3. On the dry-land portion of a lot where some portion of a proposed structure will be placed below the grade existing prior to construction, those portions of the structure which are less than eighteen (18) inches above original grade shall not be included in lot coverage.

4. On multifamily zoned lots, the lot coverage percentage of the underlying zone shall apply.

(Ord. 118793 § 29, 1997; Ord. 113466 § 2(part), 1987.)

### 23.60.576 View corridors in the UR Environment.

A. A view corridor or corridors of not less than thirty-five (35) percent of the width of the lot shall be provided and maintained on all waterfront lots and on any upland through lot separated from a waterfront lot designated CM, CR, CP or CH by a street or railroad right-of-way.

B. View corridors are not required for single-family dwelling units.

C. The following may be located in a required view corridor:

1. Open wet moorage;
2. Storage of boats undergoing repair;
3. Parking which meets the criteria of subsection B3 of Section 23.60.162, View corridors. (Ord. 113466 § 2(part), 1987.)

### **23.60.578 Regulated public access.**

A. Public Property. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on all publicly owned and publicly controlled waterfront whether leased to private lessees or not, except harbor areas, shorelands, tidelands, and beds of navigable waters not abutting dry land.

#### **B. Private Property.**

1. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on privately owned waterfront lots for the following developments:

a. Multifamily residential developments of more than four (4) units with more than seventy-five (75) feet of shoreline, except when located on salt water shorelines where public access from a street is available within six hundred (600) feet of the proposed development;

b. Other nonwater-dependent uses except those located on private lots in the Lake Union area with a front lot line of less than one hundred (100) feet in length, measured at the upland street frontage generally parallel to the water edge, that abut a street and/or waterway provides public access; and

c. Marinas, except as exempted by Section 23.60.200 E.

2. The following uses are not required to provide public access on private lots:

a. Water-dependent uses other than marinas and water-related uses; and

b. Residential uses of fewer than five (5) units.

C. Utilities. Regulated public access shall be provided on utility-owned or controlled property within the Shoreline District.

(Ord. 113466 § 2(part), 1987.)

## **Subchapter XI The Urban Stable Environment**

### **Part 1 Uses**

### **23.60.600 Uses permitted outright on waterfront lots in the US Environment.**

The following uses shall be permitted outright on waterfront lots in the Urban Stable environment as either principal or accessory uses:

#### **A. The following residential uses:**

1. Residences on dry land when the underlying zoning is Residential Commercial (RC) and when the residential use is located above the ground floor of a structure containing nonresidential uses on the ground floor,

2. Existing residences on dry land provided there is no increase in the number of units,

3. Existing over-water single-family residences provided there is no additional water coverage, and

4. Floating home moorages or the expansion of floating home moorages, when:

- a. Located in Lake Union or Portage Bay,
- b. Occupied solely by no more than two (2)

existing floating homes as defined in subsection A4 of Section 23.60.196, under any of the following conditions:

(1) The floating homes have been evicted from other moorage pursuant to the provisions of subsections E, G or H of Section 7.20.040, Seattle Municipal Code, or

(2) The floating homes have been relocated from other moorage pursuant to a settlement agreement entered into prior to April 1, 1987 between a moorage owner and a tenant floating-home owner arising out of a legal action for eviction,

c. No more than one (1) such moorage or moorage expansion is permitted per lot established as of April 1, 1987, and

d. The moorage is added to a recreational marina, commercial moorage, or floating home moorage existing as of the effective date of the ordinance codified in this chapter<sup>1</sup>;

#### **B. The following commercial uses:**

1. Marine retail sales and services,
2. Food processing, water-related,
3. Wholesale showroom, mini-warehouse, warehouse and open storage, water-related, and
4. Passenger terminals, water-dependent;

C. 1. The following non-water-dependent commercial uses on dry land when the requirements of subsection C2 are met:

a. Personal and household retail sales and services,

b. Eating and drinking establishments,

c. Offices outside the Lake Union area,

d. Offices in the Lake Union area above the ground floor of a structure when permitted uses other than office or residential uses occupy the ground-floor level, and parking on the ground-floor level is limited to required parking,

e. Entertainment uses, and

f. Custom and craft work,

2. The uses listed in subsection C1 shall be permitted when a water-dependent use occupies forty (40) percent of the dry-land portion of the lot or the development provides one (1) or more of the following facilities or amenities in addition to regulated public access:

a. Facilities for the moorage, restoration, or reconstruction of one (1) or more historic vessels,

b. Terminal facilities for one (1) or more cruise ships, harbor tour boats, or foot passenger ferries,

c. More than five hundred (500) lineal feet of moorage for commercial fishing vessels at rates equivalent to that charged at public moorage facilities,

d. Facilities for a maritime museum or waterfront interpretive center that is a separate nonprofit organization existing at time of application,



e. More than one thousand five hundred (1,500) lineal feet of saltwater moorage for recreational vessels,

f. A major public open space, occupying at least one-third (1/3) of the dry-land lot area, which includes a public walkway with benches and picnic tables along the entire water frontage, and connecting public walkways to adjacent sites and any nearby public parks or other public facilities. The Director shall require adequate signed parking for the open space, or

g. Other facilities or amenities similar to those listed above which provide an opportunity for substantial numbers of people to enjoy the shoreline, when approved by the Director;

D. Streets, railroads and bridges;

E. The following utilities:

1. Utility lines,

2. Utility service uses whose operations require a shoreline location, and

3. Minor communication utilities, except freestanding transmission towers;

F. Light and general manufacturing uses, water-dependent or water-related;

G. Water-dependent or water-related institutions or facilities of institutions, except non-water-dependent facilities of yacht, boat and beach clubs;

H. Yacht, boat or beach clubs which have non-water-dependent facilities, provided that such facilities may be located over water only when:

1. The dry-land portion of the lot is less than fifty (50) feet in depth,

2. Location of such facilities on the dry-land portion of the lot is not feasible, and

3. The facilities or amenities required by Section 23.60.600 C are provided;

I. Public facilities, water-dependent or water-related;

J. Open space uses; and

K. Aquaculture.

(Ord. 120927 § 7, 2002 ; Ord. 113466 § 2(part), 1987.)

1. Editor's Note: Chapter 23.60, the Seattle Shoreline Master Program, became effective on December 31, 1987.

**23.60.602 Special uses on waterfront lots in the US Environment.**

The following uses may be authorized on waterfront lots in the US Environment by the Director as either principal or accessory uses if the special use criteria of Section 23.60.032 are satisfied:

A. Airport, water-based;

B. The following shoreline protective structures:

1. Natural beach protection,

2. Bulkheads necessary to support a water-dependent or water-related use, or to enclose a permitted landfill area, or to prevent erosion, when natural beach protection is not a practical alternative;

C. Dredging, when the dredging is:

1. Necessary for a water-dependent or water-related use,

2. Necessary for the installation of a utility line;

D. The following types of landfill:

1. Landfill on dry land where necessary for a permitted use and as part of an approved development,

2. Landfill on submerged lands which does not create dry land where necessary for a water-dependent or water-related use or for the installation of a bridge or utility line,

3. Landfill for the creation of wildlife or fisheries habitat as mitigation or enhancement, and

4. Landfill which creates dry land:

a. i. When the dry land is necessary for the operation of a water-dependent or water-related use, and

ii. If more than two (2) square yards of dry land per lineal yard of shoreline is created, the landfill meets the following additional criteria:

(1) No reasonable alternative to the landfill exists,

(2) The landfill provides a clear public benefit, and

(3) The landfill site is not located in Lake Union or Portage Bay.

(Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

**23.60.604 Conditional uses on waterfront lots in the US Environment.**

The following uses may be authorized on waterfront lots in the US Environment by the Director, with the concurrence of the Department of Ecology, as either principal or accessory uses if the criteria for conditional uses in WAC 173-27-160 are satisfied:

A. Residential uses:

1. New single-family and multifamily dwelling units and artist studio dwellings on the dry land portion of the lot when:

a. Not located near uses which are normally incompatible with residential use because of factors such as noise, air and water pollutants, or aesthetic values protected by this chapter,

b. Located above the ground floor of a structure containing nonresidential uses on the ground floor, except that single-family residences along Seaview Avenue Northwest between 34th Avenue Northwest and Northwest 60th Street may be located on the ground floor,

c. Located near other residences on waterfront lots,

d. Not located on a lot or in an area which would make the lot suitable for use by water-dependent or water-related use by having any of the following characteristics:

(1) Existing piers or other structures suitable for use by a water-dependent use,

(2) Adequate amounts of submerged and dry lands, or

(3) Adequate water depth and land slope,

2. Reserved.

3. Floating home moorages in Lake Union or Portage Bay when:

a. After considering the nature and condition of nearby structures and uses the Director determines that the immediate environs are not incompatible with residential use,

b. The residential use will not usurp land better suited to water-dependent, water-related or associated industrial or commercial uses,

c. The structural bulk of the floating home development will not adversely affect surrounding development, and

d. When the floating home development is buffered by distance, screening or an existing recreational marina from adjacent nonresidential uses and vacant lots;

B. The following non-water-dependent uses located over water on lots with a depth of less than fifty (50) feet of dry land:

1. Eating and drinking establishments meeting the criteria of subsection C2 of Section 23.60.600,

2. Marine retail sales and services,

3. Personal and household retail sales and service uses,

4. Entertainment uses, and

5. Custom and craft work;

C. Non-water-dependent commercial uses on historic ships:

1. The following uses may be permitted on an historic ship when meeting the criteria in subsection C2 below:

a. Sale of boat parts or accessories,

b. Personal and household retail sales and services, and

c. Eating and drinking establishments,

2. a. The ship is designated as historic by the Landmarks Preservation Board or listed on the National Register of Historical Places,

b. The use is compatible with the existing design and/or construction of the ship without significant alteration,

c. Uses permitted outright are impractical because of the ship design and/or the permitted uses cannot provide adequate financial support necessary to sustain the ship in a reasonably good physical condition,

d. A certificate of approval has been obtained from the Landmarks Preservation Board, and

e. No other historic ship containing restaurant or retail uses is located within one-half (½) mile of the proposed site.

(Ord. 119871 § 1, 2000; Ord. 118793 § 30, 1997; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

### **23.60.606 Prohibited uses on waterfront lots in the US Environment.**

The following uses shall be prohibited as principal uses on waterfront lots in the US environment:

A. New residences over water and residential uses at or below the ground floor, except as permitted as conditional uses by Section 23.60.604;

B. The following commercial uses:

1. Medical services,

2. Animal services,

3. Automotive retail sales and services,

4. Lodging,

5. Mortuary services,

6. Parking, principal use,

7. Nonhousehold sales and services,

8. Ground-level offices in the Lake Union area,

9. Non-water-dependent wholesale showroom,

mini-warehouse, warehouse and outdoor storage uses,

10. Off-premises signs,

11. Personal transportation services,

12. Passenger terminals, non-water-dependent,

13. Cargo terminals,

14. Transit vehicle bases,

15. Helistops and heliports,

16. Airports, land-based,

17. Food processing, non-water-dependent, and

18. Research and development laboratory;

C. Salvage and recycling uses;

D. The following manufacturing uses:

1. Light and general manufacturing, non-water-dependent, and

2. Heavy manufacturing uses;

E. High-impact uses;

F. The following utilities:

1. Major communication utilities,

2. Solid waste transfer stations,

3. Power plants,

4. Sewage treatment plants, and

5. Freestanding transmission towers for minor communication utilities;

G. Public facilities not authorized by Section 23.60.612 and those that are non-water-dependent;

H. Institutional uses, non-water-dependent;

I. Agricultural uses except aquaculture; and

J. Groins and similar structures which block the flow of sand to adjacent beaches, except drift sills or other structures which are part of a natural beach protection system.

(Ord. 120927 § 8, 2002; Ord. 118663 § 15, 1997; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

### **23.60.608 Permitted uses on upland lots in the US Environment.**

A. Uses Permitted Outright.

1. Uses permitted outright on waterfront lots in the US Environment are permitted outright on upland lots and are not subject to the requirements of Section 23.60.600 C to provide special public benefits.

2. Additional uses permitted outright on upland lots:

a. The following residential uses:

(1) Single-family and multifamily residences, and

(2) Congregate residences and nursing homes;

b. The following commercial uses:

- (1) Medical services,
  - (2) Animal services,
  - (3) Automotive retail sales and service,
  - (4) Parking, principal use,
  - (5) Lodging,
  - (6) Mortuary services,
  - (7) Nonhousehold sales and service,
  - (8) Wholesale showroom, miniwarehouse, warehouse and outdoor storage uses, non-water-dependent,
  - (9) Research and development laboratories, and
  - (10) Ground-level offices in the Lake Union area;
- c. Recycling collection stations;
  - d. Light and general manufacturing uses;
  - e. Institutional uses; and
  - f. Public facilities.

B. Uses Permitted as Special Uses. Uses permitted as special uses on waterfront lots are permitted as special uses on upland lots. (Ord. 118793 § 31, 1997; Ord. 113466 § 2(part), 1987.)

**23.60.610 Prohibited uses on upland lots in the US Environment.**

Uses prohibited on waterfront lots are prohibited on upland lots unless specifically permitted in Section 23.60.608. (Ord. 113466 § 2(part), 1987.)

**23.60.612 Public facilities.**

A. Except as provided in subsection B1 or B2 below, uses in public facilities that are most similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.600 through 23.60.604 shall also be permitted outright, as a special use or conditional use, subject to the same use regulations, development standards, special use requirements, and conditional use criteria that govern the similar uses.

B. Public Facilities not Meeting Development Standards Requiring City Council Approval.

1. The City Council, with the concurrence of the Department of Ecology, may waive or modify applicable development standards, special use requirements or conditional use criteria for those uses in public facilities that are similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.600 through 23.60.604 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.

2. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.600 through 23.60.604 may be permitted by the City Council. City Council, with the concurrence of the Department of Ecology, may waive or modify devel-

opment standards, special use requirements 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.

C. Expansion of Uses in Public Facilities.

1. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

D. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities. (Ord. 118663 § 16, 1997.)

**Part 2 Development Standards**

**23.60.630 Development standards for the US Environment.**

All developments in the Urban Stable Environment shall meet the requirements of this Part 2 as well as the development standards applicable to all environments contained in Subchapter III, General Provisions. (Ord. 113466 § 2(part), 1987.)

**23.60.632 Height in the US Environment.**

A. Maximum Height. The maximum heights in the US Environment shall be as follows, as modified in subsections B through E of this section:

- 1. The maximum height shall be thirty (30) feet in all locations except those listed in subsections A2 through A4;
- 2. The maximum height on upland lots along Westlake Avenue North shall be as follows:
  - a. Fremont Bridge to Newton Street—forty (40) feet,
  - b. South of Newton Street—sixty-five (65) feet.
- 3. The maximum height on upland lots along Harbor Avenue Southwest between California Way Southwest and Southwest Bronson Way shall be sixty-five (65) feet.



4. The maximum height on upland lots along Seaview Avenue Northwest between Northwest 61st Street and Northwest 62nd Street shall be forty (40) feet.

**B. Height Exemptions for Water-Dependent Uses.**

1. Floating structures accessory to a water-dependent or water-related use that, by reason of intended use, require additional height may be authorized up to thirty-five (35) feet, with or without a flat roof, by the Director when:

a. Not more than twenty-five (25) percent of the lot area would be at an increased height; and  
b. The views of a substantial number of upland residences would not be blocked by the increased height.

2. Water-dependent Uses. Cranes, mobile conveyors, light standards and similar equipment necessary for the function of water-dependent uses or the servicing of vessels may extend above the maximum height limit.

**C. Pitched Roofs.** In areas with a maximum height limit of thirty (30) or forty (40) feet, the ridge of pitched roofs on principal structures may extend up to five (5) feet above the height permitted. All parts of the roof above the maximum must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the maximum height limit under this provision.

**D. Rooftop Features.**

1. Radio and television receiving antennas, 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 rails, planters, skylights, clerestories, monitors, greenhouses, parapets, and firewalls may extend four (4) feet above the maximum height limit with unlimited rooftop coverage.

3. 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 screened mechanical equipment:

- a. Solar collectors;
- b. Stair and elevator penthouses;
- c. Mechanical equipment; and
- 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.

**E. Bridges.** Bridges may extend above the maximum height limits. (Ord. 120927 § 9, 2002; Ord. 120117 § 45, 2000; Ord. 113466 § 2(part), 1987.)

**23.60.633 Maximum size limits in the US Environment.**

Non-water-dependent offices allowed above the ground floor on waterfront lots in the Lake Union area shall be limited in gross floor area to a ratio of one (1) square foot

of floor area per one (1) square foot of dry-land lot area (i.e., FAR of one (1)), but shall not exceed a maximum of ten thousand (10,000) square feet.

(Ord. 117571 § 4, 1995; Ord. 116398 § 1, 1992.)

**23.60.634 Lot coverage in the US Environment.**

**A. Waterfront Lots.**

1. Structures, including floats and piers, shall not occupy more than fifty (50) percent of the submerged land of any lot.

2. Structures shall not occupy more than fifty (50) percent of the dry land of any lot.

**B. Upland Lots.**

1. Structures are permitted to occupy one hundred (100) percent of an upland lot except as modified in subsection B2 or C below.

2. On Fairview Avenue East between East Newton Street and the University Bridge, upland lots developed with residential uses and non-water-dependent commercial uses shall not exceed a lot coverage of fifty (50) percent.

**C. Lot Coverage Exceptions.**

1. On waterfront lots with less than an average of fifty (50) feet of dry land between the ordinary high water mark and the street right-of-way, a maximum lot coverage of sixty-five (65) percent is permitted on the dry-land portion of the lot.

2. On single-family zoned lots the maximum lot coverage permitted for principal and accessory structures shall not exceed thirty-five (35) percent of the lot area or one thousand seven hundred fifty (1,750) square feet, whichever is greater.

3. On the dry-land portion of the lot where some portion of a proposed structure will be placed below the grade existing prior to construction, those portions of the structure which are less than eighteen (18) inches above original grade shall not be included in lot coverage. (Ord. 113466 § 2(part), 1987.)

**23.60.636 View corridors in the US Environment.**

**A.** A view corridor or corridors of not less than thirty-five (35) percent of the width of the lot shall be provided and maintained on all waterfront lots and on any upland through lot separated from a waterfront lot designated CM, CR, CP or CN, by a street or railroad right-of-way.

**B.** View corridors are not required for single-family residential development.

**C.** The following may be located in a required view corridor:

1. Open wet moorage;
2. Storage of boats undergoing repair; and
3. Parking which meets the criteria of subsection B3 of Section 23.60.162, View corridors.

**D.** The required view corridor width shall be reduced to twenty-five (25) percent of the width of the lot when water-dependent or water-related uses occupy more than forty (40) percent of the dry land area of the lot.



E. A view corridor or corridors of not less than sixty-five (65) percent of the width of the lot shall be provided on the waterfront lots fronting on Seaview Avenue Northwest between the north boundary of 38th Avenue Northwest and the south boundary of vacated Northwest 80th Street. The following may be located in the required view corridors:

1. Open wet moorage;
2. Dry storage of boats; and
3. Parking for both water-dependent and non-water-dependent uses.

(Ord. 113466 § 2(part), 1987.)

**23.60.638 Regulated public access.**

A. Public Property. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained for all publicly owned and publicly controlled waterfront whether leased to private lessees or not, except harbor areas, shorelands, tidelands, and beds of navigable waters not abutting dry land.

B. Private Property.

1. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on privately owned waterfront lots for the following developments:

- a. Multifamily residential developments of more than four (4) units with more than one hundred (100) feet of shoreline, except when uses located on salt water shorelines where public access from a street is available within six hundred (600) feet of the proposed development;
- b. Developments containing non-water-dependent offices in the Lake Union area;
- c. Other non-water-dependent uses, except those on private lots in the Lake Union area with a front lot line of less than one hundred (100) feet in length, measured at the upland street frontage generally parallel to the water edge, that abut a street or waterway providing public access;
- d. Marinas, except as exempted by Section 23.60.200 E; and
- e. Yacht, boat and beach clubs which have non-water-dependent facilities over water.

2. The following uses are not required to provide public access on private lots:

- a. Water-dependent and water-related uses, except yacht, boat and beach clubs which have non-water-dependent facilities over water, and marinas; and
- b. Residential uses of fewer than five (5) units.

C. Utilities. Regulated public access shall be provided on utility owned or controlled property within the Shoreline District.

(Ord. 116398 § 2, 1992; Ord. 113466 § 2(part), 1987.)

**23.60.640 Location of uses.**

A. When a use is permitted only above the ground-floor level,

1. Permitted uses other than residential or office uses shall occupy no less than fifty (50) percent of the ground-floor level;

2. Parking on the ground floor is limited to required parking, and shall not occupy more than fifty (50) percent of the ground-floor level; and

3. All uses located on the ground floor shall be located and designed, as determined by the Director, to encourage public access to the shoreline.

B. Calculation of Ground-floor Level. The ground-floor level shall be that level of a structure having the closest floor level to the average grade of the structure. For a sloping lot, the Director shall determine what constitutes the ground floor, taking into consideration the purpose of subsection A3.

(Ord. 113466 § 2(part), 1987.)

**23.60.642 Development between the Pierhead Line and the Construction Limit Line in the US Environment in Lake Union and Portage Bay.**

Structures located between the Pierhead Line and the Construction Limit Line shall be limited to piers and floats without accessory buildings, drydocks and existing floating homes at existing floating home moorages.

(Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

**Subchapter XII Urban Harborfront Environment**

**Part 1 Uses**

**23.60.660 Uses permitted outright on waterfront lots in the UH Environment.**

The following uses shall be permitted over water or on dry-land portions of waterfront lots in the Urban Harborfront environment as either principal or accessory uses:

A. The following commercial uses:

1. Personal and household retail sales and services,
2. Marine retail sales and services,
3. Eating and drinking establishments,
4. Existing hotels, provided that expansion of the hotel use shall be prohibited and expansion only for public access shall be permitted,
5. Parking over water when accessory to a water-dependent or water-related use,
6. Parking on dry land when accessory to a permitted use,
7. Offices when located above wharf level,
8. Entertainment uses,
9. Passenger terminals, water-dependent,
10. Breakbulk cargo terminals,
11. Research and development laboratories, water-dependent, and
12. Food processing and craft work uses;

- B. Light manufacturing uses, water-dependent or water-related;
  - C. Streets, railroads and bridges;
  - D. The following institutions:
    1. Institutes for advanced study, water-dependent or water-related,
    2. Maritime museums,
    3. Colleges that have water-dependent or water-related facilities,
    4. Community centers,
    5. Vocational schools, water-dependent or water-related,
    6. Community yacht, boat, and beach clubs, and
    7. Child care centers when located above wharf level;
  - E. The following public facilities:
    1. Public facilities, water-dependent or water-related, and
    2. Public facilities that are part of an approved public improvement plan for the Harbor front adopted by the Council;
  - F. Shoreline Recreation;
  - G. Aquaculture; and
  - H. Minor communication utilities, except freestanding transmission towers.
- (Ord. 120927 § 10, 2002; Ord. 113466 § 2(part), 1987.)

**23.60.662 Special uses permitted on waterfront lots in the UH Environment.**

The following uses may be authorized over water or on dry-land portions of waterfront lots in the UH Environment by the Director as either principal or accessory uses if the special use criteria of Section 23.60.032 are satisfied:

- A. The following utilities:
    1. Utility service uses that require a shoreline location, and
    2. Utility lines;
  - B. The following shoreline protective structures:
    1. Natural beach protection, and
    2. Bulkheads to support a water-dependent or water-related use, or to enclose a permitted landfill area, or to prevent erosion on Class II or Class III beaches, when natural beach protection is not a practical alternative;
  - C. Dredging when necessary for water-dependent and water-related uses or to install utility lines;
  - D. The following types of landfill:
    1. Landfill on dry land where necessary for a permitted use and as part of an approved development,
    2. Landfill on submerged lands which does not create dry land, where necessary for a water-dependent or water-related use or for the installation of a bridge or utility line.
- (Ord. 120927 § 11, 2002; Ord. 119929 § 2, 2000; Ord. 113466 § 2(part), 1987.)

**23.60.664 Administrative conditional uses permitted on waterfront lots in the UH Environment.**

The following uses may be authorized over water or on dry-land portions of waterfront lots in the UH Environment by the Director, with the concurrence of the Department of Ecology, as either principal or accessory uses if the criteria for conditional uses in WAC 173-27-160 are satisfied:

- A. The following commercial uses:
  1. Outdoor storage, water-related or water-dependent,
  2. Warehouses, water-related or water-dependent,
  3. Wholesale showrooms, and
  4. Research and development laboratories, non-water-dependent;
- B. Non-water-dependent commercial uses on historic ships:
  1. The following uses may be permitted on an historic ship when meeting the criteria in subsection C2 below:
    - a. Sale of boat parts or accessories,
    - b. Personal and household retail sales and services,
    - c. Eating and drinking establishments,
      - a. The ship is designated as historic by the Landmarks Preservation Board or listed on the National Register of Historic Places,
      - b. The use is compatible with the existing design and/or construction of the ship without significant alteration,
      - c. Uses permitted outright are not practical because of ship design and/or cannot provide adequate financial support necessary to sustain the ship in a reasonably good physical condition,
      - d. The use shall obtain a certificate of approval from the Landmarks Preservation Board, and
      - e. No other historic ship containing restaurant or retail uses is located within one-half (1/2) mile of the proposed site, unless the proposed site is within the Historic Character Area;
  - C. Light manufacturing uses, non-water-dependent which:
    1. Are part of a mixed-use development when the light manufacturing uses occupy no more than twenty-five (25) percent of the developed portion of the lot,
    2. Contribute to the maritime or tourist character of the area, and
    3. Are located to accommodate water-dependent or water-related uses on site;
- D. The following non-water-dependent institutions:
  1. Institutes for advanced study,
  2. Museums,
  3. Colleges, and

4. Vocational schools.  
(Ord. 118793 § 32, 1997; Ord. 118663 § 17, 1997; Ord. 116907 § 10, 1993; Ord. 116616 § 9, 1993; Ord. 113466 § 2(part), 1987.)

**23.60.666 Council conditional uses permitted on waterfront lots in the UH Environment.**

A. Water-dependent Incentive.

1. Developments which include major water-dependent uses may be permitted to increase height and lot coverage and to depart from the other development standards of Part 2 of this subchapter through the Council conditional use process set forth in Section 23.60.068, Procedure for Council conditional use authorization, if the Council finds that such departures would encourage the retention of existing and/or development of new water-dependent uses.

2. The following development standards shall be used as criteria in evaluating projects which include a major water-dependent use:

a. The project may be located in any area of a Downtown Harborfront 1 zone except the Historic Character Area established by Section 23.60.704.

b. Siting of project components shall be designed to facilitate the operation of the water-dependent component(s). Views from Alaskan Way of activity over water and the harbor itself are encouraged, and the frontage of the project on Alaskan Way should contribute to an interesting and inviting pedestrian environment.

c. The area of the project shall be adequate to accommodate the operations of a major water-dependent use suited to a downtown harbor area location.

(1) Area. A minimum of twenty thousand (20,000) square feet or square footage equivalent to twenty (20) percent of the developed lot area, whichever is greater, shall be dedicated to water-dependent use.

(2) Moorage. The moorage required by Section 23.60.700 shall not be calculated as part of the major water-dependent use. Moorage provided in excess of the requirement shall be credited as part of the minimum square footage requirement for water-dependent use.

(3) Lot coverage. An increase in the base lot coverage from fifty (50) percent to a maximum of sixty-five (65) percent may be permitted by the Council. Structures excluding floats permitted by Section 23.60.694 C, shall not occupy more than sixty-five (65) percent of the submerged land and sixty-five (65) percent of the dry land of any lot. To exceed the base lot coverage, development shall be modified to accomplish the following objectives:

(a) Prevent building bulk from being concentrated along the Alaskan Way frontage of the lot;

(b) Promote an overall massing of the pier superstructure to reflect some of the qualities of traditional pier development;

(c) Site view corridors and public access areas to reduce the appearance of building bulk over water; and

(d) Ensure coverage configuration that permits the water abutting the Alaskan Way seawall to be visible so that the seawall will be perceived as the edge of the water.

d. Height. The Council may permit increases in building height up to sixty (60) or seventy-five (75) feet above Alaskan Way in the areas shown on Exhibit 23.60.666. (See Exhibit 23.60.666.) Structure heights of seventy-five (75) feet shall be permitted only on dry-land portions of a lot located inside the Inner Harbor Line. Portions of the structures that are above forty-five (45) feet, as measured from Alaskan Way, shall not occupy more than forty (40) percent of the submerged land and forty (40) percent of the dry land of the lot. Heights above forty-five (45) feet shall not be permitted within one hundred (100) feet of the Outer

Seattle Municipal Code  
December 2002 code update file  
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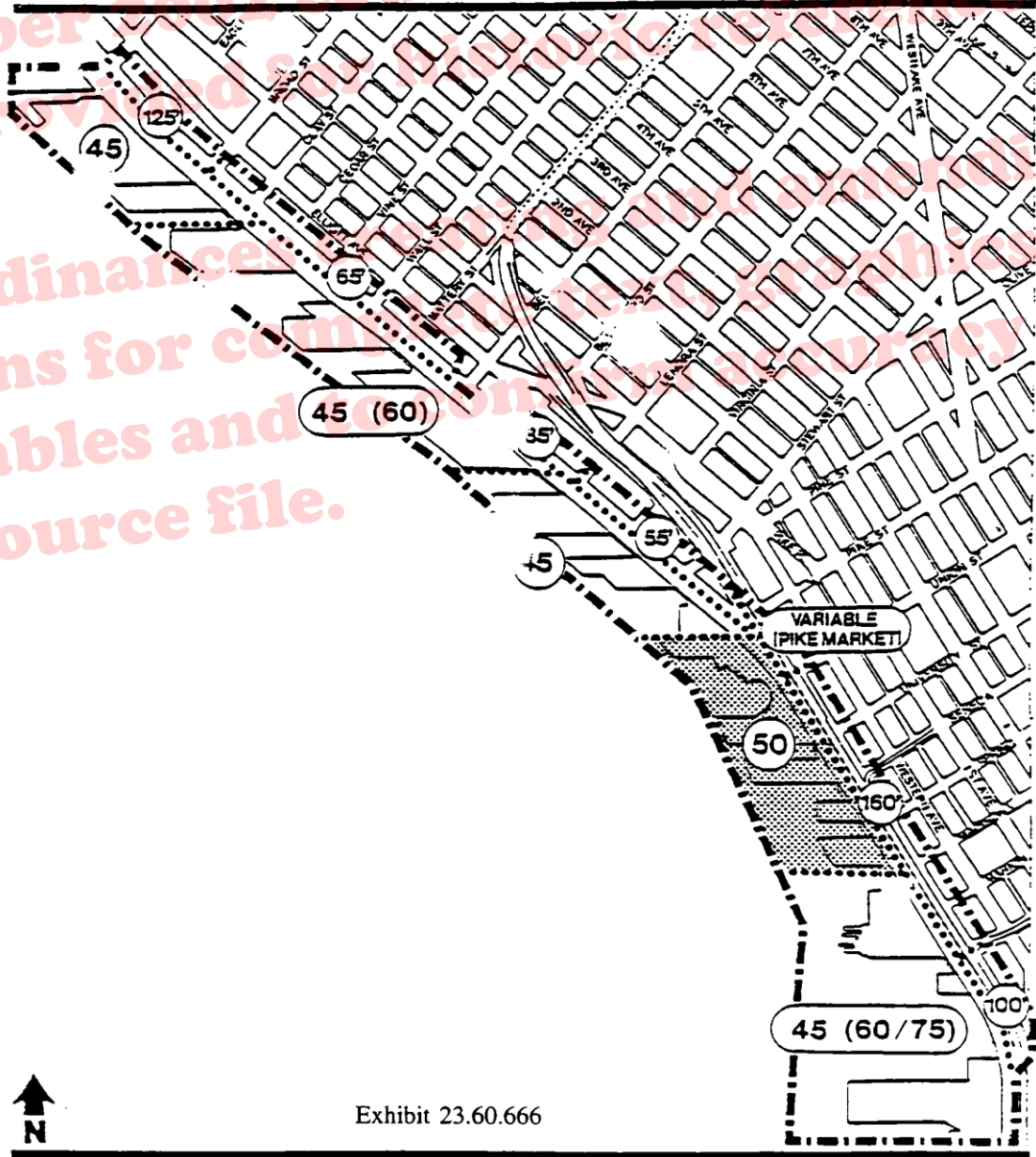
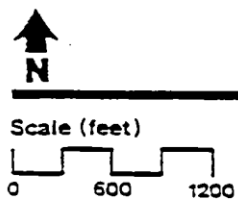


Exhibit 23.60.666



Urban Harborfront Heights

- Urban Harborfront Environment
- ..... Historic Character Area
- ( ) Indicates maximum if Water Dependent Incentive used

For current SMC contact  
23-554.5  
the Office of the City Clerk



Harbor Line. To exceed forty-five (45) feet, the development should accomplish the following objectives:

(1) Maintain views from upland public spaces and rights-of-way;

(2) Ensure structure heights that provide a transition to the lower pier structures in the Historic Character Area;

(3) Maintain a structure height along Alaskan Way frontage that is consistent with existing pier development, maximizes solar access to Alaskan Way and establishes a scale of development in keeping with the pedestrian character; and

(4) Provide a transition in height and scale between the waterfront and abutting upland development.

e. **Public Access.** Public access shall be required according to the following guidelines to ensure access to the water and marine activity without conflicting with the operation of water dependent uses:

(1) Public access shall be provided approximately equivalent to fifteen (15) percent of the lot coverage or five thousand (5,000) square feet, whichever is greater, except as provided in subsection A2e(2)(c) below.

(2) Area designated for public access shall be subject to the following conditions:

(a) Where the water-dependent use will benefit from or is compatible with public access, such as passenger terminals, ferry operations and tour boats, the access shall be provided in conjunction with the water-dependent use;

(b) Where public access would conflict with the operations of the water-dependent use, access requirements may be met on alternative portions of the lot;

(c) Where the entire lot is to be occupied by a water-dependent use, the Council may permit a partial waiver of the public access requirement;

(d) To qualify as public access, an area shall be directly accessible from Alaskan Way and clearly related to public open spaces. Efforts should also be made to physically and visually link public access areas over water with the east/west streets providing links to upland areas;

(e) The public access area shall provide the public with visual and physical access to the shoreline area. Preference shall be given to perimeter access on over-water structures providing maximum exposure to the bay and surrounding activity;

(f) Interpretive features such as displays or special viewing equipment shall be incorporated in public access areas. Maritime museum space which is fully enclosed will not count as public access space;

(g) Up to fifty (50) percent of the total public access area may be covered, provided that at least fifty (50) percent of the perimeter of any covered area is open to views of the water;

(h) A portion of the required public access area, not to exceed fifty (50) percent, may be provided at an elevation exceeding two (2) feet above or below the grade of Alaskan Way. The area must be open to views of the water along at least fifty (50) percent of the perimeter, be easily identifiable as public space and be fully accessible to the public.

f. **View Corridors.** View corridors shall be provided equivalent to thirty (30) percent of the street frontage of the lot. The following conditions for view corridors shall be met:

(1) View corridors shall allow views of the water from the street. View corridors shall maintain and enhance pedestrian views from Alaskan Way along traditional view corridors established by submerged street rights-of-way, as well as views from upland areas along east/west rights-of-way. View corridors shall provide views past pier development out into the open water of Elliott Bay and to the Olympic Mountains where possible;

(2) View corridors shall maximize opportunities for views of the bay and waterfront activity along Alaskan Way to enhance public open space and public access areas;

(3) View corridors through a development site shall be encouraged to assist in relieving the overall sense of bulk of development over water; and

(4) Overhead weather protection, arcades or other architectural features may extend into the view corridor only if they do not obstruct views from pedestrian areas at Alaskan Way or on upland streets.

B. **Helistops** may be authorized over water or on dry-land portions of waterfront lots in the UH Environment by the City Council according to the procedures of Section 23.60.068, with concurrence of the Department of Ecology, as either principal or accessory uses if both the criteria for conditional uses in WAC 173-27-160 and the following criteria are satisfied:

1. The helistop is for takeoff and landing of helicopters which serve a public safety, news gathering or emergency medical care function, is part of an approved transportation plan and is a public facility, or is part of an approved transportation plan and located at least two thousand (2,000) feet from a residential zone;

2. The helistop is located so as to minimize adverse physical environmental impacts on lots in the surrounding area, and on public parks and other areas where substantial public gatherings may be held;

3. The lot is of sufficient size that operations of the helistop and flight paths of helicopters can be buffered from the surrounding area;

4. Open areas and landing pads shall be hard-surfaced; and

5. The helistop meets all federal requirements including those for safety, glide angles and approach lanes. (Ord. 118663 § 18, 1997; Ord. 118415 § 3, 1996; Ord. 113466 § 2(part), 1987.)

**23.60.668 Prohibited uses on waterfront lots in the UH Environment.**

The following uses are prohibited as principal uses on waterfront lots in the UH Environment:

- A. Residential uses;
  - B. The following commercial uses:
    - 1. Medical services,
    - 2. Animal services,
    - 3. Automotive retail sales and service,
    - 4. Lodging, except existing hotels,
    - 5. Mortuary services,
    - 6. Offices at wharf/street level,
    - 7. Adult motion picture theaters and panorams,
    - 8. Parking, principal use,
    - 9. Nonhousehold sales and services,
    - 10. Mini-warehouses,
    - 11. Personal transportation services,
    - 12. Cargo terminals, except breakbulk,
    - 13. Transit vehicle bases,
    - 14. Heliports,
    - 15. Airports, land-based, and
    - 16. Airports, water-based;
  - C. Salvage and recycling uses;
  - D. The following utilities:
    - 1. Solid waste transfer stations,
    - 2. Power plants,
    - 3. Sewage treatment plants,
    - 4. Major communication utilities, and
    - 5. Freestanding transmission towers for minor communication utilities;
  - E. General and heavy manufacturing;
  - F. The following institutional uses:
    - 1. Schools, elementary or secondary,
    - 2. Hospitals,
    - 3. Religious facilities, and
    - 4. Private yacht, boat and beach clubs;
  - G. Public facilities or projects that are nonwater-dependent except those that are part of public improvement plan for the harborfront adopted by the Council;
  - H. High-impact uses;
  - I. Agriculture uses except aquaculture;
  - J. Groins and similar structures which block the flow of sand to adjacent beaches, except drift sills or other structures which are part of a natural beach protection system; and
  - K. Landfill which creates dry land.
- (Ord. 120927 § 12, 2002; Ord. 119929 § 3, 2000; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

**23.60.670 Permitted uses on upland lots in the UH Environment.**

- A. Uses Permitted Outright. The following uses shall be permitted outright on upland lots as principal or accessory uses in the UH Environment:
  - 1. Uses permitted outright on waterfront lots in the UH environment;
  - 2. Additional uses permitted outright on upland lots:
    - a. Residential uses,

- b. The following commercial uses:
  - (1) Nonhousehold retail sales and services,
  - (2) Warehouses,
  - (3) Medical services,
  - (4) Lodging,
  - (5) Offices at street level,
  - (6) Parking garages, principal use,
  - (7) Surface parking areas, principal use,
  - (8) Personal transportation services,
- c. Institutions, and
- d. Public facilities.

B. Uses Permitted as Special Uses. Uses permitted as special uses on waterfront in the UH Environment lots are permitted as special uses on upland lots. (Ord. 113466 § 2(part), 1987.)

**23.60.672 Prohibited uses on upland lots in the UH Environment.**

Uses prohibited on waterfront lots in the UH environment are also prohibited on upland lots unless specifically permitted in Section 23.60.670. (Ord. 113466 § 2(part), 1987.)

**Part 2 Development Standards****23.60.690 Development standards for the UH Environment.**

All developments in the Urban Harborfront Environment shall meet the requirements of Part 2, except when the Water-dependent Incentive Development Standards of Section 23.60.666 apply, as well as the development standards applicable to all environments contained in Subchapter III, General Provisions. (Ord. 113466 § 2(part), 1987.)

**23.60.692 Height in the UH Environment.**

A. Waterfront Lots. The maximum height in the UH Environment shall be forty-five (45) feet except in the Historic Character Area where the maximum height shall be fifty (50) feet tall as measured from Alaskan Way, except as modified by subsection C below.

B. Upland Lots. The maximum height shall be fifty-five (55) feet, sixty-five (65) feet, eighty-five (85) feet, one hundred (100) feet, one hundred twenty-five (125) feet, or one hundred sixty (160) feet, as determined by location on the Official Land Use Map, Chapter 23.32, except as modified by this section.

**C. Height Exceptions.**

1. Cranes, gantries, mobile conveyors and similar equipment necessary for the functions of marinas, marine manufacturing, permitted commercial, industrial or port activities and servicing of vessels are exempt, provided such structures shall be designed to minimize view obstruction.

2. Flagpoles, masts, and light poles are exempt.

3. Rooftop Features.

a. Open railings, planters, clerestories, skylights, parapets and firewalls may extend up to four (4)

feet above the maximum height with unlimited rooftop coverage.

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

c. The following rooftop features may extend up to fifteen (15) feet above the maximum height, as long as the combined coverage of all features listed in this subsection C3c 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:

- (1) Solar collectors;
- (2) Stair and elevator penthouses;
- (3) Mechanical equipment; and
- (4) Play equipment and open-mesh

fencing, as long as the fencing is at least fifteen (15) feet from the roof edge.

d. Radio and television receiving antennas, excluding dishes; religious symbols for religious institutions; smokestacks and flagpoles may extend up to fifty (50) feet above the roof of the structure on which they are located except as regulated in Chapter 23.64, Airport Height Overlay District, provided they are a minimum of ten (10) feet from all lot lines.

e. Minor communication utilities shall be governed by Section 23.57.013 B2.

4. Bridges. Bridges may exceed the maximum height limits. (Ord. 120927 § 13, 2002; Ord. 120117 § 46, 2000; Ord. 113466 § 2(part), 1987.)

**23.60.694 Lot coverage in the UH Environment.**

**A. Waterfront Lots.**

1. Structures, including floats and piers, shall not occupy more than fifty (50) percent of the submerged land of any lot, except as modified by subsection C below; and

2. Structures shall not occupy more than fifty (50) percent of the dry land of any lot.

B. Upland Lots. Structures may occupy up to one hundred (100) percent of a lot, except as modified by other sections of this subchapter and/or the underlying zoning.

C. Lot Coverage Exceptions. Piers may exceed permitted lot coverage by the addition of floats for open wet moorage. Maximum float size above existing lot coverage or the lot coverage limit, whichever is greater, is thirty-six hundred (3,600) square feet or an area equivalent to twelve (12) feet times the length of the pier, whichever is greater. An additional four hundred (400) square feet of coverage shall be permitted for an access ramp. Existing floats may be increased in size up to this limit. (Ord. 113466 § 2(part), 1987.)

**23.60.696 Side setbacks in the UH Environment.**

To facilitate access to moorage as required by Section 23.60.700, a side setback of fifty (50) feet from the nearest lot shall be required of all fixed pier structures, not includ-

ing moorage floats. One-half (½) of an adjacent submerged street right-of-way may be used in meeting this requirement.

(Ord. 113466 § 2(part), 1987.)

**23.60.698 View corridors in the UH Environment.**

**A. Waterfront Lots.**

1. The following standards shall apply to waterfront lots:

a. A view corridor with a width of not less than thirty (30) percent of the width of the lot, measured at Alaskan Way, shall be provided and maintained;

b. The view corridor may be provided at two (2) locations, provided that each location has a minimum width of twenty (20) feet.

2. The following may be located in a required view corridor:

- a. Storage of boats undergoing repair,
- b. Open wet moorage, and
- c. Outdoor storage of items accessory to water-dependent or water-related use.

3. One-half (½) of an adjacent submerged street right-of-way may be used in meeting view corridor requirements.

B. Upland Lots. No view corridors are required. (Ord. 113466 § 2(part), 1987.)

**23.60.700 Moorage requirements in the UH Environment.**

A. Developments in the UH Environment shall provide moorage on a regular basis either through:

1. Using moorage as an integral part of their operation;
2. Leasing their moorage for use by commercial or recreational watercraft; or
3. Actively advertising the availability of transient moorage.

B. To facilitate moorage, developments shall provide either:

1. Cleats on the two sides of the pier sufficiently strong for the moorage of vessels one hundred (100) feet in length;

2. Floats, for moorage of smaller vessels, that are at least one thousand eight hundred (1,800) square feet with a minimum width of six (6) feet; or

3. Alternative moorage facilities providing an equivalent amount of moorage, as determined by the Director.

C. To facilitate access to moorage, developments shall provide:

1. A pier apron of a minimum width of eighteen (18) feet on each side and the seaward end of the pier or wharf; and

2. Railings and/or ramps designed to permit access to the pier apron or roadway from moored ships and boats.

D. Exception for Marinas. Marinas in the UH Environment shall meet the specific development standards



outlined in Section 23.60.200 in lieu of the moorage requirements of this section, and shall provide transient moorage at the rate of forty (40) lineal feet of transient space for each one thousand (1,000) lineal feet of permanent moorage space.  
(Ord. 113466 § 2(part), 1987.)

**23.60.702 Regulated public access in the UH Environment.**

A. Waterfront Lots. The following standards shall apply to waterfront lots except as provided in subsection C below:

1. Public access meeting the criteria of Section 23.60.160 shall be provided for all developments. The amount of public access shall be not less than fifteen (15) percent of the developed lot area or five thousand (5,000) square feet, whichever is greater.

2. Developments shall provide at least a ten (10) foot wide public access walkway along two (2) edges of the pier or wharf, including as one (1) edge the seaward end of the pier or wharf. The required walkways may be located on the required eighteen (18) foot pier apron.

B. Upland Lots. Public access is not required.

C. Public Access Exceptions. Developments which are wholly water-dependent may receive a full or partial waiver of the public access requirement from the Director if:

1. The applicant can show that the provision of public access could prevent effective operation of the water-dependent use and/or present a potential safety hazard for the public; and

2. Alternative access criteria of Section 23.60.160 cannot be satisfied.  
(Ord. 113466 § 2(part), 1987.)

**23.60.704 Historic Character Area review criteria.**

A. Location. All developments located in the Historic Character Area, as shown on the official Land Use Map, including all lots from the southerly edge of Pier 54 to the northerly edge of Pier 59 inclusive are subject to Historic Character Area review as provided in this section.

B. Review Process. All applications for development in the Historic Character Area shall be referred to the Landmarks Preservation Board and to the Department of Neighborhoods for their review and comment prior to issuance of a permit. In order to avoid undue project delay, such review and comment shall be completed within forty-five (45) days of receipt of an application by the Landmarks Preservation Board and the Department of Neighborhoods.

C. Review Standards. New construction or modification of existing structures shall be reviewed using the following criteria:

1. The single linear form of the pier shed shall be maintained or reconstructed, regardless of the division of internal space.

2. Facades of pier ends may be expanded or treated differently from the rest of the pier shed; however, major alterations to the pier shed form are discouraged.

3. The gabled roof planes with clerestories shall be preserved or reconstructed including the unbroken roof ridge line and the symmetrical and parallel pitch of each roof plane. Major roof extensions and cutouts are discouraged.

4. The east-west orientation parallel to submerged street rights-of-way of the major axis of the pier and its pier shed shall be preserved.

5. Facades which reinforce the street edge by being generally parallel to Alaskan Way and having no front setback are preferred.

6. Windows, doors, and openings composed of small-scale panes and panels shall be preferred. Large expanses of glass or banks of skylights at roof eaves are discouraged.

7. Heavy timber construction using a truss system shall be maintained for existing piers and is preferred for new development. Covering shall be horizontally laid grooved shiplap siding.

8. The pier aprons shall be surfaced with timber.

9. Each pier shall have the pier number clearly identified on both the street end and water end of the pier shed. For all exterior signage, large simple graphics painted directly on the building are preferred. Exterior neon signs are discouraged.

10. Landscaping shall not be required. When it is provided, smaller-scale installations of landscaping related to uses at the wharf level, including colorful seasonal plantings, shall be preferred.

11. Exterior lighting should be in keeping with the historic nature of the area. Localized lighting shall be used to illuminate specific areas and define routes.

12. The existing railing along the Alaskan Way Seawall should be maintained or reconstructed.  
(Ord. 116744 § 28, 1993; Ord. 113466 § 2(part), 1987.)

**Subchapter XIII The Urban Maritime Environment**

**Part 1 Uses**

**23.60.720 Uses permitted outright on waterfront lots in the UM Environment.**

The following uses shall be permitted outright on waterfront lots in the Urban Maritime Environment as either principal or accessory uses:

A. The following commercial uses:

1. Marine retail sales and services, except marinas and sale of boat parts or accessories,

2. Tugboat services,

3. Wholesale showroom, warehouse and outdoor storage uses, water-dependent or water-related,

4. Passenger terminals, water-dependent,

5. Cargo terminals, water-dependent or water-related,



- 6. Food processing, water-dependent or water-related;
  - B. Streets, railroads and bridges;
  - C. The following utilities:
    - 1. Utility lines,
    - 2. Utility public service uses whose operations require a shoreline location, and
    - 3. Minor communication utilities, except freestanding transmission towers;
  - D. The following institutional uses:
    - 1. Water-dependent or water-related research and education facilities of colleges and universities,
    - 2. Shoreline recreation facilities of schools, colleges and universities, and
    - 3. Water-dependent or water-related colleges, institutes for advanced study and vocational schools;
  - E. Light and general manufacturing uses, water-dependent or water-related;
  - F. Public facilities, water-dependent or water-related;
  - G. Shoreline recreation uses; and
  - H. Aquaculture.
- (Ord. 120927 § 14, 2002; Ord. 113466 § 2(part), 1987.)

**23.60.722 Special uses on waterfront lots in the UM Environment.**

The following uses may be authorized on waterfront lots in the UM Environment by the Director as either principal or accessory uses if the special use criteria in Section 23.60.032 are satisfied:

- A. Water-based aircraft facilities;
- B. Heavy manufacturing uses, water-dependent or water-related;
- C. The following shoreline protective structures:
  - 1. Natural beach protection,
  - 2. Bulkheads necessary to support a water-dependent or water-related use, or to enclose a permitted landfill area, or to prevent erosion, when natural beach protection is not a practical alternative;
- D. Dredging when necessary for water-dependent and water-related uses;
- E. The following types of landfill:
  - 1. Landfill on dry land where necessary for a permitted use and as part of an approved development,
  - 2. Landfill on submerged lands which does not create dry land where necessary for a water-dependent or water-related use or for the installation of a bridge or utility line,
  - 3. Landfill for the creation of wildlife or fisheries habitat as mitigation or enhancement,
  - 4. Landfill which creates dry land:
    - a. When the dry land is necessary for a water-dependent or water-related use, and
    - b. If more than two (2) square yards of dry land per lineal yard of shoreline is placed, the landfill meets the following additional criteria:
      - (1) No reasonable alternative to the landfill exists, and
      - (2) The landfill provides a clear public benefit, and

(3) The landfill site is not located in Lake Union or Portage Bay.  
(Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

**23.60.724 Conditional uses on waterfront lots in the UM Environment.**

The following uses may be authorized on waterfront lots in the UM Environment by the Director, with the concurrence of the Department of Ecology, as either principal or accessory uses if the criteria for conditional uses in WAC 173-27-160 are satisfied:

- A. Yacht, boat or beach clubs that do not have eating and drinking establishments and recreational marinas when:
  - 1. a. The yacht, boat or beach club or marina is not located where frequent interference with the turning basins or navigational areas for large vessels or other conflict with shipping is likely to occur, and
  - b. The yacht, boat or beach club or marina is not located where likely to conflict with manufacturing uses because of dust or noise or other environmental factors, or parking and loading access needs or other safety factors, and
  - 2. The yacht, boat or beach club or marina is located on a lot that is not suited for a water-dependent or water-related manufacturing use, or for a permitted water-dependent commercial use other than a yacht, boat or beach club or a marina because of:
    - a. Shallow water depth, or
    - b. An inadequate amount of dry land; provided, yacht, boat or beach clubs may have non-water-dependent facilities located over water only when:
      - 1. The dry-land portion of the lot is less than fifty (50) feet in depth, and
      - 2. Location of such facilities on the dry-land portion of the lot is not feasible;
- B. Non-water-dependent commercial and manufacturing uses:
  - 1. The following non-water-dependent commercial and manufacturing uses may be permitted as principal uses on dry land or over water when meeting the criteria of subsection B2 or B3:
    - a. Sale of boat parts and accessories,
    - b. Personal and household retail sales and services,
    - c. Eating and drinking establishments,
    - d. Nonhousehold sales and services except commercial laundries,
    - e. Offices,
    - f. Warehouse, wholesale showroom, mini-warehouse, outdoor storage,
    - g. Food processing and craft work, and
    - h. Light, general and heavy manufacturing,
  - 2. The above uses are permitted on dry land when:
    - a. The non-water-dependent commercial uses occupy no more than ten (10) percent of the dry-land area of the lot except that when the lot provides more than

nine thousand (9,000) lineal feet of moorage for commercial vessels, the non-water-dependent commercial uses may occupy up to twenty (20) percent of the dry-land area of the lot,

b. The total of all non-water-dependent commercial and manufacturing uses occupy no more than twenty (20) percent of the dry land area of the lot, and

c. The uses are located on site to accommodate water-dependent or water-related uses on site,

3. The uses listed in subsection B1 are permitted on dry land or over water when:

a. The lot has less than fifty (50) feet of dry land and, if located over water, a dry-land location of the uses is not feasible,

b. The non-water-dependent commercial uses occupy no more than five (5) percent of the total lot area including submerged lands,

c. The total of all non-water-dependent commercial and manufacturing uses occupy no more than ten (10) percent of the total lot area including submerged land, and

d. The non-water-dependent uses are located to accommodate the water-dependent or water-related uses on site,

4. The uses permitted in subsection B1 may be relocated on a lot provided the requirements of subsection B2 or B3 are met;

C. Multifamily residential and research and development laboratory uses when:

1. The lot abuts a lot designated Urban Residential;

2. All Urban Stable Development Standards are met;

3. The facilities or amenities required by Section 23.60.600 C are provided;

4. Residential uses are limited to locations on dry land and above the ground floor of a structure; and

5. Not located within one hundred (100) feet of an abutting lot designated Urban Industrial.

D. Non-water-dependent uses on historic vessels:

1. The following uses may be permitted on a historic vessel when meeting the criteria in subsection D2 below:

a. Sale of boat parts and accessories, and

b. Entertainment uses, such as banquet

facilities;

2. In determining whether to permit non-water-dependent uses on a historic vessel the following criteria shall be considered:

a. Uses permitted outright are impractical because of the vessel design, or the permitted uses cannot provide the financial support necessary to sustain the vessel in a reasonably good physical condition,

b. The moorage is not well-suited for commercial maritime use due to water depth, shoreline configuration or other physical or environmental constraints,

c. The use is compatible with the existing design or construction of the vessel, without the necessity of significant alteration of the vessel,

d. The vessel is designated as a landmark by the Seattle Landmarks Preservation Board with a designating ordinance by City Council,

e. No other historic vessel containing entertainment uses is located within one (1) mile of the applicant vessel, and

f. The playing of music is prohibited except in enclosed spaces.

(Ord. 118793 § 33, 1997; Ord. 118408 § 10, 1996; Ord. 117230 § 1, 1994; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

### **23.60.728 Prohibited uses on waterfront lots in the UM Environment.**

The following principal uses are prohibited on waterfront lots:

A. Residential uses, except where permitted as a conditional use pursuant to subsection C of Section 23.60.724;

B. The following commercial uses:

1. Medical services,

2. Animal services,

3. Automotive retail sales and service,

4. Parking, principal use,

5. Lodging,

6. Mortuary services,

7. Entertainment uses, except where permitted as a conditional use pursuant to Section 23.60.724 D,

8. Commercial laundries,

9. Personal transportation services,

10. Passenger terminals, non-water-dependent,

11. Cargo terminals, non-water-dependent,

12. Transit vehicle bases,

13. Helistops,

14. Heliports,

15. Airports, land-based,

16. Covered wet moorage on Lake Union and Portage Bay, and

17. Research and development laboratories, except where permitted as a conditional use pursuant to subsection C of Section 23.60.724;

C. Salvage and recycling uses;

D. High-impact uses;

E. The following utilities:

1. Major communication utilities,

2. Solid waste transfer stations,

3. Power plants,

4. Sewage treatment plants, and

5. Freestanding transmission towers for minor communication utilities;

F. Institutions, non-water-dependent;

G. The following water-dependent institutions: Yacht, boat and beach clubs that have eating and drinking establishments;

H. Public facilities not authorized by Section 23.60.734 and those that are non-water-dependent;

I. Agricultural uses except aquaculture;

J. Open space uses except shoreline recreation;  
K. Groins and similar structures which block the flow of sand to adjacent beaches, except for drift sills or other structures which are part of a natural beach protection system.  
(Ord. 120927 § 15, 2002; Ord. 118793 § 34, 1997; Ord. 118663 § 19, 1997; Ord. 117230 § 2, 1994; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

**23.60.730 Permitted uses on upland lots in the UM Environment.**

A. Uses Permitted Outright.  
1. Uses permitted outright on waterfront lots in the UM Environment are permitted outright on upland lots.  
2. Additional uses permitted outright on upland lots:  
a. Commercial Uses.  
(1) Sale of boat parts or accessories,  
(2) Personal and household retail sales and service uses,  
(3) Medical services,  
(4) Animal services,  
(5) Automotive retail sales and service,  
(6) Eating and drinking establishments,  
(7) Nonhousehold sales and services,  
(8) Wholesale showroom, mini-warehouse, warehouse and outdoor storage, non-water-dependent,  
(9) Cargo terminals, non-water-dependent,  
(10) Personal transportation services,  
(11) Passenger terminals, non-water-dependent,  
(12) Transit vehicle base,  
(13) Food processing,  
(14) Custom and craft work,  
(15) Offices except in the Lake Union area, and  
(16) Research and development laboratories;  
b. Recycling centers;  
c. Light and general manufacturing uses, non-water-dependent;  
d. Public facilities; and  
e. Minor communication utilities, except freestanding transmission towers.

B. Uses Permitted as Special Uses.  
1. Uses permitted as special uses on waterfront lots in the UM environment are permitted as special uses on upland lots.  
2. Additional uses permitted as special uses on upland lots:  
a. Heavy manufacturing uses, non-water-dependent.

C. Uses Permitted as Conditional Uses. The following uses may be authorized by the Director, with the concurrence of the Department of Ecology, as either principal or accessory uses if the criteria for conditional uses in WAC 173-27-160 are satisfied:

1. Offices within the Lake Union area;  
2. In structures designated as Landmarks, pursuant to Chapter 25.12, Landmarks Preservation, when the structure is not located over water, the following uses:  
a. Non-water-dependent institutional uses,  
b. Residential uses;  
3. In structures designated as Landmarks, pursuant to Chapter 25.12, Landmarks Preservation, when the structure is located over water, the following uses:  
a. Uses otherwise permitted outright on upland lots in the UM environment as specified in subsection A of Section 23.60.730,  
b. Offices within the Lake Union area,  
c. Non-water-dependent institutional uses,  
d. Residential uses,  
e. Parking accessory to uses located within the landmark structure.

D. Uses Permitted as Council Conditional Uses. The following uses may be authorized by the City Council, with the concurrence of the Department of Ecology, as either principal or accessory uses, if the criteria for conditional uses in WAC 173-27-160 are satisfied:

1. Helistops and heliports when the following additional criteria are met:  
a. The helistop or heliport is for 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 an approved transportation plan and is a public facility; or is part of an approved transportation plan and is located at least two thousand (2,000) feet from a residential zone;  
b. 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;  
c. 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 the other uses in the surrounding area;  
d. Open areas and landing pads shall be hardsurfaced; and  
e. The helistop or heliport meets all federal requirements including those for safety, glide angles, and approach lanes.

(Ord. 120927 § 16, 2002; Ord. 118793 § 35, 1997; Ord. 116907 § 11, 1993; Ord. 116616 § 10, 1993; Ord. 115135 § 2, 1990; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

**23.60.732 Prohibited uses on upland lots in the UM Environment.**

Uses prohibited on waterfront lots are prohibited on upland lots unless specifically permitted in Section 23.60.730.  
(Ord. 113466 § 2(part), 1987.)

**23.60.734 Public facilities.**

A. Except as provided in subsection B1 or B2 below, uses in public facilities that are most similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.720 through 23.60.724 shall also be permitted outright, as a special use or conditional use, subject to the same use regulations, development standards, special use requirements, and conditional use criteria that govern the similar uses.

B. Public Facilities not Meeting Development Standards Requiring City Council Approval.

1. The City Council, with the concurrence of the Department of Ecology, may waive or modify applicable development standards, special use requirements or conditional use criteria for those uses in public facilities that are similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.720 through 23.60.724 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.

2. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.720 through 23.60.724 may be permitted by the City Council. City Council, with the concurrence of the Department of Ecology, may waive or modify development standards, special use requirements 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.

C. Expansion of Uses in Public Facilities.

1. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

D. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities. (Ord. 118663 § 20, 1997.)

**Part 2 Development Standards****23.60.750 Development standards for the UM Environment.**

All developments in the Urban Maritime Environment shall meet the requirements of this Part 2 as well as the development standards applicable to all environments contained in Subchapter III, General Provisions. (Ord. 113466 § 2(part), 1987.)

**23.60.752 Height in the UM Environment.**

A. Maximum Height. The maximum height in the UM Environment shall be thirty-five (35) feet, except as modified in subsections B through D of this section.

B. Equipment. Cranes, mobile conveyers, light standards and similar equipment necessary for the function of water-dependent uses or the servicing of vessels may extend above the maximum height.

C. Structures. Structures accessory to a water-dependent or water-related use and manufacturing structures which require additional height because of intended use may be authorized up to fifty-five (55) feet by the Director when:

1. Not more than twenty-five (25) percent of the lot area would be covered by a structure with the increased height;

2. The views of a substantial number of upland residences would not be blocked by the increased height.

D. Rooftop Features.

1. Radio and television receiving antennas, and flagpoles, are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided such features are:

a. No closer to any adjoining lot line than fifty (50) percent of their height above existing grade; or

b. If attached only to the roof, no closer to any adjoining lot line than fifty (50) percent of their height above the roof portion where attached.

2. Railings, skylights, clerestories, solar collectors, parapets, and firewalls may extend four (4) feet above the maximum height.

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

a. Stair and elevator penthouses;

b. Mechanical equipment.

E. Bridges. Bridges may exceed the maximum height limit.

(Ord. 120927 § 17, 2002; Ord. 113466 § 2(part), 1987.)

**23.60.754 Lot coverage in the UM Environment.**

A. Waterfront Lots.

1. Structures, including floats and piers, shall not occupy more than fifty (50) percent of the submerged



portion of a waterfront lot, except as modified by subsection C.

2. Structures shall not occupy more than seventy-five (75) percent of the dry-land portion of a waterfront lot.

B. Upland Lots. Structures may occupy up to one hundred (100) percent of an upland lot.

C. Lot Coverage Exceptions.

1. Structures, including floats and piers, may occupy up to sixty-five (65) percent of the submerged portion of a waterfront lot which has a depth of less than fifty (50) feet of dry land.

2. Drydocks may cover up to an additional twenty-five (25) percent of submerged land for a maximum lot coverage of seventy-five (75) percent. (Ord. 113466 § 2(part), 1987.)

**23.60.756 View corridors in the UM Environment.**

A. A view corridor or corridors of not less than fifteen (15) percent of the width of the lot shall be provided and maintained on all waterfront lots occupied by a water-dependent or water-related use.

B. A view corridor or corridors of not less than thirty-five (35) percent of the width of the lot shall be provided and maintained on all waterfront lots occupied by a non-water-dependent use.

C. The following may be located in a required view corridor:

1. Open wet moorage;
2. Storage of boats undergoing repair;
3. Parking which meets the criteria of subsection B3 of Section 23.60.162, View corridors; and
4. Open storage accessory to a water-dependent or water-related use.

D. View Corridor Reductions. The required percent of the width of the lot may be reduced by five (5) percent for each of the following conditions provided that such reduction does not result in a view corridor of less than fifteen (15) feet:

1. The required view corridor is provided entirely in one (1) location;
2. A view corridor of at least half (½) the required width abuts a lot line which separates the lot from a street, waterway, or public park;
3. A view corridor of at least half (½) the required width abuts a view corridor provided on the adjacent property.

E. Viewing Area Substitution. In lieu of the required view corridor, developments which are not required to provide public access may provide a public viewing area as follows:

1. The viewing area shall be either an observation tower or a designated portion of the lot which is easily accessible;
2. The viewing area shall provide a clear view of the activities on the lot and the water;
3. The viewing area shall have a minimum dimension of one hundred fifty (150) square feet; and

4. The conditions of Section 23.60.160 for public access relating to accessibility, signs, and availability shall apply. (Ord. 113466 § 2(part), 1987.)

**23.60.758 Regulated public access in the UM Environment.**

A. Public Property. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained for all publicly owned and publicly controlled waterfront, whether leased to private lessees or not, except harbor areas, shorelands, tidelands, and beds of navigable waters not abutting dry land.

B. Private Property.

1. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on privately owned waterfront lots for the following developments:

- a. Marinas, except as exempted in Section 23.60.200 E,
- b. Yacht, boat and beach clubs that have non-water-dependent facilities over water,
- c. Non-water-dependent uses, except those located on private lots in Lake Union which have a front lot line of less than one hundred (100) feet in length, measured at the upland street frontage generally parallel to the water edge, and which abut a street and/or waterway providing public access;

2. Water-dependent uses other than marinas and water-related uses located on private lots, except yacht, boat and beach clubs which have non-water-dependent facilities over water are not required to provide public access.

C. Utilities. Regulated public access shall be provided on utility-owned or controlled property within the Shoreline District. (Ord. 113466 § 2(part), 1987.)

**23.60.760 Development between the Pierhead Line and the Construction Limit Line in the UM Environment in Lake Union and Portage Bay.**

Structures located between the Pierhead Line and the Construction Limit Line shall be limited to piers and floats without accessory buildings, drydocks, and existing floating homes at existing floating home moorages. (Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

**Subchapter XIV The Urban General Environment**

**Part 1 Uses**

**23.60.780 Uses permitted outright on waterfront lots in the UG Environment.**

The following uses shall be permitted outright on waterfront lots in the Urban General Environment as either principal or accessory uses:

- A. Existing dwelling units;

- B. The following commercial uses:
1. Personal and household retail sales and services,
  2. Medical services,
  3. Animal services,
  4. Marine retail sales and services,
  5. Eating and drinking establishments,
  6. Nonhousehold sales and service uses,
  7. Office uses,
  8. Entertainment uses,
  9. Wholesale showroom, mini-warehouse, warehouse and outdoor storage,
  10. Passenger terminals, water-dependent or water-related,
  11. Cargo terminals, water-dependent or water-related, and
  12. Research and development laboratories;
- C. Streets;
- D. Bridges;
- E. Railroads;
- F. The following utilities:
1. Utility lines,
  2. Utility service uses whose operations require a shoreline location,
  3. Solid waste transfer stations that are water-related, and
  4. Minor communication utilities, except freestanding transmission towers;
- G. Manufacturing uses;
- H. Institutional uses;
- I. Public Facilities;
- J. Open space uses;
- K. Aquaculture; and
- L. Food processing and craft work uses.
- (Ord. 120927 § 18, 2002; Ord. 113466 § 2(part), 1987.)

**23.60.782 Special uses permitted on waterfront lots in the UG Environment.**

The following uses may be authorized on waterfront lots in the UG Environment by the Director as either principal or accessory uses if the special use criteria in Section 23.60.032 are satisfied:

- A. Airports, water-based;
- B. High-impact uses that are water-dependent or water-related;
- C. Shoreline protective structures:
  1. Natural beach protection,
  2. Bulkheads necessary to support a water-dependent or water-related use, or to enclose a permitted landfill area, or to prevent erosion, when natural beach protection is not a practical alternative;
- C. Dredging when necessary for water-dependent and water-related uses;
- D. The following types of landfill:
  1. Landfill on dry land where necessary for a permitted use and as part of an approved development,
  2. Landfill on submerged lands which does not create land where necessary for a water-dependent or wa-

ter-related use or for the installation of a bridge or utility line,

3. Landfill for the creation of wildlife or fisheries habitat as mitigation or enhancement; and
  4. Landfill which creates dry land:
    - a. When the dry land is necessary for the operation of a water-dependent or water-related use, and
    - b. If more than two (2) square yards of dry land per lineal yard of shoreline is created, the landfill meets the following additional criteria:
      - (1) No reasonable alternative to the landfill exists,
      - (2) The landfill provides a clear public benefit, and
      - (3) The landfill site is not located in Lake Union or Portage Bay.
- (Ord. 113466 § 2(part), 1987.)

**23.60.784 Conditional uses permitted on waterfront lots in the UG Environment.**

The following uses may be authorized on waterfront lots in the UG Environment by the Director, with the concurrence of the Department of Ecology, as either principal or accessory uses if the criteria for conditional uses in WAC 173-27-160 are satisfied:

- A. Artist studio/dwellings.
- (Ord. 118793 § 36, 1997; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

**23.60.786 Prohibited principal uses on waterfront lots in the UG Environment.**

The following uses are prohibited as principal uses on waterfront lots in the UG Environment:

- A. Residential uses except artist studio/dwellings;
- B. The following commercial uses:
  1. Automotive retail sales and service uses,
  2. Lodging uses,
  3. Mortuary services,
  4. Parking, principal uses,
  5. Personal transportation services,
  6. Passenger terminals, non-water-dependent,
  7. Cargo terminals, non-water-dependent,
  8. Transit vehicle bases,
  9. Helistops,
  10. Heliports, and
  11. Airports, land-based;
- C. Salvage and recycling uses;
- D. The following utilities:
  1. Major communication utility,
  2. Solid waste transfer stations, non-water-dependent,
  3. Power plants,
  4. Sewage treatment plants, and
  5. Freestanding transmission towers for minor communication utilities;
- E. Agricultural uses except aquaculture; and

F. Groins and similar structures which block the flow of sand to adjacent beaches, except for drift sills or other structures which are part of a natural beach protection system. (Ord. 120927 § 19, 2002; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

**23.60.788 Permitted uses on upland lots in the UG Environment.**

The following uses are permitted on upland lots in the UG Environment:

- A. Uses Permitted Outright.
  - 1. Uses permitted outright on waterfront lots are permitted outright on upland lots.
  - 2. Additional commercial uses permitted outright:
    - a. Automotive retail sales and services; and
    - b. Parking, principal use.
- B. Uses Permitted as Special Uses.
  - 1. Uses permitted as special uses on waterfront lots are permitted as special uses on upland lots.
  - 2. Additional uses permitted as special uses:
    - a. Artist studio/dwelling.

(Ord. 113466 § 2(part), 1987.)

**23.60.790 Prohibited uses on upland lots in the UG Environment.**

All uses prohibited on waterfront lots are prohibited on upland lots unless specifically permitted in Section 23.60.788. (Ord. 113466 § 2(part), 1987.)

**23.60.795 Public facilities.**

A. Except as provided in subsection B1 or B2 below, uses in public facilities that are most similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.780 through 23.60.784 shall also be permitted outright, permitted as a special use or conditional use, subject to the same use regulations, development standards, special use requirements, and conditional use criteria that govern the similar uses.

B. Public Facilities not Meeting Development Standards Requiring City Council Approval.

1. The City Council, with the concurrence of the Department of Ecology, may waive or modify applicable development standards, special use requirements or conditional use criteria for those uses in public facilities that are similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.780 through 23.60.784 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.

2. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.780 through 23.60.784 may be permitted by

the City Council. City Council, with the concurrence of the Department of Ecology, may waive or modify development standards, special use requirements 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.

C. Expansion of Uses in Public Facilities.

1. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

D. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities. (Ord. 118663 § 21, 1997.)

**Part 2 Development Standards**

**23.60.810 Development standards for the UG Environment.**

All developments in the Urban General Environment shall meet the requirements of this Part 2 as well as the development standards applicable to all environments contained in Subchapter III, General Provisions. (Ord. 113466 § 2(part), 1987.)

**23.60.812 Height in the UG Environment.**

A. Maximum Height. The maximum height in the UG Environment shall be thirty-five (35) feet, except as modified in subsections B through D of this section.

B. Equipment. Cranes, mobile conveyers, light standards and similar equipment necessary for the function of water-dependent uses or the servicing of vessels may extend above the maximum height.

C. Structures. Structures accessory to a water-dependent or water-related use and manufacturing structures which require additional height because of intended use may be authorized up to fifty-five (55) feet by the Director when the views of a substantial number of upland residences would not be blocked by the increased height.

D. Rooftop Features.

1. Radio and television receiving antennas, flagpoles, and religious symbols for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided such features are:

a. No closer to any adjoining lot line than fifty (50) percent of their height above existing grade; or  
b. If attached only to the roof, no closer to any adjoining lot line than fifty (50) percent of their height above the roof portion where attached.

2. Railings, skylights, clerestories, solar collectors, parapets, and firewalls may extend four (4) feet above the maximum height.

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

- a. Stair and elevator penthouses; and
- b. Mechanical equipment.

E. Bridges. Bridges may exceed the maximum height limit.

(Ord. 120927 § 20, 2002; Ord. 120117 § 47, 2000; Ord. 113466 § 2(part), 1987.)

#### **23.60.814 Lot coverage in the UG Environment.**

Structures may occupy up to one hundred (100) percent of the lot area for either a waterfront lot or an upland lot. (Ord. 113466 § 2(part), 1987.)

#### **23.60.816 View corridors in the UG Environment.**

A. A view corridor or corridors of not less than thirty-five (35) percent of the width of the lot shall be provided and maintained on all waterfront lots.

B. A view corridor or corridors of not less than thirty-five (35) percent of the width of the lot shall be provided and maintained on all upland through lots separated from a waterfront lot designated CM, CR, CP or CN by a street or railroad right-of-way.

C. The following may be located in a required view corridor:

1. Open wet moorage;
2. Storage of boats undergoing repair; and
3. Parking, which meets the criteria in subsection B3 of Section 23.60.162, View corridors.

(Ord. 113466 § 2(part), 1987.)

#### **23.60.818 Regulated public access in the UG Environment.**

A. Public Property. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained for all publicly owned and publicly controlled waterfront, whether leased to private lessees or not, except harbor areas, shorelands, tidelands, and beds of navigable waters not abutting dry land.

B. Private Property.

1. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on privately owned waterfront lots for the following developments:

a. Marinas, except as exempted in Section 23.60.200 E;

b. Non-water-dependent developments except those located on private lots in the Lake Union area with a front lot line of less than one hundred (100) feet in length, measured at the upland street frontage generally parallel to the water edge, that abut a street and/or waterway providing public access.

2. Water-dependent uses other than marinas and water-related uses on private lots are not required to provide public access.

C. Utilities. Regulated public access shall be provided to utility-owned or controlled property within the Shoreline District.

(Ord. 113466 § 2(part), 1987.)

### **Subchapter XV The Urban Industrial Environment**

#### **Part 1 Uses**

#### **23.60.840 Uses permitted outright on waterfront lots in the UI Environment.**

The following uses shall be permitted outright on waterfront lots in the Urban Industrial Environment as either principal or accessory uses:

- A. Existing dwelling units;
- B. The following commercial uses:
  1. Marine retail sales and services except marinas and sale of boat parts or accessories,
  2. Tugboat services,
  3. Research and development laboratories,
  4. Wholesale showroom, warehouse and outdoor storage uses,
  5. Passenger terminals, water-dependent or water-related,
  6. Cargo terminals, water-dependent or water-related, and
  7. Food processing and craft work, water-dependent or water-related;
- C. Salvage and recycling uses, water-dependent or water-related;
- D. Streets, railroads and bridges;
- E. The following utilities:
  1. Utility lines,
  2. Solid waste transfer stations, water-related,
  3. Utility service uses whose operations require a shoreline location, and
  4. Minor communication utilities, except freestanding transmission towers;
- F. Manufacturing uses;
- G. The following institutional uses:
  1. Water-dependent or water-related research and education facilities of colleges and universities,
  2. Shoreline recreation facilities of colleges and universities, and



3. Water-dependent or water-related colleges, institutes for advanced study, and vocational schools;

H. High-impact uses, water-dependent or water-related;

I. Public facilities, water-dependent or water-related;

J. Shoreline recreation uses; and

K. Aquaculture.

(Ord. 120927 § 21, 2002; Ord. 113466 § 2(part), 1987.)

**23.60.842 Special uses permitted on waterfront lots in the UI Environment.**

The following uses may be authorized on waterfront lots in the UI Environment by the Director as either principal or accessory uses if the special use criteria in Section 23.60.032 are met:

A. Airports, water-based;

B. The following shoreline protective structures:

1. Natural beach protection,

2. Bulkheads to support a water-dependent or water-related use, or to enclose a permitted landfill area, or to prevent erosion, when natural beach protection is not a practical alternative;

C. Dredging when necessary for water-dependent and water-related uses or to install utility lines;

D. The following types of landfill:

1. Landfill on dry land where necessary for a permitted use and as part of an approved development,

2. Landfill on submerged lands which does not create land where necessary for a water-dependent or water-related use or for the installation of a bridge or utility line, and

3. Landfill which creates dry land:

a. When the dry land is necessary for a water-dependent or water-related use, and

b. If more than two (2) square yards of dry land per lineal yard of shoreline is created, the landfill meets the following additional criteria:

(1) No reasonable alternative to the landfill exists,

(2) The landfill provides a clear public benefit, and

(3) The landfill site is not located in Lake Union or Portage Bay.

(Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

**23.60.844 Conditional uses on waterfront lots in the UI Environment.**

The following uses may be authorized on waterfront lots in the UI Environment by the Director, with the concurrence of DOE, as either principal or accessory uses if the criteria for conditional uses in WAC 173-27-160 are satisfied:

A. Yacht, boat or beach clubs which do not have eating and drinking establishments and recreational marinas when:

1. a. Not located where frequent interference with the turning basins or navigational areas of large vessels or other conflict with shipping is likely to occur, and

b. Not located where likely to conflict with manufacturing uses because of dust, noise or other environmental factors, or parking and loading access requirements or other safety factors; and

2. If located outside the Duwamish area, the yacht, boat or beach club or marina is located on a lot not suitable for a water-dependent or water-related manufacturing use, or for permitted water-dependent commercial uses because of:

a. Shallow water depth, or

b. An inadequate amount of dry land; provided that yacht, boat or beach clubs may have non-water-dependent facilities over water only when:

(1) The dry-land portion of the lot is less than fifty (50) feet in depth, and

(2) The location of such facilities on the dry-land portion of the lot is not feasible.

B. Non-water-dependent Commercial Uses.

1. The following non-water-dependent commercial uses when meeting the criteria of subsection B2:

a. Sale of boat parts or accessories;

b. Personal and household retail sales and services;

c. Eating and drinking establishments in the Ballard Interbay Northend Manufacturing/Industrial Center;

d. Nonhousehold sales and services except commercial laundries;

e. Offices;

f. Mini-warehouse in the Ballard Interbay Northend Manufacturing/Industrial Center; and

g. Food processing and craft work.

2. The uses listed in subsection B1 are permitted when:

a. The total of non-water-dependent commercial uses occupy no more than ten (10) percent of the dry-land portion of the lot; and

b. The non-water-dependent commercial uses are located to accommodate any water-dependent or water-related uses on the lot.

3. The uses identified in subsection B1 may be relocated on a lot provided the requirements of subsection B2 are met.

(Ord. 119971 § 1, 2000; Ord. 118793 § 37, 1997; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

**23.60.846 Council conditional uses on waterfront lots in the UI Environment.**

A. Sewage treatment plants may be authorized by the Council according to the procedures of Section 23.60.068 when:

1. Located in the Duwamish area;

2. A determination has been made, according to the process established in Section 23.60.066, Process for determination of feasible or reasonable alternative locations, that no feasible alternative exists to locating a plant in the Seattle Shoreline District. The determination as to feasibility shall be based upon the Shoreline Goals and

Policies of the Seattle Comprehensive Plan, the Shoreline Management Act, as amended, and a full consideration of the environmental, social and economic impacts on the community;

3. The plant is set back sixty (60) feet from the line of ordinary high water;

4. A public access walkway is provided along the entire width of the shoreline except for any portion occupied by barge loading and unloading facilities to serve the plant, public access being most important along views of the water and any other significant shoreline element; and

5. All reasonable mitigation measures to protect views and to control odors, noise, traffic and other impacts on the natural and built environment shall be provided.

(Ord. 118793 § 38, 1997; Ord. 113466 § 2(part), 1987.)

**23.60.848 Principal uses prohibited on waterfront lots in the UI Environment.**

The following principal uses are prohibited on waterfront lots in the UI Environment:

- A. Residential uses;
- B. The following commercial uses:
  - 1. Medical services,
  - 2. Animal services,
  - 3. Automotive retail sales and service,
  - 4. Parking, principal use,
  - 5. Lodging,
  - 6. Mortuary services,
  - 7. Heavy commercial services,
  - 8. Entertainment uses,
  - 9. Personal transportation services,
  - 10. Passenger terminal, non-water-dependent,
  - 11. Cargo terminal, non-water-dependent,
  - 12. Transit vehicle bases,
  - 13. Heliports,
  - 14. Heliports,
  - 15. Mini-warehouses in the Duwamish Manufacturing/Industrial Center, and
  - 16. Eating and drinking establishments in the Duwamish Manufacturing/Industrial Center;
- C. Salvage and recycling uses, non-water-dependent;
- D. The following utilities:
  - 1. Major communication utilities,
  - 2. Solid waste transfer stations, non-water-dependent,
  - 3. Power plants,
  - 4. Sewage treatment plants, located outside of the Duwamish area, and
  - 5. Freestanding transmission towers for minor communication utilities;
- E. High-impact uses, non-water-dependent;
- F. All institutional uses except shoreline recreation facilities of colleges and universities and boat and yacht clubs without eating and drinking facilities;

G. Public facilities not authorized by Section 23.60.854 and those that are non-water-dependent or non-water-related;

H. Agricultural uses except aquaculture;

I. All open space uses except shoreline recreation; and

J. Groins and similar structures which block the flow of sand to adjacent beaches, except for drift sills or other structures which are part of a natural beach protection system.

(Ord. 120927 § 22, 2002; Ord. 119971 § 2, 2000; Ord. 118663 § 22, 1997; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

**23.60.850 Permitted uses on upland lots in the UI Environment.**

A. Uses Permitted Outright.

1. Principal and accessory uses permitted outright on waterfront lots in the UI Environment are permitted outright on upland lots.

2. Additional uses permitted outright:

- a. All commercial uses;
- b. Salvage and recycling uses that are non-water-dependent;
- c. Open space uses;
- d. The following institutions:
  - (1) Vocational and fine arts schools,
  - (2) Uses connected to a major institution and permitted by an approved master plan;
- e. All agricultural uses.

B. Uses Permitted as Special Uses. Uses permitted as special use on waterfront lots are permitted as special use on upland lots.

(Ord. 113466 § 2(part), 1987.)

**23.60.852 Prohibited uses on upland lots in the UI Environment.**

Uses prohibited on waterfront lots are prohibited on upland lots unless specifically permitted in Section 23.60.850.

(Ord. 113466 § 2(part), 1987.)

**23.60.854 Public facilities.**

A. Except as provided in subsection B 1 or B 2 below, uses in public facilities that are most similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.840 through 23.60.846 shall also be permitted outright, as a special use or conditional use, subject to the same use regulations, development standards, special use requirements, and conditional use criteria that govern the similar uses.

B. Public Facilities not Meeting Development Standards Requiring City Council Approval.

1. The City Council, with the concurrence of the Department of Ecology, may waive or modify applicable development standards, special use requirements or conditional use criteria for those uses in public facilities that are similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sec-

tions 23.60.840 through 23.60.846 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.

2. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.840 through 23.60.846 may be permitted by the City Council. City Council, with the concurrence of the Department of Ecology, may waive or modify development standards, special use requirements 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.

C. Expansion of Uses in Public Facilities.

1. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

D. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities. (Ord. 118663 § 23, 1997.)

## Part 2 Development Standards

### 23.60.870 Development standards for the UI Environment.

All developments in the Urban Industrial Environment shall meet the requirements of this Part 2 as well as the development standards applicable to all environments contained in Subchapter III, General Provisions. (Ord. 113466 § 2(part), 1987.)

### 23.60.872 Height in the UI Environment.

A. Maximum Height. The maximum height shall be thirty-five (35) feet, except as modified by subsections B through D of this section.

B. Exceptions.

1. Cranes, mobile conveyers, light standards and similar equipment necessary for the function of water-dependent uses or the servicing of vessels may extend above the maximum height.

2. Structures accessory to a water-dependent or water-related use and manufacturing structures which require additional height because of intended use may be authorized by the Director up to fifty-five (55) feet in the Ship Canal and up to eighty (80) feet in the Duwamish and Elliott Bay when the views of a substantial number of upland residences would not be blocked by the increased height.

C. Rooftop Features.

1. Radio and television receiving antennas, flagpoles, chimneys and smokestacks are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided such features are:

a. No closer to any adjoining lot line than fifty (50) percent of their height above existing grade; or  
b. If attached only to the roof, no closer to any adjoining lot line than fifty (50) percent of their height above the roof portion where attached.

2. Railings, skylights, clerestories, solar collectors, parapets and firewalls may extend four (4) feet above the maximum height set in subsections A and B of Section 23.60.632.

3. The following rooftop features may extend ten (10) feet above the maximum height set in subsections A and B of Section 23.60.632, so long as the combined total coverage of all features listed in this subparagraph C3 does not exceed fifteen (15) percent of the roof area, or twenty (20) percent of the roof area if the total includes screened mechanical equipment:

a. Stair and elevator penthouses; and  
b. Mechanical equipment.

D. Bridges. Bridges may exceed the maximum height limit. (Ord. 120927 § 23, 2002; Ord. 113466 § 2(part), 1987.)

### 23.60.874 Lot coverage in the UI Environment.

A. Waterfront Lots. Structures may occupy up to one hundred (100) percent of both submerged and dry-land lot area of a waterfront lot.

B. Upland Lots. Structures may occupy up to one hundred (100) percent of the lot area of an upland lot. (Ord. 113466 § 2(part), 1987.)

### 23.60.876 View corridors in the UI Environment.

A. A view corridor or corridors of not less than thirty-five (35) percent of the width of the lot shall be provided and maintained on all waterfront lots developed with a nonwater-dependent use or a mix of water-dependent or water-related uses and nonwater-dependent uses if the water-dependent or water-related use occupies less than fifty (50) percent of the dry-land portion of the lot.

B. A view corridor or corridors of not less than thirty-five (35) percent of the width of the lot shall be provided



and maintained on all upland through lots which are adjacent to waterfront lots designated CM, CR, CP or CN.

C. The following may be located in a required view corridor:

1. Open wet moorage;
  2. Storage of boats undergoing repair;
  3. Parking which meets the criteria in subsection B3 of Section 23.60.162; and
  4. Open storage accessory to a water-dependent or water-related use.
- (Ord. 113466 § 2(part), 1987.)

### **23.60.878 Setbacks in the UI Environment.**

All nonwater-dependent uses including accessory structures and uses shall provide a sixty (60) foot setback from the water's edge on waterfront lots. This setback area shall be accessible directly from a street or from a driveway of not less than twenty (20) feet in width.

(Ord. 113466 § 2(part), 1987.)

### **23.60.880 Development standards specific to water-related uses on waterfront lots in the UI Environment.**

A. Water-related uses shall be designed and located on the shoreline to encourage efficient use of the shoreline. Design considerations may include setbacks from all or a portion of the waters' edge, joint use of piers and wharves with other water-related or water-dependent uses, development of the lot with a mixture of water-related and water-dependent uses, or other means of ensuring continued efficient use of the shoreline.

B. Specific design constraints shall not be required if the nature and needs of the water-related use ensures efficient and continued use of the lot's waterborne transportation facilities.

(Ord. 113466 § 2(part), 1987.)

### **23.60.882 Regulated public access in the UI Environment.**

A. Public Property. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained for all publicly owned and publicly controlled waterfront, whether leased to private lessees or not, except harbor areas, shorelands, tidelands and beds of navigable waters not abutting dry land.

B. Private Property.

1. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on privately owned waterfront lots for the following developments:

- a. Marinas, except as exempted in Section 23.60.200 E;
- b. Yacht, boat and beach clubs that have nonwater-dependent facilities over water;
- c. Nonwater-dependent developments except those located on private lots in the Lake Union area which have a front lot line of less than one hundred (100) feet in length, measured at the upland street frontage generally parallel to the water edge, and which abut a street and/or waterway providing public access.

2. Water-dependent uses other than marinas and water-related uses on private property, except for yacht and boat clubs which have nonwater-dependent facilities over water and marinas, are not required to provide public access.

3. Utilities. Regulated public access shall be provided to utility-owned or controlled property within the Shoreline District.

(Ord. 113466 § 2(part), 1987.)

## **Subchapter XVI Definitions**

### **23.60.900 Definitions generally.**

For the purpose of this chapter, certain terms and words are defined. The definitions established in this Subchapter XVI are in addition to definitions contained in Chapters 24.08 and 23.84, which are also applicable to this chapter. In the event that a definition in this chapter differs from a definition of the same term in Chapter 24.08 or Chapter 23.84, the definition in this chapter shall apply in the Shoreline District.

(Ord. 113466 § 2(part), 1987.)

### **23.60.902 "A."**

"Airport, water-based" means a transportation facility used exclusively by aircraft which take off and land directly on the water.

"Aquaculture" means an agricultural use in which food fish, shellfish or other marine foods, aquatic plants or animals are cultured in fresh or salt water.

"Agriculture use" means the following uses as defined in Chapter 23.84, Definitions:

- Animal husbandry;
- Aquaculture;
- Horticultural use.

"Average grade level" means the calculation determined by averaging the elevations at the center of all exterior walls of the proposed building or structure. In the case of structures to be built over water, average grade level shall be the elevation of ordinary high water, except in the Urban Harborfront, as provided in Section 23.60.666.

"AWDT" means the twenty-four (24) hour average weekday traffic on a street as determined by the Director of Seattle Transportation or the Director of the Department of Construction and Land Use in consultation with the Director of Seattle Transportation.

(Ord. 118793 § 39, 1997; Ord. 118409 § 205, 1996; Ord. 113466 § 2(part), 1987.)

### **23.60.904 "B."**

"Boat or Beach Club." See "Yacht club."

"Beach, Class I" means an accretional beach characterized by a backshore which is only wetted under extreme tide and wave conditions. It is possible to walk on a Class I beach at mean higher high water.

"Beach, Class II" means a marginal erosion beach characterized by not having a stable and dry backshore above mean higher high water. Class II beaches are



usually located at the foot of gravel-containing banks and bluffs that supply the upper foreshore with beach material.

“Beach, Class III” means an erosional beach on which it is not possible to walk at mean higher high water. Class III beaches are located under banks and bluffs that are low in gravel and high in clay and have an upper foreshore which is wave-cut below to mean higher high water level.

“Breakwater” means a protective structure built offshore to protect harbor areas, moorages, navigation, beaches or bluffs from wave action.

“Bridge” means a structure carrying a path, street, or railway over-water, and necessary support and accessory structures.

“Bulkhead” means a retaining wall constructed parallel to the shore whose primary purpose is to hold or prevent sliding of soil caused by erosion or wave action or to protect the perimeter of a fill.  
(Ord. 113466 § 2 (part), 1987.)

### 23.60.906 “C.”

“Cargo, breakbulk” means cargo packed in separate packages or individual pieces of cargo and loaded, stored and unloaded individually.

“Cargo, containerized” means cargo packed in a large (typically eight (8) feet by eight (8) feet by twenty (20) feet) trunklike box and loaded, stored and unloaded as a unit.

“Cargo, neo-bulk” means cargo which has historically been classified as generalized cargo, such as grain, oil, and automobiles, but now is moved in bulk movements usually in specialized vessels.

“Cargo terminal” means a transportation facility in which quantities of goods or container cargo are stored without undergoing any manufacturing processes, transferred to other carriers or stored outdoors in order to transfer them to other locations. Cargo terminals may include accessory warehouses, railroad yards, storage yards, and offices.

“Clerestory” means an outside wall of a room or building that rises above an adjoining roof and contains windows.

“Commercial use” means the following uses as defined in Chapter 23.84, Definitions:

- Retail sales and services;
- Principal use parking;
- Nonhousehold sales and services;
- Offices;
- Entertainment;
- Wholesale showroom;
- Warehouse;
- Mini-warehouse;
- Outdoor storage;
- Transportation facilities;
- Food processing and craft work;
- Research and development laboratories.

“Commercial moorage” means a marine retail sales and service use in which a system of piers, buoys, or floats is used to provide moorage, primarily for commercial vessels, except barges, for sale or rent, usually on a monthly or yearly basis. Minor vessel repair, haulout, dry boat storage, tugboat dispatch offices, and other services are also often accessory to or associated with the use.

Communication Devices and Utilities (and Related Terms). See Section 23.84.006 “C.”

“Conditional use” means a use identified in this chapter as requiring specific approval by either the Department of Ecology (Shoreline Conditional Use) or the City Council (Council Conditional Use). Unless specifically stated in this chapter the term “conditional use” without modification shall mean Shoreline Conditional Use.  
(Ord. 120927 § 24, 2002; Ord. 113466 § 2(part), 1987.)

### 23.60.908 “D.”

“Development” means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this title at any water level.

“Development standards” means regulations pertaining to the physical modification of the environment including the size and location of structures in relation to the lot. Development standards include maximum height of structures, minimum lot area, minimum front, side and rear yards, setbacks, maximum lot coverage, maximum floor area ratio, view corridors and regulated public access.

“Development, Substantial.” See “Substantial development.”

“Director” means the Director of the Department of Construction and Land Use of The City of Seattle.

“Drift sill” means a structure of rocks built into a beach as part of natural beach protection used to preserve a beach by stopping the littoral sand drift but which does not protrude above the finished grade of beach sediment.

“Dry land” means land at an elevation above the line of ordinary high water or mean higher high water.

“Dry storage of boats” means a marine retail sales and service use, in which space on a lot on dry land or inside a building over-water or on dry land, is rented or sold to the public or to members of a yacht, boat or beach club for the purpose of storing boats. Sometimes referred to as dry moorage.

(Ord. 113466 § 2(part), 1987.)

### 23.60.910 “E.”

“Extreme low tide” means the lowest line on land reached by a receding tide.

(Ord. 113466 § 2(part), 1987.)

**23.60.912 "F."**

"Fair market value" of a development means the open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation, and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials.

"Fairway" means all navigable waters within the corporate limits or within the jurisdiction and control of the City, except waters over privately owned or privately controlled property, including but not limited to the navigable portions of the following described waters and all submerged street area and waterways therein:

- A. All of Elliott Bay, lying easterly of a straight line drawn from Alki Point to West Point;
- B. All of the East and West Waterways;
- C. All of the Duwamish River;
- D. All of the Duwamish Waterway Project;
- E. All of Salmon Bay;
- F. All of Portage Bay;
- G. All of the Lake Washington Ship Canal, including that portion which shall be under the supervision and control of the United States;
- H. All of Lake Union;
- I. All of Lake Washington lying or being within the corporate limits of the City or within the jurisdiction and control of the City;
- J. All of that portion of Shilshole Bay, lying easterly and southerly of a line from West Point to the intersection of the northerly boundary of the City with the outer harbor line;
- K. All that portion of Puget Sound, lying easterly and northerly of a line from Alki Point to the intersection of the southerly boundary of the City with the outer harbor line.

"Floating home" means a single-family dwelling unit constructed on a float, which is moored, anchored or otherwise secured in waters.

"Floating home moorage" means a residential use consisting of a waterfront facility for the moorage of one (1) or more floating homes and the land and water premises on which the facility is located.

"Floating home site" means that part of a floating home moorage located over water designated to accommodate one (1) floating home.  
(Ord. 118793 § 40, 1997; Ord. 113466 § 2(part), 1987.)

**23.60.914 "G."**

"Groin" means a wall-like structure built seaward from the shore to build or preserve an accretion beach by trapping littoral sand drift on the updrift side.

(Ord. 113466 § 2(part), 1987.)

**23.60.916 "H."**

"High-impact Use." As defined in Chapter 23.84, Definitions.

"Historic ship" means a vessel, whether able to move under its own power or not, that has been designated by the Landmark Preservation Board as historic or listed on the National Register of Historic Places.

"House barge" means a vessel that is designed or used as a place of residence without a means of self-propulsion and steering equipment or capability. Historic ships which do not have a means of self-propulsion and steering equipment are regulated as vessels.

(Ord. 116051 § 2, 1992; Ord. 113466 § 2(part), 1987.)

**23.60.918 "I."**

"Institutions" means the following uses as defined in Chapter 23.84, Definitions:

- Institute for advanced study;
- Private club;
- Day care center;
- Museum;
- School, elementary or secondary;
- College;
- Community center;
- Community club;
- Vocational or fine arts school;
- Hospital;
- Religious facility;
- University.

(Ord. 113466 § 2(part), 1987.)

**23.60.920 "J."**

"Jetty" means an artificial barrier perpendicular to the shoreline used to change the natural littoral drift to protect inlet entrances from clogging by excess sediment, or to protect a harbor area from storm waves.

(Ord. 113466 § 2(part), 1987.)

**23.60.922 "K."**

Reserved.

(Ord. 113466 § 2(part), 1987.)

**23.60.924 "L."**

"Landfill" means sand, soil, gravel or other material deposited onto a shoreland area, or into the water over a submerged area.

"Lot" means a platted or unplatted parcel or parcels of land abutting upon and accessible from a private or public street sufficiently improved for vehicle travel or abutting upon and accessible from an exclusive, unobstructed permanent access easement. A lot may not be divided by a street or alley.

"Lot area" means the total horizontal area within the lot lines of a lot.

“Lot coverage” means that portion of a lot occupied by the principal building and its accessory buildings including piers, floats and drydocks, expressed as a percentage of the total lot area.

“Lot, upland” means a lot wholly or partly within the shoreline district which is separated as of March 17, 1977, from the water by a street, arterial, highway, railroad right-of-way or government-controlled property which prevents access to and use of the water.

“Lot, upland through” means an upland lot wholly or partly within the Shoreline District which extends between a street, highway, or arterial right-of-way on the upland side and a street, highway, arterial, railway right-of-way, or government-controlled property on the waterfront side.

“Lot, waterfront” means a lot any portion of which is offshore of or abuts upon the ordinary high water mark or mean high water mark and any other lot or parcel partially or entirely within the Shoreline District which is not separated as of March 17, 1977, from the water by a street, arterial, highway, railroad right-of-way, or government-owned or controlled property which prevents access to and use of the water. Vacation or relocation of a legal right-of-way after March 17, 1977, shall convert a lot which was an upland lot because of the existence of such right-of-way into a waterfront lot.

For purposes of determining the appropriate use and development standards applicable to developments in railroad or street rights-of-way, the railroad or street right-of-way shall be considered to be a waterfront lot unless separated from the water by another railroad or street right-of-way.

(Ord. 117789 § 6, 1995; Ord. 113466 § 2(part), 1987.)

### 23.60.926 “M.”

“Manufacturing” means the following uses as defined in Chapter 23.84, Definitions:

- Light manufacturing;
- General manufacturing;
- Heavy manufacturing.

“Marina, recreational” means a marine retail sales and service use, in which a system of piers, buoys, or floats is used to provide moorage, primarily for pleasure craft, for sale or rent, usually on a monthly or yearly basis. Minor vessel repair, haulout, dry boat storage and other services are also often accessory to or associated with the use.

“Marine retail sales and service” means a retail sales and service use which includes one (1) or more of the following uses:

- Sale or rental of large boats;
- Marine service station;
- Major or minor vessel repair;
- Sale of boat parts or accessories;
- Recreational marina;
- Commercial moorage;
- Dry storage of boats;
- Tugboat services.

“Marine service station” means a marine retail sales and service use in which fuel for boats is sold, and where accessory uses including but not limited to towing or minor vessel repair may also be provided.

“Master Program.” See “Shoreline Master Program.”

“Mean higher high water (MHHW)” means the tidal elevation determined by averaging the higher of each day's two (2) high tides at a particular location over recorded history.

“Mean lower low water (MLLW)” means the 0.0 tidal elevation. It is determined by averaging the lower of each day's two (2) low tides, at a particular location over recorded history.

“MHHW.” See “Mean higher high water.”

“MLLW.” See “Mean lower low water.”

“Monitor” means a raised, central portion of a roof having low windows or louvers for light and air.

“Moorage, covered” means a pier or system of floating or fixed accessways covered with a roof, to which boats on water may be secured.

“Moorage, open” means an uncovered pier or system of floating or fixed accessways to which boats on water may be secured.

“Moorage, transient” means moorage available to the public, generally for a fee, on a short-term basis. Transient moorage may be available on an hourly, daily or weekly basis.

“Moorage walkway” means the pier, float(s) or combination of pier and float(s) designed and used to give pedestrian access from the land to floating home sites at a floating home moorage. Ramps which provide access to individual floating homes are not moorage walkways.

(Ord. 113466 § 2(part), 1987.)

### 23.60.928 “N.”

“Natural beach protection” means naturally regenerating systems designed and used to prevent and control beach erosion.

“Navigational aid” means a structure used to guide or position ships and boats or to warn of navigational hazards, including but not limited to buoys, beacons, and light towers.

“Nonwater-dependent use” means a use which is not water-dependent or water-related in that access to the water or to water-dependent uses is not required for its operation, even if the aesthetics of a waterfront location may increase profitability. The following and similar uses are included:

Eating and drinking establishments, lodging, retail sales and services, medical services, funeral services, offices, religious facilities, schools, principal use parking, tennis courts, health clubs, and residential uses on land.

(Ord. 113466 § 2(part), 1987.)



**23.60.930 "O."**

"Offshore facilities" means any facilities, seaward of the outer harbor line, floating or supported on a pier or piers, used to transfer or assemble materials or for construction purposes, except aquacultural facilities and structures, research and scientific monitoring facilities.

"Open space" means land and/or water area with its surface open to the sky or predominantly undeveloped, which is set aside to serve the purposes of providing park and recreational opportunities, conserving natural resources and structuring urban development and form.

"Ordinary high water mark" means, on all lakes, streams, and tidal water, that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, or as it may naturally change thereafter or as it may change thereafter in accordance with permits issued by the Director or the Department of Ecology: provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water.

(Ord. 113466 § 2(part), 1987.)

**23.60.932 "P."**

"Pier" means a structure extending into the water for use as a landing place or promenade or to protect or form a harbor.

"Pier, accessory to residential structures" means a structure for swimming or for landing and open wet moorage of watercraft accessory to single-family or multifamily residential structures.

"Pier, finger or spur" means a minor extension from a primary pier.

"Public facility" means a facility owned, operated or franchised by a unit of general or special purpose government for public purposes.

(Ord. 118793 § 41, 1997; Ord. 113466 § 2(part), 1987.)

**23.60.934 "R."**

"Railroad" means a public or private right-of-way on which tracks for trains are constructed. Railroad yards and stations shall be classified as cargo or passenger terminals.

"Regulated public access" means provision to the public by an owner, by easement, covenant or similar legal agreement, of substantial walkways, corridors, parks, transient moorage or other areas serving as a means of view and/or physical approach to public waters, and limited as to hours of availability, types of activity permitted, location and area.

"Residential use" means the following uses as defined in Chapter 23.84, Definitions:

- Artist's studio/dwelling;
- Boarding house;
- Caretaker's quarters;
- Floating home;
- Mobile home park;
- Multifamily structure;
- Single-family dwelling unit;
- Congregate residence.

"Riprap" means a foundation or sustaining wall of stones placed in the water or on an embankment to prevent erosion.

"Retail sales and service use" means the following uses, as defined in Chapter 23.84, Definitions:

- Personal and household retail sales and service;
- Medical services;
- Animal services;
- Automobile retail sales and service;
- Marine retail sales and service;
- Eating and drinking establishments;
- Lodging;
- Mortuary services.

(Ord. 118793 § 42, 1997; Ord. 113466 § 2(part), 1987.)

**23.60.936 "S."**

"Sale and/or rental of large boats" means a marine retail sales and service use in which boats sixteen (16) feet or more in length are rented or sold. The sale or rental of smaller boats shall be defined as a major durables sales and service use.

"Sale of boat parts or accessories" means a marine retail sales and service use in which goods are rented or sold primarily for use on boats and ships but excluding uses in which fuel for boats and ships is the primary item sold. Examples of goods sold include navigational instruments, marine hardware and paints, nautical publications, nautical clothing such as foul-weather gear, marine engines, and boats less than sixteen (16) feet in length.

"Salvage and recycling" means the following uses, as defined in Chapter 23.84, Definitions:

- Recycling collection station;
- Recycling center;
- Salvage yard.

"Shorelands" or "shoreland areas" means those lands extending landward for two hundred (200) feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred (200) feet from such floodways; and all wetlands and river deltas associated with the streams, lakes and tidal waters which are subject to the provisions of this title; the same to be designated as to location by the Department of Ecology.

"Shoreline conditional use" means uses identified as such in this chapter which may be authorized by the Director and approved by the Department of Ecology in specific cases where certain stated facts and conditions are found to exist.



“Shoreline Master Program” means the comprehensive use plan for the shorelines of the city which consists of the Shoreline Goals and Policies of the Seattle Comprehensive Plan and the specific regulations of this chapter.

“Shoreline protective structures” means a bulkhead, riprap, groin, revetment, natural beach protection or other structure designed to prevent destruction of or damage to the existing shoreline by erosion or wave action.

“Shoreline recreation” means an open-space use which consists of a park or parklike area which provides physical or visual access to the water. The following and similar uses are included: fishing piers, swimming areas, underwater diving areas or reefs, boat launching ramps, bicycle and pedestrian paths, viewpoints, concessions without permanent structures, floats and bathhouses.

“Shoreline special use” means uses identified as such in this chapter which may be authorized by the Director in specific cases where the facts and conditions stated in Section 23.60.032 are found to exist.

“Shoreline variance” means a modification of the regulations of this chapter when authorized by the Director and approved by the Department of Ecology after a finding that the literal interpretation and strict application of the provisions of this chapter would cause undue and unnecessary hardship in view of specific facts and conditions applying to a lot in the Shoreline District.

“Shorelines” means all the water areas of the City and their associated shorelands, together with the lands underlying them, except:

- A. Shorelines of statewide significance;
- B. Shorelines on segments of streams upstream of a point where the mean annual flow is twenty (20) cubic feet per second or less and the wetlands associated with such upstream segments; and
- C. Shorelines on lakes less than twenty (20) acres in size and wetlands associated with such small lakes.

“Shorelines of Statewide Significance.” The following shorelines of the City are identified in RCW 90.58.030(2)(e) as shorelines of statewide significance:

- A. Those areas of Puget Sound and adjacent salt waters lying seaward from the line of extreme low tide;
- B. Lake Washington;
- C. The Duwamish River;
- D. Those shorelands associated with subdivisions B and C of this subsection.

“Shorelines of the City” means the total of all “shorelines” and “shorelines of statewide significance” within the City.

“Structure” means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts artificially joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, including fences, walls, signs, piers, floats and drydocks, but not including poles, flowerbed frames and other minor incidental improvements, or vessels.

“Substantial development” means any development of which the total cost or fair market value exceeds Two Thousand Five Hundred Dollars (\$2,500), except as otherwise provided in Section 23.60.020 C7b, or any development which materially interferes with the normal public use of the water or shorelines of the City.

“Submerged land” means all lands waterward of the ordinary high water or mean higher high water, whichever is higher. (Ord. 118793 § 43, 1997; Ord. 118408 § 11, 1996; Ord. 117789 § 7, 1995; Ord. 116325 § 6, 1992; Ord. 113466 § 2(part), 1987.)

### 23.60.938 “T.”

“Transportation facilities” means the following uses as defined in Chapter 23.84, Definitions:

- Airport, land-based;
- Cargo terminal;
- Heliport;
- Helistop;
- Passenger terminal;
- Personal transportation services;
- Transit vehicle base.

“Tugboat services” means a retail sales and service use which consists of moorage for more than one (1) tugboat and dispatch offices. Uses which include barge moorage and loading and unloading facilities for barges as well as tugboat moorages shall be classified as cargo terminals. (Ord. 113466 § 2(part), 1987.)

### 23.60.940 “U.”

“Use” means the purpose for which land or a building is designed, arranged or intended, or for which it is occupied or maintained, let or leased. For purposes of this chapter, uses shall also include activities and structures which modify the land, such as dredging, landfill, breakwaters, shoreline protective structures, and utility lines.

“Use, accessory” means a use which is incidental and intrinsic to the function of a principal use and is not a separate business establishment unless a home occupation.

“Use, principal” means any use, whether a separate business establishment or not, which has a separate and distinct purpose and function from other uses on the lot.

“Use, Water-dependent.” See “Water-dependent use.”

“Utilities” means the following uses as defined in Chapter 23.84, Definitions:

- Communication utility;
- Utility service use;
- Solid waste transfer station;
- Sewage treatment plant;
- Power plant;
- Solid waste processing facility;
- Solid waste incineration facility.

“Utility extension, limited” means the extension of a utility service that: (1) is categorically exempt under Chapter 43.21C RCW for one (1) or more of the following:

natural gas, electricity, telephone, water, or sewer; (2) will serve an existing use in compliance with this chapter; and (3) will not extend more than two thousand five hundred (2,500) linear feet within the shoreline areas subject to this chapter.

“Utility lines” means pipes, cables or other linear conveyance systems used to transport power, water, gas, oil, wastewater or similar items. Utility lines include outfalls and intakes.

(Ord. 118793 § 44, 1997; Ord. 113466 § 2(part), 1987.)

### 23.60.942 “V.”

“Vessel” means ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with the normal public use of the water, including historic ships which do not have a means of self-propulsion and steering equipment.

“Vessel repair, major” means a marine retail sales and service use in which one (1) or more of the following activities take place:

1. Repair of ferrous hulls;
2. For ships or boats one hundred twenty (120) feet in length, any one (1) or more of the following activities:

- a. Repair of nonferrous hulls,
- b. Conversion,
- c. Rebuilding,
- d. Dismantling, and
- e. Exterior painting.

“Vessel repair, minor” means a marine retail sales and service use in which one (1) or more of the following activities takes place:

1. General boat engine and equipment repair;
2. The replacement of new or reconditioned parts;
3. Repair of nonferrous boat hulls under one hundred twenty (120) feet in length;
4. Painting and detailing; and
5. Rigging and outfitting;

but not including any operation included in the definition of “Vessel repair, major.”

“View corridor” means an open-air space on a lot affording a clear view across the lot to the water from the abutting street.

(Ord. 113466 § 2(part), 1987.)

### 23.60.944 “W.”

“Water-dependent use” means a use which cannot exist in other than a waterfront location and is dependent on the water by reason of the intrinsic nature of its operations. The following uses, and similar uses, are included:

Ferry and passenger terminals, marine construction and repair, aquaculture, cargo terminal for marine commerce or industry, boat launch facilities, marinas, floating home moorages, tour boats, cruise ships, tug and barge opera-

tions, shoreline recreation, moorage, yacht clubs, limnological or oceanographic research facilities.

“Water-related use” means a use which is not intrinsically dependent on a waterfront location but whose operation cannot occur economically without use of the water adjacent to the site. The construction, maintenance and use of facilities such as docks, piers, wharves or dolphins shall be required. The following uses, and similar uses, are included: Seafood and fish processing, lumber and plywood mills, sand and gravel companies, concrete mix and cement plants, water pollution control services, marine electronics, marine refrigeration, marine sales, freeze/chill warehouses, and boat rigging operations.

“Watershed restoration plan” means a plan developed or sponsored by the State Department of Fish and Wildlife, the State Department of Ecology, the State Department of Natural Resources, the State Department of Transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to Chapter 43.21 RCW, the State Environmental Policy Act.

“Watershed restoration project” means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or part of the plan and consists of one (1) or more of the following activities:

A. A project that involves less than ten (10) miles of streamreach, in which less than twenty-five (25) cubic yards of sand, gravel or soil is removed, imported, disturbed, or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;

B. A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or

C. A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure, other than a bridge or culvert or instream habitat enhancement structure associated with the project, is less than two hundred (200) square feet in floor area and is located above the ordinary high water mark of the stream.

“Waterway” means a public highway for watercraft providing access from land to water and from water to land platted by the Washington State Harbor Line Commission for the convenience of commerce and navigation.

“Wetlands” means those areas that are inundated or saturated by surface water or ground water at a frequency

and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands. (The method for delineating wetlands shall follow the most current version of the "Washington State Wetlands Identification and Delineation Manual" as adopted by the State Department of Ecology.)

"Wildlife" means living things that are neither human nor domesticated, including but not limited to mammals, birds and fishes.  
(Ord. 118793 § 45, 1997; Ord. 117789 § 8, 1995; Ord. 113466 § 2(part), 1987.)

#### **23.60.946 "Y."**

"Yacht, boat and beach clubs" means institutional uses classified as either private clubs or community clubs which consist of structures and related grounds and/or moorage used for social and recreational purposes related to pleasure boating and/or swimming, the use of which is primarily restricted to members and their guests. Membership may be either open to the public through a membership fee only (community clubs) or by initiation and election according to qualifications in the club's Charter or bylaws (private clubs).  
(Ord. 113466 § 2(part), 1987.)

### **Subchapter XVII Measurements**

#### **23.60.950 Measurements in the Shoreline District.**

Measurements of height, view corridors, lot coverage, and other shoreline requirements in the Shoreline District shall be as described in this subchapter. These measurement regulations supplement other regulations of this title as described in Section 23.60.014. When a development is partly within and partly without the Shoreline District, measurement techniques for that portion of the development outside of the Shoreline District shall be as required in the underlying zoning.  
(Ord. 118793 § 46, 1997; Ord. 113466 § 2(part), 1987.)

#### **23.60.952 Height.**

Height of structures shall be determined by measuring from the average grade of the lot immediately prior to the proposed development to the highest point of the structure

not otherwise excepted from the height limits. Calculation of the average grade level shall be made by averaging the elevations at the center of all exterior walls of the proposed building or structure. In the case of structures to be built over water, average grade level shall be the elevation of ordinary high water, except in the Urban Harborfront, as provided in Section 23.60.666.

(Ord. 118793 § 47, 1997; Ord. 113466 § 2(part), 1987.)

#### **23.60.954 View corridors.**

When a view corridor is required, it shall be provided according to the development standards set forth in Section 23.60.162 using the following measurement techniques:

A. The width of the view corridor or corridors shall be determined by calculating the required percent of the width of the lot at the street or upland lot line;

B. The view corridor or corridors shall be in the direction of the predominant view of the water and, when topographically possible, generally parallel to existing view corridors;

C. When a lot is bounded by more than one (1) street, the Director shall determine which street front shall be used for the view corridor calculation; the determination shall be based on consideration of the relative amounts of traffic on each of the streets, the direction of the predominant view of the water and the availability of actual views of the water.

(Ord. 113466 § 2(part), 1987.)

#### **23.60.956 Calculation of lot depth.**

In certain environments, regulation of development differs according to the depth of the dry-land portion of the lot. To qualify for some special regulations, a lot must have less than fifty (50) feet of dry land. To qualify for locating single-family residences over water, a lot must have less than thirty (30) feet but at least fifteen (15) feet of dry land.

A. A lot shall be determined by the Director to have a depth of less than fifty (50) feet of dry land if:

1. The lot abuts a street or railroad right-of-way which is generally parallel to the shoreline; and

2. A straight line, parallel to and fifty (50) feet waterward of the street or railroad right-of-way and extending between two (2) lot lines, crosses submerged land for more than fifty (50) percent of its distance; or

3. If the lot lines and/or street or railroad right-of-way are irregular, the Director may determine if the lot has a depth of less than fifty (50) feet of dry land, based upon the intent of the Shoreline Master Program.

B. A lot shall be determined by the Director to have a depth of less than thirty (30) feet but at least fifteen (15) feet of dry land if:

1. The lot abuts a street or railroad right-of-way which is generally parallel to the shoreline; and



2. A straight line, parallel to and fifteen (15) feet waterward of the street or railroad right-of-way and extending between two (2) lot lines, crosses dry land for more than fifty (50) percent of its distance; and

3. A straight line, parallel to and thirty (30) feet waterward of the street or railroad right-of-way and extending between two (2) lot lines, crosses submerged land for more than fifty (50) percent of its distance; or

4. If the lot lines and/or street or railroad right-of-way are irregular, the Director may determine whether the lot has a depth of less than thirty (30) feet but at least fifteen (15) feet of dry land, based on the intent of the Shoreline Master Program. (Ord. 116325 § 7, 1992; Ord. 113466 § 2(part), 1987.)

**23.60.958 Calculation of percent of a lot occupied by a specific use.**

The following measurement techniques shall be used to calculate the percentage of a lot occupied by a use for developments other than water-dependent incentive developments in the Urban Harborfront. For water-dependent incentive calculations see Section 23.60.960.

A. For purpose of this section, the "lot" includes all the lot area within the Shoreline District including vacant lands, submerged and dry lands, and lands available for lease from the State Department of Natural Resources and developed or proposed to be developed, but excluding any area required for public access. Submerged lands shall not be counted in calculating lot area for purposes of minimum lot area requirements of single-family zones or density standards of other zones.

B. All lot area occupied by a specific use shall include:

1. The footprint, including balconies, decks and eaves, of any structure occupied by the use or its accessory uses; provided, that if a structure is occupied by more than one (1) use, the amount of the structure's footprint allocated to any one (1) use shall be calculated proportionately to its share of the structure's total floor area as follows: the square footage of the structure's footprint allocated to any one (1) use (A) is equal to the total square footage of the structure's footprint (B) multiplied by the total square footage of the use and its accessory uses located within the structure (C) divided by the total square footage within the structure (D), expressed as the following equation:

$$A = B \times C$$

D

2. The area outside of any structure, occupied by the use or its accessory uses, including the following:

a. The area of any parking provided for the use in excess of required accessory parking spaces including aisles and turning areas;

b. The area of any moorage occupied by the use including piers, floats, dockage areas, channels and turning basins;

c. The area occupied by any storage accessory to the use.

C. The percent of lot occupied by a specific use shall be calculated by dividing the use area calculated in subsection B above by the lot area given in subsection A above times one hundred (100).

D. To calculate the percent of dry land or percent of submerged lands occupied by a specific use or category of use, the dry lands and submerged lands shall each be calculated separately.

E. To calculate the percent of area occupied by a category of use such as non-water-dependent commercial, the area occupied by all such uses as calculated above shall be summed and divided by the lot area.

(Ord. 116791 § 1, 1993; Ord. 116398 § 3, 1992; Ord. 116325 § 8, 1992; Ord. 113466 § 2(part), 1987.)

**23.60.960 Calculation of percent of lot occupied by a water-dependent use for purposes of the water-dependent incentive in the Urban Harborfront Environment.**

The following measurement techniques shall be used to calculate the percent of a lot occupied by a water-dependent use for the purpose of qualifying for water-dependent incentive review.

A. For purposes of this section, the "lot" includes all the lot area within the Shoreline District including vacant lands, submerged and dry lands, and lands available for lease from the State Department of Natural Resources that is developed or proposed to be developed.

B. All lot area occupied by a water-dependent use shall include:

1. The footprint, including balconies, decks and eaves, of any structure occupied by the use or its accessory uses, provided that if a structure is occupied by more than one (1) use, the percent of floor space of the structure occupied by the water-dependent use shall be used to calculate the percent of the footprint allocated to that use;

2. The area of any required accessory parking spaces including aisles and turning areas;

3. The area of any moorage in excess of the required moorage; including piers, floats, dockage areas, channels and turning basins;

4. The area occupied by any storage accessory to the water-dependent use.

C. Area occupied by a water-dependent use may include any number of water-dependent uses, including uses that already exist on the site.

D. Water-dependent uses shall be as defined in Section 23.60.944, except that for purposes of calculating the water-dependent use for this section, marinas providing less than one thousand (1,000) lineal feet of moorage shall

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be considered required moorage. Marinas providing more than one thousand (1,000) lineal feet of moorage may be included in the calculations for water-dependent use for the purpose of water-dependent incentive.

E. The percent of lot occupied by a specific use shall be calculated by dividing the use area calculated in subsection B above by the lot area given in subsection A above times one hundred (100).

F. To calculate the percent of dry land or percent of submerged lands occupied by a specific use or category of use, the dry lands and submerged lands shall each be calculated separately.

G. To calculate the percent of area occupied by a category of use such as non-water-dependent commercial, the area occupied by all such uses, as calculated above, shall be summed and divided by the lot area.  
(Ord. 113466 § 2(part), 1987.)

**23.60.962 Calculation of lot width for piers accessory to residential development.**

The following measurement technique shall be used to calculate whether or not lot width at the line of ordinary high water is sufficient to comply with the requirement of subsection B3 of Section 23.60.204:

A. Lot width shall be the distance measured in a straight line between the points where the lot lines intersect the ordinary high water mark.

B. If the lot lines, ordinary high water mark or other conditions are irregular, the Director may determine if the lot meets the lot width criterion, based on the intent of the Shoreline Master Program.  
(Ord. 113466 § 2(part), 1987.)

**Chapter 23.61  
Station Area Overlay District**

**Sections:**

- 23.61.002 Purpose and intent.**
- 23.61.004 Station Area Overlay District established.**
- 23.61.006 Application of Regulations.**
- 23.61.008 Prohibited Uses.**
- 23.61.010 Location and access to parking.**
- 23.61.012 Single-purpose residential development.**
- 23.61.014 Nonconforming uses.**

**23.61.002 Purpose and intent.**

The purpose and intent of this chapter is to regulate land use and development in a manner that supports transit-oriented development near light rail stations.  
(Ord. 120452 § 5(part), 2001.)

**23.61.004 Station Area Overlay District established.**

There is hereby established pursuant to Chapter 23.59 of the Seattle Municipal Code, the Station Area Overlay District, as shown on the Official Land Use Map, Chapter 23.32.  
(Ord. 120452 § 5(part), 2001.)

**23.61.006 Application of Regulations.**

All land located within the Station Area Overlay District is subject to the regulations of the underlying zone unless specifically modified by the provisions of this chapter. In the event of a conflict between the provisions of the Station Area Overlay District and the underlying zone, the provisions of this chapter prevail. Where a conflict exists between the provisions of this chapter and the Pike Pine Overlay District or the Shoreline Master Program, the provisions of the Pike Pine Overlay District or the Shoreline Master Program prevail.  
(Ord. 120452 § 5(part), 2001.)

**23.61.008 Prohibited Uses.**

The following uses are prohibited within an underlying commercial zone as both principal and accessory uses, except as otherwise noted:

- A. Drive-in businesses;
- B. Dry storage of boats;
- C. General manufacturing;
- D. Heavy commercial services, except laundry facilities existing as of April 1, 2001;
- E. Sales and rental of large boats;
- F. Vessel repair (major or minor);
- G. Mini-warehouse;
- H. Principal use, nonresidential long-term parking;
- I. Outdoor storage;
- J. Sale of heating fuel;
- K. Sale and rental of motorized vehicles, except within an enclosed structure;
- L. Sales, service and rental of commercial equipment and construction materials;
- M. Salvage and recycling;
- N. Towing services;
- O. Vehicle repair (major or minor);
- P. Wholesale showroom;
- Q. Mini-warehouse; and
- R. Warehouse.

(Ord. 120609 § 15, 2001: Ord. 120452 § 5(part), 2001.)

**23.61.010 Location and access to parking.**

A. Parking must be located to the rear of a structure or built into or under a structure; or parking may be located between a rear or side lot line and a structure. The provisions of subsection 23.47.032 B2c do not apply.

B. In pedestrian-designated zones, location and access to parking is governed by the provisions of Section 23.47.046, Parking location in pedestrian zones.

(Ord. 120452 § 5(part), 2001.)

**23.61.012 Single-purpose residential development.**

A. Single-purpose residential structures located in a commercial zone are permitted outright, unless the structure is located on a lot in a pedestrian-designated zone, in which case they are prohibited or in the Pike Pine Overlay district where the provisions of that chapter apply.

B. The density limits of Section 23.47.009 do not apply to single-purpose residential structures in the Station Area Overlay District.

(Ord. 120452 § 5(part), 2001.)

**23.61.014 Nonconforming uses.**

A. The provisions of this section apply to the following station areas:

- 1. Henderson;
- 2. Othello;
- 3. Edmunds; and
- 4. McClellan.

B. The provisions of this section apply to the following nonconforming uses:

- 1. Gas stations;
- 2. General manufacturing;
- 3. Heavy commercial services;
- 4. Mini-warehouse and warehouse; and
- 5. Vehicle repair (minor).

C. The standards for nonconforming uses of the underlying zone and any overlay districts apply, except that uses listed in subsection B may be expanded or extended by an amount of gross floor area not to exceed twenty (20) percent of the existing gross floor area of the use, provided that this exception may be applied only once to any individual business establishment.

(Ord. 120452 § 5(part), 2001.)

**23.64.004 Boundaries.**

A. The Airport Height Overlay District shall be divided into five (5) types of overlay areas. The areas shall be the Inner Approach Area (IA), Outer Approach Area (OA), Turning Area (TG), Conical Area (CA), and the Transition Areas (TN). The boundaries shall be based on the imaginary surfaces developed by the Federal Aviation Administration for height limits surrounding airports. For purposes of illustration, the spatial representation of the imaginary surfaces is shown in Exhibit 23.64.004 A. The boundaries of these imaginary surfaces as projected on a map of the City are shown for illustrative purposes only in Exhibit 23.64.004 B. The actual boundary locations of the overlay areas are shown on the Official Airport Height Map, which is part of Exhibit A established pursuant to Chapter 23.32 of the Land Use Code.

B. The "Primary Surface" is defined as a surface longitudinally centered on the King County International Airport runways, which extends two hundred feet (200') beyond the end of the runway and is one thousand feet (1,000') wide. The primary surface is at the elevation of the runway.

C. The "Inner Approach Area" is defined as that area which lies directly below imaginary inclined surfaces (the "Inner Approach Surfaces") longitudinally centered on the extended runway centerline and extending outward and upward from the north and south ends of the primary surface. The inner edges of the inner approach surfaces are one thousand (1,000) feet wide and expand uniformly to a width of four thousand (4,000) feet. The inner approach surfaces extend for a horizontal distance of ten thousand (10,000) feet at a slope of fifty (50) horizontal to one (1) vertical.

D. The "Outer Approach Area" is defined as that area which lies directly below imaginary inclined surfaces (the "Outer Approach Surfaces") longitudinally

**Chapter 23.64  
AIRPORT HEIGHT OVERLAY DISTRICT**

**Sections:**

- 23.64.002 Purpose.**
- 23.64.004 Boundaries.**
- 23.64.006 Development standards.**
- 23.64.008 Application of regulations.**
- 23.64.010 Special exception.**

**23.64.002 Purpose.**

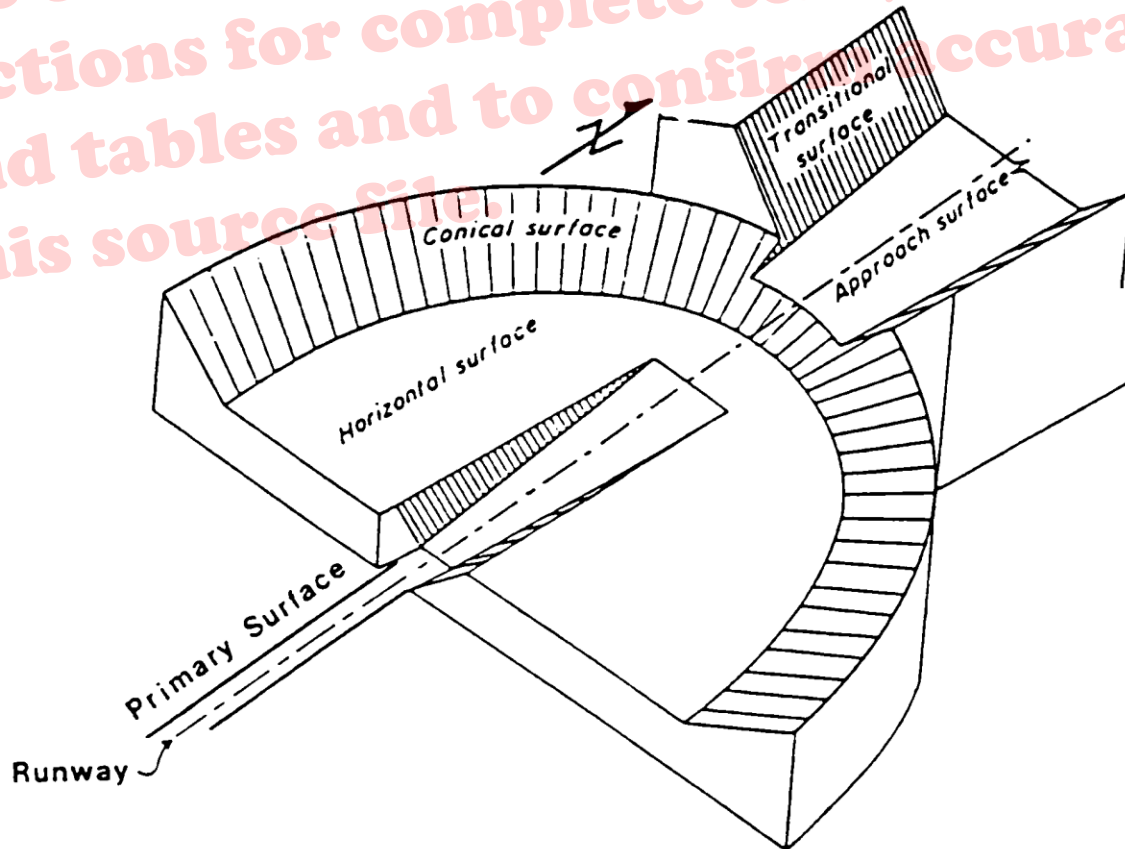
The purpose of the Airport Height Overlay District is to ensure safe and unobstructed takeoff and landing approach paths to King County International Airport (Boeing Field).

(Ord. 114561 § 1(part), 1989.)

For current SMC, contact  
the Office of the City Clerk

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

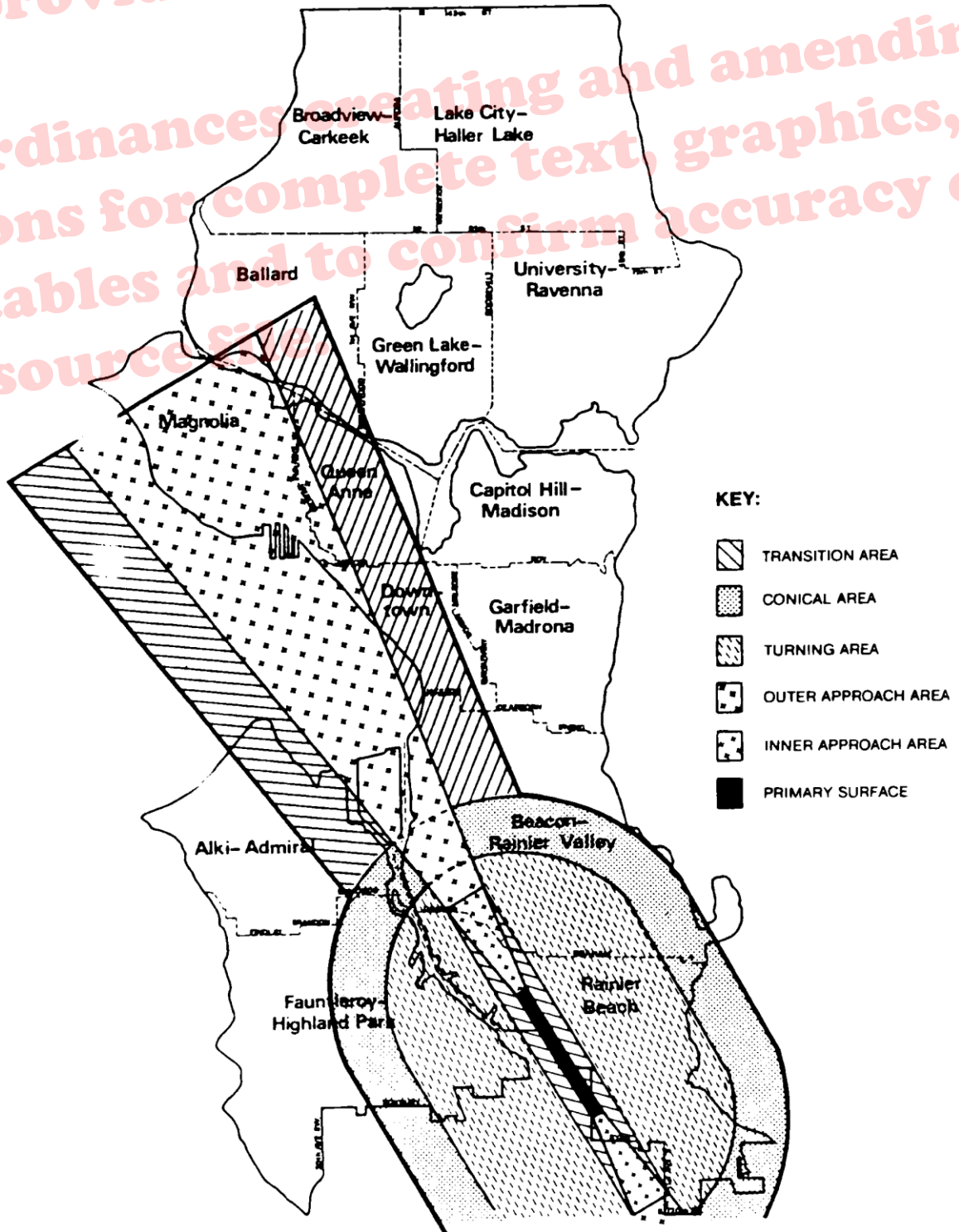
Exhibit 23.64.004 A  
Spatial Representation of the Imaginary Surfaces



For current SMC, contact  
the Office of the City Clerk

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

Exhibit 23.64.004 B  
Boundaries of Imaginary Surfaces  
Projected on the City for Illustrative Purposes Only



For current SMC, contact  
the Office of the City Clerk



centered on the extended runway centerline and extending outward and upward from the north and south outer edges of the inner approach surfaces. The inner edges of the outer approach surfaces are four thousand feet (4,000') wide and expand uniformly to a width of eight thousand feet (8,000'). The outer approach surfaces extend for a horizontal distance of forty thousand feet (40,000') at a slope of forty (40) horizontal to one (1) vertical.

E. The "Turning Area" is defined as that area which lies directly below an imaginary horizontal oval surface (the "Turning Surface") one hundred fifty feet (150') above the established airport elevation (which is seventeen feet (17') above sea level), the perimeter of which is constructed by swinging ten-thousand-foot (10,000') radii arcs from the center of the end of the primary surface and by connecting the adjacent arcs with parallel lines tangent to those arcs.

F. The "Conical Area" is defined as that area which lies directly below an imaginary surface (the "Conical Surface") which extends outward and upward from the periphery of the horizontal surface at a slope of twenty (20) horizontal to one (1) vertical for a horizontal distance of four thousand feet (4,000').

G. The "Transitional Areas" are defined as the areas which lie directly below the imaginary inclined surfaces (the "Transitional Surfaces") which extend outward and upward from the edges of the primary surface and the inner and outer approach surfaces. The transitional surfaces extend at a slope of seven (7) horizontal to one (1) vertical at right angles to the runway centerline and extension of the runway centerline. Transitional surfaces for those portions of the approach surfaces which project through and beyond the limits of the conical surface, extend a distance of five thousand feet (5,000') measured horizontally from the edge of the approach surface and at right angles to the runway centerline. Transitional surfaces for those portions of the inner approach surface and the primary surface extend up to the turning surface.

(Ord. 114561 § 1(part), 1989.)

#### **23.64.006 Development standards.**

A. No structure shall be erected, or altered, in any area defined in this section to a height in excess of the limits established in this chapter unless otherwise provided.

B. The maximum height permitted for structures and trees in each area shall be as follows, and shall be known as the height limits of the Airport Height Overlay District:

1. In Inner Approach Areas (IA), the boundaries of which are shown on the Official Airport Height Map, structures and trees shall not exceed the height of the Inner Approach Surface. This shall not restrict heights in Inner Approach Areas to less than thirty-seven feet (37').

2. In Outer Approach Areas (OA), the boundaries of which are shown on the Official Airport Height Map, structures and trees shall not exceed the height of the Outer Approach Surface.

3. In Turning Areas (TN), the boundaries of which are shown on the Official Airport Height Map, structures and trees shall not exceed the height of the

Turning Surface. This shall not restrict heights in Turning Areas to less than sixty-five feet (65').

4. In Conical Areas (CA), the boundaries of which are shown on the Official Airport Height Map, structures and trees shall not exceed the height of the Conical Surface. This shall not restrict heights in Conical Areas to less than sixty-five feet (65').

5. In Transition Areas (TN), the boundaries of which are shown on the Official Airport Height Map, structures and trees shall not exceed the height of the inclined Transition Surfaces. This shall not restrict heights in Transition Areas to less than thirty-seven feet (37').

C. Trees exceeding the height limits of the Airport Height Overlay District shall not be required to be cut or trimmed to conform to the height limits of the Airport Height Overlay District unless the Director is notified by the Federal Aviation Administration (FAA) that the trees are a potential hazard to aviation.

(Ord. 114561 § 1(part), 1989.)

#### **23.64.008 Application of regulations.**

All properties located within the Airport Height Overlay District shall be subject to both the requirements of the underlying zone classification and to the requirements imposed for the Airport Height Overlay District. At no time shall the provisions of this chapter be read to modify the provisions of the underlying zoning, other overlay districts or special districts, except for height restrictions stated in this chapter. In any case where the provisions of the Airport Height Overlay District conflict with the provisions of the underlying zone, the more restrictive height limit shall apply.

(Ord. 114561 § 1(part), 1989.)

#### **23.64.010 Special exception.**

The Director may permit a structure to exceed the limits of the Airport Height Overlay District as a special exception pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. Such an exception shall only be permitted if the Director finds that all of the following conditions exist:

A. The Federal Aviation Administration advises the Director that the exception to the height limits does not create a hazard to aviation; and

B. The additional height is necessary for the successful physical function of the structure; and

C. The exception will not result in re-routing of aircraft; and

D. The structure is designed to minimize adverse impacts of lighting on surrounding uses while complying with the lighting requirements of the Federal Aviation Administration.

(Ord. 114561 § 1(part), 1989.)

**Chapter 23.66  
SPECIAL REVIEW DISTRICTS**

**Sections:**

**Subchapter I General Provisions**

- 23.66.010 Establishment of special review districts.
- 23.66.015 Procedure to establish, alter or abolish special review districts.
- 23.66.018 Director of the Department of Neighborhoods.
- 23.66.020 Special review boards.
- 23.66.025 Use and development standards.
- 23.66.030 Certificates of approval—  
Application, review and appeals.
- 23.66.035 Other land use decisions.
- 23.66.040 Enforcement and penalties.

**Subchapter II Pioneer Square Preservation District**

**Part 1 General Purpose and Organization**

- 23.66.100 Creation of district, legislative findings and purpose.
- 23.66.110 Responsible agency.
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- 23.66.316 Decision on certificate of approval.
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- 23.66.338 Business identification signs.
- 23.66.340 Minimum maintenance.
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**Subchapter I General Provisions**

**23.66.010 Establishment of special review districts.**

The Council may establish special review districts by ordinance to control development in such districts. (Ord. 112134 § 1(part), 1985.)

**23.66.015 Procedure to establish, alter or abolish special review districts.**

A petition to establish, alter or abolish a special review district shall be filed and considered in the same manner as amendments to the Official Land Use Map, Chapter 23.32. A petition or proposal to establish a special review district shall include a statement of purpose. The boundaries of a special review district shall be drawn on the Official Land Use Map. (Ord. 112134 § 1(part), 1985.)

**23.66.018 Director of the Department of Neighborhoods.**

As used in this chapter, “Department of Neighborhoods Director” and “Director of the Department of Neighborhoods” mean the Director of the department or the Director’s designee. (Ord. 118012 § 18A, 1996)

**23.66.020 Special review boards.**

A. The ordinance establishing a special review district may create a special review board. Unless otherwise specified, a special review board shall consist of seven (7) members. Five (5) of the members shall be chosen at annual elections, called and conducted by the Department of Neighborhoods Director, at which all residents, persons who operate businesses, their employees, and property owners of the special review district shall be eligible to vote. Two (2) of the members shall be appointed by the Mayor and confirmed by the Council. The Mayor shall, in making board appointments, attempt to assure that a diversity of interests in the district is represented on the board. The Department of Neighborhoods Director shall provide

twenty (20) days' notice of the board's first meeting in the City's official newspaper, by General Mailed Release, and by publishing notice in one (1) or more community newspapers which are circulated within the district. Thereafter, notice of annual meetings shall be provided to the public by the board's publication of notice in one (1) or more district community newspapers. The Council shall establish terms of service for members of a special review board in the ordinance creating the district. No person shall serve more than two (2) consecutive terms on a special review board.

B. Each special review board shall elect a chairperson and adopt procedures as required to conduct its business. Staff assistance to each special review board shall be provided by the Department of Neighborhoods Director. A majority of all members of the special review board shall constitute a quorum for the purpose of transacting business. All decisions shall be by majority vote of those members present. In the event of a tie vote, a motion shall be defeated. The special review board shall keep minutes of all of its official meetings which shall be maintained by the Department of Neighborhoods Director. The Department of Neighborhoods Director shall also maintain a copy of the procedures of the special review board.

C. When use and development standards for a special review district are not provided in the ordinance creating the district, the special review board shall recommend such standards pursuant to Section 23.66.025 of this chapter.

D. The special review board shall review applications for certificates of approval, and all petitions or applications for amendments to the Official Land Use Map, conditional uses, special exceptions, variances and planned unit developments or planned community developments and shall make a recommendation on any such application or petition to the Department of Neighborhoods Director.

E. The special review board may, in its discretion, make recommendations to the Mayor, the Council, and any public or private agency concerning land use and development in the district.

(Ord. 116744 § 29, 1993; Ord. 112134 § 1(part), 1985.)

### **23.66.025 Use and development standards.**

A. The Council may include use and development standards in the ordinance establishing a special review district. If use and development standards are not included, the special review board may, after at least one (1) public hearing, recommend use and development standards for the special review district to the Department of Neighborhoods Director who shall recommend use and development standards to the Council. If the special review board fails to recommend use and development standards within ninety (90) days after its first meeting, the Department of Neighborhoods Director shall prepare use and development standards and recommend such standards to the Council. The Council shall consider proposed use and development standards in the same manner as Land Use Code text amendments. Use and development standards shall be adopted by ordinance and may thereafter be

amended in the same manner as Land Use Code text amendments as provided in Chapter 23.76.

B. The use and development standards shall identify the unique characteristics of the district, shall include a statement of purpose and intent, and shall be consistent with the purposes for creating the special review district. The standards shall identify uses, structures and design features that have positive or negative effects upon the character of the district, and may modify use and development standards and other provisions of the Land Use Code to allow and encourage or to limit or exclude structures, designs, and uses. All provisions of the Land Use Code shall apply in special review districts. Use and development standards shall specify the criteria by which uses, structures and designs will be evaluated. In the event of irreconcilable differences between the use and development standards adopted pursuant to this chapter, and the provisions regulating the underlying zone, the provisions of this chapter shall apply.

C. The Department of Neighborhoods Director, following recommendation by the board, may adopt rules consistent with the use and development standards of the special review district, in accordance with Chapter 3.02 of the Seattle Municipal Code.

(Ord. 118414 § 46, 1996; Ord. 116744 § 30, 1993; Ord. 112134 § 1(part), 1985.)

### **23.66.030 Certificates of approval— Application, review and appeals.**

A. Certificate of Approval Required. No person shall alter, demolish, construct, reconstruct, restore, remodel, make any visible change to the exterior appearance of any structure, or to the public rights-of-way or other public spaces in a special review district, and no one shall remove or substantially alter any existing sign or erect or place any new sign or change the principal use of any building, or any portion of a building, structure or lot in a special review district, and no permit for such activity shall be issued unless a certificate of approval has been issued by the Department of Neighborhoods Director.

B. Fees. The fees for certificates of approval shall be established in accordance with the requirements of SMC Chapter 22.901T.

C. Application.

1. An application for a certificate of approval shall be filed with the Director of the Department of Neighborhoods. When a permit application is filed with the Director or with the Director of Transportation for work requiring a certificate of approval, the permit application shall not be determined to be complete until the applicant has submitted a complete application for a certificate of approval to the Department of Neighborhoods.

2. The following information must be provided in order for the application to be complete, unless the Director of the Department of Neighborhoods indicates in writing that specific information is not necessary for a particular application:

a. Building name and building address;



- b. Name of the business(es) located at the site of the proposed work;
- c. Applicant's name and address;
- d. Building owner's name and address;
- e. Applicant's telephone number;
- f. The building owner's signature on the application, or a signed letter from the owner designating the applicant as the owner's representative, if the applicant is not the owner;
- g. Confirmation that the fee required by SMC Chapter 22.901T of the Permit Fee Subtitle has been paid;
- h. A detailed description of the proposed work, including:
- (1) Any changes that will be made to the building or the site,
  - (2) Any effect that the work would have on the public right-of-way or other public spaces,
  - (3) Any new construction,
  - (4) Any proposed use, change of use, or expansion of use;
- i. Four (4) sets of scale drawings, with all dimensions shown, of:
- (1) A site plan of existing conditions, showing adjacent streets and buildings, and, if the proposal includes any work in the public right-of-way, the existing street uses, such as street trees and sidewalk displays, and another site plan showing proposed changes to the existing conditions,
  - (2) A floor plan showing the existing features and a floor plan showing the proposed new features,
  - (3) Elevations and sections of both the proposed new features and the existing features,
  - (4) Construction details,
  - (5) A landscape plan showing existing features and plantings, and another landscape plan showing proposed site features and plantings;
- j. Photographs of any existing features that would be altered and photographs showing the context of those features, such as the building facade where they are located;
- k. One (1) sample of proposed colors, if the proposal includes new finishes or paint, and an elevation drawing or a photograph showing the location of proposed new finishes or paint;
1. If the proposal includes new signage, awnings, or exterior lighting:
    - (1) Four (4) sets of scale drawings of proposed signage or awnings, showing the overall dimensions, material, design graphics, typeface, letter size, and colors,
    - (2) Four (4) sets of a plan, photograph, or elevation drawing showing the location of the proposed awning, sign, or lighting,
    - (3) Four (4) copies of details showing the proposed method of attaching the new awning, sign, or lighting,
    - (4) The wattage and specifications of the proposed lighting, and a drawing or picture of the lighting fixture,
  - (5) One (1) sample of proposed sign colors or awning material and color,
  - (6) For new signage or awnings in the International Special Review District, the dimensions of the street frontage on the side where the sign or awning would be located;
- m. If the proposal includes demolition of a structure or object:
- (1) A statement of the reason(s) for demolition,
  - (2) A description of the replacement structure or object and the replacement use;
- n. If the proposal includes replacement, removal, or demolition of existing features, a survey of the existing conditions of the features that would be replaced, removed, or demolished.
3. The Director of the Department of Neighborhoods shall determine whether an application is complete and shall notify the applicant in writing within twenty-eight (28) days of the application being filed whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete. Within fourteen (14) days of receiving the additional information, the Director of the Department of Neighborhoods shall notify the applicant in writing whether the application is now complete or what additional information is necessary. An application shall be deemed to be complete if the Director of the Department of Neighborhoods does not notify the applicant in writing by the deadlines in this section that the application is incomplete. A determination that the application is complete is not a determination that the application is vested.
4. The determination of completeness does not preclude the Director of the Department of Neighborhoods or the board from requiring additional information during the review process if more information is needed to evaluate the application according to the criteria in this chapter and in any rules adopted by the board, or if the proposed work changes. For example, additional information that may be required could include a shadow study or a traffic study when new construction is proposed.
5. An applicant may make a written request to submit an application for a certificate of approval for a preliminary design of a project if the applicant waives in writing the deadline for a board recommendation and decision by the Director of the Department of Neighborhoods on the subsequent design phase or phases of the project, and agrees in writing that the decision by the Director of the Department of Neighborhoods on the preliminary design is immediately appealable by the applicant or any interested person. The staff may reject the request if it appears that approval of a preliminary design would not be an efficient use of staff or board time and resources, or would not further the goals and objectives of this chapter. To be complete, an application for a certificate of approval for a preliminary design must include the information listed above in subsection C2, subparagraphs a through h, i(1) through i(3), j, m and n. A certificate of approval that



is granted for a preliminary design shall be conditioned upon subsequent submittal of the final design and all of the information listed above in subsection C2, and upon board approval, prior to issuance of permits for work affecting the structure, right-of-way or space.

6. After the special review board has given notice of the meeting at which an application for a certificate of approval will be considered, no other application for the same alteration or change of use may be submitted until the application is withdrawn or the Department of Neighborhoods Director has approved or denied the existing application and all appeals have been concluded, except that an application may be made for a certificate of approval for the preliminary design of a project and a later application made for a certificate of approval for a subsequent design phase or phases of the same project.

#### D. Review.

1. Review When No Special Review Board is Established.

a. When there is no special review board, the Department of Neighborhoods Director shall, within thirty (30) days of a determination that an application for a certificate of approval is complete, determine whether the proposed action is consistent with the use and development standards for the district and shall, within fifteen (15) additional days, issue, issue with conditions or deny the requested certificate of approval.

b. A copy of the Department of Neighborhoods Director's decision shall be sent to the Director and mailed to the owner and the applicant at the addresses provided in the application. Notice of the Director's decision also shall be provided to any person who, prior to the rendering of the decision, made a written request to receive notice of the decision or submitted written substantive comments on the application.

2. Review When Special Review Board is Established.

a. When a special review board has been established, the board shall hold a public meeting to receive comments on certificate of approval applications.

b. Notice of the board's public meeting shall be posted in two (2) prominent locations in the district at least three (3) days prior to the meeting.

c. The board, after reviewing the application and considering the information received at the public meeting, shall make a written recommendation to the Department of Neighborhoods Director to grant, grant with conditions, or deny the certificate of approval application based upon the consistency of the proposed action with the requirements of this chapter, the district use and development standards, and the purposes for creating the district. The board shall make its recommendation within thirty (30) days of the receipt of a completed application by the board staff, except that the applicant may waive the deadlines in writing for the special review board to make a recommendation or the Director of the Department of Neighborhoods to make a decision, if the applicant also waives any deadlines on the review or issuance of related permits

that are under review by the Department of Design, Construction and Land Use.

d. The Department of Neighborhoods Director shall, within fifteen (15) days of receiving the board's recommendation, issue or deny a certificate of approval or issue an approval with conditions.

e. A copy of the decision shall be sent to the Director and mailed to the owner and the applicant at the addresses provided in the application. Notice of the decision shall be provided to any person who, prior to the rendering of the decision, made a written request for notice of the decision, or submitted substantive written comments on the application.

3. A decision denying a certificate of approval shall state the specific reasons for the denial and explain why the proposed changes are inconsistent with the requirements of this subchapter and adopted use and development standards for the district.

#### E. Appeal to Hearing Examiner.

1. Any interested person may appeal the decision of the Department of Neighborhoods Director to the Hearing Examiner by filing a notice of appeal within fourteen (14) days of the Department of Neighborhoods Director's decision. When the proposed action that is the subject of the certificate of approval is also the subject of one (1) or more related permit applications under review by the Department of Design, Construction and Land Use, then the appellant must also file notice of the appeal with the Director of the Department of Design, Construction and Land Use, and the appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative appeals on the other permits or any environmental determinations have expired, except that an appeal of a certificate of approval for the preliminary design or for subsequent design phases may proceed immediately without being consolidated. The appeal of the certificate of approval shall be consolidated with the predecision hearing required for any Type IV Council land use decision, or if one (1) or more appeals are filed regarding the other permits or environmental determinations, the appeal of the certificate of approval shall be consolidated with them and shall be heard according to the same timelines established for the other appeals or predecision hearing, except that appeals to the State Shoreline Hearings Board shall proceed independently according to the timelines set by the state for such appeals, and except that an appeal of a certificate of approval for a preliminary design or for a subsequent design phase may proceed without being consolidated.

2. If the related permit decisions would not be appealable, and no predecision hearing is required, then the appeal of the certificate of approval decision shall proceed immediately after it is filed.

3. The applicant for the certificate of approval, not involving approval of preliminary and subsequent design phases also may elect to have the appeal proceed immediately rather than be postponed for consolidation with appeals of related permit applications or with a predecision hearing, if the applicant agrees in writing that the time

period for review of those permits or approvals shall be suspended until the Hearing Examiner issues a decision on the appeal of the certificate of approval.

4. The Hearing Examiner shall hear the appeal de novo in accordance with the standards and procedures established for Hearing Examiner appeals by Chapter 3.02 of the Seattle Municipal Code. Appeals shall be limited to the issues cited in the notice of appeal. The decision appealed may be reversed or modified only if the Hearing Examiner finds that the Department of Neighborhoods Director's decision was arbitrary and capricious.

5. If evidence is presented to the Hearing Examiner that was not presented to the Board, or if the Hearing Examiner determines that additional information is required, then the Hearing Examiner shall remand the decision to the Department of Neighborhoods Director for consideration of the additional information or evidence.

6. The Hearing Examiner shall issue a decision not later than ninety (90) days after the last of any appeals of related permit decisions is filed provided that, when an appeal of a certificate of approval is consolidated with a predecision hearing, the Hearing Examiner shall issue the decision on the certificate of approval with the recommendation to the City Council on a Type IV Council land use decision, or, if the applicant chooses to proceed immediately with the appeal of the certificate of approval, as provided in subsection E3, then not later than ninety (90) days from the filing of that appeal. The time period to consider and decide the appeal of a certificate of approval shall be exempt from the deadlines for review and decision on both the certificate of approval and any related permit applications or approvals.

7. The decision of the Hearing Examiner shall be final. Copies of the Hearing Examiner's decision shall be mailed to all parties of record before the Hearing Examiner. Any judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

F. Revocation of Certificates of Approval. Building construction, remodeling, restoration, renovation, removal, demolition and use shall conform to the requirements of the certificate of approval granted by the Department of Neighborhoods Director. Approval may be revoked for failure to comply with this chapter, the ordinance creating the district, or the conditions of the certificate of approval.

G. Expiration of Certificates of Approval. A certificate of approval for a use shall be valid as long as the use is authorized by the applicable codes. Any other type of certificate of approval shall be valid for eighteen (18) months from the date of issuance of the decision granting it unless the Director of the Department of Neighborhoods grants an extension in writing; provided however, that certificates of approval for actions subject to permits issued by the Department of Design, Construction and Land Use shall be valid for the life of the permit issued by the Department of Design, Construction and Land Use, including any extension granted by the Department of Design, Construction and Land Use in writing.

(Ord. 120157 § 2, 2000; Ord. 119121 § 2, 1998; Ord. 118409 § 206, 1996; Ord. 118181 §§ 1, 2, 1996; Ord. 118012 § 19, 1996; Ord. 116744 § 31, 1993; Ord. 112134 § 1(part), 1985.)

#### **23.66.035 Other land use decisions.**

The Director and the Department of Neighborhoods Director shall deliver copies of petitions for amendments to the Official Land Use Map, copies of applications for planned unit developments and planned community developments, and copies of applications for conditional uses, special exceptions, and variances which affect property within a special review district, to the appropriate special review board for its recommendation. The special review board shall submit any recommendations in writing within thirty (30) days of receipt of copies of the application. (Ord. 116744 § 32, 1993; Ord. 112134 § 1(part), 1985.)

#### **23.66.040 Enforcement and penalties.**

Enforcement of the provisions of this chapter shall be pursuant to Chapter 23.90 of this Land Use Code. (Ord. 112134 § 1(part), 1985.)

### **Subchapter II Pioneer Square Preservation District**

#### **Part 1 General Purpose and Organization**

#### **23.66.100 Creation of district, legislative findings and purpose.**

A. During The City of Seattle's relatively brief history, it has had little time in which to develop areas of consistent historical or architectural character. It is recognized that the Pioneer Square area of Seattle contains many of these rare attributes and consequently is an area of great historical and cultural significance. Further, the King County domed stadium (Kingdome), constructed in the Pioneer Square area, and the traffic and activities which it generates has resulted in adverse impacts upon the social, cultural, historic and ethnic values of the Pioneer Square area. To preserve, protect, and enhance the historic character of the Pioneer Square area and the buildings therein; to return unproductive structures to useful purposes; to attract visitors to the City; to avoid a proliferation of vehicular parking and vehicular-oriented uses; to provide regulations for existing on-street and off-street parking; to stabilize existing, and encourage a variety of new and rehabilitated housing types for all income groups; to encourage the use of transportation modes other than the private automobile; to protect existing commercial vehicle access; to improve visual and urban relationships between existing and future buildings and structures, parking spaces and public improvements within the area; and to encourage pedestrian uses, there is established as a special review district, the Pioneer Square Preservation District. The boundaries of the District are shown on Map A1 and on the Official Land Use Map.

B. The District is depicted on Map A.1 All property in the entire District shall be developed and used in accordance with the use and development standards established

in this chapter and the use and development standards for the underlying zone in which the property is located. In the event of irreconcilable differences between the use and development standards of this chapter and other provisions of this Land Use Code, the provisions of this chapter shall apply.

C. Reasons for Designating the Pioneer Square Preservation District.

1. **Historic Significance.** The Pioneer Square Preservation District is unique because it is the site of the beginning of The City of Seattle. The area also retains much of the original architecture and artifacts of its early history. The District has played a significant role in the development of Seattle, the Puget Sound region and The State of Washington. It was the first location of industry, business and homes in early Seattle and the focus of commerce and transportation for more than a half century.

2. **Architectural Significance.** As a collection of late nineteenth and early twentieth-century buildings of similar materials, construction techniques and architectural style, the District is unique, not only to the City but to the country as well. Most of the buildings within the District embody the distinctive characteristics of the Late Victorian style. Many buildings are the work of one architect, Elmer H. Fisher. For these and other reasons, the buildings combine to create an outstanding example of an area that is distinguishable in style, form, character and construction representative of its era.

3. **Social Diversity.** The District represents an area of unique social diversity where people from many income levels and social strata live, shop and work. It is an area in which social services, including missions, low-income housing and service agencies exist.

4. **Business Environment.** The District is an area of remarkable business diversity. The street level of the area north of S. King Street is pedestrian-oriented, with its storefronts occupied primarily by specialty retail shops, art galleries, restaurants and taverns. The upper floors of buildings in the historic core are occupied by professional offices, various types of light manufacturing, and housing for persons of many income groups. The area south of S. King Street includes the North Kingdome parking lot, a number of structures occupied by light manufacturing and warehousing use, and several structures converted to office, residential and mixed use. The north Kingdome parking lot may be redeveloped to accommodate a mix of uses, including a substantial amount of housing. The ongoing restoration and sensitive rehabilitation of many District structures, combined with proposed compatible new construction will continue to enhance the District's economic climate.

5. **Educational Value.** The restoration and preservation of the District will yield information of educational significance regarding the way of life and the architecture of the late nineteenth-century as well as adding interest and color to the City. Restoration of the District will preserve the environment which was characteristic of an important era of Seattle's history.

6. **Geographic Location.** The District is uniquely situated adjacent to Seattle's waterfront, the central business district, the International District, and the King County domed stadium.

(Ord. 119484 § 34, 1999; Ord. 112134 § 1(part), 1985.)

1. Editor's Note: Map A is codified at the end of this chapter.

### **23.66.110 Responsible agency.**

A. A special review board for the Pioneer Square Preservation District is created and shall be known as the "Pioneer Square Preservation Board" (hereafter, the "Board" or the "Preservation Board"). The Preservation Board shall be composed of nine (9) members, all of whom shall be appointed by the Mayor and confirmed by the Council, and shall consist of two (2) architects, two (2) owners of property in the District, one (1) District retail business owner, one (1) attorney, one (1) human service representative, one (1) at-large member, and one (1) historian or architectural historian. At least one (1) of the Board's members shall be a resident of the District. Appointments shall be for terms of three (3) years each, except that initial appointments shall be staggered so that three (3) of the appointees shall serve for three (3) years, three (3) for two (2) years, and three (3) for one (1) year each. All members of the Pioneer Square Preservation Board, established by Ordinance 110058<sup>1</sup>, are appointed and confirmed as interim members of the Pioneer Square Preservation Board and shall serve until appointments pursuant to this chapter have been completed. Members of the Preservation Board shall serve without compensation.

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

B. The Department of Neighborhoods Director shall provide staff and clerical support for the Preservation Board and shall assign a member of the Department's staff to act as Preservation Board Coordinator. The Coordinator shall be the custodian of the Board's records, handle official correspondence, and organize and supervise the Board's clerical and technical work. The Coordinator shall also recommend to the Preservation Board such actions, policies, rules and regulations as may be necessary to carry out the purposes of this chapter.

C. The Department of Neighborhoods Director, after receiving the Board's recommendations, shall formulate detailed rules, to be adopted after a public hearing pursuant to Chapter 3.02 of this Code, which will clarify the use and development standards for the District.

(Ord. 120914 § 6, 2002; Ord. 116744 § 33, 1993; Ord. 112134 § 1(part), 1985.)

1. Editor's Note: Ord. 110058 was repealed by Ord. 112134.



**23.66.115 Demolition approval.**

A. Demolition or removal of buildings or other structures in the District is prohibited unless approved by the Department of Neighborhoods Director. Except as provided in subsection B below, no approval shall be given for building demolition or removal unless the following prerequisites are met:

1. The Director of Neighborhoods, following a recommendation by the Preservation Board, determines that the building or structure has no architectural or historic significance; and

2. Use and design of the replacement structure has been approved by the Department of Neighborhoods Director; and

3. Proof acceptable to the Department of Neighborhoods Director of a valid commitment for interim and long-term financing for the replacement structure has been secured. In addition to other proof, the Department of Neighborhoods Director may accept a bond, letter of credit or cash deposit as a demonstration that the project has adequate financial backing to ensure completion; and

4. Satisfactory arrangements have been made for retention of any part of the structure's facade which the Department of Neighborhoods Director, following a recommendation by the Preservation Board, determines to be significant; and

5. Satisfactory assurance is provided that new construction will be completed within two (2) years of demolition.

B. When demolition or removal of a building or other structure in the District is essential to protect the public health, safety and welfare or when the purposes of this ordinance will be furthered by the demolition or removal, then the Director of Neighborhoods, following review and recommendation by the Board, may authorize such demolition or removal whether the prerequisites of this section are satisfied or not.

C. Pursuant to RCW 36.70B.140, the Department of Neighborhoods Director's decision is exempt from the time limits and other requirements of RCW 36.70B.060 through 36.70B.080 and the requirements of RCW 36.70B.110 through 36.70B.130.

D. There is no administrative appeal of the decision of the Director of the Department of Neighborhoods. The Department of Neighborhoods Director's decision shall be final. Any judicial review must be commenced within twenty-one (21) days of issuance of the Department of Neighborhoods Director's decision, as provided by RCW 36.70C.040.

(Ord. 120157 § 3, 2000; Ord. 118012 § 20, 1996; Ord. 116744 § 34, 1993; Ord. 112134 § 1(part), 1985.)

**Part 2 Use and Development Standards****23.66.120 Permitted uses.**

A. All uses are permitted outright except those that are specifically prohibited by Section 23.66.122 and those that are subject to special review as provided in Section 23.66.124.

B. All uses not specifically prohibited are permitted as both principal and accessory uses except:

1. Gas stations, which shall be permitted as accessory uses only in parking garages; and

2. Principal use parking garages, which shall be permitted only after special review by the Preservation Board pursuant to Section 23.66.124 of this chapter. Accessory parking garages shall be permitted outright.

C. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities. (Ord. 117430 § 79, 1994; Ord. 112134 § 1(part), 1985.)

**23.66.122 Prohibited uses.**

A. The following uses are prohibited in the entire Pioneer Square Preservation District as both principal and accessory uses:

- Retail ice dispensaries;
- Plant nurseries;
- Frozen food lockers;
- Animal services;
- Automotive retail sales and service, except gas stations located in parking garages;
- Marine retail sales and service;
- Heavy commercial services;
- Fuel sales;
- Sales, service and rental of commercial equipment and construction materials;
- Adult motion picture theaters;
- Adult panorams;
- Bowling alleys;
- Skating rinks;
- Major communication utilities;
- Advertising signs and off-premises directional signs;
- Transportation facilities, except passenger terminals;
- Outdoor storage;
- Jails;
- Work-release centers;
- General and heavy manufacturing uses;
- Salvage and recycling uses, except recycling collection stations; and
- High impact uses.

B. Commercial uses which are automobile-oriented are prohibited. Such uses include but are not limited to the following:

Drive-in businesses, except gas stations accessory to parking garages;

Principal and accessory surface parking areas not in existence prior to August 10, 1981, except that accessory use surface parking lots may be permitted in Subarea B shown on Map C<sup>1</sup> if the lot satisfies the provisions of SMC Section 23.49.020, Screening and landscaping of surface parking areas.

Motels.

(Ord. 120928 § 38, 2002; Ord. 119484 § 35, 1999; Ord. 118414 § 47, 1996; Ord. 116744 § 35, 1993; Ord. 114623



§ 16, 1989; Ord. 112777 § 33, 1986; Ord. 112303 § 6, 1985; Ord. 112134 § 1(part), 1985.)

1. Editor's Note: Map B is codified at the end of this chapter.

**23.66.124 Uses subject to special review.**

A. Principal-use parking garages for long-term parking in areas south of S. King Street, and principal-use short-term parking garages at any location, shall require approval of the Department of Neighborhoods Director after review and recommendation by the Preservation Board.

B. A principal-use parking garage may be permitted if the following conditions are met:

- 1. The use will not increase the ambient noise level in existing residences within line of sight of the proposed parking structure; and
- 2. Exterior materials, height, wall openings and fenestration will reflect, to the extent possible, the character of the adjoining structures or structures on the adjoining block facing the site; and
- 3. Access will comply with the standards provided in Section 23.66.170 of this chapter; and
- 4. Automobile circulation within the garage will not be visible from the adjoining public streets.

C. Uses at the street level of approved parking garages shall be limited to those uses permitted in the area, other than parking, to a minimum depth of twenty (20) feet along all street frontages, and along alleys and malls which are limited solely to pedestrian use. (Ord. 119484 § 36, 1999; Ord. 116744 § 36, 1993; Ord. 112134 § 1(part), 1985.)

**23.66.130 Street-level uses.**

A. Uses at street level in the area designated on Map B1 shall require the approval of the Department of Neighborhoods Director after review and recommendation by the Preservation Board.

B. Preferred Street-level Uses.

1. Preferred uses at street level shall be highly visible and pedestrian oriented. Preferred street-level uses either display merchandise in a manner that contributes to the character and activity of the area, and/or promote residential uses, including but not limited to the following uses:

- a. Art galleries, restaurants and other retail sales and service uses under three thousand (3,000) square feet in size;
  - b. Theaters.
2. Accessory parking garages which serve preferred street-level uses on streets or malls, parks or alleys designed for pedestrian uses shall also be preferred.

C. Discouraged Street-level Uses.

1. The following uses are discouraged at street-level in the area designated on Map B:<sup>1</sup>

- a. Any use occupying more than fifty (50) percent of any block frontage;
- b. Retail sales and services over three thousand (3,000) square feet and all other uses over ten thousand (10,000) square feet;
- c. Professional services establishments or offices which comprise more than twenty (20) percent of any block frontage;
- d. Parking garages which are not accessory to preferred uses.

2. Discouraged uses may be approved by the Department of Neighborhoods Director after review and recommendation by the Preservation Board if an applicant demonstrates that the proposed use is compatible with uses preferred at street level.

D. Conditions on Street-level Uses. Approved street level uses in the area designated on Map B<sup>1</sup> shall be subject to the following conditions:

- 1. No use may occupy more than fifty (50) percent of the street-level frontage of a block that is twenty thousand (20,000) square feet or more in area;
- 2. Human service uses and personal service establishments, such as hair cutting and tanning salons, may not exceed twenty-five (25) percent of the total street-level frontage of any block front.

E. The following uses shall be prohibited at street-level in the area designated on Map B:<sup>1</sup>

- Wholesaling, storage and distribution uses;
- Vocational and fine arts schools;
- Research and development;
- Radio and television studios;
- Taxidermy shops;
- Appliance repair shops;
- Upholstery establishments;
- Other similar uses.

F. The street-level location of entrances and exits of all vehicular-oriented uses, where permitted, shall be approved by the Department of Neighborhoods Director after review and recommendation by the Preservation Board. View-obscuring screening may be required as needed to reduce adverse visual impacts on the immediate area. (Ord. 120611 § 16, 2001; Ord. 119484 § 37, 1999; Ord. 116744 § 37, 1993; Ord. 112134 § 1(part), 1985.)

1. Editor's Note: Maps B and D are codified at the end of this chapter.

**23.66.132 Council conditional uses.**

City facilities and public projects which do not meet use and development standards may be permitted by the Council pursuant to Chapter 23.76 of this Land Use Code. (Ord. 118012 § 20A, 1996; Ord. 112134 § 1(part), 1985.)

**23.66.140 Height.**

A. Maximum Height. Maximum structure height is regulated by Section 23.49.178 Pioneer Square Mixed,

structure height, and shall be as designated on the Official Land Use Map, Chapter 23.32.

B. **Minimum Height.** No structure shall be erected or permanent addition added to an existing structure which would result in the height of the new structure of less than fifty (50) feet. Height of the structure is to be measured from mean street level fronting on the property to the mean roofline of the structure.

C. **Rooftop Features.** The height limits established for the rooftop features described in this subsection may be increased by the average height of the existing street parapet or a historically substantiated reconstructed parapet on the building on which the rooftop feature is proposed. The setbacks required for rooftop features may be modified by the Department of Neighborhoods Director, after a sight line review by the Preservation Board to ensure that the features are minimally visible from public streets and parks within three hundred (300) feet of the structure.

1. Religious symbols for religious institutions, smokestacks and flagpoles may extend up to fifty (50) feet above the roof of the structure or the maximum height limit, whichever is less, except as regulated in Chapter 23.64 of this Land Use Code, provided that they are a minimum of ten (10) feet from all lot lines.

2. Open railings, planters, clerestories, skylights, play equipment, parapets and firewalls may extend up to four (4) feet above the roof of the structure or the maximum height limit, whichever is less, with unlimited rooftop coverage.

3. Solar collectors, excluding greenhouses, may extend up to seven (7) feet above the roof of the structure or the maximum height limit, whichever is less, with unlimited rooftop coverage, provided they are a minimum of ten (10) feet from all lot lines.

4. The following rooftop features may extend up to eight (8) feet above the roof or maximum height limit, whichever is less, when they are set back a minimum of fifteen (15) feet from the street and three (3) feet from an alley. They may extend up to twelve (12) feet above the roof when set back a minimum of thirty (30) feet from the street. A setback may not be required at common wall lines subject to review by the Preservation Board and approval by the Department of Neighborhoods Director. The combined coverage of the following listed rooftop features shall not exceed fifteen (15) percent of the roof area:

- a. Solar collectors, excluding greenhouses;
- b. Stair and elevator penthouses;
- c. Mechanical equipment;
- d. Minor communication utilities and accessory communication devices, except that height is regulated according to the provisions of Section 23.57.014.

Additional combined coverage of these rooftop features, not to exceed twenty-five (25) percent of the roof area, may be permitted subject to review by the Preservation Board and approval by the Department of Neighborhoods Director.

5. Structures existing prior to June 1, 1989 may add new or replace existing mechanical equipment up to eight (8) feet above the existing roof elevation when they are set back a minimum of fifteen (15) feet from the street and three (3) feet from an alley; or may extend up to twelve (12) feet above the existing roof elevation when they are set back a minimum of thirty (30) feet from the street, subject to review by the Preservation Board and approval by the Department of Neighborhoods Director.

6. **Residential and Office Penthouses.**

a. Residential penthouses may cover a maximum of fifty (50) percent of the total roof surface and may extend up to eight (8) feet above the roof when set back a minimum of fifteen (15) feet from the street property line, or twelve (12) feet above the roof when set back a minimum of thirty (30) feet from the street property line.

b. Office penthouses shall be permitted only when the footprint of the existing structure is greater than ten thousand (10,000) square feet and the structure is at least sixty (60) feet in height. When permitted, office penthouses shall be set back a minimum of fifteen (15) feet from all property lines and may cover a maximum of fifty (50) percent of the total roof surface. Office penthouses may extend up to twelve (12) feet above the roof of the structure and shall be functionally integrated into the existing structure.

c. The combined height of the structure and a residential penthouse or office penthouse, where permitted, shall not exceed the maximum height limit for that area of the District in which the structure is located.

7. **Screening of Rooftop Features.** Measures may be taken to screen rooftop features from public view subject to review by the Preservation Board and approval by the Department of Neighborhoods Director. The amount of roof top area enclosed by rooftop screening may exceed the maximum percentage of the combined coverage of rooftop features listed in subsection C4 above. In no circumstances shall the height of rooftop screening exceed fifteen (15) feet above the maximum height limit.

8. See Section 23.57.014 for regulation of communication utilities and accessory devices.

D. **New Structures.** When new structures are proposed in the District, the Preservation Board shall review the proposed height of the structure and make recommendations to the Department of Neighborhoods Director who may require design changes to assure reasonable protection of views from Kobe Terrace Park.

(Ord. 120928 § 39, 2002; Ord. 120117 § 48, 2000; Ord. 119484 § 38, 1999; Ord. 119370 § 17, 1999; Ord. 116744 § 38, 1993; Ord. 112303 § 7, 1985; Ord. 112134 § 1(part), 1985.)

#### **23.66.150 Maximum setbacks.**

Maximum permitted setbacks for structures are:

A. Structures located within Subarea A on Map C<sup>1</sup> shall cover the full width of the lot along street property lines and shall abut upon street property lines.

B. Structures located within Subarea B on Map C<sup>1</sup> shall abut street property lines for the full width of the structure's street front facade.

C. For both Subareas, modifications to setback standards may be permitted by the Department of Neighborhoods Director following review and recommendation by the Preservation Board when the following criteria are met:

1. A larger setback will be compatible with and not adversely affect the streetscape; and
  2. A larger setback will be compatible with other design elements, such as bulk and profile, of the proposed building.
- (Ord. 119484 § 39, 1999; Ord. 116744 § 39, 1993; Ord. 112134 § 1(part), 1985.)

1. Editor's Note: Map C is codified at the end of this chapter.

### **23.66.155 Waiver of common recreation area requirements.**

The Director of Neighborhoods, after review and recommendation by the Preservation Board, may waive or reduce the common recreation area required by the underlying zoning or modify the required standards for common recreation area under the following conditions:

A. Allocation of all or a portion of the required gross floor area would adversely affect the visual character of the structure or the District; or

B. Common recreation area requirements would adversely affect the economic feasibility of the project; or

C. It can be shown that the project is reasonably served by existing public or private recreation facilities located nearby.

(Ord. 116744 § 40, 1993; Ord. 112134 § 1(part), 1985.)

### **23.66.160 Signs.**

A. The following signs shall be prohibited throughout the Pioneer Square Preservation District:

Permanently affixed, freestanding signs (except those used to identify areas such as parks);

Roof signs;

Billboards;

Electric signs and signs using video display methods, excluding neon signs.

B. All flags and banners shall be subject to Preservation Board review, and approval of the Department of Neighborhoods Director.

C. To ensure that flags, banners and signs are of a scale, color, shape and type compatible with the character of the District and the buildings in the district and to ensure that the messages of signs are not lost through undue proliferation or competition with other signs, and to enhance views and sight lines into and down streets, the

overall design of a sign including size, shape, typeface, texture, method of attachment, color, graphics and lighting, shall be reviewed by the Board. Building owners shall be encouraged to develop an overall signage plan for their entire buildings. In determining the appropriateness of signs, the Preservation Board shall consider the following:

1. Signs Attached or Applied to Structures.
  - a. The relationship of the shape of the proposed sign to the architecture of the building and with the shape of other approved signs;
  - b. The relationship of the texture of the proposed sign to the building for which it is proposed, and with other approved signs;
  - c. The possibility of physical damage to the structure and the degree to which the method of attachment would conceal or disfigure desirable architectural features or details of the structure. The method of attachment shall be approved by the Director;
  - d. The relationship of the proposed colors and graphics with the colors of the building and with other approved signs;
  - e. The relationship of the proposed sign with existing lights and lighting standards, and with the architectural and design motifs of the building;
  - f. Whether the proposed sign lighting will detract from the character of the building; and
  - g. The compatibility of the colors and graphics of the proposed sign with the character of the District.
2. Wall signs painted on or affixed to a building shall not exceed ten (10%) percent of the total area of the facade or two hundred forty (240) square feet, whichever is less. Area of original building finish visible within the exterior dimensions of the sign (e.g., unpainted brick) shall not be considered when computing the sign's area.
3. Signs not attached to structures shall be compatible with adjacent structures and with the District generally.
4. When determining the appropriate size of a sign the Board and the Department of Neighborhoods Director shall consider the purpose of the sign and the character and scale of buildings in the immediate vicinity, the character and scale of the building for which the sign is proposed, the proposed location of the sign on the building's exterior, and the total number and size of signs proposed or existing on the building, as well as the type of sign proposed (e.g., informational, theater marquees, building identification, business identification, address or hours-open signing).
5. Signing displayed on the valance of awnings, canopies or marquees shall be limited to identification of the name or address of the building or of an establishment located in the building.
6. Projecting signs, neon signs, signs which appear to be in motion, and signs with flashing, running or chaser lights may be recommended only if the Preservation Board determines that all other criteria for permitted



signs have been met and that historic precedent, locational or visibility concerns of the business for which the signing is proposed warrant such signing.

**D. Temporary Signs.**

1. The following signs are permitted at all times:

a. Real estate “for sale,” “for rent” and “open house” signs, and signs identifying the architect, engineer or contractor for work currently under construction. The total area for these types of signs in the aggregate shall not exceed twenty-four (24) square feet per sixty (60) linear feet of street frontage, provided that the design, location, shape, size, color and graphics are approved by the Department of Neighborhoods Director after review and recommendation by the Preservation Board, and provided further that the Director may approve up to thirty-six (36) square feet if there is more than one user of real estate signs or if the building abuts more than two (2) streets; and

b. Noncommercial signs. The total area for noncommercial signs in the aggregate shall not exceed twenty-four (24) square feet per sixty (60) linear feet of street frontage, but where there are multiple users of the building, each business establishment and dwelling unit shall be allowed a minimum of eight (8) square feet of signage, regardless of the twenty-four (24) square foot limitation.

2. The following signs are permitted for fourteen (14) consecutive days four (4) times a calendar year:

a. On-premises commercial signs. The total area for on-premises commercial signs in the aggregate shall not exceed twenty-four (24) square feet per sixty (60) linear feet of street frontage, provided that the design, location, shape, size, color and graphics are approved by the Department of Neighborhoods Director after review and recommendation by the Review Board; and

b. Noncommercial signs. The total area for noncommercial signs in the aggregate shall not exceed thirty-two (32) square feet per sixty (60) linear feet of street frontage, provided that each dwelling unit shall be allowed thirty-two (32) square feet of signage.

3. All temporary signs authorized by this section are subject to the following:

a. Wind-animated objects, search lights and devices of a carnival nature are not allowed.

b. No individual sign shall exceed twelve (12) square feet.

c. Temporary signs required by law shall be permitted.

(Ord. 120466 § 7, 2001; Ord. 117555 § 4, 1995; Ord. 116744 § 41, 1993; Ord. 112134 § 1(part), 1985.)

**23.66.170 Parking and access.**

A. Parking shall be required in the Pioneer Square Preservation District, according to Section 23.49.016 of this Land Use Code.

B. To mitigate the potential impacts of required accessory parking and loading on the District, the Director of Neighborhoods, after review and recommendation by the Preservation Board, may waive or reduce required parking or loading in the following circumstances:

1. After incorporating high-occupancy-vehicle alternatives such as carpools and vanpools, required parking spaces exceed the net usable space in all below-grade floors; or

2. Reasonable application of the parking or loading standards will adversely affect the visual character of the District.

C. When parking is provided it shall be subject to the requirements of Section 23.54.030 of this Land Use Code.

**D. Standards for Location of Access to Parking.**

1. Access to parking and loading from alleys, and from streets which generally run east/west, is preferred to access from avenues. When a lot abuts more than one (1) right-of-way, the location of access shall be determined by the Department of Neighborhoods Director in consultation with the Director of Transportation. This determination shall be made according to the traffic classification of the street, depicted on Map D.1 Access shall be from rights-of-way classified as follows, from the most to least preferred, except when the Department of Neighborhoods Director, following review and recommendation by the Board, determines that access from the preferred right-of-way would create a hazardous condition: Alleys; Access streets; Class II pedestrian streets—minor arterial; Class II pedestrian streets—principal arterial; Class I pedestrian streets—minor arterial; Class I pedestrian streets—principal arterial; Principal transit street; Green Streets.

2. Curbscut width and the number of curbcuts permitted per street frontage shall be governed by Section 23.54.030 of this Land Use Code.

3. The street-level location of entrances and exits of all parking garages, where permitted, shall be permitted only if approved by the Department of Neighborhoods Director after review and recommendation by the Preservation Board. View-obscuring screening may be required as needed to reduce adverse visual impacts on the immediate area.

(Ord. 120611 § 17, 2001; Ord. 119484 § 40, 1999; Ord. 118409 § 207, 1996; Ord. 116744 § 42, 1993; Ord. 113279 § 31, 1987; Ord. 112519 § 39, 1985; Ord. 112134 § 1(part), 1985.)

1. Editor’s Note: Map D is codified at the end of this chapter.

**23.66.180 Exterior building design.**

To complement and enhance the historic character of the District and to retain the quality and continuity of existing buildings, the following requirements shall apply to exterior building design:



A. Materials. Unless an alternative material is approved by the Department of Neighborhoods Director following Board review and recommendation, exterior building facades shall be brick, concrete tinted a subdued or earthen color, sandstone or similar stone facing material commonly used in the District. Aluminum, painted metal, wood and other materials may be used for signs, window and door sashes and trim, and for similar purposes when approved by the Department of Neighborhoods Director as compatible with adjacent or original uses, following Board review and recommendation.

B. Scale. Exterior building facades shall be of a scale compatible with surrounding structures. Window proportions, floor height, cornice line, street elevations and other elements of the building facades shall relate to the scale of the buildings in the immediate area.

C. Awnings. Awnings shall be functional, serving as weather protection for pedestrians at street level, and shall overhang the sidewalk a minimum of five feet (5'). Awnings may be permitted on upper floors for the purpose of climate control. All awnings shall be of a design compatible with the architecture of buildings in the area. (Ord. 116744 § 43, 1993; Ord. 112134 § 1(part), 1985.)

### **23.66.190 Streets and sidewalks.**

A. Review by the Preservation Board shall be required before any changes are permitted to sidewalk prism lights, sidewalk widths or street paving and curbs.

B. New access to underground areaways shall be limited to access from buildings, except that new access through the sidewalks shall be permitted where stair access existed at any time prior to September 17, 1981, or as approved by the Department of Neighborhoods Director after review and recommendation by the Preservation Board. (Ord. 116744 § 44, 1993; Ord. 112134 § 1(part), 1985.)

## **Subchapter III International Special Review District**

### **Part 1 General Purposes and Organization**

#### **23.66.302 International Special Review District goals and objectives.**

The International District is the urban focal point for the Asian American community. The International Special Review District is established to promote, preserve and perpetuate the cultural, economic, historical, and otherwise beneficial qualities of the area, particularly the features derived from its Asian heritage, by:

A. Reestablishing the District as a stable residential neighborhood with a mixture of housing types;

B. Encouraging the use of street-level spaces for pedestrian-oriented retail speciality shops with colorful and interesting displays;

C. Protecting the area and its periphery from the proliferation of parking lots and other automobile-oriented uses;

D. Encouraging the rehabilitation of existing structures;

E. Improving the visual and urban design relationships between existing and future buildings, parking garages, open spaces and public improvements within the International District;

F. Exercising a reasonable degree of control over site development and the location of off-street parking and other automobile-oriented uses; and

G. Discouraging traffic and parking resulting from Kingdome events and commuters working outside the District.

All property within the International Special Review District, as designated on the Official Land Use Map, shall be subject to the use and development standards of the underlying zoning and the applicable use and development standards of this chapter. In the event of irreconcilable differences between the use and development standards of this chapter and the provisions of the underlying zone or other chapters of the Seattle Municipal Code or other City ordinances, the provisions of this chapter shall apply. The boundaries of the International Special Review District are shown on the Official Land Use Map, and on Map A,1 International Special Review District Boundaries, included at the end of this subchapter. (Ord. 112134 § 1(part), 1985.)

1. Editor's Note: Map A is codified at the end of this chapter.

#### **23.66.304 International District Mixed (IDM) Zone goals and objectives.**

The IDM zone designation shall recognize and promote the area's unique social mix and urban design character. This area is the core of the International District which exemplifies Asian culture. A wide range of uses, including street-level retail, housing development above street level, and the rehabilitation of existing buildings, shall be encouraged. New residential uses and the rehabilitation of existing structures shall be encouraged to provide a diversity of residential opportunities. Specific objectives include the following:

A. To maintain and protect the International District core as an Asian cultural, retail and residential center;

B. To allow flexibility and discretion in land use controls, regulations and guidelines to address present conditions and those which may develop in the future;

C. To protect, preserve and promote small retail and commercial businesses;

D. To encourage development of housing above street level;

E. To encourage the rehabilitation of existing buildings; and

F. To assure new development compatible in scale and character with existing buildings.

(Ord. 112519 § 40, 1985; Ord. 112134 § 1(part), 1985.)

**23.66.306 International District Residential (IDR) Zone goals and objectives.**

The International District residential area shall be predominantly a residential neighborhood with primarily residential uses. Other compatible uses shall be permitted to the extent that they reinforce and do not detract from the primary use of the area. The IDR designation and the regulations of the International Special Review District shall recognize and promote the area's unique social and urban design character. Special objectives include:

A. The establishment of the International District hilltop as one of downtown's predominant residential neighborhoods;

B. The development of flexible land use controls, regulations and guidelines to address present conditions and those which may develop in the future;

C. The design, siting, and construction of structures which minimize view blockage from Kobe Terrace Park and from existing structures which are used primarily for residential purposes;

D. The design, siting and construction of structures which insure reasonable solar exposure and air circulation to adjacent properties;

E. The design, siting and construction of structures that are aesthetically compatible with the area's steep topography and/or nearby public open spaces. (Ord. 112519 § 41, 1985; Ord. 112134 § 1(part), 1985.)

**23.66.308 International district goals and objectives east of the interstate 5 Freeway.**

Preferred uses for that portion of the International District that lies east of the Interstate 5 Freeway include residential uses, small-scale commercial processing of food for human consumption, and custom and craft work. Processing of food and the production of arts and crafts with an Asian emphasis are preferred. Permitted uses should contribute to the International District's business core or to the function and purposes of the International District.

(Ord. 112134 § 1(part), 1985.)

**23.66.310 Union Station Corridor goals and objectives.**

The Union Station Corridor is that area bounded by Yesler Way, Fifth Avenue, Airport Way South, and Fourth Avenue. The City, in cooperation with Metro, local property owners and the affected community, should attempt to formulate a strategy for the redevelopment of the Union Station Corridor in coordination with the Downtown Transit Project. Specific objectives for a Planned Community Development in the Union Station Corridor include the following:

A. Preservation. The historic Union Station structure should be retained and rehabilitated with consideration given to a mix of private and public uses.

B. Uses. Development in the Corridor should incorporate a mix of uses, such as office, housing, hotel and retail uses in conformance with the IDM Zone designation and the regulations of the International Special Review District. Retention of existing low-income housing should be given a high priority. Consideration should be given to the inclusion of public open space and public uses serving the community.

C. Planned Community Development. The provisions of Section 23.49.036, Planned Community Developments, shall apply in the area. This procedure shall allow projects to modify the provisions of the IDM designation as long as the entire project is in conformance. All planned community developments shall be reviewed by the International Special Review District Board which shall make a recommendation to the Department of Neighborhoods Director.

D. Open Space. Public open space should be included in the development plan for the area. Consideration should be given to the development of a linear open space along Fifth Avenue south of Jackson Street and of a major focal point at the west end of King Street.

E. Parking. A major parking facility should be considered for development in the area south of the Union Station building. The number of parking spaces provided should be sufficient to meet the requirements for development in the corridor, as well as to contribute to the long-range needs of the International District.

F. Scale. Building height and bulk should conform to the IDM Zone designation and the regulations of the International Special Review District. Development south of Jackson Street should preserve the Union Station building as the dominant structure.

G. View Corridors. Views from Jackson and King Streets should be retained.

H. Pedestrian Environment. To integrate Union Station and the Kingdome and provide a pedestrian link between the International District retail core and Pioneer Square, a pedestrian connection should be developed south of King Street. Consideration should be given to pedestrian improvements along Jackson Street and along Fifth Avenue between Jackson Street and Airport Way South such as streetscaping, widened sidewalks and benches, to "humanize" what are now vehicular-oriented streets.

(Ord. 116744 § 45, 1993; Ord. 112519 § 42, 1985; Ord. 112134 § 1(part), 1985.)

**23.66.312 Composition of the Special Review Board.**

The International District Special Review Board (hereafter, the "Board") shall consist of seven (7) members, five (5) of whom are elected and two (2) of whom are appointed by the Mayor and confirmed by the City Council. The five (5) elected members of the Board shall consist of two (2) members who own property in the International District, or who own or are employed by businesses located in the International District; two (2) members who

are either residents (including tenants), or persons with a recognized and demonstrated interest in the welfare of the International District Community; and one (1) member at large. One (1) member of the Pioneer Square Special Review Board shall serve as a nonvoting member appointed by the Pioneer Square Special Review Board to serve at that Board's pleasure.

(Ord. 112134 § 1(part), 1985.)

**23.66.314 Staff support for the Special Review Board.**

The Department of Neighborhoods Director shall provide staff and clerical support for the Board, and shall assign a member of the Department's staff to act as Board Coordinator. The Coordinator shall be the custodian of the Board's records, handle official correspondence, and organize and supervise the clerical and technical work of the Board. The Coordinator shall also recommend such actions, policies, rules and regulations for adoption by the board as may be necessary to accomplish the objectives of this chapter.

(Ord. 116744 § 46, 1993; Ord. 112134 § 1(part), 1985.)

**Part 2 Use and Development Standards**

**23.66.316 Decision on certificate of approval.**

The Board shall review all applications for use or development within the International District which require a certificate of approval. The Board's review shall be conducted according to the procedures and timelines set forth in section 23.66.030 D2 of this Land Use Code. The Board shall make a written recommendation based upon the extent to which the proposal is consistent with the goals and objectives of the International Special Review District and the use and development standards of this chapter. The Department of Neighborhoods Director shall make and issue a decision according to the procedures and timelines set forth in section 23.66.030 D of this Land Use Code.

(Ord. 118012 § 21, 1996; Ord. 116744 § 47, 1993; Ord. 112134 § 1(part), 1985.)

**23.66.318 Demolition approval.**

A. To discourage the unnecessary demolition of useful existing structures which contribute to the District's cultural and social character, an assessment of the structure to be demolished shall be prepared and circulated to the Board prior to its consideration of a certificate of approval. Among other factors, the economic, social and physical consequences and benefits of the requested demolition and any alternatives to demolition shall be assessed. Except as provided in subsection B below, a certificate of approval may be granted only when the requested demolition will not adversely affect the District and no reasonable alternatives to demolition exist, and when:

1. The Director of Neighborhoods, following a recommendation by the Special Review Board, determines

that the building or structure has no important architectural or historic significance; and

2. Use and design of a replacement structure have been approved by the Department of Neighborhoods Director; and

3. Proof acceptable to the Department of Neighborhoods Director of a valid commitment for interim and long-term financing for the replacement structure has been secured. In addition to other proof, the Department of Neighborhoods Director may accept a bond, letter of credit, or cash deposit as a demonstration that the project has adequate financial backing to ensure completion; and

4. Satisfactory arrangements have been made for retention of any part of the structure's facade which the Department of Neighborhoods Director and Special Review Board determine to be significant; and

5. Satisfactory assurance is provided that new construction will be completed within two (2) years of demolition.

B. When demolition or removal of a building or other structure in the District is essential to protect the public health, safety and welfare or when the purposes of this chapter will be furthered by the demolition or removal, then the Director of Neighborhoods, following review and recommendation by the Board, may authorize such demolition or removal whether the prerequisites of this section are satisfied or not.

C. Pursuant to RCW 36.70B.140, the Department of Neighborhoods Director's decision is exempt from the time limits and other requirements of RCW 36.70B.060 through 36.70B.080 and the requirements of RCW 36.70B.110 through 36.70B.130.

D. There is no administrative appeal of the decision of the Director of the Department of Neighborhoods. The Department of Neighborhoods Director's decision shall be final. Any judicial review must be commenced within twenty-one (21) days of issuance of the Department of Neighborhoods Director's decision, as provided by RCW 36.70C.040.

(Ord. 120157 § 4, 2000; Ord. 118181 § 3, 1996; Ord. 116744 § 48, 1993; Ord. 112134 § 1(part), 1985.)

**23.66.320 Permitted uses.**

A. All uses shall be permitted outright except those specifically prohibited by Section 23.66.322 and those subject to special review under Section 23.66.324.

B. All uses not specifically prohibited shall be permitted as both principal and accessory uses except:

1. Gas stations, which are not permitted as principal uses and are permitted as accessory uses only in parking garages;

2. Surface parking areas, which are not permitted as principal uses but may be permitted as accessory uses pursuant to Section 23.66.342 of this Land Use Code; and



3. Principal use parking garages, which may be permitted only if approved after special review by the Board pursuant to Section 23.66.324 of this Land Use Code. Accessory parking garages shall be permitted outright. (Ord. 112134 § 1(part), 1985.)

**23.66.322 Prohibited uses.**

A. The following uses shall be prohibited as both principal and accessory uses in the entire International Special Review District:

- Adult motion picture theaters;
- Adult panorams;
- All general and heavy manufacturing uses;
- All high-impact uses;
- All salvage and recycling uses, except recycling collection stations;
- Automotive retail sales and service;
- Bowling lanes;
- Major communication utilities;
- Sales, service and rental of commercial equipment and construction materials;
- Drive-in businesses;
- Frozen food lockers;
- Heavy commercial services;
- Marine retail sales and services;
- Medical testing laboratories;
- Mortuary services;
- Motels;
- Outdoor storage;
- Plant nurseries;
- Retail ice dispensaries;
- Shooting galleries;
- Skating rinks;
- Mobile home parks;
- Transportation facilities except passenger terminals;
- Animal services;
- Jails;
- Work-release centers.

B. In addition to the prohibited uses listed in subsection A, light manufacturing uses that occupy more than ten thousand (10,000) square feet are prohibited in that portion of the International Special Review District west of the Interstate 5 Freeway.

C. All light manufacturing uses are prohibited in that portion of the District in the IDR Zone. (Ord. 120928 § 40, 2002; Ord. 114623 § 17, 1989; Ord. 112777 § 34, 1986; Ord. 112519 § 43, 1985; Ord. 112303 § 8, 1985; Ord. 112134 § 1(part), 1985.)

**23.66.324 Uses subject to special review.**

A. The following uses shall be subject to special review by the Board:

- Fast food restaurants;
- Hotels;

Planned community developments;  
Principal use parking garages;  
Street-level uses subject to special review as provided in Section 23.66.326 C.

B. Nature of Review.

1. The evaluation of applications for uses subject to special review shall be based upon the proposal's impacts on the cultural, economic, social, historical and related characteristics of the International District, particularly those characteristics derived from its Asian heritage; existing and potential residential uses; the pedestrian environment; traffic and parking in the District; noise and light and glare.

2. In reviewing applications for principal-use parking garages, the Board shall consider the potential of the proposal to serve the particular parking needs of the International District. The Board shall encourage participation in an area-wide merchants' parking association.

C. The Board may recommend to the Director that an application for special review be approved, approved with conditions, or denied. (Ord. 112303 § 9, 1985; Ord. 112134 § 1(part), 1985.)

**23.66.326 Street-level uses.**

A. To retain and strengthen the King Street business core as a pedestrian-oriented retail shopping district, street-level uses shall be required on streets designated on Map B,1 the International District Retail Core. Required street-level uses shall satisfy the standards of this section.

B. Preference shall be given to pedestrian-oriented retail shopping and service business uses that are highly visible or prominently display merchandise in a manner that contributes color and activity to the streetscape, including but not limited to:

- Apparel shops;
- Bakeries;
- Banks;
- Barbecue shops;
- Bookstores;
- Coffee shops;
- Floral shops;
- Groceries;
- Museums;
- Oriental crafts shops;
- Personal services such as beauty shops and barber-shops;
- Restaurants;
- Sidewalk cafes;
- Travel agencies;
- Variety stores.

C. The Board may, following a special review of potential impacts, including, but not limited to traffic, parking noise and the scale and character of the pedestrian environment, recommend to the Department of Neighborhoods Director that the following uses at street level be



approved when the impacts of such uses are not significantly adverse:

- Appliance repair shops;
- Experimental laboratories;
- Radio and television studios;
- Residential uses;
- Taxidermy shops;
- Upholstery establishments;
- Vocational or fine arts schools;
- Warehouses or wholesale showrooms, especially when including storage of jewelry, optical or photographic goods, pharmaceuticals, cosmetics, and other similar high-value, low-bulk articles.

The Board may recommend, and the Director may impose, conditions to mitigate the impacts of approved uses.

**D. Standards for Required Street-level Uses.**

1. Street-level uses designated on Map B,<sup>1</sup> Retail Core, shall not exceed fifty (50) feet of street frontage per use when located within the interior portion of a block, or one hundred forty-five (145) feet of street frontage per use when located on a corner.

2. Street-level uses shall comply with exterior building finish requirements of Section 23.66.336 of this Land Use Code.

E. Nonpedestrian-oriented uses and businesses which are not typically visible from the sidewalk shall not exceed twenty-five (25) feet of street frontage per use when located within the interior portion of a block, or one hundred forty-five (145) feet of street frontage per use when located on a corner. Examples of nonpedestrian-oriented uses include but are not limited to:

- Community clubs and centers;
- Family associations;
- Human service uses;
- Nonprofit community service organizations;
- Places of public assembly.

(Ord. 116744 § 49, 1993; Ord. 112303 § 10, 1985; Ord. 112134 § 1(part), 1985.)

1. Editor's Note: Map B is codified at the end of this chapter.

**23.66.328 Uses above street level.**

A. To encourage and facilitate the rehabilitation and renovation of existing structures for housing or other uses not preferred at street level, uses above street level on streets designated on Map B,<sup>1</sup> Retail Core, shall meet the standards of this section.

B. Residential uses and nonvehicular-oriented commercial uses which primarily serve the District and are in operation throughout the day shall be preferred. Preferred uses above street level include but are not limited to:

- Community clubs and centers;
- Expansion of existing retail sales and service uses at street level;
- Medical services, such as offices for doctors or dentists;

- Offices;
- Vocational or fine arts schools;
- Wholesale showrooms.

(Ord. 112777 § 35, 1986; Ord. 112134 § 1(part), 1985.)

1. Editor's Note: Map B is codified at the end of this chapter.

**23.66.330 Residential Uses east of Interstate 5.**

Residential uses shall be permitted in those parts of the International Special Review District east of the Interstate 5 Freeway. This provision shall supersede any prohibition of residential use and Floor Area Ratio established in the underlying zoning for the area.

(Ord. 112134 § 1(part), 1985.)

**23.66.332 Height.**

A. Maximum structure height shall be as designated on the Official Land Use Map, Chapter 23.32, for that portion of the International District located west of the Interstate 5 Freeway.

B. For that portion of the International District located east of the Interstate 5 Freeway, maximum structure height shall be sixty-five (65) feet.

**C. Rooftop Features.**

1. The Special Review Board and the Department of Neighborhoods Director shall review rooftop features to preserve views from Kobe Terrace Park.

2. Religious symbols for religious institutions, smokestacks and flagpoles are exempt from height controls, except as regulated in Chapter 23.64 of this Land Use Code, provided they are at least ten (10) feet from all lot lines.

3. Open railings, planters, clerestories, skylights, play equipment, parapets and firewalls may extend up to four (4) feet above the maximum height limit and may have unlimited rooftop coverage.

4. Solar collectors excluding greenhouses may extend up to seven (7) feet above the maximum height limit and may have unlimited rooftop coverage.

5. The following rooftop features may extend up to fifteen (15) feet above the maximum height limit provided that the combined coverage of all features listed below does not exceed fifteen (15) percent of the roof area:

- a. Solar collectors, excluding greenhouses;
- b. Stair and elevator penthouses;
- c. Mechanical equipment that is set back at least fifteen (15) feet from the roof edge;
- d. Minor communication utilities and accessory communication devices, except that height is regulated according to the provisions of Section 23.57.014.

Additional combined coverage of these rooftop features, not to exceed twenty-five (25) percent of the roof area, may be permitted subject to review by the Special Review Board and approved by the Department of Neighborhoods Director.

6. Structures existing prior to June 1, 1989 may add new or replace existing mechanical equipment up to fifteen (15) feet above the existing roof elevation of the structure as long as it is set back at least fifteen (15) feet from the roof edge subject to review by the Special Review Board and approval by the Department of Neighborhoods Director.

7. Screening of Rooftop Features. Measures may be taken to screen rooftop features from public view subject to review by the Special Review Board and approval by the Department of Neighborhoods Director. The amount of roof area enclosed by rooftop screening may exceed the maximum percentage of the combined coverage of rooftop features listed in subsection C5 above. In no circumstances shall the height of rooftop screening exceed fifteen (15) feet above the maximum height limit.

8. For height exceptions for communication utilities and devices, see Section 23.57.014. (Ord. 120928 § 41, 2002; Ord. 120117 § 49, 2000; Ord. 119370 § 18, 1999; Ord. 112134 § 1(part), 1985.)

#### **23.66.334 Streets and sidewalks.**

Review by the Special Review District Board and approval by the Department of Neighborhoods Director shall be required before any changes may be made to sidewalk prism lights, sidewalk furniture, sidewalk widths, or street paving and curbs. (Ord. 116744 § 50, 1993; Ord. 112134 § 1(part), 1985.)

#### **23.66.336 Exterior building finishes.**

A. General Requirements. To retain and enhance the visual order of the District, which is created by existing older buildings that provide unique character and form through their subtle detailing and quarter-block and half-block coverage, new development, including exterior remodeling, should respect the architectural and structural integrity of the building in which the work is undertaken, through sympathetic use of colors, material and style. Exterior building facades shall be of a scale compatible with surrounding structures. Window proportions, floor height, cornice line, street elevations and other elements of the building facades shall relate to the scale of the existing buildings in the immediate area.

B. Asian Design Character District. The Asian Design Character District of the International District shall be the same as the ID Retail Core, as illustrated on Map B.<sup>1</sup> To strengthen and preserve the existing Asian architectural character of the Design District, tiled awnings, recessed balconies, heavy timber construction, and materials and colors as specified below are encouraged.

1. Materials. Building facades shall be limited to earthen materials such as brick, concrete, stucco and wood. Other materials, such as anodized aluminum, may be used if approved by the Board. Brick and concrete may not be painted unless approved by the Board. Stucco may be used in conjunction with other contrasting materials

such as dark stained wood. Decorative ceramic glazed roof tiles are encouraged, as are tiled awnings and marquees when appropriately integrated into the overall design.

2. Colors. Building facade colors must be reviewed by the Special Review Board and approved by the Department of Neighborhoods Director. Colors shall be compatible with those of adjacent buildings.

3. Surfaces. Textured concrete, brick and wood surfaces are preferred over nontextured surfaces. Recesses and voids which break up monotonous surface areas and create visual relief are encouraged. The design and location of mechanical equipment visible from the street must be reviewed by the Board and approved by the Department of Neighborhoods Director.

4. Transparency Requirement. Street-level uses shall have highly visible linkages with the street. Transparent surfaces shall be provided for at least fifty (50) percent of the exposed street facade measured between sidewalk level and a height of ten (10) feet or the height of the second floor level, whichever is less. The average height of window sills shall be no greater than three (3) feet above the sidewalk. A decrease in the percentage of required transparency may be permitted by the Board when:

a. There is a design constraint, such as permanent wainscoting, and removal or alteration would detract from the structural or architectural integrity of the building; or

b. The existing layout of the building or other physical constraints such as the placement of load bearing walls or columns creates a hardship. Whenever transparency requirements are reduced, wall murals, landscaping, colored awnings, display cases, or other means appropriate to the setting shall be provided to create visual interest.

5. Awnings. Awnings shall be functional, serving as weather protection for pedestrians at street level. Awnings over sidewalks shall overhang the sidewalk a minimum of five (5) feet. All awnings shall be of a design compatible with the architecture of the area.

C. Exterior Building Design Outside the Asian Design Character District. Outside the Asian Design Character District, earthen colors and masonry construction with nonmetallic surfaces are preferred. Concrete construction will also be permitted when treated in a manner or incorporated into a design that provides visual interest and avoids large unbroken surface areas.

(Ord. 116744 § 51, 1993; Ord. 112134 § 1(part), 1985.)

1. Editor's Note: Map B is codified at the end of this chapter.

#### **23.66.338 Business identification signs.**

To ensure that the scale, shape, color and type of signs within the International Special Review District are consistent with permitted uses and are in keeping with the Asian character of the area, the following sign controls shall apply:

A. Message. Signs shall be limited to those that identify the name of the establishment and/or the primary business or service provided by it. Advertising related to businesses or services not provided on the premises or products not manufactured on the site are prohibited; provided, that product name signs that are incidental to other signs on the premises may be permitted when the establishment or use on the premises is the sole distributor of the product in the District.

B. Permitted Signs. Permitted signs include projecting and nonprojecting signs integrated into the building facade, marquee, awning and window signs that are approved by the Department of Neighborhoods Director following a recommendation by the Board. Banners and flags bearing emblems, symbols or messages shall be permitted on an interim basis only and shall be subject to periodic review and approval to ensure that their appearance is maintained and that they comply with the requirements of this Code.

C. Prohibited Signs. Freestanding signs (except signs in parks or parking lots), roof signs, portable signs, off-premises advertising signs (billboards), and product advertising signs of a permanent nature are prohibited. Flashing signs or signs that appear to be in motion shall be prohibited unless of a public service nature, such as signs indicating the temperature or time of day.

D. Permitted Sign Area.

1. Asian Character Signs. Asian character signs are Asian bilingual or multilingual business identification signs at street level in which at least forty (40) percent of the message area is in a non-English medium, or signs that have recognizable Asian symbols or designs that have been reviewed by the Board and approved by the Department of Neighborhoods Director. The total message area of all such signs for an individual use shall not exceed the area indicated on Table 338 D. For street frontages not listed on Table 338 D, the Maximum Sign Area column shall be interpolated proportionally.

2. Non-Asian Character Signs. The total message area of non-Asian character signs for each street-level use shall not exceed seventy (70) percent of the area authorized in subsection D1 and indicated on Table 338 D.

TABLE 338D SIGN AREA PERMITTED

Street Frontage	Maximum Sign Area Permitted
23	70
24	71
25	72
26	74
27	75
28	76
29	77
30	78
35	83
40	87
45	92
50	96
55	99
60	103
65	106
70	109
75	112
80	115
85	118
90	121
95	124
100	126
110	131
120	136
130	140
140	144
150	148
160	152
170	156
180	160
190	163
200	167
220	173
240	179
260	185
280	190
300	196
320	201
340	206
360	211
380	215
400	220
420	224
440	228
460	232
480	236
500	240

TABLE 338D SIGN AREA PERMITTED

Street Frontage	Maximum Sign Area Permitted
15	59
16	61
17	62
18	64
19	65
20	66
21	68
22	69

3. The total number of signs permitted per use is not limited; provided, that the total area of all signs for an individual use shall not exceed the area authorized in

For current SMC, contact the Office of the City Clerk

subsections D1 and D2. The maximum size for any single sign face for Asian and non-Asian character signs at street level shall be seventy-five (75) square feet for a single-faced sign and one hundred and fifty (150) square feet for a double-faced sign, unless the Department of Neighborhoods Director, after review and recommendation by the Board, approves a greater sign area because of hardships resulting from location, topography or similar conditions.

4. Businesses located on or above the second floor may have business identification signs with a total sign area that does not exceed one-half ( $\frac{1}{2}$ ) of the area authorized in subsection D1 and indicated on Table 338 D. The maximum size for any single sign face above the second floor shall be forty (40) square feet for a single-faced sign and eighty (80) square feet for a double-faced sign unless the Department of Neighborhoods Director, after review and recommendation by the Board, approves a greater sign area because of hardships resulting from location, topography or similar conditions.

5. The total illuminated area of theater marquees shall not exceed eighty (80) square feet in addition to the sign area authorized in subsections D1 and D2.

6. Parking Lot Signage. The total signage area permitted for each accessory parking lot shall not exceed one (1) square foot for each parking space up to a maximum of twenty-four (24) square feet. Existing principal use parking lots shall have a maximum total sign area of one-half ( $\frac{1}{2}$ ) square foot per parking space in the lot, to a maximum of eighteen (18) square feet.

a. Parking lots shall display a sign with the following message:

(1) For customer parking lots: "Customer Parking for (Principal User or Users) Only. Other cars will be impounded (location)." The sign may also contain the name and address of the principal user or users and mention validation of parking if applicable.

(2) For long-term reserved parking lots: "Reserved Parking Under Contract. Other cars will be impounded (location)." The sign may also contain the name and telephone number of the owner.

b. Small directional signs, such as those designating the entrance to or exit from accessory parking areas, that are three (3) or fewer square feet in area and are located at a height four (4) or fewer feet above grade at points of egress or ingress are permitted. Such signs shall not be counted against the total permitted sign area.

7. Sign size shall be calculated according to the provisions of Section 23.86.004 of this Land Use Code.

E. Illumination. Neon-lit signs are encouraged to create an exciting and enhanced visual image in the retail core.

1. No sign or light shall move, flash or make noise. Exceptions may be granted by the Department of Neighborhoods Director for indicators of time or temperature, after review and recommendation by the Board.

2. Illuminated signs shall be designed and sited in a manner to minimize glare on floors above grade in nearby residences.

3. Signs using video display methods are prohibited.

F. Exceptions for Miscellaneous Signs.

1. Signs that are handpainted, goldleafed or decaled onto the glass area of a building facade shall be permitted without the approval of the Department of Neighborhoods Director or review by the Board when the area of such signs does not exceed four (4) square feet per business. Signs in excess of four (4) square feet shall be subject to review by the Board and approval by the Department of Neighborhoods Director for visual interest and compatibility with the surrounding area, and shall be calculated against the total permitted signable area. Nonilluminated symbolic signs painted on wood or other exterior surfaces that are four (4) square feet or less shall be permitted outright.

2. Graphics and paintings are permitted on building walls that do not abut a street lot line only if such graphics and paintings are not primarily used to advertise or identify businesses or products and comply with the building facade provisions of Section 23.66.336 of this chapter. All graphics and paintings on building walls shall be subject to review by the Board and approval by the Department of Neighborhoods Director.

3. Temporary Signs.

a. The following signs are permitted at all times:

(1) Real estate "for sale," "for rent" and "open house" signs, and signs identifying the architect, engineer or contractor for work currently under construction. The total area for these types of signs in the aggregate shall not exceed twenty-four (24) square feet per sixty (60) linear feet of street frontage, provided that the design, location, shape, size, color and graphics are approved by the Department of Neighborhoods Director after review and recommendation by the Review Board, and provided further that the Director may approve up to thirty-six (36) square feet if there is more than one user of real estate signs or if the building abuts more than two (2) streets; and

(2) Noncommercial signs. The total area for noncommercial signs in the aggregate shall not exceed twenty-four (24) square feet per sixty (60) linear feet of street frontage, but where there are multiple users of the building, each business establishment and dwelling unit shall be allowed a minimum of eight (8) square feet of signage, regardless of the twenty-four (24) square foot limitation.

b. The following signs are permitted for fourteen (14) consecutive days four (4) times a calendar year:

(1) On-premises commercial signs. The total area for on-premises commercial signs in the aggregate shall not exceed twenty-four (24) square feet per sixty (60) linear feet of street frontage, provided that the design, lo-



cation, shape, size, color and graphics are approved by the Department of Neighborhoods Director after review and recommendation by the Review Board; and

(2) Noncommercial signs. The total area for noncommercial signs in the aggregate shall not exceed thirty-two (32) square feet per sixty (60) linear feet of street frontage, provided that each dwelling unit shall be allowed thirty-two (32) square feet of signage.

c. All temporary signs authorized by this section are subject to the following:

(1) Wind-activated objects, search lights and devices of a carnival nature are not allowed.

(2) No individual sign shall exceed twelve (12) square feet.

d. Temporary signs required by law shall be permitted without review or approval.

G. Criteria for Approval.

1. The overall design of a sign including size, shape, texture, method of attachment, color and lighting, shall be compatible with the use to which the sign refers, with the architecture of the building upon which it is to be installed, and with the District.

2. Signs shall be affixed to structures so that they do not conceal, damage or disfigure desirable architectural features or details of the structure.

3. Projecting signs shall be sited in a manner that minimizes view blockage of abutting business signs.

4. All projecting signs shall be installed or erected so that there are no visible angle iron sign supports above the roof, building face or wall.

(Ord. 120466 § 8, 2001; Ord. 117555 § 5, 1995; Ord. 116744 § 52, 1993; Ord. 112519 § 44, 1985; Ord. 112134 § 1(part), 1985.)

### 23.66.340 Minimum maintenance.

All buildings in the District shall be maintained and preserved against decay and deterioration caused by neglect or defective or inadequate weather protection.

(Ord. 112134 § 1(part), 1985.)

### 23.66.342 Parking and access.

A. Principal-use Parking Garages. Principal-use parking garages are subject to special review by the Board pursuant to Section 23.66.324 of this Land Use Code. Parking garages shall be designed so that the street-level portion of the garage is committed to pedestrian-oriented uses permitted in the District. When abutting street slopes exceed eight percent (8%) this requirement may be waived by the Department of Neighborhoods Director, following review and recommendation by the Board. View-obscuring screening may be required by the Department of Neighborhoods Director as needed to reduce adverse visual impacts on the area.

B. Accessory Parking and Loading.

1. Parking Quantity. The number of parking spaces required for any use shall be the number required

by the underlying zoning, except that restaurants shall be required to provide one space per five hundred (500) square feet for all gross floor area in excess of two thousand five hundred (2,500) square feet; motion picture theaters shall be required to provide one (1) space per fifteen (15) seats for all seats in excess of one hundred fifty (150); and other entertainment uses and places of public assembly shall be required to provide one (1) space per four hundred (400) square feet for all gross floor area in excess of two thousand five hundred (2,500) square feet.

2. Exceptions to Parking Quantity. To mitigate the potential impacts of required accessory parking and loading on the District, the Department of Neighborhoods Director, after review and recommendation by the Special Review Board, may waive or reduce required parking and loading under the following conditions:

a. After incorporating high-occupancy-vehicle alternatives such as carpools and vanpools, required parking spaces exceed the net usable space in all below-grade floors; or

b. Strict application of the parking or loading standards would adversely affect desirable characteristics of the District; or

c. An acceptable parking plan is submitted to meet parking demands generated by the use. Acceptable elements of the parking plan may include but shall not be limited to the following:

(1) Valet parking service,

(2) Validation system,

(3) Lease of parking from parking management company,

(4) Provision of employee parking.

C. When parking is provided it shall be subject to the requirements of Section 23.54.030 of this Land Use Code.

D. Access to Parking.

1. Access to parking shall be reviewed by the Board on a case-by-case basis, according to the following criteria:

a. Alley access shall be preferred.

b. Conflicts with pedestrian traffic, with efforts to provide continuous street facades, and with transit access shall be minimized.

2. The number and width of curbcuts shall be as required in Section 23.54.030 of this Land Use Code.

3. The Board may recommend, and the Department of Neighborhoods Director may require, changes to proposed access to parking in order to meet the criteria of this section.

E. Special Parking Restrictions.

1. All new surface parking areas shall be accessory and may be permitted in connection with customer parking which is determined by the Board to be consistent with District goals and policies or area-wide parking plans.

2. A sign complying with Section 23.66.338 of this Land Use Code shall be required at each parking entrance.

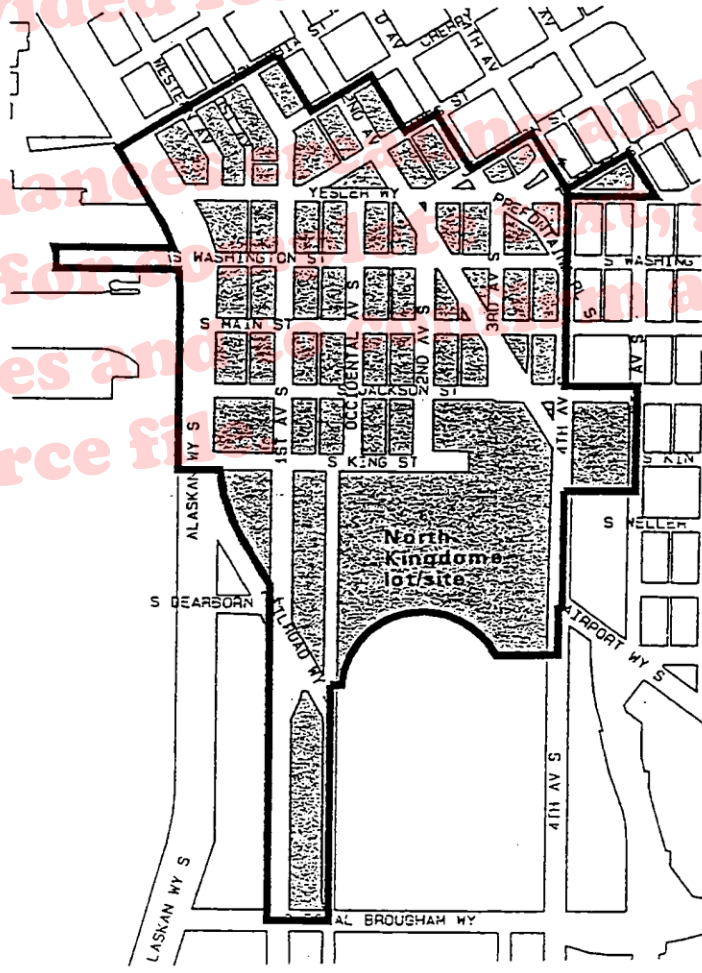
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Text provided for historic reference only.

3. Adequate screening shall be required along the perimeter of each new surface parking area. (Ord. 116744 § 53, 1993; Ord. 113279 § 32, 1987; Ord. 112519 § 45, 1985; Ord. 112134 § 1(part), 1985.)

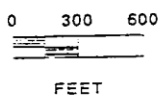
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### Pioneer Square Preservation District

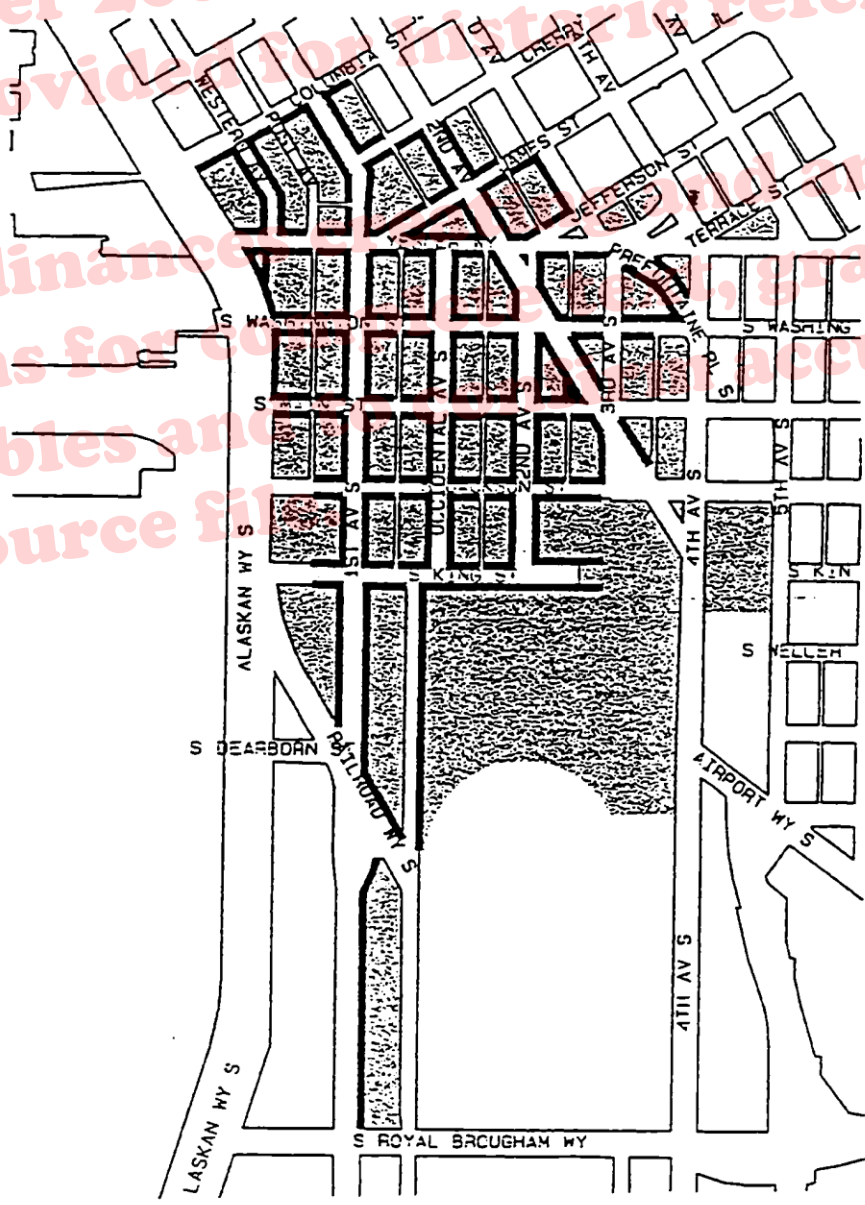


**Map A**  
23.66.100  
**Pioneer Square** 

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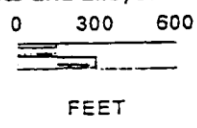
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### Pioneer Square

 Approval of street level uses required on lots with frontage on designated streets and alleys.

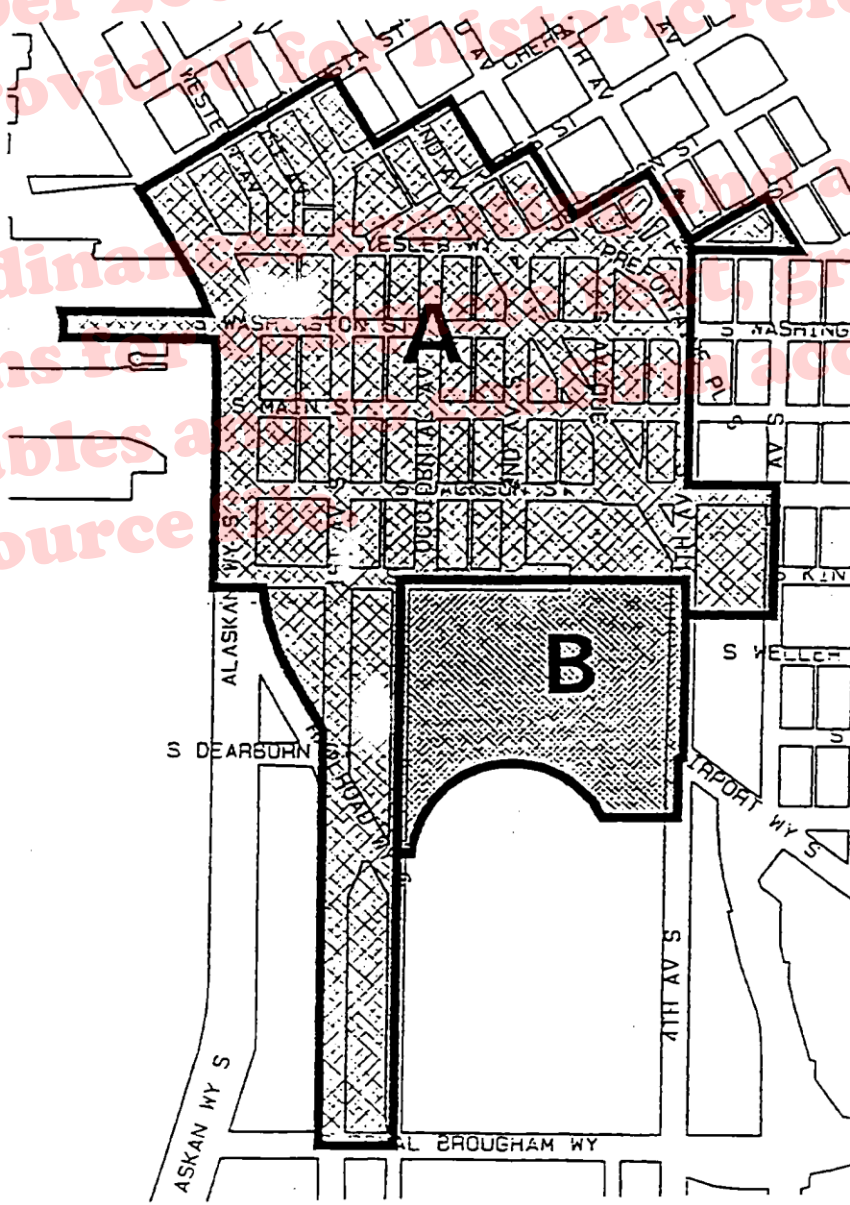


**Map B**  
23.66.130  
**Pioneer Square**  
  
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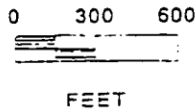
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### Pioneer Square

Structure Setbacks

 Subarea A  Subarea B

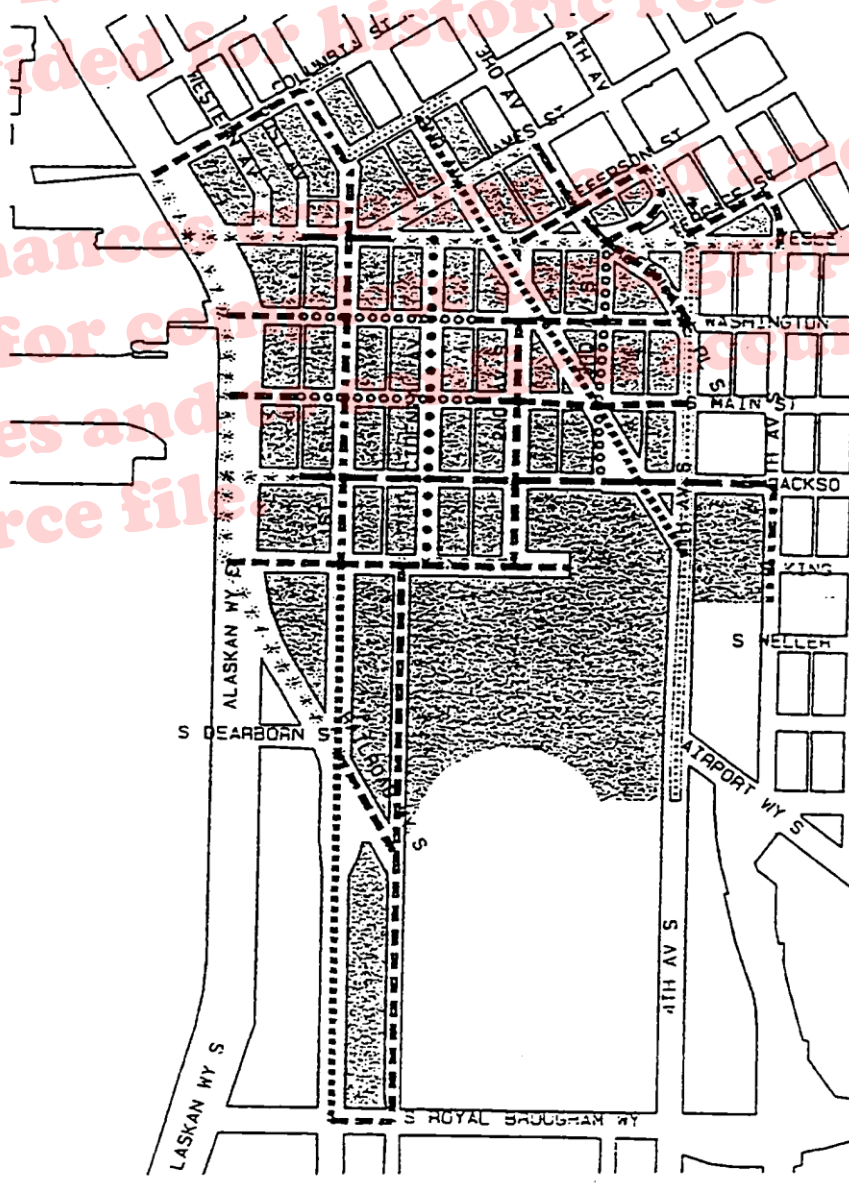


**Map C**  
23.66.122 and .150  
**Pioneer Square**  
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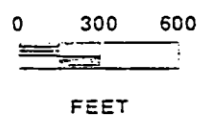
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### Pioneer Square

Street Classifications



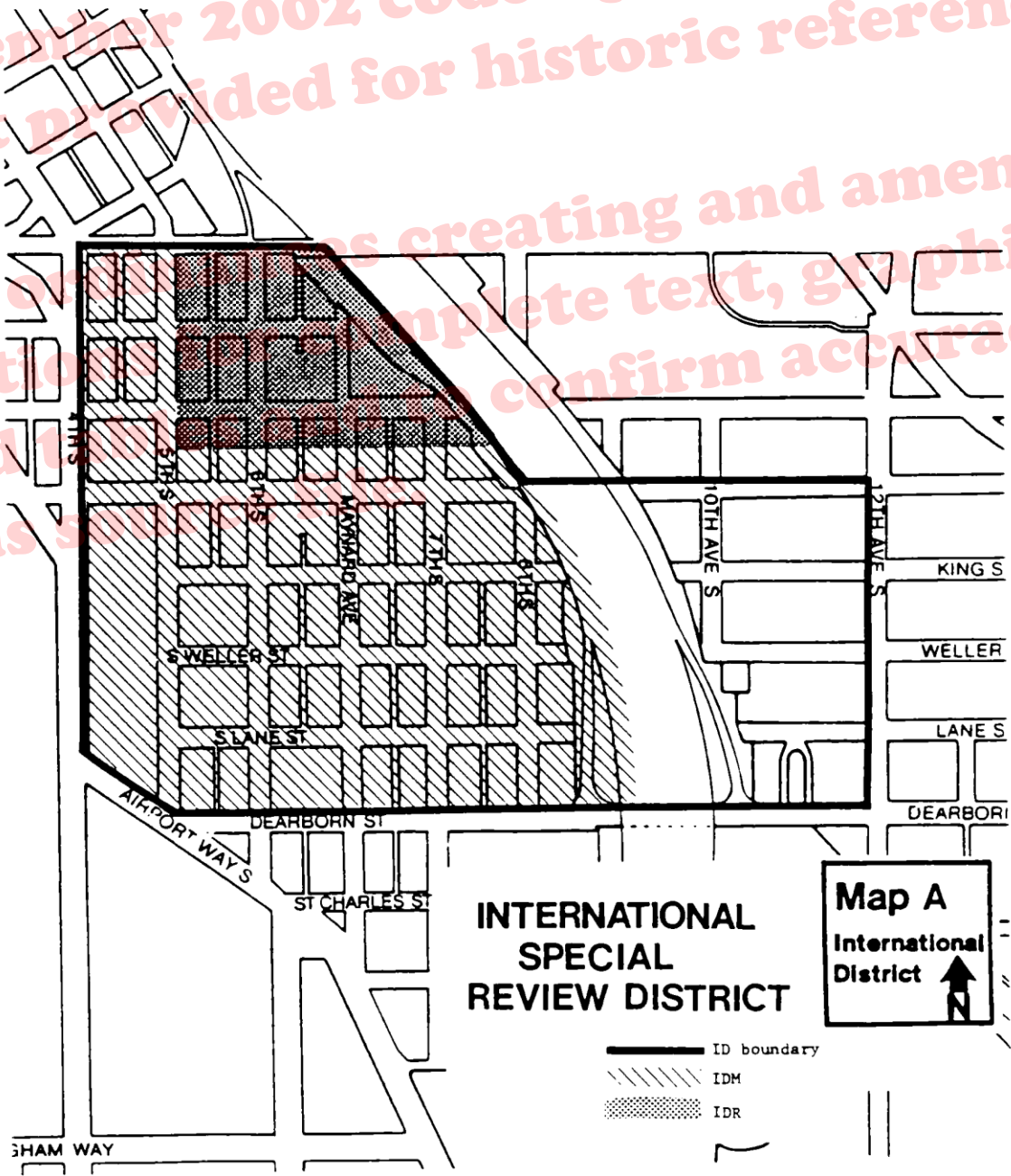
- Class I Pedestrian/Minor Arterial
- Class II Pedestrian/Principal Arterial
- Class II Pedestrian/Minor Arterial
- Green Street
- Class I Pedestrian/Principal Transit Street
- Class II Pedestrian/Principal Transit Street
- Class I Pedestrian/Access Street
- Class II Pedestrian/Access Street

**Map D**  
23.66.170  
**Pioneer Square**

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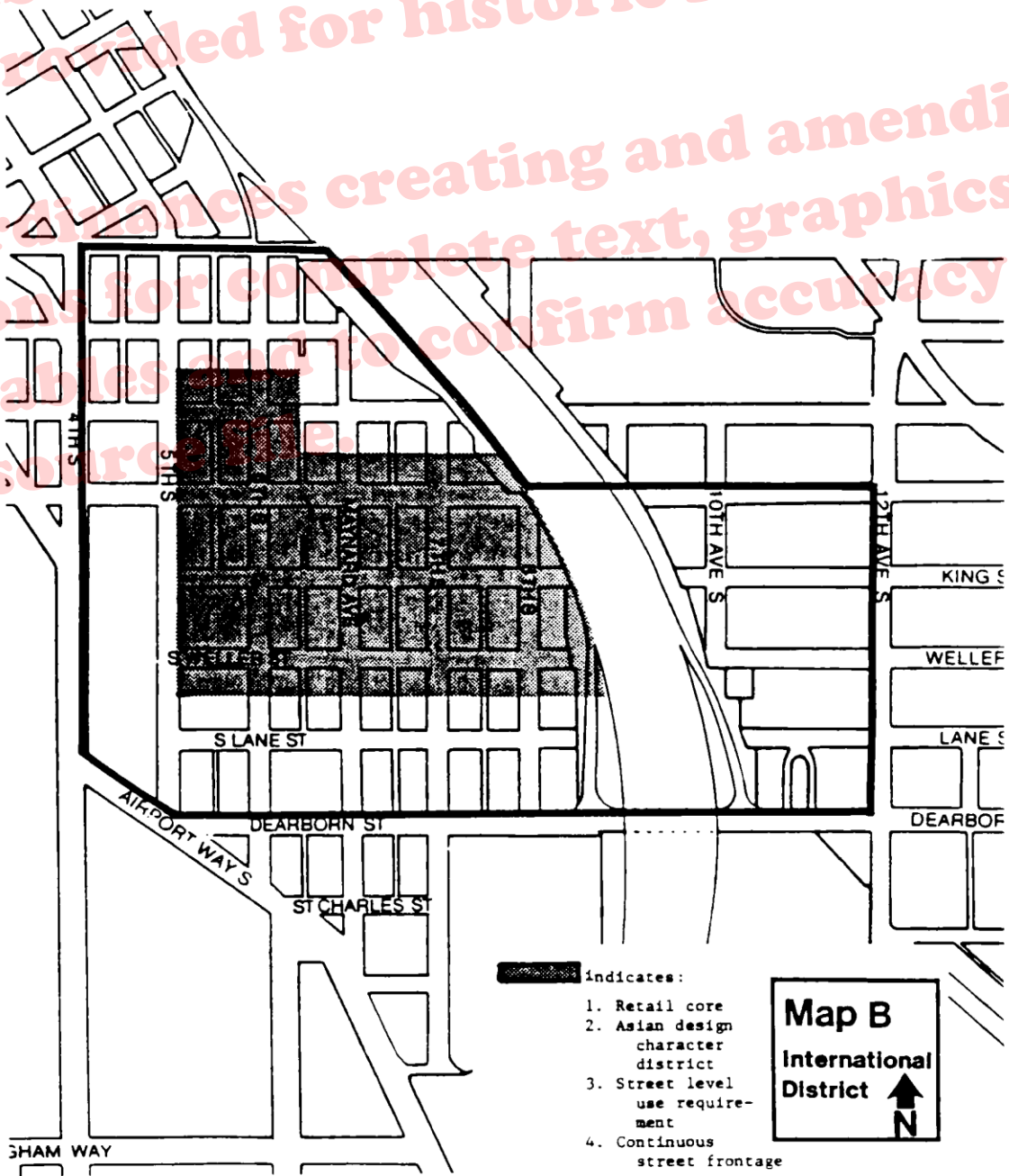
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